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ZONING BOARD OF APPEALS

STAFF REPORT

ZONING BOARD OF APPEALS MEETING

MEETING DATE: July 15, 2021
STAFF REPORT: July 6, 2021

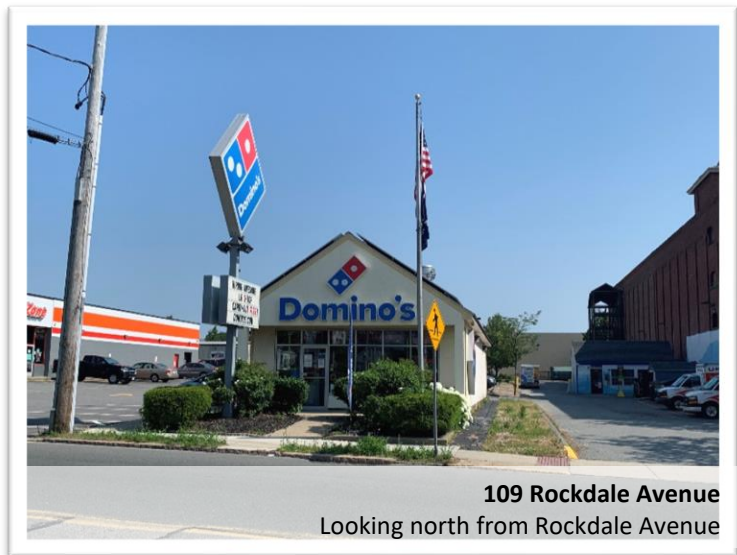
Case#4449: ADMINISTRATIVE APPEAL

Property: 109 Rockdale Avenue
Map: 18, Lot: 112

Zoning: Industrial B (IB)

Owner: Nelson Hockert Lotz
PO BOX 790
Mattapoisett, MA 02739

Applicant: Signature Signs
833 American Legion Highway
Westport, MA 02790



109 Rockdale Avenue
Looking north from Rockdale Avenue

Overview of Request: The applicant has submitted a petition for an **Administrative Appeal** relative to the subject property located within an Industrial B (IB) zoned district. Notice is given of a public hearing on the petition of: **Nelson Hockert Lotz** (PO Box 790, Mattapoisett, MA 02739) and **Signature Signs** (833 American Legion Highway, Westport, MA 02790) for an **Administrative Appeal** under Chapter 9, Comprehensive Zoning Sections 3200 (sign regulations), 3201 (purpose), 3220 (prohibited signs), 3222 (any sign which incorporates moving, flashing, animated or intermittent lighting, excluding public service signs such as those that display time and temperature), 5220 (Power: The Board of Appeals shall have and exercise all the powers granted to it by M.G.L.A. c. 40A, c. 40B, and c. 41 and by the ordinance. The boards powers are as follows: 5223 (to hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L.A. c. 40A, §§7,8 and 15.); relative to property located at **109 Rockdale Avenue**, Assessors' Map 18 Lot 112, in an Industrial B [IB] zoned district.

The petitioners propose to replace an existing manual reader board with an electronic message center board per plans filed.

The petitioners have filed an Administrative Appeal of the determination of Zoning Enforcement Officer that the digital display is a prohibited sign.

Existing Conditions: The 1,488± SF, single story, restaurant style building is located on Rockdale Avenue within the city's high traffic commercial area of Rockdale Avenue & Dartmouth Street. The site's parcel is a 7,100± SF lot, with 71' of frontage on Rockdale Avenue, with a lot depth of 100'. The subject property currently hosts a Domino's Pizza Restaurant.

There is an existing 32.5 SF non illuminated reader board attached to an existing monument sign with an overall height of 23'. The existing monument sign is situated along the site frontage southerly on Rockdale Avenue.

