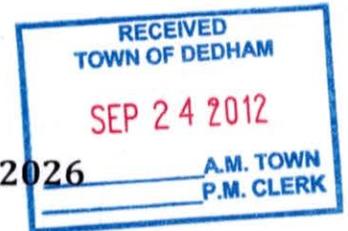


TOWN OF DEDHAM
ZONING BOARD OF APPEALS
26 BRYANT STREET, DEDHAM, MASSACHUSETTS 02026



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STAFF
SUSAN WEBSTER, ADMINISTRATIVE ASSISTANT

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DECISION

Applicant:	Linear Retail Dedham #1 LLC
Project Address:	888 Providence Highway
Property Owner:	Linear Retail Properties
Case #:	VAR-08-12-1576
Map/Lot:	149/14
Zoning District:	RDO
Date of Application:	August 17, 2012
Date of Hearing:	September 12, 2012
Members Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Applicant Representative:	Brian Furze, Linear Retail Properties
Petition:	Waiver from the Town of Dedham Sign Code to allow a setback of ten feet, nine inches (10'9") for a free standing sign instead of the previously granted (Zoning Board of Appeals VAR-02-12-1490, granted on April 25, 2012) eleven feet, five inches (11'5"). The sign was incorrectly installed by the vendor, and is currently in place at an operating shopping center.
Section of Zoning By-Law:	Section 3.0 Use Regulations, Accessory Use Table, Section 9.3 Special Permits
Materials Submitted:	<ul style="list-style-type: none">• ZBA application• Petition statement• Photographs of existing conditions of pylon sign• As-built plan for sign prepared by Kevin J. Kiernan, Professional Land Surveyor, Allen & Major Associates, Inc., 100 Commerce Way, P.O. Box 2118, Woburn, MA
Date of Filing with Town Clerk:	September 24, 2012

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held a public hearing on Wednesday, September 12, 2012, at 7:00 p.m. in the Town Office Building, 26 Bryant Street, Dedham, MA. Present at the hearings were members of the ZBA, James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. The hearings and meetings of the ZBA were duly advertised in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:33 p.m. on Wednesday, September 12, 2012, the Chairman called for the hearing on the request of Linear Retail Dedham #1, LLC for a waiver from the Town of Dedham Sign Code to be allowed a setback of ten feet, nine inches (10'9") for a free-standing sign instead of the previously approved Zoning Board of Appeals Special Permit for an eleven foot, five inch (11'9") setback (Town of Dedham Zoning Board of Appeals VAR-02-12-1490, granted on April 25, 2012).

The one and one-third page minutes from the hearing are incorporated herein by reference.

The Subject Property is known and numbered as 880-890 Providence Highway, and is shown on Dedham Assessors' Map 149 Lot 14. The certified plot plan indicates that the Subject Property contains approximately one acre of land. According to the Dedham Zoning Map, the Subject Property is located in the Research Development and Office (RDO) Zoning District. Currently, the Subject Property is occupied by retail stores. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 1968.

Mr. Furze presented before the Board to seek modification of a previously granted waiver from the Town of Dedham Sign Code for a pylon sign at 888 Providence Highway. He explained that the sign had been incorrectly installed by the sign company with a front setback of 10.9 feet instead of the approved 11.5 feet. The sign was moved because larger footings were necessary, and the installer encountered a gas line. This necessitated relocation of the pylon. Mr. Furze was informed of this, and presented for modification. It should be noted that there is no change in the parking spaces, and the sign is almost 30 feet from the road. He came before the Zoning Board of Appeals on his own volition because he wanted to make sure this waiver was approved.

No one appeared before the Board to oppose or support the petition.

Upon motion duly made by E. Patrick Maguire and seconded by Scott M. Steeves, the ZBA voted unanimously to grant the requested special permit for a front setback of 10.9 feet instead of the previously approved waiver for 11.5 feet. In granting said special permit, the ZBA, based upon the testimony before the ZBA and after consideration of the various factors set forth in the Dedham Zoning By-Law, finds that the proposal satisfies the criteria and standards for a special permit in Chapter 40A, Section 9, to wit: that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or neighborhood.

Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County. Applicant is further advised that no waivers/variance will be issued by the Building Department until evidence is presented that this decision has been recorded in the Norfolk County Registry of Deeds. The Applicant should furnish the Zoning Board of Appeals with a receipt from the Registry of Deeds indicating that the decision has been filed.

Dated: September 12, 2012

James F. McGrail
James F. McGrail, Esq.

J. Gregory Jacobsen 9/24/12
J. Gregory Jacobsen

Scott M. Steeves
Scott M. Steeves

E. Patrick Maguire
E. Patrick Maguire, LEED AP

Jason L. Mammone
Jason L. Mammone, P.E.