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TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS
DECISION

APPLICANT:	Andy Puopolo, East Coast Sign Co., Inc., 125 North Street, Stoneham, MA 02180
PROJECT ADDRESS:	216 Bussey Street, Dedham, MA
CASE #	VAR-01-14-1783
PROPERTY OWNER/ADDRESS:	River Family Limited Partnership, P.O. Box 318, Westwood, MA 02090
MAP/LOT AND ZONING DISTRICT:	96/103, General Business
DATE OF APPLICATION:	January 24, 2014
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
PETITION:	To be allowed a waiver from the Town of Dedham Sign Code for internal illumination of a wall sign and a free-standing sign at Family Dollar, 216 Bussey Street, Dedham, MA
SECTION OF SIGN CODE:	<i>Section 7, Part C, Illumination</i>
REPRESENTATIVE:	Andy Puopolo, East Coast Sign Co., Inc.
DATE FILED WITH TOWN CLERK:	MAY 14, 2014

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, February 19, 2014, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E.

The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two consecutive

weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings.

At 7:29 p.m., the Chairman called for the hearing on the petition of Andy Puopolo, East Coast Sign Co., Inc., 125 North Street, Stoneham, MA 02180. The Applicant is seeking a waiver from the Town of Dedham Sign Code for internal illumination of a wall sign and a free-standing sign at Family Dollar, 216 Bussey Street, Dedham, MA. *Dedham Sign Code Section 7.d.2*

The minutes from the hearing are the primary source of evidence and are incorporated herein by reference. 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.

The subject property is known and numbered as 216 Bussey Street, Dedham, MA, and is shown on Dedham Assessors' Map 96, Lot 103. The certified plot plan indicates that the Subject Property contains 1.2 acres of land. According to the Dedham Zoning Map, the Subject Property is located in the General Business zoning district. Currently, the property is occupied by a store. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 1958.

No one appeared at the meeting to present the petition. The owner of the property owes a significant amount of past taxes. The Board unanimously voted to continue the hearing to March 25, 2014. Mr. McGrail said that someone from Family Dollar, i.e., store manager, and a representative of River Family Limited Partnership, owner of the building, should be present at that hearing to discuss the unpaid taxes. Ms. Webster, Administrative Assistant to the Board, will notify them of this. A decision would not be made until all unpaid taxes and fees were brought up to date.

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, March 25, 2014, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L.

Mammone, P.E. Mr. Puopolo was present for this hearing and reviewed the request for a waiver from the Town of Dedham Sign Code.

Mr. McGrail asked whether the outstanding taxes had been paid, and Ms. Webster noted that they had. There was still an outstanding amount of \$235.81 for personal property taxes and \$1,375.00 in false alarm bills from the Police Department. Mr. McGrail agreed to take testimony, but again stated that the Zoning Board of Appeals would not render a decision until these bills were paid.

The Applicant respectfully submits that it satisfies the requirements and criteria for the issuance requirement of the requested relief or waivers. As required under the Dedham Sign Code, the Applicant has notified the Design Review Advisory Board (DRAB) of the intent to request the waiver/relief by submitting a complete application "package" to the Board (specifying the relief/waiver being requested).

Mr. Puopolo said that internal illumination is not allowed in the General Business zoning district. Family Dollar is updating its brand logo, and would like to illuminate both the wall sign and the free-standing sign. The Design Review Advisory Board had reviewed the signage and wrote a letter of support. The existing wall sign is externally illuminated.

Janet Mattozzi, 20 Emmett Avenue, commented that the cosmetic appearance of the store is an issue. She said that if the sign is added to the building and the property itself is not maintained, it needs to be addressed. She would not support the petition if the property is left in the condition in which it is currently.

Mr. McGrail said that the hearing would be continued to April 16, 2014, to allow for payment of the property tax and the false alarm issues. Mr. Maguire made a motion to continue the hearing, seconded by Mr. Jacobsen. The vote was unanimous at 5-0.

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, April 16, 2014, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L.

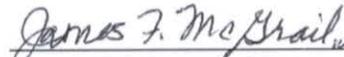
Mammone, P.E. Mr. Puopolo was present for this hearing and reviewed the request for a waiver from the Town of Dedham Sign Code.

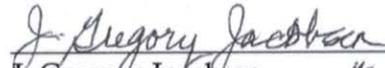
Mr. McGrail was informed that the outstanding personal property taxes and the false alarm bills have in fact been paid. Mr. Puopolo said that the hours of illumination would be from dusk to 10:30 p.m. There will be no illumination when the store is closed. Mr. McGrail asked about the condition of the building, and was told that there is a new manager who is working diligently on cleaning up the store.

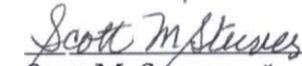
No one appeared in opposition to the petition.

Upon motion being duly made by E. Patrick Maguire, LEED AP, and seconded by J. Gregory Jacobsen, the ZBA voted to grant a waiver from the Town of Dedham Sign Code for internal illumination of a wall sign and a free-standing sign at Family Dollar, 216 Bussey Street, Dedham, MA. In granting this relief, the ZBA finds (1) that Applicant has satisfied the procedural requirements set forth in the Dedham Sign Code, (2) that the relief is recommended by DRAB, and (3) that 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.

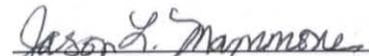
Dated: April 16, 2014


James F. McGrail, Esq.


J. Gregory Jacobsen


Scott M. Steeves


E. Patrick Maguire, LEED AP


Jason L. Mammone, P.E.

Attest, by the Administrative Assistant:


Susan N. Webster

Copies of this decision are filed in the Dedham Town Clerk's office. Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning Department.

Materials Submitted:

- Zoning Board of Appeals application
- Renderings of proposed signage