

Office of Outdoor Advertising
Public Meeting

August 11, 2022

11:00 AM

State Transportation Building

10 Park Plaza

2nd Floor

Boston, MA 02116

(via Webinar)

Present:

John Romano, Executive Director

Office of Outdoor Advertising, August 11, 2022

1 P R O C E E D I N G S

2

3 JOHN ROMANO: Good morning, everyone.

4 My name is John Romano. I am the Director of Outdoor
5 Advertising for MassDOT. We are here for our August
6 2022 Office of Outdoor Advertising public meeting.

7 This meeting is being held virtually by
8 the Governor's Act extending certain COVID-19 measures
9 adopted during the State of Emergency and has been
10 extended through July 23, 2023 -- excuse me, through
11 March of 2023. I apologize.

12 We are running this hearing through the
13 Zoom platform.

14 Please note that this meeting is being
15 recorded by our stenographer, who is in attendance.
16 He will provide a transcript of the meeting that will
17 be posted on our website when it is available.

18 The meeting is accessible to people
19 with disabilities and individuals with limited English
20 proficiency. If you filed a request to be available
21 today and did not receive it, please contact MassDOT's
22 Office of Diversity and Civil Rights at 857-368-8580
23 or massdot.civilrights@dot.state.ma.us.

24 Jerry Kelleher of my staff will go

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1 through the Zoom controls for this meeting.

2 Go ahead, Jerry.

3 GERARD KELLEHER: Okay. We have only
4 the panelists are on the camera.

5 And if you'd like to ask a question,
6 please use the Raise Your Hand function.

7 And chat and interpretation are not
8 functional for this Webinar.

9 If you cannot access the internet or
10 you have some other problem, you can call in at 301-
11 715-8592, and I will recognize you when it's your turn
12 to speak.

13 JOHN ROMANO: Okay. Anything else,
14 Jerry?

15 GERARD KELLEHER: No.

16 JOHN ROMANO: That's it, right?

17 GERARD KELLEHER: That's it.

18 JOHN ROMANO: Okay. Please note that
19 accessible versions of the meeting materials have been
20 previously posted to the OOA website and will be
21 referred to in the meeting. They've also posted those
22 links in the Q&A box if you need them.

23 I will go through the agenda.

24 Obviously, there is no physical sign-in

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1 sheet, but we have the people who have signed up for
2 the Webinar and we have that list. We will do the
3 attendance based on that.

4 Jerry, if you could put the agenda up
5 on the screen when you have a minute?

6 I'll do as we normally do. As Jerry
7 gets the agenda up, I will continue reading this.

8 I will go through the agenda for each
9 item. I will ask the proponent some questions.

10 As Jerry mentioned, everybody in the
11 public is currently muted and your camera is turned
12 off.

13 If you would like to speak at some
14 point during the meeting when public comment is
15 requested, use the raise your hand function, as was
16 described by Jerry earlier. And you can also put your
17 question or comment in the Q&A box.

18 Please note that you can provide
19 comments in writing to us by email, as always.

20 Anybody who may be new to this meeting,
21 we do not make any decisions at the actual hearing.
22 Every item is taken under advisement, and decisions
23 are made usually within a few weeks, sometimes as
24 early as a week. We will give time for write-in

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1 comments to our email address, which is
2 OOAInformation@dot.state.ma.us.

3 You can send your comments in writing
4 there.

5 Also, we will have public comments at
6 the end of each item, as we always do, and then a
7 final chance for overall comments at the end of the
8 agenda.

9 So, with that, Jerry, we will start the
10 meeting.

11 So, the first item is the approval of
12 minutes from the July 14th public meeting. Are there
13 any questions or comments on that?

14 (No response.)

15 JOHN ROMANO: I am not seeing any hands
16 raised. No questions in the chat. So, with that, I
17 am going to mark those approved.

18 So, the first item up on the agenda
19 today, Jerry, if you could scroll down to Number 3, if
20 you could go to the regular agenda? Okay. Thank you,
21 sir.

22 Next is the first item up on the agenda
23 is Applications 2022002 and 003. These are new
24 structures facing east and west, 171 Pleasant Street

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1 in Fall River by Boo Corporation. These are new
2 static boards.

