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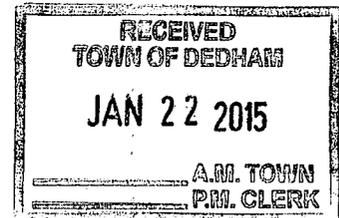
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## TOWN OF DEDHAM ZONING BOARD OF APPEALS MINUTES

Wednesday, December 3, 2014, 7:00 p.m.  
Lower Conference Room



**Present:** James F. McGrail, Esq., Chairman  
J. Gregory Jacobsen, Vice Chairman  
Scott M. Steeves  
E. Patrick Maguire, LEED AP  
Jessica L. Porter  
Susan Webster, Administrative Assistant

Mr. McGrail called the meeting to order at 7:05 p.m. The plans, documents, studies, etc. referred to are incorporated as part of the public record and are on file in the Planning and Zoning office. In addition, the legal notice for each hearing was read into the record.

Mr. Mammone was unable to attend this meeting. The Chair appointed Associate Member Jessica L. Porter to sit in his stead.

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**Applicant:** George F. Wons  
**Property Address:** 9-11 Hooper Road, Dedham, MA  
**Case #:** VAR- 10-14-1898  
**Property Owner/Address:** George F. Wons, 425 Sprague Street, Dedham, MA  
**Map/Lot, Zoning District:** 170/26, Local Business  
**Date Of Application:** October 20, 2014  
**Present And Voting:** James F. McGrail, Esq., J. Gregory Jacobsen; Scott M. Steeves, E. Patrick Maguire, LEED AP, Jessica L. Porter  
**Representative:** Peter A. Zahka II, Esq., 12 School Street, Dedham, MA  
George F. Wons, 425 Sprague Street, Dedham, MA  
**Legal Notice:** To be allowed a Special Permit to construct a 36± x 51.4 square foot two-family duplex style house on a lot containing approximately 12,366 square feet in the Aquifer Protection Overlay District  
**Section of Zoning Bylaw:** Sections 3.1.6 Principal Use Regulations, 9.3.1 Special Permit Granting Authority, 8.2.5 Aquifer Protection Overlay District Permitted Uses, and MGL Ch. 40, Sec. 9  
**Materials Presented:**

- Zoning Board of Appeals application

- Petition statement written by Kevin F. Hampe, Esq.
- Quitclaim Deed dated December 20, 1983
- Map of location
- Photograph of proposed house
- Elevations of proposed house

Mr. Hampe stated that Mr. Wons has owned this property since 1983. He has cement barriers in front of the store to protect against liability issues. He intends to remove these when he constructs the house and erect a fence along Louise Road. Construction of the house will benefit the Town from a tax standpoint. There will be no traffic issues or detrimental effects, and the neighborhood will likely be in favor of the project. Because the property is in the Local Business zoning district, a Special Permit is required to build a proposed two-family duplex style house. In addition, part of the property is in the Aquifer Protection Overlay District and no more than 25% of the lot can be impervious.

Mr. Maguire said that, aesthetically, the side of the house is too plain, and suggested adding a couple of windows. James Maher, 22 Sherman Road, said he is in favor of the construction, but asked the Board to make a condition of approval that he remove the barriers within 90 days. He complained that they are an eyesore, and trash builds up in back of them. Mr. Hampe said there is a concern regarding the time limit because Mr. Wons may not be able to obtain financing and a construction company may not be in place. In addition, the 90 days brings them to February, and it is difficult to build during that month. He asked for six months instead of 90 days. Mr. Maher stated that he wants the barriers gone now, and would not agree to six months from the approval date. Mr. Jacobsen said it was not fair to set an arbitrary set a date. Mr. McGrail said that the development is welcome. The Applicant is more comfortable with 180 days. Mr. Wons said he tries to take care of the trash, but he is caretaker to a 101-year-old mother, and it is difficult for him to do everything. He said he is doing the best he can, and he would like it done as soon as possible as well. Mr. McGrail stated that the Applicant will have six months to remove the barriers.

