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**TOWN CLERK
ACTON**

Sign Special Permit 17-02
436 Great Road
Laser MD Med Spa
5/2/2017



Planning Board

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DECISION
17-02

Laser MD Med Spa
Sign Special Permit

May 2, 2017

GRANTED

Decision of the Acton Planning Board (hereinafter the Board) on the application of Laser MD Med Spa (hereinafter the Applicant) for property in Acton, Massachusetts, owned by George Keramaris of 16 Strawberry Hill Road. The property is located at 436 Great Road and shown on the 2015 Acton Town Atlas map C4 as parcel 27 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on March 17, 2017 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 May 2, 2017. Board members Mr. Ray Yacouby (Chairman), Mr. Derrick Chin (Vice Chair), Mr. Bharat Shah, Ms. Emilie Ying, and Mr. Jon Cappetta (Alternate) were present throughout the hearing. Mr. Yacouby had appointed Mr. Capetta to a full member role for the purpose of the meeting. 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 March 17, 2017;

- Certified abutters list;
 - Sign renderings.
- 1.2 Interdepartmental communication received from:
- Acton Planning Department, dated April 25, 2017.

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 Limited Business (LB) zoning district.
- 2.2 There is an existing Awning Sign that was permitted administratively for LASER MD Med Spa in October 2014.
- 2.3 The Applicant requests a special permit for a sign in a location not otherwise permitted:
- a) The proposed sign does not meet section 7.7.3 of the Bylaw, "...An EXTERIOR SIGN shall not obscure or cover architectural features such as but not limited to arches, sills, eaves moldings, cornices, transoms, lintels and windows..."
 - b) The proposed sign does not meet section 7.7.4.7 of the Bylaw, "A WALL SIGN shall not be ERECTED within 2 feet from the vertical edge of the BUILDING, arcade or canopy surface to which it is attached nor extend beyond such vertical edge".
 - c) In all other respects the Sign would comply with by-right requirements of the bylaw.
 - d) The Sign may be allowed on the Site by special permit in accordance with section 7.13.1.3.
- 2.4 The Sign has been indicated on the submitted plans as being illuminated. It must comply with the illumination standards in section 7.4.3.
- 2.5 The Planning Board made the following required findings under section 7.13.2 when granting the special permit.
- a) The SIGN will be consistent with the intent and purpose of Section 7.
 - b) The Sign is consistent with the character and uses of the area and with the Zoning District in which they will be located.
 - c) The SIGN will have appropriate scale and proportion in its design and in its visual relationship to BUILDINGS in the area and to its general surroundings. It has been attractively designed and located, and will be a compatible architectural element of the BUILDING to which it principally relates and will be in harmony with other features in the LB zoning district.
 - d) The proposed SIGN will provide continuity with other SIGNS, not including any non-conforming SIGNS, on the same or adjacent BUILDINGS or LOTS with respect to most but not necessarily all of the following criteria: dimension, proportion, mounting height, materials, colors, and other important features as determined by the Planning Board.

- e) The colors and materials of the Sign are restrained, and in harmony with the buildings.
 - f) The materials used for the Sign are appropriate and do not detract from the aesthetic qualities of the surroundings.
 - g) 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.
 - h) The Sign will not unduly compete for attention with any other signs in the area.
 - i) The Sign is necessary for adequate identification of the business at this Site.
- 2.6 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.
- 2.7 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 5-0, 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.
- a) The Sign illumination shall meet the illumination standards in section 7.4.3.
 - b) Prior to the erection of the approved sign, the existing awning shall be removed.
- 3.1.3 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.
- 3.1.4 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 #
Owner

Land Use Department
Managers Department

Town Clerk
Engineering Department