

Office of Outdoor Advertising
Public Meeting

October 13, 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, October 13, 2022

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P R O C E E D I N G S

JOHN ROMANO: Good morning, everybody.
My name is John Romano. I am the Director of Outdoor Advertising for MassDOT. We are here for our October 13, 2022 Office of Outdoor Advertising public meeting.

This meeting is being held virtually by the Governor's Act extending certain COVID-19 measures adopted during the State of Emergency and now runs through March of 2023.

We are running this hearing by Zoom platform.

Please note that this meeting is being recorded by our stenographer, who is in attendance. He will provide a transcript of the meeting that will get posted to our website when it is available, as we do every month.

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

Jerry Kelleher of my staff will go

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1 through the Zoom controls for this meeting.

2 Please note that accessible versions of
3 the meeting materials have been previously posted to
4 the OOA website and will be referred to in the
5 meeting. And we have posted those links in the Q&A
6 box as well.

7 So, Jerry, at this time, will you go
8 through the Zoom controls, please?

9 GERARD KELLEHER: Sure. Okay. So, the
10 first thing is the microphone icon; check that to make
11 sure your speakers and your personal microphone are
12 working.

13 Only the panelists will be on camera
14 for this webinar.

15 And the chat and interpretation
16 features are not functional for this webinar.

17 And if you would like to ask a
18 question, just simply raise your hand using the
19 question icon.

20 Just give me one more second to change
21 the page here.

22 The Caller ID for this webinar is
23 98011626981. Okay. And then the passcode, which is
24 case sensitive, we have to give that. Due to

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1 security, they've made it difficult. So, it's
2 2YNZjCeb?#.

3 You can also put written questions into
4 the Q&A feature and we'll answer them as we go along.

5 If you would like to ask a question,
6 simply raise your hand and I will unmute you at the
7 appropriate time.

8 And state your name before asking a
9 question for the public record and only ask one
10 question at a time, please. And make sure that your
11 question is pertinent to the agenda item we're
12 covering at that time. There will be an opportunity
13 for general comments toward the end of the meeting.

14 Finally, if you're on the phone and
15 would like to make a comment, dial *9, and I'll call
16 out the last three digits of your phone number and
17 unmute your audio when it's your turn to speak.
18 Again, please identify yourself for the record.

19 Those are the basic outlines of the
20 Zoom protocols for this meeting. And I'll send it
21 back to Director John Romano.

22 Thank you.

23 JOHN ROMANO: Jerry, thank you. And if
24 you could put the agenda back up on the screen for now

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1 that would be great.

2 We will go through the agenda as we
3 typically do.

4 Obviously, there is no physical sign-in
5 sheet, but we do have a record of who has signed up
6 and who is here.

7 Just so you know, as Jerry mentioned,
8 everybody in the public is currently muted and your
9 camera is off.

10 And if you would like to speak at some
11 point during the meeting when public comment is
12 requested, as Jerry had stated, just use the raise
13 your hand function. And you can also put a question
14 or comment in the Q&A box.

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

17 For anybody who is new to these public
18 meetings, every item is taken under advisement and the
19 decisions are usually made within a few weeks. But we
20 will give some time for writing comments to our email
21 address, which is OOAInformation@dot.state.ma.us.
22 That's where you can send your written comments.

23 We also have public comments at the end
24 of each item and then a final chance for overall

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1 comments at the end of the agenda.

2 So, with that, Jerry, we are officially
3 going to start the agenda for the meeting.

4 And we will start with if you could put
5 up the minutes from the September 8th public meeting?

6 GERARD KELLEHER: Okay. There they go.

7 JOHN ROMANO: Okay. Any comments,
8 questions, or concerns with the meeting notes as
9 presented?

10 (No response.)

11 GERARD KELLEHER: I'm not seeing any
12 hands.

13 JOHN ROMANO: Okay. Not seeing any, we
14 will mark those as approved.

15 We have one new item on the agenda for
16 today. It is a new application for an electronic
17 permit, Lamar Central Outdoor, LLC, 3 Country Club
18 Road, Holyoke. It's a new application for Permit
19 Number 2022D012 and D013. There is no existing
20 structure there. Existing there is an on-premise
21 sign. The proposal is to put a digital sign here.
22 The location, as I stated, was 3 Country Club Road.

23 Notification was provided to the mayor
24 and the city clerk/registrar of voters on 8/9/22 by my

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1 office.

