

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



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DECISION

APPLICANT:	Back Bay Signs for Southwest Signs
PROJECT ADDRESS:	525 Providence Highway
PROPERTY OWNER:	Schiavo Enterprises LLC
CASE #:	VAR-03-12-1503
MAP/LOT:	108/97
ZONING DISTRICT:	Central Business
DATE OF APPLICATION:	March 15, 2012
DATE OF HEARING:	April 25, 2012
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., JH Rumpp, AICP
APPLICANT REPRESENTATIVE:	Jason Parillo, Back Bay Signs
PETITION:	Waiver from the Town of Dedham Sign Code to install internal illumination on a sign for SAS Comfort Shoes, 525 Providence Highway
SECTION OF SIGN CODE:	<i>Town of Dedham Sign Code Section 7 c)5</i>
DATE OF FILING WITH TOWN CLERK:	JUNE 7, 2012

The Town of Dedham, Massachusetts Zoning Board of Appeals (hereinafter, "ZBA") held Public Hearings on Wednesday, April 25, 2012, in the Lower Conference Room, Town Hall, 26 Bryant Street, Dedham, MA. Present were members of the Zoning Board of Appeals James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, E. Patrick Maguire, and Jason L. Mammone, P.E. In the absence of Member Scott M. Steeves, the Chair appointed Associate Member JH Rumpp, AICP to sit in his place. The public hearings for this meeting of the ZBA were duly advertised on in the *Dedham Times* in accordance with the requirements of G.L.c. 40A, § 11. The ZBA meeting notice was duly posted in accordance with the provisions of G.L.c. 39, § 23A, as amended.

At 7:12 p.m. on Wednesday, April 25, 2012, the Chairman called for the hearing on the petition of Back Bay Signs for Southwest Signs ("Applicant") to be allowed a waiver from the Town of Dedham Sign Code to install internal illumination in two wall signs for SAS Comfort Shoes, 525 Providence Highway. The Applicant submitted the following materials to the Zoning Board of Appeals:

- Zoning Board of Appeals application, request for abutters list, and authorization form for publication in *The Dedham Times*
- Authorization from Schiavo Enterprises, LLC, 31 Spellman Road, Westwood, MA
- Supporting statement
- Specifications for sign for SAS Comfort Shoes, prepared by Southwest Signs, San Antonio, TX

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

The Zoning Board of Appeals is authorized and empowered to grant relief or waivers from the provisions of the Dedham Sign Code pursuant to Section 11.c. of the Dedham Sign Code. This provision sets forth both procedural and substantive requirements for the grant of such waivers or relief. The Applicant indicates that it has satisfied these requirements.

The subject property is known and numbered as 525 Providence Highway and is shown on Dedham Assessors' Map 108, Lot 97. The Subject Property contains .49 acres of land. According to the Dedham Zoning Map, the Subject Property is located in the Central Business zoning district. Currently, the property is occupied by three retail stores. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 2007.

The Applicant stated that he went before the Design Review Advisory Board for the two wall signs and a pylon sign that his client proposes to install. The board reviewed the signs and gave unanimous approval. However, an error was made in that the Board thought this property was in the Highway Business district, which allows illumination, when it was actually in the Central Business district, which does not allow illumination. Paul Corey, Vice Chairman of the Design Review Advisory Board, was present at the meeting to inform the Board that they approved illumination by thinking it was the Highway Business District. The ZBA, however, asked that DRAB write a new recommendation letter for the records. Mr. Corey also noted that they worked with the Applicant to make sure that there is sufficient square footage for signage for a third tenant in the building. That tenant will be coming to the Zoning Board of Appeals for illumination in May 2012.

No one appeared before the Board to support or oppose the petition. Mr. Maguire did note that the Applicant did not furnish a certified plot plan, which is required per the application.

On a motion made by J. Gregory Jacobsen and seconded by Jason L. Mammone, P.E., the Zoning Board of Appeals voted unanimously (5-0) to grant the requested waivers and relief from the provision of the Dedham Sign Code to allow internal illumination on two wall signs at 525 Providence Highway, with the condition that a new letter is received from the Design Review Advisory Board stating their support of the illumination. In granting the relief and waivers, the ZBA finds that (1) the Applicant has satisfied the procedural requirements set forth in the Dedham Sign Code, (2) the relief is recommended by the Design Review Advisory Board and that literal compliance with the provisions of the Sign Code is not practical or is unfeasible, and (3) the same may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Sign Code.

Dated: June 7, 2012

James F. McGrail, Esq.

J. Gregory Jacobsen

E. Patrick Maguire, LEED AP

Jason L. Mammone, P.E.

JH Rumpp, AICP