3 Notice was sent to the municipality by
4 my office on July 12, 2022, to the mayor and the city
5 clerk.

6 Is the applicant present?

7 PETER SALINO: Yes, Mr. Romano.

8 Counsel for the Applicant, Peter Salino.

9 JOHN ROMANO: Thank you, Mr. Salino.

10 Is there anybody here representing the
11 municipality for which this sign is proposed?

12 (No response.)

13 JOHN ROMANO: Okay. Not seeing any.

14 Are there any abutters present today?

15 (No response.)

16 GERARD KELLEHER: Somebody said they're
17 here from the Town of Rockland, Douglas Lapp.

18 JOHN ROMANO: Okay. That's for the
19 next -- that's the next application. Right now, we're
20 addressing Fall River.

21 GERARD KELLEHER: Yeah, I mentioned
22 that.

23 JOHN ROMANO: Okay. Okay. I don't see
24 any abutters' hands raised for Fall River.

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1 Is anybody present from the District
2 Office?

3 (No response.)

4 JOHN ROMANO: I'm not seeing any.

5 Mr. Salino, as you know, we've had some
6 email discussions back and forth with yourself and our
7 District 5 Office regarding their review of this
8 application. And there are some contingencies that we
9 will put on the permit based on their, you know,
10 review. And I know you are aware of those, and I will
11 just read these quickly.

12 "Should the permit be granted, MassDOT
13 District 5 shall be notified prior to the placement of
14 controlled low-strength material to observe the
15 excavation hole.

16 MassDOT District 5 shall be notified
17 prior to the placement of the concrete footing.

18 MassDOT does not bear any
19 responsibility for the design or review of the
20 billboard structure or its foundation. Our review was
21 only limited to ensure the proposed billboard did not
22 negatively impact our existing retaining wall.

23 MassDOT is not responsible for special
24 inspections noted on Sheet S-1 of the plan set. These

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1 inspections shall be coordinated with the local
2 building official.”

3 You are aware of these and are okay
4 with these contingencies?

5 PETER SALINO: Yeah. Mr. Romano, I
6 just want to say, we have a good working relationship
7 with District 5 down here. My client does a lot of
8 projects in this area. We’ve read them. We are fine
9 with the restrictions. We plan to give maybe too much
10 notice. Your guys might be sick of us. But, yes, no,
11 we want to be good neighbors. And whatever you
12 require, we will do.

13 JOHN ROMANO: Okay. Great. Thank you
14 very much.

15 Is anybody present from Traffic
16 Operations?

17 (No response.)

18 JOHN ROMANO: Seeing none.

19 And, actually, this is a static
20 billboard so there is no need for any review by them.

21 Okay. Mr. Salino, was certified mail
22 notice to abutters sent out by you at least 30 days
23 prior to submitting your application to my office?

24 PETER SALINO: Yes, Mr. Romano. The

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1 mailing date was April 13, 2022.

2 JOHN ROMANO: Okay. And I do have
3 copies of the P.O. receipts. And that was submitted
4 with your package. I also have a copy of the letter.
5 Thank you for submitting those.

6 Have you received any written comments
7 in support or opposition to your application?

8 PETER SALINO: I have not.

9 JOHN ROMANO: Okay. And neither have
10 we.

11 And based on the package that you
12 submitted, there was a ZBA approval on 12/2/2021 and
13 reconfirmed on 7/7/22 by Fall River.

14 Is that your understanding?

15 PETER SALINO: Yes, Mr. Romano. The
16 original special permit was 12/23/21. And, at your
17 Office's request, I had the building inspector for the
18 City of Fall River, Glenn Hathaway, reduce to writing
19 on July 7, 2022, that his interpretation as the zoning
20 enforcement officer is that the special permit that
21 was previously granted would apply to a static
22 billboard as well.

23 JOHN ROMANO: Okay. Great. Thank you
24 very much.

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1 Before I have my inspector give his
2 report, is there anything else that you would like to
3 add to your applications at this time?

4 PETER SALINO: No, thank you. I think
5 we've -- we'll rest on the written papers that we
6 filed in support of the application.

