

Office of Outdoor Advertising  
Public Meeting

November 8, 2018

11:00 AM

State Transportation Building

10 Park Plaza

2<sup>nd</sup> Floor

Boston, MA 02116

Present:

John Romano, Executive Director

Office of Outdoor Advertising November 8, 2018

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 and I am the Director of  
5 Outdoor Advertising for MassDOT. We are here for the  
6 November 8, 2018 public hearing.

7 This meeting is accessible to people  
8 with disabilities and individuals with limited English  
9 proficiency. If you have filed a request with us for  
10 assistive technology, sign language, alternate format  
11 documents, an interpreter, translated documents, or  
12 other such services to be available today, please see  
13 Lydia here if you haven't yet received the assistance  
14 you need. I do not believe we've received any  
15 requests in advance.

16 If you need any other similar  
17 assistance to participate today, please let Lydia  
18 know, and we will do our best to help you.

19 Housekeeping stuff -- there is agendas,  
20 meeting notes from last month's meeting, and a sign-in  
21 sheet on the table to my left. If you didn't sign in  
22 on the way in, please do so on your way out if you  
23 want to be part of the record.

24 The stenographer has asked me that

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1 today, when you speak, if you would speak up because  
2 his sensitive equipment is picking up the noise from  
3 outside. So, if you talk soft, we won't get you on  
4 the record. So, please use your outdoor voices, if  
5 you will, to help us out today.

6 So, October 11<sup>th</sup> public hearing meeting  
7 minutes. Any questions, corrections, changes,  
8 omissions?

9 (No response.)

10 JOHN ROMANO: Seeing none, we will mark  
11 those approved.

12 Okay. The first item on the agenda, we  
13 have an application for a new license: 1925 Mass.  
14 Ave. LLC, 195 Lexington Ave., Cambridge, MA.

15 Is there anybody here from the  
16 proponent? Please state your name for the record.

17 ERIC HOAGLAND: My name is Eric, E-r-i-  
18 c, Hoagland, H-o-a-g land, l-a-n-d.

19 JOHN ROMANO: Thank you, Eric.

20 We reviewed your application. It seems  
21 to be in order. You have the appropriate Certificate  
22 of Good Standing from the Department of Revenue, your  
23 W-9, and, of course, the all-important fee. We have  
24 reviewed it. There appears to be no issues at the

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1 time with it. Do you have anything that you'd like to  
2 add to your application at this time?

3 ERIC HOAGLAND: No, just thank you for  
4 your help, Director. I appreciate it.

5 JOHN ROMANO: We will take this under  
6 advisement and we will get back to you.

7 ERIC HOAGLAND: Okay. Thank you. Good  
8 day.

9 JOHN ROMANO: Thank you very much.

10 Okay. Next, we have a handful of  
11 applications for electronic permits. The applicant is  
12 the City of Fall River. I will take these one at a  
13 time here. The last four will be actually in pairs.

14 So, the first one is the intersection  
15 of Market Street at South Main Street, Application  
16 2018D022. It's a new structure facing west.  
17 Notification was provided to the municipality on  
18 September 11, 2018, to the mayor and the city clerk by  
19 my office.

20 Is the applicant present?

21 CATHY ANN VIVEIROS: Yes.

22 JOHN ROMANO: Please state your name  
23 for the record.

24 CATHY ANN VIVEIROS: Cathy Ann

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1 Viveiros, City Administrator.

2 JOHN ROMANO: Thank you, Cathy.

3 So, my next question goes kind of hand-  
4 in-hand. Is anybody here representing the  
5 municipality, which you are in this case because the  
6 municipality is the applicant? So, I'm going to just  
7 say yes.

8 Are there any abutters present today?

9 (No response.)

10 JOHN ROMANO: None. Is there anybody  
11 present from the Highway District Office?

12 (No response.)

13 JOHN ROMANO: Is anyone present from  
14 the Traffic, MassDOT Traffic?

15 (No response.)

16 JOHN ROMANO: However, I will let you  
17 know that we did, for this Application number  
18 2018D022, got a memo from our Traffic Department, the  
19 State Traffic Engineer's Office. And they have  
20 determined for this particular location that no  
21 further traffic study will be required.