2 Is the applicant present?

3 PATRICK KEOUGH: Yes.

4 JOHN ROMANO: Can you please state your
5 name for the record, please?

6 PATRICK KEOUGH: Patrick Keough, Lamar
7 Central Outdoor, LLC.

8 JOHN ROMANO: Say your name again.

9 Sorry.

10 PATRICK KEOUGH: Patrick Keough, Lamar
11 Central Outdoor, LLC.

12 JOHN ROMANO: Hi, Pat.

13 PATRICK KEOUGH: Hi.

14 JOHN ROMANO: Okay. Is anybody here
15 representing the municipality where the sign is being
16 proposed?

17 (No response.)

18 JOHN ROMANO: None.

19 Are there any abutters present today?

20 (No response.)

21 GERARD KELLEHER: No hands.

22 JOHN ROMANO: No. Is there anybody
23 here from the MassDOT District Office?

24 (No response.)

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1 JOHN ROMANO: No.

2 GERARD KELLEHER: I see Garrett. Is
3 Garrett with us?

4 JOHN ROMANO: He may not raise a hand
5 though.

6 GERARD KELLEHER: Yeah, well, he raised
7 his hand.

8 JOHN ROMANO: Oh, did he?

9 GERARD KELLEHER: Yeah.

10 JOHN ROMANO: Oh, I didn't see that.

11 GERARD KELLEHER: Garrett, are you with
12 MassDOT?

13 GARRETT POSTEMA: Yes, I am.

14 JOHN ROMANO: Sorry about that,
15 Garrett.

16 GARRETT POSTEMA: No, no worries.

17 JOHN ROMANO: Please state your name
18 for the record.

19 GARRETT POSTEMA: Garrett Postema,
20 MassDOT District 2, permit engineer.

21 JOHN ROMANO: Any issues, Garrett?

22 GARRETT POSTEMA: None per se. We
23 would just ask that it be installed in such a way as
24 to not to be a distraction to motorists, but that

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1 should be handled if it's installed per 700 CMR 3.00.

2 JOHN ROMANO: Thank you.

3 And MassDOT Traffic Operations, so we
4 did get a memo from the State Traffic Engineer's
5 Office that no traffic study would be required should
6 this permit be approved.

7 Okay. These questions are for Mr.
8 Keough, the applicant,

9 Pat, was certified mail notice to
10 abutters sent out by you at least 30 days prior to
11 submitting your application to our office?

12 PATRICK KEOUGH: Yes, they were.

13 JOHN ROMANO: And I have a copy of that
14 letter, is that correct?

15 PATRICK KEOUGH: That is correct.

16 JOHN ROMANO: Has the applicant
17 received any written comments in support or opposition
18 of this application?

19 PATRICK KEOUGH: I have not.

20 JOHN ROMANO: Okay. And, actually,
21 just to go back a step -- sorry about this, Pat. You
22 also submitted the certified post office receipts as
23 well, I believe, with that letter, is that correct?

24 PATRICK KEOUGH: Yes.

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1 JOHN ROMANO: I believe I have those
2 here in my package as well. Okay. Sorry. I didn't
3 mean to go backwards there.

4 And special permit or variance. From
5 the package that you submitted and as signed off by
6 the town, a special permit from the city council was
7 approved and I received the stamped copy that said
8 there were no appeals of that approval. That is your
9 understanding?

10 PATRICK KEOUGH: Yes.

11 JOHN ROMANO: That's what we have on
12 file.

13 I'm going to have my inspector give his
14 report, Mr. Jason Bean, on his field report.

15 Okay, Jason.

16 JASON BEAN: Yes. Thank you, John.

17 This site is -- these signs will face
18 north and south on I-91 in Holyoke. This is currently
19 an on-premise sign for a restaurant, double-sided.

20 There is a parking issue of 256 --
21 within 300 feet of a park on the northbound side lane
22 of 91.

23 At this time, there appears to be no
24 other issues.

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1 JOHN ROMANO: It's Mount Tom Park
2 Reservation.

3 Thanks, Jason.

4 Mr. Keough, anything you'd like to add
5 to your application at this time?

6 PATRICK KEOUGH: I'd defer to our
7 attorney, Mike Siddall.

8 JOHN ROMANO: Hang on one second.

9 Mike, can you spell your last name for
10 the record, please?

11 MIKE SIDDALL: Certainly. It's S-i-d-
12 d-a-l-l.

13 JOHN ROMANO: Okay. Sure. Go ahead,
14 Mike.

15 MIKE SIDDALL: Good morning, Mr.
16 Romano, and thank you for conducting this hearing and
17 taking a few minutes to listen to our proposal.

18 I know you've reviewed the application
19 thoroughly. And, with the application, we attached an
20 exhibit, which called out this issue with the sign
21 being 256 feet from the state recreation lands.

