

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



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DECISION

APPLICANT:	Jason Zagami, Solid Body Fitness
PROJECT ADDRESS:	Intersection of Stergis Way and Legacy Boulevard
PROPERTY OWNER:	SIP Trust
CASE #:	VAR-06-12-1545
MAP/LOT:	149-3-1020
ZONING DISTRICT:	RDO
DATE OF APPLICATION:	June 19, 2012
DATE OF HEARING:	July 18, 2012
MEMBERS PRESENT AND VOTING:	J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., JH Rumpp, AICP
APPLICANT REPRESENTATIVE:	Jason Zagami
PETITION:	Waiver from the Town of Dedham Sign Code to place a temporary banner in the landscape island at the intersection of Stergis Way and Legacy Boulevard for a period of 30 days
SECTION OF SIGN CODE:	<i>Town of Dedham Sign Code Table 1, Footnote 4</i>
DATE OF FILING WITH TOWN CLERK:	July 26, 2012

The Town of Dedham, Massachusetts Zoning Board of Appeals (hereinafter, "ZBA") held Public Hearings on Wednesday, July 18, 2012, in the Lower Conference Room, Town Hall, 26 Bryant Street, Dedham, MA. Present were members of the Zoning Board of Appeals Chairman, J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. In the absence of Chairman James F. McGrail, Esq., Mr. Jacobsen assumed the role of Acting Chairman and 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 7:19 p.m. on Wednesday, July 18, 2012, the Acting Chairman called for the hearing on the petition of Jason Zagami, owner of Solid Body Fitness (“Applicant”), to be allowed a waiver from the Town of Dedham Sign Code to place a temporary banner in the landscape island at the intersection of Stergis Way and Legacy Boulevard for a period of 30 days. The Applicant’s business is located at 123 Stergis Way.

Mr. Zagami 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*
- Photograph of proposed temporary sign
- Letter of permission from Helen S. Bryant, Trustee, SIP Trust, 80 Boxford Road, Rowley, MA 01969
- GIS map of location

The one-and-one third–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 a landscape island at the intersection of Stergis Way and Legacy Boulevard. According to the Dedham Zoning Map, the Subject Property is located in the Research, Development, and Office (RDO) zoning district.

The Applicant stated that he went before the Design Review Advisory Board on July 11, 2012. The board reviewed the signs and made suggestions regarding its design. Mr. Zagami complied with the suggestions, presented them to the Board, and the Board gave unanimous approval. He stated that the temporary banner would be in place from August 1, 2012 through August 31, 2012, and its purpose is to notify people of the new location of his business. He also stated that this is a one-time occurrence, and would not be using such a banner for further promotions. The banner will measure two (2) feet x sixteen (16) feet, and will not be illuminated.

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

On a motion made by Mr. Steeves and seconded by Mr. Maguire, the Zoning Board of Appeals voted unanimously (5-0) to grant the requested waiver and relief from the provision of the Dedham Sign Code to allow a temporary banner in the landscape island at the intersection of Stergis Way and Legacy Boulevard. 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: July 26, 2012

J. Gregory Jacobsen

Scott M. Steeves

E. Patrick Maguire, LEED AP

Jason L. Mammone, P.E.

JH Rumpp, AICP