22 Okay. Cathy, was certified mail notice  
23 sent to abutters by you at least 30 days prior to  
24 submitting your application to the OOA?

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1                   PETER MCCLARY: Peter McClary with  
2                   Capital Associates, a consultant for the City of Fall  
3                   River. Yes.

4                   JOHN ROMANO: Thank you, Pete. And I  
5                   do have a copy of the post office receipt. So, thank  
6                   you for submitting those. And I also do have a copy  
7                   of the letter that you sent out. So, thank you for  
8                   submitting both of those.

9                   PETER MCCLARY: You're welcome.

10                  JOHN ROMANO: Has the applicant  
11                  received any written comments in support or opposition  
12                  to this?

13                  CATHY ANN VIVEIROS: I believe there  
14                  was one letter sent to the Outdoor Advertising Board,  
15                  Mr. Chairman, from a citizen group. You should have  
16                  it in your letters.

17                  JOHN ROMANO: Yes, Citizens for the  
18                  Advancement of Scenic Fall River. Is that the one  
19                  you're referring to?

20                  CATHY ANN VIVEIROS: Yes.

21                  JOHN ROMANO: Yes, so we did receive  
22                  that.

23                  CATHY ANN VIVEIROS: You did receive  
24                  that.

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1                   JOHN ROMANO: And we will make sure  
2 that the stenographer has that as part of the record.

3                   CATHY ANN VIVEIROS: Certainly.

4                   JOHN ROMANO: We will review this as  
5 part of the overall application.

6                   And, then so special permit or variance  
7 per the application and the letter, Cathy, that you  
8 submitted to us, a special permit or variance was not  
9 required by the City for this application. But it was  
10 signed off as being able to be not subject to  
11 municipal zoning ordinances and/or bylaws. And we do  
12 have a letter to that effect from you as well. So,  
13 thank you for submitting those.

14                  CATHY ANN VIVEIROS: Thank you.

15                  JOHN ROMANO: That is correct, right?

16                  CATHY ANN VIVEIROS: Yes.

17                  JOHN ROMANO: Okay. Thank you. Very  
18 good. All right. So, with that, I'm going to have my  
19 inspector Marc Plante give his report on the  
20 application.

21                  MARC PLANTE: Thank you, John.

22                  This is a proposed monopole, single-  
23 face, 14x48 digital application, located just adjacent  
24 to the parking lot at City Hall Plaza. It will be

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1 facing west on 195. And there was no spacing issues  
2 with any of the signs. Two businesses are located  
3 within 500-foot. And there are no parks, playgrounds,  
4 or recreation areas within 300 feet. So this site is  
5 conforming to the regulations.

6 JOHN ROMANO: Okay. Great. So, no  
7 signage issues, no spacing issues. Okay. Great.  
8 Thank you, Marc.

9 One thing I do want to add, and as we  
10 had discussed previously, Bill Travers from our  
11 District Office, while he's not here today, did speak  
12 with Mr. McClary ahead of time, and he also has sent  
13 me an email that he wants to be able to review the  
14 installation drawings, procedures, whatever of this  
15 sign as it is close to some MassDOT facilities. And  
16 so once that discussion takes place, should we decide  
17 -- should we approve this permit, we will need to see  
18 that discussion take place and have Mr. Travers' okay  
19 before any permit is issued. So, this will be taken  
20 under advisement and we will wait to hear on that  
21 aspect as well before any decision is made.

22 CATHY ANN VIVEIROS: Thank you.

23 JOHN ROMANO: Yeah. Just a reminder on  
24 this one. Although, not new to Mr. McClary and his



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1 company, but to the City of Fall River, electronic  
2 permits, there are several provisions in the CMR  
3 relating specifically to electronic permits as far as  
4 brightness. You must have a 10-second static display.  
5 Any changes in the ads need to be instantaneous, no  
6 bleeding into each other. And there's also a 15-hour  
7 public service announcement requirement for each  
8 board. It is administered through my office, through  
9 Mr. Gerry Kelleher. And should this permit be  
10 approved, we will make sure we're in touch with you.