22 We are essentially requesting approval
23 even though this doesn't strictly comply with the
24 regulations in light of the fact that there has been

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1 this existing sign that has been there for at least 30
2 or 40 years. The town really doesn't have a record as
3 to when that was there, but the owner, who is on the
4 call with us, Peter Rosskothan, who has owned the
5 property for decades, and it was there before he
6 purchased it.

7 We do think, you know, the relief would
8 be warranted in light of the fact that there's a sign
9 across the street even closer to the recreation land
10 that currently exists. And so that is regulated by
11 this Board. And so we're -- in light of the fact that
12 the city doesn't have any objection, and in light of
13 the fact that the owner and the applicant I think
14 would be inclined to use the sign for public and
15 safety purposes, and the lack of signage along Route
16 91 North, we think it would be appropriate to allow an
17 electronic billboard in this particular location.

18 Now, I also understand that the
19 regulations, so 700 CMR 3.00, are strict. There are
20 regulations that say, you know, you can't be within
21 the 300 feet of the recreational land. However, those
22 regulations relate to a permit. And when I look at
23 the regulation, I try to see whether a license would
24 be permitted. And so I'm questioning whether -- if

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1 the application could be viewed as an application for
2 a license for the billboard if the Board was not
3 inclined to grant the permit.

4 So, if you weren't inclined to grant
5 the permit for the billboard, whether you would grant
6 a license instead because I don't think the same rules
7 apply to the license as they do to the billboard.

8 But, again, maybe that's a liberal
9 interpretation on my part.

10 JOHN ROMANO: We'll be glad to take
11 that under advisement. You know, as the Outdoor
12 Advertising world goes in Massachusetts, you obtain a
13 license to be in the business, and then each
14 individual sign gets permitted per the specific
15 location. So, you know, we don't give -- the license
16 that we give is to the -- kind of to the operator, if
17 you would, to be in the business, and then the sign
18 gets a permit. We don't give licenses to the sign.
19 But I understand what you're asking, but that's not
20 how we operate.

21 MIKE SIDDALL: Yeah, I think the
22 regulations give you some latitude there, but I
23 understand you have a pattern and practice and a way
24 of operating. But I guess I'm advocating for an

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1 interpretation that would allow it under the
2 regulations.

3 Thank you.

4 JOHN ROMANO: Okay. You probably
5 should send me a note in writing. I'm happy to look
6 at that, but I don't think that's something we would -
7 - I never say never, but it's just not how we do, you
8 know, how business is done. But if that's something
9 you want to be looked at, you know. But it's just not
10 how the, you know, regulations work.

11 MIKE SIDDALL: How you've been doing
12 it.

13 JOHN ROMANO: So, but, you know.

14 MIKE SIDDALL: I'm sure the applicant
15 would prefer a permit rather than a license.

16 JOHN ROMANO: I'm not, you know, we do
17 give licenses, as I said, but we give licenses to be
18 in the business, and then the permit is for the sign.
19 And without a permit, there is no sign.

20 MIKE SIDDALL: Yeah.

21 JOHN ROMANO: So, anyways, so we'll
22 take that all under advisement. Thank you.

23 Any other comments or questions from
24 anybody else today? I do see another hand. I'm not

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1 sure --

2 GERARD KELLEHER: Yeah, Mr. Bookston
3 has his hand up.

4 JOHN ROMANO: Okay.

5 GERARD KELLEHER: Is it on this
6 subject?

7 JOHN ROMANO: Mr. -- before we go to --
8 Jerry, hold on, Jerry.

9 GERARD KELLEHER: Yeah.

10 JOHN ROMANO: Before we go to Mr.
11 Bookston, I did see Mr. Rosskothan, who is the owner
12 of Log Cabin House, who is the property owner. I'd
13 like to hear from him first --

14 GERARD KELLEHER: Oh, of course. Of
15 course.

16 JOHN ROMANO: -- before we go to the
17 general public. And then we'll take Mr. Bookston
18 next.

19 GERARD KELLEHER: All right. Hold on a
20 second.

21 PETER ROSSKOTHAN: Good morning. Can
22 you hear me?

23 GERARD KELLEHER: Yes, sir.

24 JOHN ROMANO: Yes, sir.

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1 PETER ROSSKOTHEN: I want to say the
2 same thing that Mike said on our behalf. Thank you
3 for taking the time to do such a thorough look at
4 this. I also understand this is a little bit of a
5 unique situation. So a heartfelt thank you is very
6 appropriate. And our intent is to just have you think
7 a little bit about this and, hopefully, grant this
8 permit.

