

August 17, 2022

Zoning Board of Appeals
C/o Town Clerk
Town Hall
Rockland MA02370

RE: Appeal to the Board of Appeals under RZBL 415-41 –
120 Bill Delahunt Parkway – Lovell Arena - Assessors Map 19 Lot 108, Map 14 Lot 6,
Map 13 Lot 2, 14 lot 92, Map 19 Lot 47, Map 13 Lot 3
Applicant – Forest Delahunt Development LLC

Dear Board Members:

On behalf of the applicant, we hereby submit this application for a dimensional Variance and an appeal of the decision of the Zoning Enforcement Officer at the above referenced address. The applicant is seeking to appeal to the Board of Appeals under section 415-45 to appeal the refusal of the building inspector to issue a permit for erecting a sign at the above referenced address. Enclosed please find the following:

1. \$200 Application Fee for Special Permit and/or Variance
2. 13 copies of Petition application.
3. 13 copies of certified list of abutters
4. 13 copies of the Sign Plan
5. 1 business sized pre-addressed stamped envelope for each name on certified abutters list.
6. 1 business sized pre-addressed stamped envelope for each Planning Board in Surrounding Towns.
7. 1 certified envelope addressed to the applicant and 1 addressed to the owner with green card and white slip filled out.
8. Decision Mailing - 1 business sized pre-addressed stamped envelope for each name on certified abutters list
9. Decision Mailing - 1 certified envelope addressed to the applicant and 1 addressed to the owner with green card and white slip filled out

The property is located at 120 Bill Delahunt parkway Street in the I-2 District and R-2 Districts. The majority of the property is located in the I-2 zoning district. The applicant is proposing to construct a sign on the façade of the Lovell Arena that is currently under construction. The sign is an 85 SF aluminum and acrylic wall sign. Detailed sign plans are enclosed for your reference. The Zoning Bylaw only allows 24 Sf sign in Industrial districts. It is the applicant's opinion that the 24 Sf sign allowed would be too small for the size of the building and parking lot. The 24 Sf sign would be illegible from the intersection of the driveway and parking lot and would not serve the patrons as a signal that they have arrived at the Lovell Academy.

The building Enforcement Officer has refused to issue a permit to construct the wall sign as it does not conform with the bylaw. The applicant seeks a waiver from the Board of Appeals to allow the installation of a non-conforming sign at the above referenced property. It is our opinion that the Board can issue a waiver to allow the non-conforming sign as there are unique circumstances at this location and the Board has the authority to allow a non-conforming sign at its discretion.

The Zoning Board of Appeals shall give due consideration to promoting the public health, safety, convenience and welfare, encouraging the most appropriate use of land, and conserving property values, that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case

The unique circumstances involving the sign at this location are as follows:

1. The front building elevation of the Lovel academy is 11,680 s.f. The 24 Sf sign that is allowed under the bylaw would cover 0.2% of the front façade and would be illegible from much of the parking lot. The 85 SF sign would provide better symmetry, clarity and would still only cover 0.7% of the front façade.
2. The sign is not visible from any roadway and will not distract drivers or be a detriment or offensive to the Town in General. Bill Delahunt Parkway is 1100 ft from the proposed sign. to the towns roadway. Forest Street is 750 ft from the proposed sign.
3. The sign faces the entrance and does not face toward the abutting residential uses. The closest residence is approximately 550 ft from the proposed sign. There are approximately 200 ft of mature woods between the sign and the closest dwelling. The mature woods are to be protected in perpetuity as the woodland is within a conservation restriction.

The requested waiver meets this standard for the board to exercise its discretion to allow an increase in the size of the wall sign as the increase in the size of the will not be injurious, noxious, offensive or detrimental to a neighborhood. The Board may prescribe appropriate safeguards. The applicant is willing to discuss any safeguards the Board may feel are appropriate to protect the abutters and the community.

The requested variance meets this standard. By allowing the proposed access the Board will have improved impacts to the abutters and the Town of Rockland. The access improves traffic , noise, vibration and its affects by allowing the access to be located from Bill Delahunt Parkway instead of its frontage that is located in the R-2 Zoning District.

The Board may grant a Variance if all 4 statutory findings have been proven by the applicant.

The statutory findings are met as follows:

There are circumstances relating to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not affect generally the zoning district in which the land or structure is located; This is an Industrial Zoned property that has frontage in a residential Zone. There are significant wetland resource areas on the residential portion of the property. The lot is an extremely odd shape. The topography of the property changes from elev 168 at the entrance to el=140 at the building, a drop of 28 ft.

That due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning bylaw would involve substantial hardship, financial or otherwise, to the Petitioner. Literal enforcement of the 24 SF wall sign would create a potentially dangerous condition for vehicle operators to locate and view the sign from the entrance of the parking lot. The larger sign will allow operators to locate the sign to confirm they have arrived at the correct destination or not more quickly allowing the operator to get their eyes back on the roadway sooner. Literal Enforcement of this provision would pose a substantial financial hardship as the value of the property would be diminished.

That the desired relief may be granted without substantial detriment to the Public good. Relief would not be a detriment to the public good. As descried above, the sign will not be visible from abutting roadways. It will be located a significant distance from abutting residences and it is faced away from the residences.

The desired relief may be granted without nullifying or substantially derogating from the intent or purpose of the bylaw. The intent of the bylaw is to protect the town and abutters from injurious, noxious, offensive or detrimental to a neighborhood. The sign as designed is located to face away from abutters. It is not visible from abutting roadways. The sign covers less than 1% of the front building elevation and will not be injurious, noxious, offensive or detrimental to a neighborhood.

Please notify us of the scheduled hearing at your earliest convenience.

If you have any questions please do not hesitate to call.

Sincerely,

GRADY CONSULTING, L.L.C.



Kevin Grady
Project Engineer

Forest Delahunt Development LLC
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Rockland MA 02370