11 CATHY ANN VIVEIROS: Thank you.

12 JOHN ROMANO: Do you have anything  
13 you'd like to add to your application at this time?

14 CATHY ANN VIVEIROS: I did speak to the  
15 City's interest as to why they were pursuing  
16 electronic billboards, if the group would like to  
17 hear.

18 JOHN ROMANO: Sure. Go right ahead.

19 CATHY ANN VIVEIROS: So, the City of  
20 Fall River is a gateway city. And, consequently, we  
21 have experienced a number of urban challenges within  
22 the community. However, we are on the rise, as they  
23 say. But, the current administration under Mayor  
24 Jasiel F. Correia, II, has been working diligently to

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1 find alternate sources of revenue, rather than relying  
2 on the typical taxpayer, local taxpayer, to provide  
3 the receipts for the operation of local government.

4 So, the outdoor advertising initiative  
5 is one where we're attempting to take the assets of  
6 the City, maximize their income potential, and do so  
7 in a responsible way. In this particular location, it  
8 is very commercial. We're very confident that it is  
9 not going to add or in any way detract from the visual  
10 aspects of the location. And, again, the City is  
11 anxious to try to generate those alternate forms of  
12 revenue to provide relief to our local taxpayers and  
13 businesses.

14 JOHN ROMANO: Okay. And just to --  
15 it's on City property, too, isn't it?

16 CATHY ANN VIVEIROS: Yes. Thank you.

17 JOHN ROMANO: Thank you very much.

18 Anything else? Do you guys have  
19 anything else you need to add?

20 (No response.)

21 JOHN ROMANO: Any questions, comments,  
22 concerns, from the general public?

23 (No response.)

24 JOHN ROMANO: Okay. Seeing none, we

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1 will take this under advisement and we'll get back to  
2 you on this.

3 CATHY ANN VIVEIROS: Thank you.

4 JOHN ROMANO: Okay. So, next up is  
5 Application numbers 2018D023 and D024. This is a two-  
6 faced sign at the intersection of Bedford Street and  
7 Route 24. And notification was sent on September 11  
8 to the mayor and the clerk's office.

9 I know these questions will be  
10 repetitive, but I have to ask them for the record for  
11 each one.

12 Is the applicant present?

13 CATHY ANN VIVEIROS: Yes.

14 JOHN ROMANO: Please state your name  
15 again.

16 CATHY ANN VIVEIROS: Cathy Ann  
17 Viveiros, City Administrator.

18 JOHN ROMANO: And that will double for  
19 the municipality as she is obviously representing the  
20 City.

21 Are there any abutters present today?

22 (No response.)

23 JOHN ROMANO: Seeing none. Okay. Is  
24 anyone here from the District Office?

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1 (No response.)

2 JOHN ROMANO: Anyone here from Traffic  
3 Operations?

4 (No response.)

5 JOHN ROMANO: So, on this site, we also  
6 -- Thao Tran is not here. He did provide me a memo  
7 from the State Traffic Engineer's Office. And for  
8 this location, Application 2018D023 and D024, no  
9 detailed traffic study will be required should an  
10 application be approved.

11 Again, Cathy, was certified mail sent  
12 out to the abutters by yourself at least 30 days prior  
13 to submitting the application to the OOA?

14 PETER MCCLARY: Yes, they were.

15 JOHN ROMANO: So, again, I do have  
16 copies. You did submit copies of the post office  
17 receipts. And I also have a copy of the letter that  
18 was sent out. So, thank you for submitting those.

19 Okay. Has the applicant received any  
20 written comments in support or opposition to this  
21 application?

22 CATHY ANN VIVEIROS: Nothing  
23 additional, Mr. Chairman.

24 JOHN ROMANO: Okay. So, we actually

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1 have another letter -- we got the same letter.

2 Obviously, it applies to a couple of locations.

3 CATHY ANN VIVEIROS: Exactly.

4 JOHN ROMANO: We did get another one  
5 for this from the Concerned Citizens of Fall River,  
6 not quite the same as the other group. And I can get  
7 you a copy of this if you haven't seen it. We will  
8 put this in the record. So, we will make sure we get  
9 you a copy of this.