9 I do want to say two things, for
10 whatever they're worth.

11 I know the park came way after the
12 sign, which is something to think about. It's
13 probably not a valid argument, but I just want to
14 bring it up.

15 And the sign has been used for a long
16 time, even before we bought the property. There's
17 always been some sort of advertisement, even though
18 you're probably right, it was intended as an on-
19 premise sign originally. The reality is, it has been
20 used for more than that.

21 Again, a heartfelt thank you. I
22 appreciate everybody's time.

23 JOHN ROMANO: Thank you, sir.

24 All right, Jerry. I think Mr.

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1 Bookston, right, he's the other gentleman who has his
2 hand up. Mr. Bookston, Jerry, if you can unmute him,
3 we'd be happy to take Mr. Bookston.

4 JOHN BOOKSTON: Can you hear me, John?

5 GERARD KELLEHER: Go ahead, sir.

6 JOHN ROMANO: Yes, sir. How are you
7 doing, John?

8 JOHN BOOKSTON: Okay. Thank you.

9 And, as a protector, if you will, of
10 the rules and regulations in Massachusetts, I would
11 hope that the request for a monetary permit, because
12 electronic signs bring in a lot more money than
13 stationary signs, that that would not be any kind of
14 emergency or excuse for violating the state
15 regulations.

16 And you're going to get a tremendous
17 number of requests for electronic billboards. They
18 are cash cows. And the only way early on to stop the
19 landslide is to say no. I know in Boston we're asking
20 you to say no because they're strictly prohibited
21 here. But with parkland and other things, if you
22 allow one, somebody else is going to say, "Well, you
23 allowed it for this man on Route -- on US 91, and so
24 you have to allow it for us."

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1 Please, don't go down that road.

2 Thank you, John.

3 JOHN ROMANO: Thanks, Mr. Bookston.

4 MIKE SIDDALL: Mr. Romano?

5 JOHN ROMANO: Yes?

6 MIKE SIDDALL: Sorry. Excuse me. I
7 probably do want the record to be clear. And I know
8 you're very familiar with this, but I do want the
9 record to be clear that the reason why we think relief
10 should be granted in this particular case is not just
11 because, you know, the existing billboard, but it's
12 the fact that the only thing that would prohibit this
13 is that it's less than 50 feet away from the
14 conservation land. And, in this particular case, that
15 land was not conservation land until relatively
16 recently. And that conservation land was created.
17 And, at that time, there was a billboard on that
18 property that was carved out of that transfer. So,
19 the billboard that exists across the street is well
20 less than 3,000 feet from the recreation land and
21 still exists, and the Outdoor Advertising Board did
22 issue a permit for that sign.

23 And so, what we're saying is, in this
24 particular case, in this particular location, which to

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1 replicate this set of facts, in my opinion, would
2 almost be impossible to say that, you know, that the
3 state acquired land next door to an existing
4 billboard, which granted precedent for a billboard
5 across the street. But, the request for the waiver of
6 the 300 feet is, to me, very, very, very narrowly
7 construed and would be limited to this particular
8 case.

9 So, I don't think it's a -- it's
10 necessarily a fear that the application of an approval
11 in this case, you know, that the -- saying that
12 approval in this case would cause the floodgates to
13 open and everybody would ask for an identical waiver.
14 I just don't think -- I don't think there's anything
15 close to this similar case that would come before you.

16 JOHN ROMANO: Thanks for your
17 additional comments.

18 So, we are well aware of the other
19 situation. I'm not going to go through what we think
20 or don't think at this particular time. But I don't
21 think they're the same situation. And, you know, some
22 -- there are, you know, this is not -- some things are
23 not up to our discretion as to whether or not we grant
24 or don't grant. You know, I don't get to carve out

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1 things that I'd like to carve out just because there's
2 a particular circumstance.

3 So, we'll weigh the circumstance
4 against the regulations. You know, and it's more
5 likely than not cut and dry whether it is or it isn't,
6 you know, it meets the regulations or it don't. And
7 we'll evaluate that and we'll get back to you guys.
8 All right?

9 MIKE SIDDALL: Thank you.

10 JOHN ROMANO: Yeah.

11 GERARD KELLEHER: John, I have a Mimi
12 Panitch has her hand up.

13 JOHN ROMANO: Okay.

14 GERARD KELLEHER: You can speak. Go
15 ahead.

16 MIMI PANITCH: Thank you all very much.

17 I'm a Holyoke citizen and am only
18 chiming in because there is a minor issue here I think
19 that, you know, the applicant may well have already
20 resolved but I felt, for the record, it ought to be
21 explained to you all.

22 And I listened to the public hearing in
23 Holyoke where the Committee on Development and
24 Governmental Relations discussed this special permit.