7 JOHN ROMANO: Thank you.

8 Okay. Marc Plante was the inspector on
9 this.

10 Marc, would you like to give your field
11 report, please?

12 Hold on one second. Technical
13 difficulties.

14 MARC PLANTE: Okay now?

15 JOHN ROMANO: Here we go.

16 MARC PLANTE: All right. Thank you.

17 This is an application for a static
18 monopole facing Route 195 in the City of Fall River.

19 There is a static monopole to the east,
20 but it's well over the 500-foot spacing rule, so
21 there's no spacing problem, no spacing issues.

22 There are no parks, playgrounds,
23 recreational areas within 300 feet of the location.

24 And there are two businesses well

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1 within the 500-foot spacing rule.

2 So, this location, the sign is
3 conforming to the regulations, as noted.

4 JOHN ROMANO: Okay. Anything else from
5 your standpoint, Marc?

6 MARC PLANTE: No. As far as our
7 inspection is concerned, it's -- the only thing is
8 there was no ramp issue because the City of Fall River
9 is well over 90,000 in population. So, everything is
10 fine at this location.

11 JOHN ROMANO: Great. Any comments,
12 questions from anybody in attendance today at the
13 meeting?

14 (No response.)

15 GERARD KELLEHER: No hands raised.

16 JOHN ROMANO: Okay. Mr. Salino, with
17 that, we will take this application under advisement,
18 and we will get back to you.

19 PETER SALINO: Thank you. Thank you,
20 members of the Board, for your time. We appreciate it
21 very much.

22 JOHN ROMANO: Okay. Thank you.

23 Okay. The next item up on the agenda
24 is -- one second -- W.N. Realty, LLC, 61 Accord Park,

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1 Application 2022D010 and 11, facing -- new structures
2 facing north and south, Rockland, MA.

3 Notification was provided to the
4 municipality by my office on July 8 to the town
5 administrator and the town clerk.

6 Is the applicant present?

7 EDWARD O'SULLIVAN: Good morning, Mr.
8 Romano. This is Edward O'Sullivan on behalf of the
9 applicant. The applicant is present. And, just by
10 way of introduction, with me today are Richard Walker
11 and Tom Norton, the applicants from W.N. Realty; John
12 Michalak and Bryan Zimolka from Nitsch Engineering;
13 Attorney Steve Guard, who is counsel to the firm; and
14 myself representing the applicant.

15 JOHN ROMANO: Is there anybody here
16 representing the municipality? I believe we had a
17 gentleman earlier.

18 GERARD KELLEHER: Douglas Lapp.

19 JOHN ROMANO: Douglas Lapp.

20 GERARD KELLEHER: He's still on there.

21 JOHN ROMANO: All right. Do you want
22 to speak or put anything in the chat?

23 GERARD KELLEHER: I'll allow it.

24 DOUGLAS LAPP: Hello. Can you hear me

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1 okay?

2 JOHN ROMANO: Yes.

3 GERARD KELLEHER: Yes.

4 DOUGLAS LAPP: Great. So, yes, I'm
5 here. I'm really just here to listen and indicate the
6 Town's full support for this project. And, certainly,
7 if you have any questions for me, I'm happy to try to
8 answer, but I'll defer to the applicant.

9 Thank you.

10 GERARD KELLEHER: Thank you.

11 JOHN ROMANO: Okay. Thank you, Mr.
12 Lapp.

13 Okay. Are there any abutters present
14 today?

15 (No response.)

16 JOHN ROMANO: I'm not seeing anybody's
17 hands raised.

18 GERARD KELLEHER: No hands.

19 JOHN ROMANO: Is anybody here from the
20 District Office?

21 (No response.)

22 JOHN ROMANO: We did get an email from
23 Bill Travers in District 5. The only thing that Bill
24 noted is that should the permit be granted, if any

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1 tree trimming or cutting is required that that would
2 require a separate permit application directly with
3 the District and that you would have to go to the
4 district to obtain that. Okay?

5 EDWARD O'SULLIVAN: Yes, sir.
6 Understood.

7 JOHN ROMANO: Is anybody present from
8 Traffic Operations?

9 (No response.)

10 JOHN ROMANO: So, we did get a note
11 from Traffic Operations in regards to traffic studies,
12 that no traffic study would be required should the
13 permit be issued on this.