10 CATHY ANN VIVEIROS: Thank you.

11 JOHN ROMANO: And, also, the other one,  
12 too. So, these will go to the stenographer as part of  
13 the record as well.

14 And then, again, in regards to the  
15 special permit or variance, you guys signed off on the  
16 application as not -- as complying with the local  
17 zoning bylaws and not needing a special permit or  
18 variance. And you did provide me with the same  
19 letter. It applies to these as well. So, is that  
20 correct?

21 CATHY ANN VIVEIROS: Yes.

22 JOHN ROMANO: Thank you.

23 With that, I'm going to have Mr. Plante  
24 give his inspector's report on this one.

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1                   MARC PLANTE: Thanks, John.

2                   This is a proposed monopole, digital  
3 application, two-sided. This sign is facing south on  
4 Route 24.

5                   The area is zoned as WR, which is Water  
6 Resource, so that would have to be addressed as -- I  
7 don't know -- commercial or industrial application.

8                   As far as businesses, within 100 feet  
9 there's an abandoned building, which they refer to as  
10 the old icehouse. There's nothing going on. There is  
11 a parking lot for the public water supply and water  
12 department for the City of Fall River within 500 feet.

13                   JOHN ROMANO: Marc, could you just  
14 speak up a little bit?

15                   MARC PLANTE: I'm sorry. Within 500  
16 feet, and that is the one business.

17                   As far as parks are concerned, there is  
18 a listed park by the lake within 100 feet. There's no  
19 spacing issues with any of the signs, but those two  
20 issues have to be addressed.

21                   JOHN ROMANO: So, I know that you guys  
22 have submitted a letter regarding your take on the  
23 zoning. And we will review that. At this time, you  
24 know, I can't make any opinion on the letter, if we

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1 agree or disagree. But, right now, our take, from the  
2 inspector's point, is that it does not meet the zoning  
3 requirements. But, we do have your letter that you  
4 submitted that we will continue to look at that and  
5 make a determination. As with the rest of this, we  
6 will take it all under advisement and we'll let you  
7 know which way we go on that prior to our final  
8 decision.

9 So, with that, do you have anything  
10 that you'd like to add to your application?

11 CATHY ANN VIVEIROS: Thank you very  
12 much, Mr. Chairman.

13 We are aware that there was some  
14 concern as to the commercial activity and nature of  
15 the water treatment facility that's located in that  
16 area. I thought it might be helpful for the Board to  
17 know that they currently generate \$11.5 million in  
18 revenue. And that is from the sale of water. Not  
19 only do they provide that sale to businesses and  
20 residents; they also provide that sale of water to  
21 surrounding communities, be it Freetown, Tiverton, and  
22 Westport. And, additionally, we do have  
23 transportation haulers, water trucks that regularly  
24 come to the plant to provide water to other areas

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1 within the City and outside the City. So, we have a  
2 very robust commercial activity ongoing at that  
3 location and we would respectfully request that that  
4 commercial activity be acknowledged in trying to  
5 determine the graphic and the demographics of the  
6 area.

7 JOHN ROMANO: Thank you for that. Very  
8 good.

9 Does anybody have anything? Questions,  
10 comments, concerns from the audience that they'd like  
11 to speak on this application?

12 JOSEPH CARVALHO: Yes, if I may?

13 JOHN ROMANO: Can you please identify  
14 yourself?

15 JOSEPH CARVALHO: Certainly. Joseph  
16 Carvalho.

17 JOHN ROMANO: Spell your last name.

18 JOSEPH CARVALHO: C-a-r-v as in Victor-  
19 a-l-h-o, 575 Eastern Avenue, Fall River,  
20 Massachusetts, 02723.

21 JOHN ROMANO: Go ahead, sir.

22 JOSEPH CARVALHO: I'm actually the  
23 Special Projects Director for Green Futures, which is  
24 an environmental group located in the Fall River area.



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1 It includes Westport, Somerset, Swansea, Dighton, a  
2 bunch of communities.