Mr. Steeves made a motion to approve a Special Permit to construct a 36± x 51.4 square foot two-family duplex style house on a lot containing approximately 12,366 square feet in the Local Business zoning district and the Aquifer Protection Overlay District, with the requirement that the jersey barriers be removed within 180 days of the decision. Mr. Maguire seconded the motion. The vote was unanimous at 5-0. The hearing ended at 7:15 p.m.

<b>Applicant:</b>	Dedham Real Estate Development, LLC
<b>Property Address:</b>	750 Providence Highway, Dedham, MA
<b>Case #:</b>	VAR-10-14-1893
<b>Property Owner/Address:</b>	Dedham 800, LLC, 129 Morgan Drive, Norwood, MA
<b>Map/Lot, Zoning District:</b>	136/14, 136/22, Highway Business, Flood Plain Overlay District, Aquifer Protection Overlay District
<b>Date Of Application:</b>	October 3, 2014
<b>Present And Voting:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jessica L. Porter
<b>Representative:</b>	<ul style="list-style-type: none"> <li>• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA</li> <li>• David Spiegel, Dedham Real Estate Development, LLC</li> </ul>

- Matt Smith, Norwood Engineering Co., Inc., 1410 Route 1, Norwood, MA

**Legal Notice:**

To be allowed a Special Permit to perform work in the Flood Plain Overlay District including removal of driveway, asphalt, and fill, restoration of wetlands and lands under a water body, installation of rain gardens, water quality, and other stormwater management systems, addition of fill, construction of a building, parking lot, and landscaped area, and all works associated or related thereto.

**Section Of Zoning Bylaw:**

*Sections 8.1 Aquifer Protection Overlay District, Section 9.2 Board of Appeal, and Section 9.3 Special Permits*

**Materials Presented:**

- ZBA application
- Position statement from Peter A. Zahka II, Esq.
- Existing conditions plan, site layout plan, and grading, drainage and utilities plan prepared by Norwood Engineering Co., Inc.
- Flood Plain Elevation Data prepared by Norwood Engineering Co., Inc.

This hearing began at 7:16 p.m. Mr. Zahka said the property is currently occupied by TGI Friday's. There is a small access road that connects the property to the adjoining site (Bed, Bath, and Beyond property). There is common ownership, but they are separate lots that have been treated as such. The subject property has approximately 7.5 acres of land and over 800 feet of frontage on Providence Highway. The TGI Friday's building is approximately 7,100 square feet and houses a 252-seat restaurant. It is in the Highway Business zoning district and portions are in the Flood Plain Overlay District and the Aquifer Protection Overlay District.

The Applicant has had a scoping session with the Planning Board for a proposed one-story, 9,300-9,400 square foot retail building on the front of the site. In conjunction with that, there will be major upgrades and improvements to the entire site. The most obvious one is that the access road, which had been filled in, will be eliminated and the wetlands will be restored almost back to its original condition. The entire project will be going to the Planning Board for site plan review. Some of the work will take place in the Flood Plain Overlay District. The Applicant has been to the Conservation Commission, has gone through the entire approval process, and has received an Order of Conditions. After discussion with Building Commissioner Kenneth Cimeno, he said that, because they would be doing work in the Flood Plain Overlay District, the Applicant is required to seek a Special Permit from the ZBA. As noted above, part of the site is in the Aquifer Protection Overlay District, but there will be no work in this area. The building will be environmentally friendly. The proposal is to have solar panels, a roof garden, and parking spaces for electric cars. It is believed that this building will serve as an example for other buildings in Dedham.

Mr. Smith explained the location of the Flood Plain Overlay District. The access road is on the flood plain. They will eliminate this and the earthwork, thus increasing more flood plain on the site. They will excavate and shave off the land starting from the wetlands all the way up toward Route 1, creating a large area of flood plain. There will be some filling of some of the flood plain, approximately 25,000 cubic feet, in order to construct the building. They will create 50,000 cubic feet of flood plain by cutting out the access road. There will be a net in-

crease of approximately 26,000 cubic feet of flood plain. They will also create about 9,000 square feet of wetlands. All this is being done by only having an increase in the pervious of about 1,000 square feet.

