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Sign Special Permit 17-09
5-7 Craig Road
Palmer Moving and Storage
Big Foot Moving Company
January 16, 2018



Planning Board

TOWN OF ACTON
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DECISION

17-09

John Palmer Moving and Storage

Big Foot Moving Company

5-7 Craig Road

Sign Special Permit

January 16, 2018

GRANTED

Decision of the Acton Planning Board (hereinafter the Board) on the application of Anna Haluch of ProSign Graphics (hereinafter the Applicant) on behalf of John Palmer Moving and Storage & Big Foot Moving Company located at 5-7 Great Road on property in Acton, Massachusetts, owned by Bausco Realty LLC of Natick, MA. The property is shown on the Acton town map as parcels H4-13 and H4-45 (hereinafter the Site).

This Decision is in response to an application for a sign special permit, received by the Acton Planning Department on December 12, 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 January 16, 2017. Board members Mr. Ray Yacoub (Chairman), Mr. Derrick Chin (Vice Chair), Mr. Jon Cappetta, Mr. Anping Liu, Mr. Bharat Shah, and Ms. Emilie Ying 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 December 12, 2017;
 - Cover letter
 - Certified abutters list;
 - Sign location plan;
 - Sign renderings.

- 1.2 Interdepartmental communication received from:
 - Acton Water District, date 12/13/17;
 - Acton Fire Department, dated 12/13/17;
 - Acton Planning Department, dated 12/20/17.

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 Light Industrial (LI) zoning district.
- 2.2 The Site has a single-story warehouse-type building on it with two tenants: John Palmer Moving and Storage and Big Foot Moving Company. Each tenant is considered a distinct principal use under the Bylaw.
- 2.3 The building has two sides with separate driveways to each side. John Palmer is in the easterly side of the building and uses the easterly driveway. Big Foot is in the westerly side of the building and uses the westerly driveway.
- 2.4 There are three licensed signs at the Site, which are depicted in the application as SIGNS 1, 2, and 5.
- 2.5 The Applicant requests a special permit for the following additional signs (hereinafter the SIGNS):
 - a) One wall sign – Sign 3 as depicted in the application - for John Palmer Moving and Storage in addition to the existing exterior sign that is allowed by right for this principal use under Bylaw Section 7.7. It is proposed for the building's east wall where it could be seen when approaching on Craig Road from School Street. Its dimensions, 4 feet high and 12 feet wide with a display area of 48 square feet comply with the Bylaw's by-right standards for wall signs. This Sign may be allowed on the Site by special permit in accordance with section 7.13.1.3.
 - b) Another wall sign – Sign 6 as depicted in the application - for Big Foot Moving Company in addition to the existing exterior sign that is allowed by right for this principal use under Bylaw Section 7.7. It, too, is proposed for the building's east wall where it could be seen when approaching on Craig Road from School Street. Its dimensions, 4 feet high and 12 feet wide with a display area of 48 square feet

- comply with the Bylaw's by-right standards for wall signs. This Sign may be allowed on the Site by special permit in accordance with section 7.13.1.3.
- c) A second freestanding sign – Sign 4 as depicted in the application – as an additional freestanding sign on the lot identifying Big Foot Moving Company at the westerly driveway. Its dimensions, 4 feet high and 3 feet wide with a display area of 6 square feet meet the ZBL's by-right standards for freestanding signs. ZBL section 7.8.3 requires a 64 square foot landscaped area around the sign. The application shows a landscape area without dimension. The sign would identify Big Foot Moving Company at the westerly driveway. The existing freestanding sign at the easterly driveway identifies John Palmer Moving and Storage.
- 2.6 The SIGNS will be consistent with the intent and purpose of Section 7.
- 2.7 The SIGNS are consistent with the character and uses of the area and with the Zoning District in which they will be located.
- 2.8 The SIGNS will have appropriate scale and proportion in their design and in their visual relationship to buildings in the area and to their general surroundings. They have been attractively designed and located, and will be compatible architectural elements of the building to which they principally relate and will be in harmony with other features in the LI zoning district.
- 2.9 The SIGNS will provide continuity with other SIGNS, not including any non-conforming SIGNS, on the same or adjacent buildings or lots with respect to dimension, proportion, mounting height, materials, and other important features.
- 2.10 The colors and materials of the SIGNS are restrained, and in harmony with the buildings.
- 2.11 The materials used for the SIGNS are appropriate and do not detract from the aesthetic qualities of the surroundings.
- 2.12 The number of graphic elements on the SIGNS is held to the minimum needed to convey their primary messages and are in good proportion to the area of the SIGNS' faces.
- 2.13 The SIGNS will not unduly compete for attention with any other signs in the area.
- 2.14 The SIGNS are necessary for adequate identification of the business at this Site.
- 2.15 The SIGNS as approved herein are appropriate for the Site; consistent with the Master Plan; and in harmony with the purpose and intent of the Bylaw, specifically Section 7; will not be detrimental or injurious to the neighborhood where they are proposed; and comply in all respects to the applicable requirements of the Bylaw and the Rules.
- 2.16 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 unanimously 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.

- 3.1.1 Prior to erecting the SIGNS, the Applicant shall obtain a sign permit from the ZEO pursuant to section 7.6 of the Bylaw.
- 3.1.2 The SIGNS' illumination, if any, shall meet the illumination standards in section 7.4.3 of the Bylaw.
- 3.1.3 The landscape area for the proposed freestanding sign (Sign 4), shall comply with Bylaw section 7.8.3.
- 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.

Eva Szkaradek, Town Clerk

Date

Copies furnished:

Applicant -
certified mail # _____
Owner

Land Use Department
Managers Department

Town Clerk
Engineering Department

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