3 And our opposition actually to these  
4 digital billboards has to do with public safety. I  
5 spoke with the National Highway Safety Administration.  
6 I have about 20 pages of information as to how  
7 dangerous digital billboards are. I believe that  
8 maybe Mrs. Viveiros can speak to the frequency of  
9 their changing messages. A whole bunch of studies  
10 have been done that show that even a one-second  
11 distraction -- and as we know and we're well aware of  
12 -- distractions for drivers nowadays are too  
13 commonplace. So, to add to that -- and, unless I'm  
14 wrong, one of these billboards is going to be facing  
15 the west, right near government center, and over  
16 Interstate 195, just lending itself to even more  
17 distractions, more accidents, more, unfortunately,  
18 personal injury, loss of life.

19 And, is it Mr. Romano?

20 JOHN ROMANO: Yes.

21 JOSEPH CARVALHO: I spoke with you  
22 yesterday. And I'm wondering if there's -- you had  
23 mentioned the traffic division, engineering division.  
24 What I need is actually an address for them to send

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1 the multiple information that I have about how -- what  
2 a threat that these digital billboards are to public  
3 safety.

4 So, I'm not sure -- you had mentioned  
5 yesterday that the traffic engineering division was  
6 going to send you a memo, if I'm correct?

7 JOHN ROMANO: So, just so you -- I know  
8 you came in late. So, just so you know where we are.  
9 So, we're talking about the one over at Bedford  
10 Street. You referred to I-195. That's the next  
11 application.

12 JOSEPH CARVALHO: Right. Okay.

13 JOHN ROMANO: This particular  
14 application --

15 JOSEPH CARVALHO: Well, the one on 24  
16 then. That's the one we're talking about.

17 JOHN ROMANO: So, this particular  
18 application, the State Traffic Engineer's group  
19 reviewed it and did not require an additional traffic  
20 study. We will talk about the next board when we get  
21 to it. We haven't talked about the other location.

22 JOSEPH CARVALHO: And, if you know --  
23 and I don't know that you do -- if there's a way to  
24 appeal that decision that the Engineering Department

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1 made about that it doesn't pose any threats to public  
2 safety or --

3 JOHN ROMANO: That's not what it says.  
4 It just says that a detailed traffic study is not  
5 required. It doesn't say that it --

6 JOSEPH CARVALHO: Well, I guess my next  
7 question is how do we get a traffic study  
8 accomplished?

9 JOHN ROMANO: I don't know.

10 JOSEPH CARVALHO: There needs to be.  
11 And since it's being recorded, there needs to be a  
12 redress for people to request a traffic study,  
13 especially for things that are this dangerous to  
14 public safety.

15 JOHN ROMANO: I understand. MassDOT  
16 has a set of regulations that have to be followed.  
17 And part of those regulations are that every digital  
18 board that's applied for in the state is reviewed by  
19 the State Traffic Engineer's Office and they make  
20 those determinations for us. I am not part of that  
21 decision.

22 JOSEPH CARVALHO: Understood.

23 JOHN ROMANO: They take a look at every  
24 one of them. That's their job as the traffic people.

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1 I do not play a traffic engineer. So, we take their  
2 recommendation and we go with their expertise on that.

3 The CMR does allow for digital boards.  
4 There is a whole section, 3.17.

5 JOSEPH CARVALHO: 700, out of 700.

6 JOHN ROMANO: Yes. It tells any  
7 applicant all of the requirements as far as time. So  
8 they have to be -- the ad has to be up for at least 10  
9 seconds or longer. It has to change instantly. They  
10 can't bleed into each other. There is brightness  
11 limits, etc., and things like that. There can be no  
12 movement. There can be no animation, all of that  
13 stuff. So, those requirements are all in our CMR.  
14 And they're required to be followed by every  
15 applicant, not just this particular applicant. And  
16 those are the requirements of the state. And, you  
17 know, they're required to meet those and to follow  
18 those. And, you know, we have inspectors that, you  
19 know, go out and inspect the boards on occasion. We  
20 keep an eye on that. And if, you know, as long as  
21 they meet those requirements, you know, it's already  
22 been vetted through the State Traffic Engineer prior  
23 to the CMR being changed from static to digital.

