

RECEIVED

Sign Special Permit 16-20
470 Massachusetts Ave
Acton Funeral Home
11/15/2016

NOV 17 2016
TOWN CLERK
ACTON



Planning Board

TOWN OF ACTON
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DECISION

16-20

Acton Funeral Home

Sign Special Permit

November 15, 2016

GRANTED with CONDITIONS

Decision of the Acton Planning Board (hereinafter the Board) on the application of Christopher C. Worthy (hereinafter the Applicant) for property in Acton, Massachusetts, owned by H&K Boyle 420 LLC of 21 Juniper Lane, Framingham, MA 01701. The property is located at 470 Massachusetts Avenue and shown on the Acton Town Atlas map F2 as parcel 114 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on October 13, 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 November 15, 2016. Board members Mr. Derrick Chin (Chairman), Mr. Jeff Clymer, Mr. Bharat Shah, Ms. Ye Emilie Young, and Mr. Anping Liu 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:

- A properly executed Application for a Sign Special Permit, received in the Planning Department on October 13, 2016.
- Sign renderings.
- Certified abutters list.
- A sign location description.
- A cover Letter from the Applicant to the Board.

1.2 Interdepartmental communication received from:

- Acton Engineering Department, dated October 14, 2016;
- Acton Health Department, dated November 3, 2016;
- Acton Planning Department, dated October 26, 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 Acton Funeral Home is a pre-existing non-conforming business located in the R-2 zoning district.
- 2.2 The Applicant requests a special permit for a Freestanding Sign (hereinafter the Sign) on the Site that would not otherwise be allowed under the Bylaw:
 - a) The proposed Sign's display area is 6 square feet, where only two square feet is allowed by-right under bylaw section 7.5.7;
 - b) The proposed Sign contemplates illumination by a lighting projecting downward from above, where no illumination is allowed.
 - c) In all other respects the Sign would comply with by-right requirements of the bylaw.
- 2.3 The display area of the Sign may be allowed on the Site by special permit in accordance with section 7.13.1.7.
- 2.4 The Sign may not be illuminated in accordance with section 7.13.1.7. Bylaw section 7.13.1.9 allows for a different method or type of illumination, but does not allow for illumination of a sign where illumination is expressly prohibited.
- 2.5 The Sign is consistent with the character and uses of the area and with the Zoning District in which it will be located.
- 2.6 The Sign is appropriate in scale, design, 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 relate, and it is in harmony with the general area of the R-2 zoning district.
- 2.7 The Sign is a continuous part of an integrated architectural design of the entire Site.
- 2.8 The colors and materials of the Sign are restrained, and in harmony with the buildings.
- 2.9 The materials used for the Sign are appropriate and do not detract from the aesthetic qualities of the surroundings.
- 2.10 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.

- 2.11 The Sign will not unduly compete for attention with any other signs in the area.
- 2.12 The Sign is necessary for adequate identification of the business at this Site.
- 2.13 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 comply in all respects to the applicable requirements of the Bylaw and the Rules.
- 2.14 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 (ZEO) 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 ZEO 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 Signs, the Applicant shall obtain a sign permit from the ZEO pursuant to section 7.6 of the Bylaw.
- 3.1.3 The Sign shall not be illuminated.
- 3.1.4 The Sign shall be erected so that does not obstruct the sight distance of vehicles in the site or on the adjacent road.
- 3.1.5 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.
- 3.1.6 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

- 3.2.1 This special permit shall be limited as follows:
- 3.2.2 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.
- 3.2.3 This special permit applies only to the Site identified in this decision and to the proposed Signs as shown on the Plan.
- 3.2.4 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.

3.3.5 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.

3.3.6 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.

Eva Szkaradek, Town Clerk

Date

Copies furnished:

Applicant - certified mail #	Engineering Department Town Manager	Town Clerk Owner
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