Mr. Maguire asked what will be going in, and Mr. Spiegel said he does not have specific tenants at this time. It will be retail with between two and four tenants. Ms. Porter asked if there is any opportunity to open up access to the pond. Mr. Spiegel said that the best access to the pond is behind TGI Friday's. Mr. Maguire asked if there would be improvements to the isolated wet area. He noted that the improvements seem very engineered. He suggested making it more natural. Mr. Smith explained that they will create a big depression in the area. It will take some Route 1 drainage, but there is one large pipe that is an equalizer drain. They will do some replication and increase the area that will be a pond surrounded by wetlands on either side. He showed the area where this will be located. If a 100-year flood occurs, the water will come up and flow, and then subside. At this time, only a matter of a few inches flows toward the existing wetlands.

Mr. Maguire then asked why they plan to remove the access road, as he and many others use this. Mr. Smith said it is a convenience between the sites, but in order to construct the building, they must fill in some wetlands, and received permission to do it in this area. They had to replicate twice as much as what is being filled. It is a trade-off, and it is less convenient. Mr. Maguire asked if there was any thought to keeping it and fixing other areas, suggesting a timber span bridge or something like that. Mr. Smith said that this was considered, but cost is a concern. If such a bridge is put on top of the vegetation, there will not be enough light for the vegetation to grow, and thus habitat will not be the same. There will be less impact by removing the road.

No one in the audience spoke in opposition or in favor of the petition.

Mr. Jacobsen made a motion to allow a Special Permit to perform work in the Flood Plain Overlay District. Mr. Maguire seconded the motion. The vote was unanimous at 5-0. This hearing concluded at 7:28 p.m.

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<b>Applicant:</b>	Pancho's Taqueria, Inc.
<b>Property Address:</b>	549-551 High Street, Dedham, MA
<b>Case #:</b>	VAR-10-14-1899
<b>Property Owner/Address:</b>	L & M High Street Trust, c/o Mark Gottesman, 43 Stearns Street, Newton, MA
<b>Map/Lot, Zoning District:</b>	92/66
<b>Date Of Application:</b>	October 22, 2014
<b>Present And Voting:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jessica L. Porter
<b>Representative:</b>	Carlos Chavira, 95 Clark Street, Dedham, MA Nohely H. Chavira-Williams, 95 Clark Street, Dedham, MA
<b>Legal Notice:</b>	To be allowed to operate a restaurant with 14 seats, requiring a Special Permit for change of use in the Central Business zoning district.
<b>Section Of Zoning Bylaw:</b>	Section 3.0, Table 1.E.8
<b>Materials Presented:</b>	<ul style="list-style-type: none"><li>• Zoning Board of Appeals application</li></ul>

- Letter of permission from Mark Gottesman, L & M High Street Realty Trust
- Proposed layout for restaurant
- Photographs of existing conditions

Mr. Chavira said that he has a permit to open a Mexican restaurant in Norwood, but he and his wife prefer Dedham because he and family live here. This is his first restaurant, and he believes that it will attract more people to Dedham Square.

Ms. Porter asked if the restaurant would be open for lunch and dinner, and Mr. Chavira said it would. She said that fourteen seats seem low to her. Ms. Chavira-Williams said they are focusing more on take-out, rather than a sit-down dining experience. They will not be applying for a liquor license. She said she did not think they need any more than fourteen seats at this time. She said they are taking into account the parking in Dedham Square. Ms. Porter said she might want to consider more seating, and Mr. Maguire asked how many could be fit in. Ms. Chavira-Williams said they could possibly put in a few more, but Mr. McGrail said this could not be granted at this hearing because it was not advertised. Mr. Maguire said this hearing is more for the use of the building anyway. Amy Haelsen, Executive Director of Dedham Square Circle, spoke in favor of the petition.