24 So, that's, you know, something that

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1 took place several years ago, that that determination  
2 that was made. I'm not quite sure that anybody says  
3 anywhere using the word that they are safe. We all  
4 know that any distraction is a distraction. But  
5 whether a further study is required, the State Traffic  
6 Engineer determines that.

7 If there's something you want to send  
8 them, they're right here in this building on the  
9 seventh floor. It's 10 Park Plaza, Boston, MA 02116.

10 JOSEPH CARVALHO: Thank you.

11 JOHN ROMANO: You can address it to the  
12 State Traffic Engineer's Office.

13 JOSEPH CARVALHO: Thank you.

14 JOHN ROMANO: If there's anything you  
15 want to submit as part of the transcript for this  
16 meeting, you can submit it to us today or you can  
17 email it to us. All right?

18 JOSEPH CARVALHO: Thank you.

19 JOHN ROMANO: Thank you for your  
20 comments.

21 Is there anybody else who would like to  
22 speak at this time?

23 (No response.)

24 JOHN ROMANO: Okay. Seeing none, we

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1 will take this application under advisement and we  
2 will get back to you.

3 CATHY ANN VIVEIROS: Thank you.

4 JOHN ROMANO: Okay. Next on the agenda  
5 is, again, the City of Fall River. This is  
6 Application 2018D025 and D026. These are new  
7 structures, the intersection of Brayton Ave. and the  
8 I-195 ramp. Notice was sent to the municipality on  
9 September 11, 2018 by my office.

10 Is the applicant present?

11 CATHY ANN VIVEIROS: Yes.

12 JOHN ROMANO: Please state your name,  
13 again.

14 CATHY ANN VIVEIROS: Cathy Ann  
15 Viveiros, City Administrator.

16 JOHN ROMANO: And, again, doubles as  
17 the municipality.

18 Are there any abutters present today?

19 (No response.)

20 JOHN ROMANO: Is there anyone from the  
21 District Office?

22 (No response.)

23 JOHN ROMANO: Anyone from Traffic  
24 Operations?

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1 (No response.)

2 JOHN ROMANO: So, again, as with the  
3 other ones, while Thao Tran is not here, he did submit  
4 a memo on the traffic requirements for this. And, for  
5 this location, he does require that a detailed traffic  
6 study of this location will be required should we go  
7 forward with a permit on this.

8 As I know Mr. McClary knows, traffic  
9 studies are -- if we're okay with this, the traffic  
10 study would be a pre-installation traffic study that  
11 would be submitted to us prior to us issuing a permit.  
12 And then there is a post-installation two-part study,  
13 one that's one month after installation and then one  
14 that's a year after that first month. Should we go  
15 forward with this, we will send you all the  
16 requirements of that traffic study as put together by  
17 the Traffic Engineer's Office, which is a standard  
18 study that anybody that's required is required to do  
19 the same type of study for their location.

20 CATHY ANN VIVEIROS: Thank you.

21 JOHN ROMANO: That will be part of the  
22 ongoing review. But should we go forward, there will  
23 be a study required.

24 CATHY ANN VIVEIROS: Thank you.

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1                   JOHN ROMANO: Okay. Was certified mail  
2 notice sent to the abutters by the applicant at least  
3 30 days prior to submitting your application to our  
4 office?

5                   PETER MCCLARY: Yes, it was.

6                   JOHN ROMANO: And I do have a copy of  
7 those post office receipts and a copy of the letter.  
8 So, thank you for submitting those.

9                   Have you received any written comments  
10 in support or opposition of this application?

11                   CATHY ANN VIVEIROS: No additional  
12 information, Mr. Chairman.

13                   JOHN ROMANO: I do have this one here.  
14 It's for the Citizens for the Advancement of Scenic  
15 Fall River, but you do have that. Yes, that's it.  
16 Yes, that's the only letter that we received.

17                   And then in regards to special permit  
18 or variance, again, the City signed off on the  
19 application as not subject to municipal zoning  
20 ordinances and/or bylaws. And I do have a memo from  
21 the City explaining that in detail. So, thank you for  
22 submitting that.