14 Was certified mail notice to abutters
15 sent out by the applicant at least 30 days prior to
16 submitting your application to our office?

17 EDWARD O'SULLIVAN: You went silent
18 there, John. You broke up.

19 JOHN ROMANO: Sorry. Was certified
20 mail --

21 EDWARD O'SULLIVAN: I think your
22 question was, was certified notice given to the
23 abutters in advance. Certified letters were sent to
24 all abutters on April 22nd, and the receipts of which

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1 copies were filed with our application.

2 JOHN ROMANO: Okay. Great. Yes, and I
3 do have those receipts.

4 EDWARD O'SULLIVAN: I can't hear John
5 at all.

6 JOHN ROMANO: Can you hear me now? Can
7 you guys hear me now?

8 GERARD KELLEHER: The panelists can.

9 JOHN ROMANO: Yeah.

10 EDWARD O'SULLIVAN: Is that better?

11 JOHN ROMANO: Can you hear me, Ed?

12 EDWARD O'SULLIVAN: No.

13 JOHN ROMANO: Everybody else can.

14 TOM NORTON: Ed, can you hear me? I
15 think his volume is down.

16 EDWARD O'SULLIVAN: Hold on.

17 JOHN ROMANO: No problem. Take your
18 time.

19 EDWARD O'SULLIVAN: Are you there? I
20 can't hear a word of what's going on.

21 GERARD KELLEHER: You might want to
22 call back in.

23 EDWARD O'SULLIVAN: Shoot. Hold on.
24 Do you want to ask him if he wants me to answer

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1 through the phone and you can put me on your machine,
2 raise your hand, or get his attention, John's
3 attention?

4 JOHN ROMANO: I can hear Ed talk.

5 GERARD KELLEHER: Yeah.

6 EDWARD O'SULLIVAN: Yeah, for whatever
7 reason, I can't hear you now, John. I don't know why.
8 I was hearing you well up until I started speaking.
9 But if you want to go this route, I can just answer
10 your questions through here, John, if that's
11 appropriate.

12 TOM NORTON: Richard -- I mean, Ed, how
13 about the volume? Check your volume.

14 EDWARD O'SULLIVAN: No, my volume
15 didn't change, but I'll check it.

16 Is that any better, John?

17 JOHN ROMANO: I don't know. Can you
18 hear?

19 EDWARD O'SULLIVAN: Now I can.

20 JOHN ROMANO: All right.

21 EDWARD O'SULLIVAN: Okay. Sorry about
22 that. I don't know what the problem was.

23 JOHN ROMANO: That's all right. So,
24 Ed, yes, I do have the post office receipts and we do

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1 have a copy of the letter.

2 EDWARD O'SULLIVAN: Okay. Thank you.

3 JOHN ROMANO: All right. Has the
4 applicant received any written comments in support or
5 opposition of your application?

6 EDWARD O'SULLIVAN: We have received
7 numerous letters of support from the elected officials
8 at the state, county, and local level in the Town of
9 Rockland. We've also received numerous letters of
10 support from many charitable and nonprofit
11 organizations across the south shore, all of which
12 have been filed with our application.

13 And I should have mentioned at the
14 outset before this, by way of introduction and for the
15 record, Doug Lapp, who is on the phone, is the Town
16 Administrator for the Town of Rockland.

17 JOHN ROMANO: And I'll let you know for
18 the record what I've received, in case you have
19 further that you want to submit. But I received one
20 from Doug Lapp, from the board of selectmen from the
21 Town of Rockland, from Senator Keenan, from
22 Representative DeCoste. Some of these are duplicates.
23 Sorry about that. Massachusetts State Dealers
24 Association, Cardinal Cushing Centers, NVNA and

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1 Hospice, the Boys and Girls Club, Wellspring, Cohasset
2 Gridiron Club, Scituate Little League, South Shore
3 Stars, Hingham Little League, Scituate Football,
4 Cohasset Education, Hingham Sports Partnership, Harbor
5 Women Hockey, and Hingham High School cross country
6 track and field. So, about a dozen, maybe a few more.

7 EDWARD O'SULLIVAN: Okay.

8 JOHN ROMANO: So, if you have others
9 that you want to mail into -- email into us, you can,
10 but that's the stack that I have.