Mr. Maguire made a motion to allow the Applicant to operate a restaurant at 549-551 High Street, Dedham, MA, with fourteen seats, requiring a Special Permit for change of use in the Central Business zoning district, seconded by Ms. Porter. The vote was unanimous at 5-0. The hearing ended at 7:32 p.m.

<b>Applicant:</b>	Perry Donahue
<b>Property Address:</b>	68 Massachusetts Avenue, Dedham, MA
<b>Case #:</b>	VAR- 10-14-1901
<b>Property Owner/Address:</b>	Jodi L. Donahue et al and Perry Donahue TE, 68 Massachusetts Avenue, Dedham, MA
<b>Map/Lot, Zoning District:</b>	24/242
<b>Date Of Application:</b>	October 22, 2014
<b>Present And Voting:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jessica L. Porter
<b>Representative:</b>	Perry Donahue
<b>Legal Notice:</b>	To be allowed a side yard setback of 3.5 feet instead of the required ten feet to construct two dormers on the back of his house.
<b>Section Of Zoning Bylaw:</b>	<i>Section 4.1 Table of Dimensional Requirements</i>
<b>Materials Presented:</b>	<ul style="list-style-type: none"> <li>• Zoning Board of Appeals application</li> <li>• Certified Plot Plan prepared by Michael P. Antonino, RLS, 31 Ledgebrook Avenue, Stoughton, MA</li> </ul>

Mr. McGrail explained that this proposal was previously approved on September 19, 2005, but the owner at the time never went forward with the work. This is the same proposal as that, and is straightforward. Mr. Jacobsen made a motion to approve a side yard setback of 3.5 feet instead of the required ten feet to construct two dormers on the back of 68 Massa-

chusetts Avenue, Dedham, MA. Mr. Steeves seconded the motion. The vote was unanimous at 5-0. This hearing ended at 7:35 p.m.

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**Applicant:** T-Mobile Northeast, LLC  
**Property Address:** 123 High Street, Dedham, MA  
**Case #:** VAR- 10-13-1901  
**Property Owner/Address:** Town of Dedham, 26 Bryant Street, Dedham, MA  
**Map/Lot, Zoning District:** 96/112, General Residence

**Date Of Application:** October 29, 2014  
**Present And Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jessica L. Porter  
**Representative:** Martin Cohen, Network Building and Consulting, LLC, 153 Northboro Road, Southborough, MA 01772  
**Legal Notice:** To be allowed an extension of variances granted on December 18, 2013, for wireless installation at Mother Brook Arts and Community Center, 123 High Street, Dedham, MA  
**Section Of Zoning Bylaw:** *Section 4.2.3 Height of Buildings and Structures, Section 8.3.6(1) Wireless Communications Services Overlay District, Dimensional Requirements, and 9.2(2) Board of Appeal, Powers*  
**Materials Presented:**

- Zoning Board of Appeals decision, VAR-10-13-1761, granted on November 18, 2013
- Petition Letter requesting extension of decision

Mr. Cohen gave a history of the previous variance request and decision. The variance is good for one year, and he has just applied to the Building Department for permits. He wants to make sure the variance is valid, so he is asking for an extension for six months. Mr. Steeves made a motion to grant the extension of the previously granted variance dated November 18, 2013, for six months, seconded by Mr. Jacobsen. The vote was unanimous at 5-0. This hearing ended at 7:36 p.m.

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**Applicant:** Mother Brook Arts and Community Center (MBACC)  
**Property Address:** 123 High Street, Dedham, MA  
**Case #:** VAR-10-12-1603  
**Property Owner/Address:** Town of Dedham, 26 Bryant Street, Dedham, MA  
**Map/Lot, Zoning District:** 96/112, General Residence

**Date Of Application:** October 29, 2014  
**Present And Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jessica L. Porter  
**Representative:** Sarah MacDonald, Member, Board of Directors, MPACC  
**Legal Notice:** To be allowed an extension of a Special Permit granted on November 14, 2013, for the development, conduct, and operation of an arts and community center, including but not limited to artists' studios and workshops, educational classes and programs, social, cultural, and artistic performances, exhibits

and events, café, community gathering space, and other charitable and philanthropic uses, and such uses (including parking) that are accessory and incidental thereto.