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1 And I recall there having been a communication from
2 the city's building commissioner saying that there was
3 no special permit available under our zoning ordinance
4 that he could recommend for this application. And the
5 city council did, in fact, go ahead and grant this
6 special permit. I don't think there's any doubt about
7 that nor should there be. But it is apparently not
8 justified anywhere under the zoning ordinance. And
9 since there is not a special permit available under
10 our zoning ordinance, if that is the case, I would
11 think that there might be some question about whether
12 under 40A the city engineer can grant a building
13 permit for this, you know, assuming that you guys
14 otherwise approve it.

15 And, you know, I thought everybody
16 should probably be aware of that and make sure that's
17 resolved.

18 And that's all I've got.

19 JOHN ROMANO: Okay. Thank you.

20 MIMI PANITCH: Thank you.

21 JOHN ROMANO: All right.

22 GERARD KELLEHER: John, Mr. Rosskothan
23 has his hand up again. Is that --

24 JOHN ROMANO: Is that new, Peter, or --

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1 PETER ROSSKOTHEN: Yes.

2 GERARD KELLEHER: Peter, the applicant.

3 JOHN ROMANO: Okay. Yeah, go ahead.

4 PETER ROSSKOTHEN: Thank you very much.

5 Mrs. Panitch's comments, I really
6 cannot comment to that because it's, honestly, the
7 first time I hear that. But I wanted to clarify two
8 other things. It's 200-and, I believe, and, Pat,
9 please correct me if I'm wrong, we are 256 feet away,
10 and I know 300 I think is the regulation. The one
11 thing I want the Board to know is we have
12 aggressively, over the last year, tried to figure out,
13 and we did it again after we had a preliminary meeting
14 with some of you, to try to figure out if that sign
15 could be moved somewhere on our property to comply
16 with the 300. And the reality is there's no way to
17 move it. So, if you end up not granting this permit,
18 I just want you to know that we don't have the ability
19 to move it. We did try that. There's just not a
20 physical location that would work.

21 And, again, thank you.

22 GERARD KELLEHER: Thank you.

23 There's another hand raised, John,
24 Maria Lyons.

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1 JOHN ROMANO: Yeah, Maria. Hello,
2 Maria.

3 MARIA LYONS: Hi, Mr. Romano.

4 I had no intention of speaking on this,
5 but I just want to answer Mike Siddall's comment that
6 this wouldn't apply to any other cases when we know
7 full well that this is very similar to the Dorchester
8 Bay Colony case that's going on right now.

9 So, Mr. Siddall, I don't think you're
10 accurate on that comment.

11 And, also, you know, being an
12 environmental advocate, the reservation is supposed to
13 protect the wildlife. It doesn't matter that this
14 static sign is already there. You need a new permit
15 for the electronic permit, and electronic billboards
16 are much more harmful to the wildlife than the static
17 ones. They're much brighter and they flash different
18 colors every ten seconds. So, it disrupts the
19 patterns of their behavior, especially the birds but
20 other animals as well.

21 So, thank you for letting me comment.

22 JOHN ROMANO: Thank you, Maria.

23 All right. Not seeing any other new
24 hands, we will take --

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1 GERARD KELLEHER: No, no hands raised.

2 JOHN ROMANO: Yeah. We will take this
3 all under advisement and get back to the proponent.

4 Thank you.

5 PATRICK KEOUGH: Thank you.

6 MIKE SIDDALL: Thank you.

7 PETER ROSSKOTHEN: Thank you very much.

8 JOHN ROMANO: Yeah, you're welcome.

9 Thank you, gentlemen.

10 Today is the -- I have to keep
11 reminding myself it's already the 13th here, 10/13/22.

12 Okay. The next item on the agenda is
13 For the Record - Actions Taken Since the Last Hearing.
14 I have -- other than a new license and two transfers
15 of permits, we have nothing new, and nothing new to
16 add to any of those items on the list.

17 Does anybody have any questions? I
18 have no updates on any of those licenses. Are there
19 any questions?

20 (No response.)

21 JOHN ROMANO: Okay. I see no raised
22 hands.

23 Last item on the agenda is public
24 comment. Any other general public comments?

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1 (No response.)

2 JOHN ROMANO: Okay.

3 GERARD KELLEHER: I'm not seeing any.

4 JOHN ROMANO: Seeing none, we are
5 adjourned at 11:30.

6 Thank you all very much. We will see
7 you next month. Thank you, all.

8 GERARD KELLEHER: Thank you.

9 (Whereupon, the proceedings were
10 concluded on October 13, 2022, at 11:30 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.