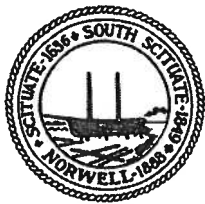


TOWN OF NORWELL
TOWN CLERK

2019 JUN 19 PM 6:31

RECEIVED



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

Members

Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
David Lee Turner, Clerk

Associate Members

Ralph J. Rivkind, Assistant Clerk
Roy W. Bjorlin
Matthew H. Greene
Stephen T. Bright
Daniel Senteno

FINDINGS AND DECISION *of* The Norwell Board of Appeals

File No. 19-02

A **PUBLIC HEARING** was held on May 1, 2019, and continued to June 5, 2019, by the Norwell Zoning Board of Appeals, under Massachusetts General Laws, Chapter 40A, s. 10, at the Norwell Town Offices, 345 Main Street, Norwell, MA on the application of:

**National Sign Corp for AT&T
c/o 180 Four Rod Road
Berlin, CT 06037**

For a **Sign Variance** under Sections 1322 a), b), c), 3300 Signs, 3323 (All Business Districts), and 3323 c) Wall Sign of the Norwell Zoning Bylaw, for installation of three wall signs, one measuring 53 sq. ft. and two measuring 34 sq. ft., where 15 sq. ft. is allowed. In addition, the applicant proposes to increase the size of the free-standing street sign to 43 Sq. ft, where 25 sq. ft. is allowed. Signs are to be internally illuminated. The Property is located at **10 Washington Street** at the southwest corner of Washington and Pond Streets and adjoins Queen Anne's Plaza in Business District B-4, as shown on Assessors' Map 5D, Block 17, Lot 84 and recorded at the Plymouth County Registry of Deeds at BK 6997 PG 286.

The hearing was posted at the Norwell Town Hall and duly advertised in *The Norwell Mariner* on April 11, 2019 and April 18, 2019. No one spoke in favor of or in opposition to this application.

The following information was received into the file:

1. Completed Application for Public Hearing signed by the Applicant's agent on March 11, 2019; date stamped by the Board of Appeals on March 11, 2019, and the Town Clerk on March 19, 2019.
2. Approval for the application from the property owner, Route 53 Realty Trust, signed by Trustee Robert D. Sullivan
3. Narrative with photographs of the existing and proposed signs, describing the current approaches from both Washington and Pond Streets
4. Plans, dated 5/25/18, showing the existing and proposed building signage and awnings, including:
 - a. Front elevation
 - b. Left elevation
 - c. Right elevation
 - d. Free-standing sign
5. Overhead map showing the portion of the property occupied by AT&T

Heather Hopkins Dudko, Sign Permit Consultant, authorized representative of the Applicant, presented the application on behalf of AT&T with its store manager.

At the opening public hearing on May, 1, 2019, the Board requested the Site Plan Review decision, relating to renovation/reconstruction of the existing building that was formerly the location of a gas station, to ensure there were no conditions that could affect the Board's decision. Although the Applicant was unable to produce that document at the continued public hearing on June 5, 2019, the Board was able to locate that decision in its files. There was no signage restriction in that document.

Subsequently, Members Brown, Greene, and Barbour made the following findings:

1. The signage allowance contemplated under the Bylaw results in difficulties in identifying the AT&T location from both the Washington and Pond Street approaches. Such difficulties result in customer confusion and distraction, and create potential safety issues. Granting the variance will reduce potential safety problems and improve the provision of transportation by providing ample and visible signage to motorists seeking to identify the site for retail and parking opportunities.
2. The AT&T building is a freestanding structure, which is not easily distinguishable as a commercial structure from others in Queen Anne's Plaza.
3. The additional signage will allow for, and encourage, the safe and easy identification of: (i) the AT&T location, and (ii) access to the AT&T's parking. The AT&T building is located in an area of intense commercial activity. The building signage is simple, and in scale with the AT&T building.
4. In order to grant a Variance, the Board must consider the following:
 - a. A literal enforcement of the provisions of this Bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.

RECEIVED
2019 JUN 19 PM 6:31
TOWN OF NORWELL
TOWN CLERK

FINDING: The retail owner, AT&T would suffer substantial hardship, including financial, due to potential loss of clients or difficulty in clients' ability to locate the retail outlet, as well as customer safety.

b. The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.

FINDING: The hardship is related to the siting of this retail outlet on the property, located at the corner of the intersection of Washington and Pond Streets with significant fast-moving traffic.

c. Desirable relief may be granted without either: (1) substantial detriment to the public good; or (2) nullifying or substantially derogating from the intent or purpose of this Bylaw

FINDING: Granting of this variance would not alter the character of the neighborhood, which is zoned for retail business allowed by right in Business District B. Further, the proposed signage is consistent with other business signs allowed by the Board under similar applications in Business District B. Further, public safety is noted as a Board concern.

DECISION:

Based upon the findings delineated above and incorporated into this decision by reference, upon a motion duly made and seconded, Members Brown, Barbour, and Greene **VOTED** unanimously to grant a Sign Variance at the property located at 10 Washington Street, in accordance with the submitted plans, subject to the following:

CONDITIONS APPLYING TO ALL DECISIONS:

1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been take 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 tile 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 this decision is filed with the Town Clerk or by extension or it shall lapse.

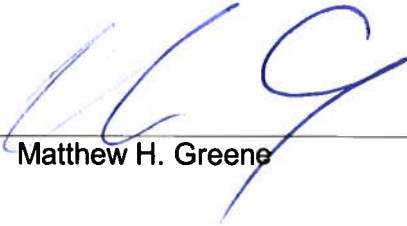
-----The remainder of this page is intentionally left blank-----



Lois S. Barbour



Philip Y. Brown



Matthew H. Greene

Date Filed with Office of the Town Clerk

*This space for Date
Stamp of Town Clerk*

RECEIVED

2019 JUN 19 PM 6:31

TOWN OF NORWELL
TOWN CLERK

NOTICE OF APPELLATE RIGHTS: Any decision of the Board of Appeals can 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.