**Section Of Zoning Bylaw:** *Section 3.1.3, Principal Use Regulations Table 1.B.2 and 1.B.6 and Section 9*

**Materials Presented:**

- Petition letter from Sarah MacDonald, MBACC

Ms. MacDonald gave a history of the previous Special Permit request and decision, which was granted on December 3, 2012. During Town Meeting, the use of the library for a café was discussed. It was pointed out that if MBACC did not exercise its right under the Special Permit within two years, it could lose the right to operate a café. It is still the intent of MBACC to move in this direction, but it will need more time. Ms. MacDonald is therefore asking for a two-year extension of the Special Permit. Mr. Maguire made a motion to grant the extension of the Special Permit, seconded by Ms. Porter. The vote was unanimous at 5-0. The hearing ended at 7:38 p.m.

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**Applicant:** Loretta DeBlasio  
**Property Address:** 390 Highland Street, Dedham, MA  
**Case #:** VAR-10-14-1894  
**Property Owner/Address:** DeBlasio Realty Trust, Loretta R. DeBlasio, Trustee, 390 Highland Street, Dedham, MA  
**Map/Lot, Zoning District:** 135/47, Single Residence B

**Date Of Application:** October 9, 2014  
**Present And Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jessica L. Porter

**Legal Notice:** To be allowed an extension of a previously approved variance for a front yard setback of 13 feet instead of the required 25 feet to construct an 8' x 6' mudroom at the front of her house.

**Section Of Zoning Bylaw:** *Section 4.1, Table of Dimensional Requirements*

**Materials Presented:**

- Zoning Board of Appeals application
- Letter to the Board requesting an extension
- Certified plot plan noting the location and size of the proposed mudroom, prepared by David E. Lukens, RPLS, Landmark Engineering of New England, Inc., 224 Dedham Street, Norfolk, MA
- List of neighbors who support the petition (presented at the first meeting)

Ms. DeBlasio could not attend this hearing, but Mr. McGrail stated that he had spoken to her, and she was requesting a six-month extension of her variance granted on September 18, 2013. She is still looking for an available contractor to do the work, but will start work shortly. Mr. Jacobsen made a motion to grant the extension, seconded by Mr. Steeves. The vote was unanimous at 5-0. This hearing ended at 7:38 p.m.

**Applicant:** Dennis Gullotti and Jill F. DeVirgilio  
**Property Address:** 807-809 East Street, Dedham, MA  
**Case #:** VAR-10-14-1909  
**Property Owner/Address:** Dennis J. Gullotti and Jill F. DeVirgilio, 807 East Street, Dedham, MA  
**Map/Lot, Zoning District:** 153/37, Single Residence B

**Date Of Application:** November 10, 2014  
**Present And Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jessica L. Porter  
**Representative:** Peter A. Zahka II, Esq., 12 School Street, Dedham, MA  
Dennis J. Gullotti and Jill F. DeVirgilio, 807 East Street, Dedham, MA

**Legal Notice:** To be allowed such Special Permits and/or variances as necessary to divide an approximate 27,358 square foot lot occupied by a pre-existing nonconforming two-family dwelling into two building lots with a rear yard of 13.6 feet (20 feet required), and for the continued use of said two-family dwelling: one lot will have a lot area of approximately 14,855 square feet and will be occupied by the two-family dwelling that will have a side yard of approximately 13.6 feet (15 feet required), and one lot that will have a lot area of approximately 12,503 square feet at 807-809 East Street. The property is in a Single Residence B zoning district.

