

ZONING BOARD OF APPEALS – Minutes of Meeting(s)

DATE: June 5, 2018  
PLACE: Lawrence J. Chaffee Hearing Room  
TIME: 7:30 P.M.



CASE NO.: 2018-12  
Applicant: Mitchell Levey of Universal Properties  
Property Address: 292 Market Street

A public hearing was held at 7:30 P.M. on June 5, 2018 in the Lawrence J. Chaffee Hearing Room, (Lower Level), 242 Union Street, Rockland, MA on the petition submitted by Mitchell Levey of Universal Properties, 181 Wells Avenue, Newton, MA 02459 to allow the existing ground sign to be raised up to a height of 7 feet. The Applicant is seeking relief from §415-45.C(b)1. The maximum height of a ground sign in a B-2 zone is 4 feet. The Applicant is requesting a 3-foot height variance. The site is in a B-2 zone located at 292 Market Street and is further identified as Lot #4 on the Rockland Assessor's Map #52. A copy of this application is on file in the Town Clerk's office and is available for inspection during regular office hours.

**ATTENDANCE: Board Members: Chairman Robert Manzella, Vice-Chairman Gregory Tansey, Stanley Cleaves and Robert Rosa. ABSENT: Rita Howes and Land Use Counsel Robert W. Galvin.**

**Also present was Building Commissioner/ZEO Thomas Ruble.**

**MEMBERS VOTING: Chairman Robert Manzella, Vice-Chairman Gregory Tansey, Stanley Cleaves and Robert Rosa.**

The Chairman stated to the Applicant that there were only four Board members present and voting on this hearing this evening. The Chairman stated that the Applicant would need a unanimous vote of 4-0 if this petition was approved by the Board.

**DISCUSSION:** The Chairman read the hearing notice into the record.

Ms. Erica Fanuele, Project Manager of Bluebird Graphic Solutions came before the Board on behalf of the Applicant. Ms. Fanuele testified that the owner of the property was not happy with the low sign at the property and feels that the fence is in the way. Ms. Fanuele testified that the owner wants to raise the sign higher and 5 feet 6 inches will work. Ms. Fanuele testified that the Jefferson sign is 7 feet x 3 feet and was installed at 8 feet x 4 feet.

The Chairman stated that is a separate zoning case and there is a long story behind the sign at Jefferson School. The Chairman asked Ms. Fanuele what the hardship was relating to the shape, soil and topography of the land for this property at 292

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Market Street. Ms. Fanuele testified that the owner feels diminished because of the size and wants a taller sign and if it snows, you will never see it. Ms. Fanuele testified that she spoke to a gentlemen in the building department as to which way to go.

Mr. Cleaves testified that we did have many snow storms and asked how many signs in total the owner was looking for.

Mr. Tansey asked the Applicant's representative how many units were in the apartment building. Ms. Fanuele testified that she was not sure as she is only here to represent the sign. Mr. Tansey asked Ms. Fanuele what was the current width and what is there now. Ms. Fanuele testified the sign is pretty low.

Mr. Rosa asked the Applicant's representative where is this new sign in relation to the old sign that he is reviewing on google earth. Ms. Fanuele testified that the old sign was a pole sign right at the fence line. Mr. Rosa testified that he has a problem with the fence line. Ms. Fanuele testified that she spoke to the administrative assistant in the building department and drew to what was suggested. Mr. Rosa testified that this is too close to the street line, you need a variance for the placement and would also need a property survey done. Mr. Rosa testified that the property line is drawn in the wrong place; you are using back of sidewalk. Mr. Rosa testified that he is very familiar with this road and its setbacks. Ms. Fanuele testified that it is behind where the original sign was.

The Chairman stated that you need to show this Board a hardship for us to grant a variance.

Mr. Ruble testified that the Jefferson sign had to be pushed back because of the property line.

Mr. Tansey testified that this Board also looked at site distances for the Jefferson sign.

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Ms. Fanuele testified that we do not need to compare to that sign. Ms. Fanuele commented on the hair salon sign across the street.

The Chairman stated that the hair salon sign was pre-existing.

Mr. Tansey testified that the signs are slippery slopes; this Board needs to draw the line so signage does not end up like a Vegas strip and for the people who comply – we need to be fair. Mr. Tansey testified that if you want it higher, give up one pole and meet the square footage.

Mr. Ruble asked the Applicant's representative why she did not go for a pole sign. Ms. Fanuele testified that she talked to John about everything and it was suggested that she apply for a ground sign. Mr. Ruble testified that you would have qualified as a pole sign. Mr. Ruble testified then you could go 12 feet x 5 feet.

The Chairman asked the audience if there was anyone in favor or against this petition, there was no response. The Chairman closed the open portion of this hearing and explained to the Applicant the appeal process and the filing of the decision with the Town Clerk.

**DELIBERATION:** The Chairman stated to the Board that the Applicant is seeking relief from §415-45.C(b)1. The maximum height of a ground sign in a B-2 zone is 4 feet. The Applicant is requesting a 3-foot height variance.

Mr. Rosa testified that we need to know the street line and required distances from the property line.

Mr. Ruble testified that when paperwork was filed for the existing sign, it got approved for a permit only, but this office has not been called for an inspection on the existing sign. Mr. Ruble testified that you need to call my office when you are ready for an inspection.

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**DECISION AND VOTE ON DECISION:** Mr. Tansey made a motion to deny the 3-foot height variance request for a ground sign. Mr. Rosa seconded the motion. The vote of the Board was unanimous (4-0).

**REASONS FOR DECISION:** Upon motion duly made and seconded, the Board found that the Applicant is seeking relief from §415-45.C(b)1. The maximum height of a ground sign in a B-2 zone is 4 feet. The Applicant is requesting a 3-foot height variance.

The Board found that the sign was the same height as the split rail fence. The Board found that the owner could remove the fence so the sign would be more visible. The Board found that the fence did not serve a purpose. The Board found that by removing the fence, the variance would not be needed. The Board found that there was nothing unique about the shape, soil or the topography of the lot, therefore there was no hardship relating to the land. The Board found that they could not grant the variance due to the fact that there was no evidence presented at the hearing to show a hardship relating to the shape, soil or topography of the land.