11 EDWARD O'SULLIVAN: All right. There
12 is one other that I thought was sent in, and that's a
13 letter signed by all the members of the Plymouth
14 County Commission. And I'll provide that to your
15 office, again, after the meeting.

16 JOHN ROMANO: Okay. Yeah. No problem.
17 Okay. So, I'm just going to mark down here that there
18 are various submitted.

19 EDWARD O'SULLIVAN: And to answer your
20 question further, we have heard nothing in opposition.

21 JOHN ROMANO: Various submitted in
22 support, none in opposition.

23 And we have not received any in
24 opposition either. So, okay.

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1 Special permit or variance, Town ZBA
2 approved. As I mentioned before to you, Ed, in our
3 conversation, the Town approved an eight-second change
4 in message that's in direct conflict with the state
5 regulation that messages cannot change any quicker
6 than ten seconds. So, we would want to, if this were
7 to be approved, I would want to see that changed
8 because that would be a direct conflict. It says
9 that, you know, you could change -- the Town is
10 allowing you to do something that is in violation of
11 our regulations.

12 RICHARD WALKER: Mr. Romano, that would
13 be perfectly acceptable to the applicant. I would
14 also note that the host agreement requires a ten-
15 second -- no quicker than ten-second change as well in
16 compliance with the state regulation. So, we would be
17 subject to that as well as your condition permit over
18 the eight seconds. But we're happy to get a
19 clarification on that special permit if the Board sees
20 fit to grant the state permit.

21 JOHN ROMANO: Yeah. And in regards to
22 the host agreement, that really has no bearing on
23 anything that we do. So, you know, it's the special
24 permit we look at. We would want to make sure that

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1 would be in line with the state regulations.

2 The other issue that I brought up with
3 the special permit is, you know, Conditions 2 and 3 of
4 the ZBA decision that talks about concern with light
5 shining into residential properties. And, you know,
6 it looks for, you know, proof that that won't happen.
7 And kind of the discussion in the meeting and stuff
8 kind of refers or defers to state regulations taking
9 care of that, and that's really not the case. That's
10 incumbent upon the proponent. So, I had said to Mr.
11 O'Sullivan that we would want to see something in
12 writing that shows how you are going to meet that,
13 those conditions. And I have not received anything
14 along those lines, because our regulations are not
15 intended to solve the town or city's concerns about
16 their residents not having lights shine in their
17 windows. So, while we do have intensity regulations
18 and light regulations, that's not the only thing. The
19 Town raised that in their special permit, so we would
20 want to see how that condition is being met. And so -
21 -

22 RICHARD WALKER: Those issues were
23 brought up at the public hearing and vetted through
24 that process. And much of the mitigation that was

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1 required is designed into the board. And I'm happy to
2 get a letter to supplement the application from the
3 zoning enforcement officer in the Town of Rockland
4 that would verify that the technology of the board
5 would comply with that condition.

6 JOHN ROMANO: Perfect. That's all we
7 look for that shows that he feels his conditions are
8 met.

9 RICHARD WALKER: For sure.

10 JOHN ROMANO: Okay. So, and just as a
11 -- the other note as far as the special conditions,
12 the hours of operation are restricted by the Town that
13 it can't operate between 1:00 a.m. and 5:00 a.m., is
14 that correct?

15 EDWARD O'SULLIVAN: It is.

16 JOHN ROMANO: Okay. All right. So, as
17 far as the special permit or variance, that's
18 everything that I know. Is that -- do you guys concur
19 with that?

20 EDWARD O'SULLIVAN: Yes.

21 RICHARD WALKER: Yes.

22 JOHN ROMANO: All right. Great. Thank
23 you.

24 With that, do you guys have anything

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1 that you want to add to your application at this time
2 before my inspector gives his report?

3 EDWARD O'SULLIVAN: If I may defer a
4 final comment until after the inspector's report, if
5 that's appropriate?

6 JOHN ROMANO: Sure. Yeah, no problem.

7 EDWARD O'SULLIVAN: Thank you, John.

8 JOHN ROMANO: So, with that, Chris
9 Chaves is my inspector. He'll give his report.

10 CHRISTOPHER CHAVES: Thank you, John.

11 As you mentioned, this is a proposed
12 two-sided electronic monopole facing north and south
13 on Route 3 in the Town of Rockland.