**Section Of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Sections 3.1, Principal Uses, 3.3 Nonconforming Uses and Structures, 9.2.2 Board of Appeal, Powers, 9.3 Special Permits, Table 1 Principal Use Regulations, Table 2 Table of Dimensional Requirements*

- Materials Presented:**
- Zoning Board of Appeals application
  - Petition Statement prepared by Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
  - Addendum to ZBA Application prepared by Peter A. Zahka II, Esq.
  - Photograph of existing conditions
  - Town of Dedham GIS map
  - Plan of Land prepared by Norwood Engineering Co., Inc., 1410 Route One, Norwood, MA

Mr. Zahka stated that this property, which is on the corner of Rustcraft Road and East Street, contains 27,000 square feet of land. It has in excess of 100 feet of frontage on East Street and 200 feet of frontage on Rustcraft Road. The Applicants want to divide the property and create a new building lot that will meet the frontage and area requirements. The existing house is a two-family dwelling built in 1900, and has been used as a two-family dwelling prior to any significant zoning or re-zoning in the area. The house is nonconforming because the two-car garage needs to have a 25-foot rear yard requirement. It is currently 13.5 feet. After dividing the property, the house will have a Rustcraft Road address. Therefore, what was once the rear is now the side. It will still be nonconforming but less so. Because it would be considered a new lot will, it will need a side yard setback of 15 feet. The other issue is that there is nothing in the bylaw that talks about a two-family house in the Single Residence B

zoning district with the exception of a single family house converting to a two-family. The newly created lot will only be a single family house. There will be no changes to the two-family house, which will have a driveway onto Rustcraft Road. Mr. Maguire noted that the side yard setback on the engineering map's table is incorrect. Mr. Zahka said the application is correct, but he will update the plans. The driveway for the new house will be in the vicinity of the existing driveway on East Street, but may be moved a little to separate it from the abutter's driveway once the new house is figured out. Mr. Maguire suggested having this come off Rustcraft Road as well.

Mr. McGrail stated that he received a phone call from Steven Mammone, who is a neighbor, and he is in favor of the petition. Paula Taylor, 817 East Street, asked if there would be any trees left. Mr. Zahka said that a developer has walked the site and, unfortunately, the most significant tree must come down. Any developer's intent is to try to leave up as much of the natural trees as he can. The site is odd in that it goes down, and the site will be leveled. There is a retaining wall on East Street. The grade will have to change to construct the house. Ms. Taylor asked whether the driveway access will remain the same, and where cars would park during holidays. Mr. Zahka said there will be a garage and a driveway for the new house. There will be no access to the two-family house. Ms. Taylor then asked about plowing and where the snow would go. Mr. Zahka said the builder has not reviewed all of this yet, but he suggested separating the driveways. He also said that there will be a fence between the new and the old houses with no connection from East Street to Rustcraft Road.

Mr. Jacobsen made a motion to approve such Special Permits and/or variances as necessary to divide an approximate 27,358 square foot lot occupied by a pre-existing nonconforming two-family dwelling into two building lots with a rear yard of 13.6 feet (20 feet required), and for the continued use of said two-family dwelling: one lot will have a lot area of approximately 14,855 square feet and will be occupied by the two-family dwelling that will have a side yard of approximately 13.6 feet (15 feet required), and one lot that will have a lot area of approximately 12,503 square feet at 807-809 East Street. Mr. Steeves seconded the motion. The vote was unanimous at 5-0. This hearing ended at 7:53 p.m.

<b>Applicant:</b>	Ron Priore
<b>Property Address:</b>	81 Legacy Boulevard, Dedham, MA
<b>Case #:</b>	VAR-11-14-1902
<b>Property Owner/Address:</b>	Ron Priore, 32 Tamarack Road, Westwood, MA
<b>Map/Lot, Zoning District:</b>	149/11, RDO
<b>Date Of Application:</b>	November 12, 2014
<b>Present And Voting:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jessica L. Porter
<b>Representative:</b>	Ron Priore Naomi Dorfman, Sweet Tart Meaghan Severson, Rev'd
<b>Legal Notice:</b>	To be allowed a waiver from the Town of Dedham Sign Code to erect a second pylon sign, off premises, with a setback of 2'2" instead of the required 25 feet.
<b>Section Of Sign Code:</b>	Table 2
<b>Materials Presented:</b>	<ul style="list-style-type: none"> <li>• Zoning Board of Appeals application</li> </ul>

