



OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
(781) 659-8018 • Fax (781) 659-1892

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FINDINGS AND DECISION *of* The Norwell Board Of Appeals

File No. 18-13

A Public Hearing by the Norwell Zoning Board of Appeals was scheduled on July 25, 2018, under M.G.L. c. 40A, Sections 9 and 10, at the Norwell Town offices, 345 Main Street, Norwell, MA on the application of:

**National Sign Corporation for:
7-Eleven d/b/a 95 Washington Street
3200 Hackberry Rd.
Irving, TX 75063**

For a **Sign Variance** under Norwell Zoning Bylaw Section 3331(f) on behalf of **7-Eleven (D/B/A 95 Washington Street)**, as tenants, to replace the existing price cabinet, requiring manual price changes, with a new digital cabinet that would change pricing electronically and display "regular gas" only. Property is located on a parcel known as **6 Grove Street** in Business District B-6, as shown on Assessor's Map 11B, Block 20, Lot 9, and recorded at the Plymouth Country Registry of Deeds Book 31967 Page 75.

The Public Hearing for this application was duly noticed in *The Patriot Ledger* on July 5, 2018 and July 12, 2018.

Heather Hopkins Dudko from National Sign Corporation, representing the Applicant, presented the application and responded to Board questions during the public hearing.

No member of the public was present in the audience to speak in favor of or in opposition to this application. However, the Board did receive correspondence from Ramona Caruso relating to this application, detailed in the file documentation section of this decision.

FILE DOCUMENTATION:

1. Copy of public notice
2. Assessors' Card and list of abutters receiving notice
3. Completed application for a public hearing, date-stamped by the Town Clerk and the Board of Appeals on June 27, 2018, signed by Heather Hopkins Dudko of National Sign Corporation on 6/12/18, and Stephen F. Ray, as agent for the property owner, on 6/11/18.
4. National Sign Corporation letter of Authorization to Install Signage, dated 6/25/18, signed by owner's representative, Stephen F. Ray
5. National Sign Corporation plan (n.d.), showing the existing and proposed sign design change with the hand-written notation, "Prices are Digital #'s/ Static – No movement, flashing, scrolling, etc."
6. National Sign Corporation "Sign Location Map" plan (n.d.), showing no change in the existing building signs
7. Letter, dated 7/16/18, received from Ramona Caruso of 30 Grove Street, date-stamped in the Zoning Office on July 18, 2018, including a Petition, signed by twenty-one (21) residents of Grove Street, in opposition to the proposed change, stated as safety concerns and as detrimental to individual property values with state regulations and a variety of internet research

FINDINGS OF THE BOARD: Based upon the evidence submitted and/or upon representations made by the Applicant during the public hearing, the Board finds the following:

1. The building for which the sign change is proposed fronts on Washington Street and the current sign, located at the corner of Washington and Grove, does not face toward the residences located on Grove Street.
2. The current street sign located on the corner of Washington and Grove Streets, faces Washington Street traffic from both directions and currently details pricing for all grades of gas sold.
3. The proposed price panel would be digital and is represented to be the same price panel size (16 sq. ft.) as the existing manual price panel. However, the replacement panel will show "regular" gas pricing only and not include all grades, as does the current manual sign.

4. The sign size and placement will remain unchanged.
5. The digital price panel will improve safety for employees now charged with price changes and will not require use of the current separate numerals.
6. Motorists will be able to see the larger, single price for gas and not be distracted by multiple-grade pricing.
7. The Board further finds that:
 - a. A literal enforcement of the provisions of this bylaw would involve a substantial hardship to the petitioner. (See Finding 4 above.)
 - b. The hardship is owing to circumstances relating to the siting of the existing sign, which would remain unchanged. (See Findings 1 and 2 above.)
 - c. Granting of relief is of benefit to the public health, safety, and welfare and does not substantially derogate from the intent or purpose of this Bylaw, as the square footage of the sign and sign placement will remain unchanged.

DECISION OF THE BOARD:

Based upon the application received, representations by the Applicant, and evidence presented during the public hearing, upon a motion duly made and seconded, members of the Board of Appeals **VOTED** unanimously to grant the requested zoning relief for the property located at **6 Grove Street, aka 95 Washington Street**, in order to change the price panel of the sign in accordance with the plans submitted.

CONDITIONS APPLYING TO ALL DECISIONS:

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 the 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. ***LAPSE OF VARIANCE:*** The Applicant must exercise any Variance granted by the Board of Appeals within one year of the date this Decision is filed with the Office of the Town Clerk or it shall lapse.

Lois S. Barbour

Lois S. Barbour

Philip Y. Brown

Philip Y. Brown

Ralph J. Rivkind

Ralph J. Rivkind

Date Filed with Office of the Town Clerk

*This space is for Date Stamp of
Town Clerk*

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TOWN OF NORWICH
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.