23                   CATHY ANN VIVEIROS: Thank you.

24                   JOHN ROMANO: Again, I am going to turn



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1 it over to my inspector, Marc Plante, to give his  
2 field report on this application.

3 MARC PLANTE: Thank you, John.

4 This is a proposed digital application,  
5 two-sided.

6 JOHN ROMANO: Marc, speak up a little.

7 MARC PLANTE: I'm sorry. Proposed  
8 digital application, monopole, located in Fall River  
9 at the corner of Brayton Ave. and 195. The area is  
10 commercial and industrial as far as the zoning map is  
11 concerned.

12 There is no spacing issue with any of  
13 the signs in this area. There is no park, playground,  
14 recreation area within 300 feet. The two businesses  
15 listed in this area, if I may, were Sam's Club and  
16 Wal-Mart, which were over 500 feet. Also, currently,  
17 Sam's Club is out of business. So, there's nothing --  
18 there's no current business in that building.

19 However, across the highway, right  
20 here, Mr. Glickman owns a multifaceted business here  
21 under his name within 500 feet, only one business.  
22 That's the only issue we have with this location.

23 JOHN ROMANO: And, Cathy, we do have a  
24 letter from you guys asking for an exemption to the

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1 two-business requirement. As I stated earlier  
2 outside, that's something we'll have to take a look  
3 at. There is no decision. We just received this  
4 yesterday. We have not made any decision on whether  
5 we would give an exemption for that. So, we'll take  
6 that request under advisement. But, as Marc said,  
7 there is only -- per our CMR, two businesses are  
8 required, and there is only one that we can identify  
9 within this.

10 Anything you would like to add?

11 CATHY ANN VIVEIROS: Sure. Thank you.  
12 Thank you, again, Mr. Chairman. I appreciate that.

13 The only thing I would -- I would  
14 suggest is --

15 JOHN ROMANO: That's your phone, Cathy.

16 CATHY ANN VIVEIROS: Oh, just a moment.

17 In requesting the waiver I guess of  
18 your CMR, if you look at the overhead projection here,  
19 it's very easy to see that a lot of the land area  
20 around this area is really taken up with roadway  
21 structure and right of way along the roadways. And I  
22 would respectfully suggest that if those businesses  
23 could get any closer, they absolutely would. But we  
24 also have a water body there. So, we would say that

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1 this is definitely a very vibrant commercial activity  
2 within that close proximity to the board. And it  
3 would seem that we would respectfully suggest that if  
4 a waiver were to be granted on this business radius  
5 requirement that this would be a prime example of  
6 where it might be appropriate because of the  
7 infrastructure that exists around it. And even on the  
8 visual you can see that those buildings attempted to  
9 get as close as they could to those highways and those  
10 access points off Route 24.

11 So, again, we would respectfully  
12 request that strong consideration be given for a  
13 waiver on this particular requirement given the  
14 geographics of the area.

15 JOHN ROMANO: Thank you for your  
16 comments. We will take that feedback into -- under  
17 advisement. All waiver requests are reviewed -- well,  
18 obviously, in this case, with the City, which is you.  
19 But the Secretary and Federal Highway also has to  
20 weigh in should we attempt to go that route. So, this  
21 will need some evaluation. The CMR is clear that two  
22 businesses are required within 500 feet.

23 Does anybody have any comments,  
24 questions, concerns?

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1 JOSEPH CARVALHO: Yes.

2 JOHN ROMANO: Go right ahead, sir.

3 JOSEPH CARVALHO: Do you need my name?

4 JOHN ROMANO: Just restate -- yeah,  
5 please restate your name so we have it for the record.

6 JOSEPH CARVALHO: Joseph Carvalho, C-a-  
7 r-v as in Victor-a-l-h-o.

8 I just want to note, the Massachusetts  
9 State Police, in the latest records that I was able to  
10 obtain, show that in Bristol County, between 2011 and  
11 2015, there were 223 fatalities due to driving. These  
12 are all vehicles that were involved. And the property  
13 value is in the billions.