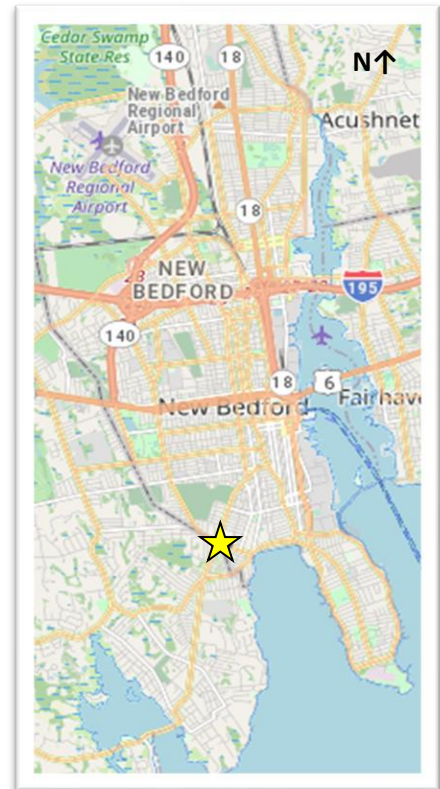
There is an asphalt parking area encompassing the west side of the establishment with approximately (9) nine off-street parking spaces, including one handicap space. The site has one curb cut located on Rockdale Avenue. The parcel connects to surrounding business via accessways in the sides and rear of the site located northeast and northwest.

The front south elevation serves as the main entrance to the building. The parcel is predominately impervious, with a small, landscaped area with mature hedges and a flagpole in the front of the building facing south.

The restaurant is presently serving approximately 117 customers per day, with an estimate of 25 employees. The hours of operation are (7) seven days a week, 10am-12am Sunday through Thursday, and 10am-1am on Fridays & Saturdays, with weekly deliveries.

The surrounding neighborhood is comprised of commercial, residential and restaurant uses. Directly abutting to the east is U-Haul Storage. Directly abutting to the west is Auto Zone. Further west is a Taco Bell Restaurant. Directly abutting to the northwest is the Loyal Order of Moose, a fraternal organization. Further north is Stop & Shop Super Market. Directly south across Rockdale Avenue is a residential neighborhood.

Proposal: The petitioners are proposing to replace an existing manual reader board with an electronic message center board per plans filed. The new proposed double-sided LED illuminated message center board would be located on the base of the existing monument sign. The outermost portion of the proposed electronic message center would be situated 11'.5"±' to the property line, along the site frontage on Rockdale Avenue. The overall proposed electronic message center (EMC) as proposed would be 32.5 SF with an overall height of 15' and width of 7.5'. The height from the ground to the base of the sign (electronic message board) will be 10' with an overall height of 15' from grade to the top of the sign.



The zoning ordinance prohibits “Any sign which incorporates moving, flashing, animated or intermittent lighting, excluding public service signs such as those that display time and temperature” under Chapter 9 Section 3222 concerning prohibited signs, therefore the petitioner is seeking an administrative appeal.

In considering the **Administrative Appeal**, staff offers the following for the board’s consideration:

- The board must determine if the electronic message sign is a prohibited sign type under the following definition: “Any sign which incorporates moving, flashing, animated or intermittent lighting, excluding public service signs such as those that display time and temperature.” The applicant petitions that the proposed electronic message center would serve to promote the business (Domino’s Pizza) and the products the establishment sells. The application indicates the use of the electronic message center, like similar electronic message boards displayed throughout the city, would allow Domino’s Pizza to compete more effectively by promoting their product line with state of the art technology, while demonstrating a clean professional sign product in keeping with the professional appearance of the establishment. Additionally, the applicant notes a manual changeable copy box that is currently present, is labor intensive and not as effective compared to an electronic message center and its capabilities. The board must consider whether the determination of the Zoning Enforcement Officer should stand or whether the applicant’s petition should prevail.

109 Rockdale Avenue Map: 18, Lot: 112

NOTE: Property line is approximate; for discussion purposes, only.

