



OFFICE OF  
BOARD OF APPEALS

# TOWN OF NORWELL

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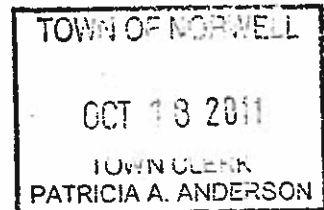
Michael E. Kiernan, Clerk  
Thomas P. Harrison

## **FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS**

File No. 11-12

A **PUBLIC HEARING** was held on October 5, 2011, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Sections 9 and 10, at the Norwell Town offices, 345 Main Street Norwell, MA on the application of:

**Hannaford Bros.Co.**  
P.O. Box 1000  
M/S 6000  
Portland, ME 04104, the Applicant



For a **Sign Variance** under Sections 1322, 3300 (Signs), 3323 (All Business Districts), 3323(b) (Free Standing Sign) and 3323(c) (Wall Sign). The Applicant wishes to replace the existing wall sign of 67.5 sq. ft. to a 76.14 sq. ft. wall sign with internally illuminated channel letters and logo cabinet where only 15 sq. ft. is allowed under the Norwell Zoning Bylaws. The Applicant also wishes to add a second free standing sign, measuring 25 square feet and internally illuminated, on the Pond Street frontage of the shopping center. The property is located at 10 Washington Street and shown on Assessor's Map 5D, Block 17, Lot 15 Registry of Deeds Book 13338, page 48 in Business District B and the Aquifer Protection District. A copy of the application (the Application) and all attachments are on file in the Town Clerk's office.

The Public Hearing for this application was duly noticed in *The Patriot Ledger* on September 19, 2011, and September 26, 2011, and posted at the Norwell Town Hall and distributed as required by law.

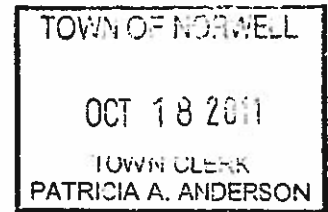
The Applicant's representative presented the case and answered questions from the Board. No one spoke in opposition to the Application.

The Application and a two page narrative discussing the requested Variances were received into evidence and marked as Exhibit A. The following were also received and marked as Exhibits as follows:

- EXHIBIT 1 - Undated photo of a portion of the existing storefront
- EXHIBIT 2 - Sign Company drawing dated 4/25/05 showing storefront and the wall sign that remains in place as of this application
- EXHIBIT 3 - Sign Company drawing dated 3/31/11 showing proposed wall signage on the modified building façade.
- EXHIBIT 4 - Aerial image of shopping center neighborhood showing proposed sign location
- EXHIBIT 5 - Lease Plan of Queen Anne Plaza noting the proposed sign location
- EXHIBIT 6 - Sign Company drawing dated 8/10/11 of the proposed sign
- EXHIBIT 7 - MassDOT 2004 Construction Plan showing a portion of Pond Street with the proposed sign location indicated

- EXHIBIT 8 – Profile of the front of the building that shows the relationship of the sign to the building size  
EXHIBIT 9 – View of Pond Street of the proposed location of the sign  
EXHIBIT 10 -Copy of legal notice  
EXHIBIT 11 - Abutters List

All Exhibits are in the file for this Decision.



## FINDINGS:

1. The signage allowance contemplated under the Bylaw results in difficulties in identifying the Applicant as well the timely identification of the Applicant's store from Pond Street. Such difficulties result in customer confusion and distraction, and the potential for safety issues. Granting the variance will reduce potential safety problems and improve the provision for identification by providing ample and visible signage to motorists seeking to identify Applicant's facility on the site.
2. The additional signage will allow for, and encourage, the safe and easy identification of parking and service amenities, from both Washington and Pond Streets, in a busy commercial parking field. The building is located in an area of intense commercial activity. The building signage is simple, in scale with the building and yet easy to read.
3. Granting the variance will not alter the character of the neighborhood, which is comprised of commercial buildings.
4. Granting the variance is consistent with other business signs allowed by the Board for similar applications in the Business District B.

## DECISION OF THE BOARD:

Based on the evidence presented and its findings above, upon a motion duly made and seconded, the Board **VOTED** unanimously to grant a **Sign Variance** at the property located at 10 Washington Street in accordance with the Application and submitted plans, subject to the following:

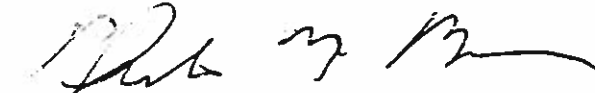
## CONDITIONS APPLYING TO ALL SPECIAL PERMITS:

1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded and indexed in the grantor index under the name of the owner of record in the case of unregistered land, or with the Recorder of the Land Court to be registered and noted on the owner's certificate of title in the case of registered land.
2. **RECORDING RECEIPT:** A copy of the recording fee receipt must be returned to the Board of Appeals. *NOTE:* No building permit shall be issued without such evidence.
3. **EFFECTIVE DATE OF APPROVAL:** The Special Permit granted by this Decision shall take effect only at such time as a copy of this Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Registrar of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The applicant must exercise any Special Permit granted by the ZBA within two (2) years from the date of the decision or it shall lapse.

**CONDITIONS APPLYING TO ALL VARIANCES:**

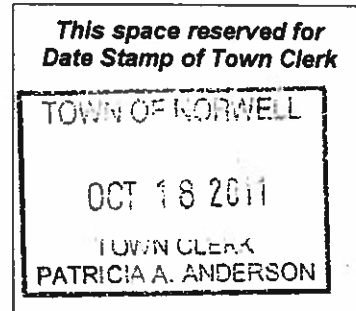
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded and indexed in the grantor index under the name of the owner of record in the case of unregistered land, or with the Recorder of the Land Court to be registered and noted on the owner's certificate of title in the case of registered land.
2. **RECORDING RECEIPT:** A copy of the recording fee receipt must be returned to the Board of Appeals. *NOTE:* No building permit shall be issued without such evidence.
3. **EFFECTIVE DATE OF APPROVAL:** The Sign Variance granted by this Decision shall take effect only at such time as a copy of this Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Registrar of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The applicant must exercise any variance granted within one year from the date of this decision or by extension or it shall lapse.

  
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David Lee Turner

  
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Philip Y. Brown

  
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Michael E. Kiernan

Date Filed with Office of the Town Clerk



**NOTICE OF APPELLATE RIGHTS:** Any decision of the Board of Appeals may be appealed to Superior Court within twenty (20) days after filing of the written decision with the Town Clerk. Any construction or pre-construction activity is undertaken at the applicant's risk during the appeal period.