14 Another study showed that billboards  
15 hurt nearby property values. Now, for those who may  
16 not be aware, Fall River is a pretty congested,  
17 heavily populated area. Roughly, approximately 89,000  
18 people, many of whom live in three-tenement houses --  
19 my house is a three-tenement about a quarter of a mile  
20 from where this billboard would be located. So there  
21 are numerous studies. And I'm going to ask your  
22 Commission to -- because some of these are the only  
23 copies that I have. So, if there's a place that I can  
24 make copies and leave them with you, that would be

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1 appreciated as well.

2 I'll also show -- this is a headline  
3 from the *Fall River Herald News* on just about a year  
4 ago, Monday, November 20, 2017. "Warning signs."  
5 This is about the digital billboards that the City is  
6 planning. "Zoning Board tables the billboard issue  
7 for more information. Neighbors unhappy." Neighbors  
8 unhappy. So, there weren't any hearings such as this  
9 when the City proposed this, to my knowledge at least,  
10 where we would have an opportunity to voice our  
11 concerns and our opposition to these billboards.

12 And, actually, just on my note, these  
13 billboards are being put up to try to replace monies  
14 that would be into the City coffers from the Pay as  
15 You Throw program that we currently have in the City  
16 of Fall River. So, our recycling rates have gone up.  
17 Our, you know, municipal solid waste, obviously, has  
18 been reduced due to the recycling efforts. And, the  
19 mayor, who I'm not even going to say that he's under a  
20 13-count indictment with the federal government, wants  
21 to do away with. So, it's an ill-conceived program  
22 from the get go, even public safety aside. This is  
23 just to try to recoup or substitute money from one  
24 program that he wants to do away with, which of course

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1 our recycling rates will drop drastically, our solid  
2 waste rates will go through the roof. An if somebody  
3 knows of another community that has done away with a  
4 program like this -- Worcester, actually, was one of  
5 the first to initiate a Pay as You Throw program. And  
6 their recycling rates are unbelievable. They're  
7 positively wonderful.

8 So, you know, I want to go on the  
9 record just as, again, voicing our opposition to these  
10 three or -- three of them -- two of them are two-  
11 sided, and what they mean for property values and for  
12 public safety, once again.

13 Thank you.

14 JOHN ROMANO: Yes, sir.

15 Does anybody have --

16 CAROL ANN VIVEIROS: Yes. Thank you,  
17 again, Mr. Chairman.

18 I know that the Board has also received  
19 correspondence from the City of Fall River dated  
20 October 4, 2018. And I think it addresses Mr.  
21 Carvalho's concerns because should the Outdoor  
22 Advertising Board grant these permits, from the City's  
23 perspective, it's just step one. What's going to  
24 happen is because these are on municipal properties,

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1 leases have to be negotiated with those that would  
2 construct the outdoor advertising board. And that's a  
3 public procurement process as well.

4 The city council is the body that has  
5 to make a determination on those lease agreements.  
6 The city council does that through a committee  
7 structure. And there is ample opportunity for  
8 residents to be heard on all of these applications  
9 because, again, the city council needs to approve the  
10 leases before any construction can be completed  
11 regarding these billboards.

12 So, to Mr. Carvalho's concerns, there  
13 will be ample opportunity for the local residents to  
14 be able to voice their concerns before the city  
15 council's real estate committee. And I can assure you  
16 that the city council will certainly entertain their  
17 comments and concerns and that it will impact their  
18 ultimate decision whether to move forward with those  
19 lease agreements.

20 So, we believe that there is going to  
21 be a very prime opportunity for public input at the  
22 local level should the state decide to approve those  
23 lease permits.

24 JOHN ROMANO: Any other comments,

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1 concerns, questions?

2 (No response.)

3 JOHN ROMANO: Okay. Seeing none, we  
4 will take these two applications under advisement  
5 along with the other three and we will get back to  
6 you.

7 Does anyone have any comments,  
8 questions, concerns on the for the record section,  
9 actions taken since our last public hearing?

10 (No response.)

11 JOHN ROMANO: Okay. Seeing none. Any  
12 other public comment?

13 (No response.)

14 JOHN ROMANO: Seeing none, we are  
15 adjourned. Thank you all very much. Have a great  
16 day.

17 (Whereupon, the proceedings were concluded  
18 on November 11, 2018 at 11:40 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.

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