	<ul style="list-style-type: none"> <li>• Letter of permission for Sweet Tart and Rev'd to put signs on the proposed pylon</li> <li>• Signage plan prepared by Allen &amp; Major Associates, Inc., 100 Commerce Way, Woburn, MA</li> <li>• Rendering of proposed signage</li> <li>• Parking Layout prepared by Allen &amp; Major Associates, Inc., 100 Commerce Way, Woburn, MA</li> </ul>
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Mr. Priore stated that a sign is needed for Sweet Tart and Rev'd, both at 81 Legacy Boulevard, because the businesses are set back 250 feet from the street. It is hard for people to find them, and this impacts the businesses. The sign would be 3' x 4', ten feet off the ground, and about two feet from the curb. He said it is similar to the Jos.A. Bank sign nearby.

Mr. Maguire said that the area has a pretty significant sign package, and the signs are well done. He said that this sign does not fit in. It is a huge sign, and the design is bad. He advised Mr. Priore to look at the surrounding signs to make his match them. Mr. Jacobsen asked if people are finding it hard to find the businesses, even with GPS. Ms. Dorfman said it was a problem even with GPS. Mr. Jacobsen said he found the building with no problems. He did not see a need for the pylon. Ms. Dorfman said that the businesses depend on passing traffic. If people do not see a sign, they will not find the businesses. The pylon sign would help their businesses stay alive. Ms. Severson noted that she gets a lot of phone calls asking where the building is.

Mr. Maguire asked Mr. Priore if he owned 900 Providence Highway as well, and he said he did. He is way over the allowed amount of signage for the two properties. Mr. McGrail understood the problem. He wants to help, but in the right manner. He did say that he believed that Mr. Priore has an issue with total square footage as well. Mr. Priore said he went over this with Planning Director Richard McCarthy, and met with the Design Review Advisory Board, which issued a letter of recommendation.

Ms. Porter suggested that Mr. Priore match the Legacy signage as much as possible to help people see the businesses and give the illusion that they are part of Legacy Place. Mr. Maguire said that more signs will be added to the proposed sign, but Mr. Priore said he did not think this would happen. Mr. McGrail again said that he does not want to deny the petition and start over, but he does not want to say yes. He suggested continuing this to the next meeting in January 2015. He said he needed to talk to Mr. McCarthy. Mr. Maguire noted that the businesses have a sandwich board. Ms. Dorman said that the first one was stolen, and the second one was ruined by the weather.

Mr. McGrail asked the Board members to visit the site and come up with an alternate location and design. He will talk with Mr. McCarthy. Ms. Dorfman said that he made a site visit and she discussed signage with him. Mr. McGrail asked her to think about changes. He said he is trying to work with them to see what can be done. Mr. Maguire asked Mr. Priore to get an understanding of how much signage he has on the site vs. the Zoning Bylaw. Mr. Priore said that Mr. McCarthy thought they were fine. Mr. McGrail will speak with him to see if he reviewed the application in conjunction with Mr. Cimeno. He said the Applicant may need more variances. This hearing was continued to January 21, 2015, and ended at 8:13 p.m.

Old/New-Business

- Review of proposed schedule for 2015: Mr. McGrail asked the Board to look at the schedule and let the office know if there are any conflicts by Friday, December 5, 2014. The meeting for February will be moved to the 25<sup>th</sup>, as the 18<sup>th</sup> is a school vacation.
- Review of Minutes: Mr. Jacobsen made a motion to approve the minutes from October 22, 2014, seconded by Mr. Steeves. The vote was unanimous at 5-0.

Mr. Jacobsen made a motion to adjourn, seconded by Mr. Maguire. The vote was unanimous at 5-0. The meeting concluded at 8:20 p.m.

Respectfully submitted,



Susan Webster  
Administrative Assistant  
Zoning Board of Appeals

/snw