14 The area is of business character.
15 There are two businesses within 500 feet of the sign,
16 the proposed location.

17 There is one issue on the inspection.
18 The proposed location violates the federal-state
19 agreement, Section 2, Subsection b of the spacing of
20 sign structures. "No sign may be located adjacent to
21 or within 500 feet of an interchange or intersection
22 at grade, information center, or rest area measured
23 along the interstate highway from the nearest point of
24 the beginning or ending of pavement widening at the

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1 exit from or entrance to the main travel way. This
2 subsection does not apply in cities and towns over
3 50,000 in population." It is not over 50,000 in
4 population. So, the subsection does apply.
5 Therefore, this location at this time does not
6 conform.

7 JOHN ROMANO: Okay. So, the population
8 of Rockland is well under 50,000, is that correct?

9 CHRISTOPHER CHAVES: That is correct.

10 JOHN ROMANO: With that, Ed, I'm sure
11 you want to give your final thoughts on adding some
12 information. And, as was discussed with you before,
13 we're happy to take any written information that you
14 want in regards to the, you know, report we just gave
15 to evaluate before any final decision is made on the
16 application.

17 EDWARD O'SULLIVAN: Thank you, John.

18 What I'd just like to say is we believe
19 that we do have a discrepancy in how the measurement
20 was conducted, not necessarily in the process of the
21 measurement but from where the so-called Point C would
22 be located on the highway. We'll provide additional
23 information for your office to review and for Chris to
24 review.

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1 But we would like to request a copy of
2 Chris' report, specifically as it relates to where the
3 Point C location is on the highway. And that might
4 expedite how we view this going forward. So, we would
5 appreciate that.

6 And I have no other comments. I'd ask
7 if the applicants or counsel has anything that he
8 would like to add, or our engineers.

9 Gentlemen, anything you'd like to add
10 to this?

11 RICHARD WALKER: I have no further
12 comment, Ed. You summarized our position. We're
13 looking forward to supplementing the application based
14 on the state's interpretation of the location of Point
15 C, and then we'll go from there.

16 TOM NORTON: Ed, I have no further
17 comment other than my comments yesterday about the,
18 you know, how this project has -- this site was
19 selected by the Board versus an opposing site on the
20 other side of the highway and the fact that it best
21 served the community and the location and the impact
22 on the neighbors, and that's about it.

23 Thank you for your consideration.

24 JOHN ROMANO: Thank you. Is there

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1 anybody else?

2 All set, Ed? Sorry about that.

3 EDWARD O'SULLIVAN: No, I believe we're
4 all set.

5 Thank you, John.

6 JOHN ROMANO: Is there anybody else in
7 attendance that has any questions, comments that
8 they'd like to add or ask about this application?

9 (No response.)

10 GERARD KELLEHER: No hands up.

11 JOHN ROMANO: Okay. With that, we will
12 take this application under advisement.

13 EDWARD O'SULLIVAN: Thank you.

14 JOHN ROMANO: Thank you.

15 Okay. The next item on the agenda is
16 For the Record. The only thing new is the
17 applications for permits from Outfront Media Boston,
18 LLC. There are 29 applications for bicycle permits.
19 Those were approved in Boston on 8/2.

20 Everything else is the same.

21 Any comments or questions on those?

22 (No response.)

23 GERARD KELLEHER: No hands raised.

24 JOHN ROMANO: Any other final public

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1 comment on anything related to outdoor advertising?

2 (No response.)

3 GERARD KELLEHER: No, sir.

4 JOHN ROMANO: Okay. Seeing none, we
5 will adjourn at 11:34.

6 Thank you all very much.

7 (Whereupon, the proceedings were
8 concluded on August 11, 2022, at 11:34 a.m.)

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C E R T I F I C A T E

I, Judith Luciano, do hereby certify that the foregoing record is a true and accurate transcription of the proceedings in the above-captioned matter to the best of my skill and ability.

Judith Luciano

Judith Luciano

**All names not provided were spelled phonetically to the best of my ability.