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Sign Special Permit 17-07
533 Main Street (4 Post Office Square)
Acton Self Storage
January 16, 2018



Planning Board

TOWN OF ACTON
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DECISION
17-07

Acton Self Storage
533 Main Street (4 Post Office Square)
Sign Special Permit
January 16, 2018
GRANTED with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of Heather Dudko on behalf of Wass-Arthur Signs, Inc. (hereinafter the Applicant) on behalf of Acton Self Storage located at 533 Main Street (4 Post Office Square) on property in Acton, Massachusetts, owned by Post Office Square, LLC of Concord, MA. The property is shown on the Acton town map as parcels E4-59 (hereinafter the Site).

This Decision is in response to an application for a Sign Special Permit, received by the Acton Planning Division on October 27, 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 December 19, 2017 (no deliberation) and continued on January 16, 2018. Board members Mr. Ray Yacouby (Chairman), Mr. Derrick Chin (Vice Chair), 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 Division 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 Division on October 27, 2017;

- Sign renderings;
- Sign location plan;
- Certified abutters list;
- Existing sign renderings.

1.2 Interdepartmental communication received from:

- Acton Fire Department, dated 11/07/17;
- Acton Planning Division, dated 12/13/17.

1.3 Agreement on Time Extension dated 12/19/2017.

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 Light Industrial (LI-1) zoning district.
- 2.2 The Site has warehouse-type buildings on it with one tenant: Acton Self Storage.
- 2.3 There are two licensed signs at the Site, which are depicted in the application as the "Existing 2' x 6' Roadside Sign and Existing 4.5' x 16' Building Sign."
- 2.4 The Applicant requests a special permit for the following additional sign (hereinafter the SIGN):
 - a) An additional freestanding sign, as depicted in the application identifies Acton Self Storage at the driveway on Post Office Square. Its dimensions, 2.5 feet high and 6 feet wide with a display area of 15 square feet exceed the Bylaw's by-right standards for display area of freestanding signs. The proposed sign needs to be modified to meet section 7.8.5.1. Bylaw section 7.8.3 requires a 159.6 square foot landscaped area around the sign. The application shows a landscape area plan that meets the requirement.
- 2.5 The SIGN will be consistent with the intent and purpose of Section 7.
- 2.6 The SIGN will be consistent with the character and uses of the area and with the Zoning District in which it will be located.
- 2.7 The SIGN will have appropriate scale and proportion in its design and in its visual relationship to buildings in the area and to their general surroundings. It has been attractively designed and located, and will be compatible architectural elements of the building to which it principally relate and will be in harmony with other features in the LI-1 zoning district.
- 2.8 The SIGN 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.
- 2.9 The colors and materials of the SIGN are restrained, and in harmony with the buildings.
- 2.10 The materials used for the SIGN are appropriate and do not detract from the aesthetic qualities of the surroundings.

- 2.11 The number of graphic elements on the SIGN are held to the minimum needed to convey their primary messages and are in good proportion to the area of the SIGN's faces.
- 2.12 The SIGN will not unduly compete for attention with any other SIGN in the area.
- 2.13 The SIGN is necessary for adequate identification of the business at this Site.
- 2.14 The SIGN as approved herein is 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 it is proposed; and comply in all respects to the applicable requirements of the Bylaw and the Rules.
- 2.15 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.

- 3.1.1 Prior to erecting the SIGN, the Applicant shall obtain a sign permit from the ZEO pursuant to section 7.6 of the Bylaw.
 - a. The applicant shall submit a revised rendering plan that complies with Section 7.8.5.1.
- 3.1.2 If illuminated, the SIGN shall meet the illumination standards in section 7.4.3 of the Bylaw.
- 3.1.3 The landscape area for the proposed freestanding sign, 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 SIGN 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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