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Sign Special Permit 16-03  
10 Granite Road  
Marcus Lewis Tennis Center  
April 19, 2016

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Planning Board

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**DECISION**  
16-03

**Marcus Lewis Tennis Center 10 Granite Road**  
Sign Special Permit

April 19, 2016

**GRANTED with CONDITIONS**

Decision of the Acton Planning Board (hereinafter the Board) on the application of the business owner, Marcus Lewis (hereinafter the Applicant) of 54 Woods Lane, Lancaster MA 01523 for property in Acton, Massachusetts. The property is located at 10 Granite Road and shown on the Acton Town Atlas map C-5 parcel 46-1 (hereinafter the Site), owned by Granite Road RE, Inc of 30 Beechcroft Road, Newton, MA 02458

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on February 25, 2016 pursuant to Section 7.13 of the Acton Zoning Bylaw (hereinafter the Bylaw) and the Sign Special Permit Rules and Regulations (hereinafter the Rules).

The Applicant presented the subject matter of the special permit to the Board at a duly noticed public hearing on April 19, 2016. Board members Mr. Jeff Clymer (Chairman), Mr. Ray Yacouby, Mr. Derrick Chin, and Mr. Mike Mai, were present throughout the hearing. The minutes of the hearing and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

## **1 EXHIBITS**

Submitted for the Board's deliberation were the following exhibits:

- 1.1 Items and documentation required by the Rules consisting of:
  - An Application for a Sign Special Permit, received in the Planning Department on 2/25/16;
  - Certified abutters list;
  - A locus map;
  - Sign renderings;
  - Email and subsequent Application information, received by the Planning Department on 3/30/16;
  - Sign location plan
- 1.2 Interdepartmental communication received from:
  - Acton Tree Warden, dated March 2, 2016;
  - Acton Planning Department, dated April 1, 2016.

Exhibit 1.1 is referred to herein as the Plan.

## **2 FINDINGS and CONCLUSIONS**

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Site is located within the North Acton Village (NAV) zoning district.
- 2.2 The Applicant requests a special permit for a wall sign (hereinafter the Sign) at the Site that would not otherwise be allowed under the Bylaw:
  - a) With a height in excess of 2 feet as prescribed by Bylaw Section 7.7.4.2. The proposed height is 3 feet.
  - b) Made of a material not otherwise permitted as prescribed by Bylaw Section 7.4.1. The proposed sign material is PVC.
  - c) In all other respects the proposed Sign would comply with by-right requirements of the bylaw.
- 2.3 The Sign may be allowed on the Site by special permit in accordance with Section 7.13.1.2(a) and 7.13.1.4 of the Bylaw.
- 2.4 The Sign has a white face made of PVC with black letters and a blue and green logo.
- 2.5 The Applicant brought samples of the sign material to the public hearing for the Board's consideration.
- 2.6 The Sign is illuminated by an external light source shining down onto the sign.
- 2.7 The Sign location on the building complies with Bylaw sections 7.7.3 and 7.7.4.7.
- 2.8 The Sign is consistent with the character and uses of the area and with the Zoning District in which they will be located.
- 2.9 The Sign is appropriate in scale, material and proportion relative to the buildings in the area and to the general surroundings. It is attractively designed, appropriately located, and will be compatible with the buildings to which it principally relates, and it is in harmony with the general area of its location in the North Acton Village District.
- 2.10 The Sign is a continuous part of an integrated architectural design of the entire Site.

- 2.11 The colors of the Sign are restrained, and in harmony with the buildings.
- 2.12 The materials used for the Sign are appropriate for the North Acton Village District and do not detract from the aesthetic qualities of the surroundings.
- 2.13 The number of graphic elements on the Sign is held to the minimum needed to convey their primary messages and are in good proportion to the area of the Sign's faces.
- 2.14 The Sign will not unduly compete for attention with any other signs in the area.
- 2.15 The Sign is necessary for adequate identification of the business at this Site. Currently the business has no signage.
- 2.16 The Sign as approved herein is appropriate for the Site; is consistent with the Master Plan; is in harmony with the purpose and intent of the Bylaw, specifically Section 7; will not be detrimental or injurious to the neighborhood where it is proposed; and complies in all respects to the applicable requirements of the Bylaw and the Rules.
- 2.17 The Board has received comments from various Town departments, which are listed in Exhibit 1.2 above. The Board considered these comments in its deliberations, made them available to the Applicant, and incorporated them into this decision as deemed appropriate.

### **3 BOARD ACTION**

Therefore, the Board voted to GRANT the requested special permit subject to and with the benefit of the following conditions and limitations:

#### **3.1 CONDITIONS**

The following conditions shall be binding on the Applicant and its successors and assigns, and shall be enforceable by the Zoning Enforcement Officer in his administration of the sign permits under Section 7.6 of the Bylaw. Failure to adhere to these conditions shall render this special permit null and void, without force and effect, and shall constitute grounds for the revocation of this special permit, and of any sign permit issued by the Zoning Enforcement Officer hereunder. The Town of Acton may elect to enforce compliance with this special permit using any and all powers available to it under the law.

- 3.1.2 Prior to erecting the Sign, the Applicant shall obtain a sign permit from the Zoning Enforcement Officer pursuant to Section 7.6 of the Bylaw.
- 3.1.3 The Sign illumination shall comply with Bylaw section 7.4.3. Lighting of the Sign shall project downward from above so that the light source is not visible.
- 3.1.4 The Sign shall be erected in accordance with the Plan approved and amended herewith, and shall otherwise comply with all applicable requirements of the Bylaw.
- 3.1.5 All taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full prior to issuance of a sign permit.

#### **3.2 LIMITATIONS**

This special permit shall be limited as follows:

- 3.2.1 The foregoing conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw and the Rules.

- 3.2.2 This special permit applies only to the Site identified in this decision and to the proposed Signs as shown on the Plan.
- 3.2.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 3.2.4 This special permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this decision with the Town Clerk, except for good cause, or if construction under this special permit is not continued through to completion as continuously and expeditiously as is reasonable. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates. The Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to the special permit and to require any appropriate modifications of the Plan.
- 3.2.5 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this special permit with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

#### **4 APPEALS**

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, S. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

Signed on behalf of the Acton Planning Board



Roland Bartl, AICP, Planning Director  
for the Town of Acton Planning Board

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

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Eva Szkaradek, Town Clerk

Date

#### **Copies furnished:**

Applicant -  
certified mail #  
Town Clerk  
Owner  
MAGIC (DRI only)

Building Commissioner  
Engineering Administrator  
Town Manager  
Assistant Assessor