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TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS
DECISION



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| APPLICANT: | Ford Sign Service, 36 Finnell Drive, Weymouth, MA |
| PROJECT ADDRESS: | 31 Eastern Avenue, Dedham, MA |
| CASE # | VAR-05-14-1849 |
| PROPERTY OWNER/ADDRESS: | Cumberland Farms, Inc., 100 Crossing Boulevard, Framingham, MA 01702 |
| MAP/LOT AND ZONING DISTRICT: | 108/98, Central Business |
| DATE OF APPLICATION: | May 20, 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 an LED illuminated pricer sign at Rudy's Gulf Station, 31 Eastern Avenue, Dedham, MA |
| SECTION OF SIGN CODE: | Town of Dedham Sign Code, Section 7.C.5, Special Regulations, Illumination |
| REPRESENTATIVE: | Scott Hopkins, Ford Sign Service |
| DATE FILED WITH TOWN CLERK: | JULY 11, 2014 |

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, June 18, 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 7:36 p.m., the Chairman called for the hearing on the petition of Ford Sign Service, 36 Finnell Drive, Weymouth, MA. The Applicant is seeking a waiver from the Town of Dedham Sign Code for internal illumination of pricer signs at Rudy's Gas Station, 31 Eastern Avenue, Dedham, MA *Town of Dedham Sign Code Section 7C.5, Special Regulations, Illumination*

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 31 Eastern Avenue and is shown on Dedham Assessors' Map 108, Lot 98. The certified plot plan indicates that the Subject Property contains 13,504 square feet of land, and has 110.2 feet of frontage on Bryant Street feet and 248.83 feet of frontage on Providence Highway. According to the Dedham Zoning Map, the Subject Property is located in the Central Business zoning district. Currently, the property is occupied by gas station and small market. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 2005.

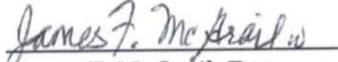
The Applicant respectfully submits that it satisfies the requirements and criteria for the issuance requirement of the requested relief or waivers. As required under the Dedham Sign Code, the Applicant has notified the Design Review Advisory Board (DRAB) of the intent to request the waiver/relief by submitting a complete application "package" to the Board (specifying the relief/waiver being requested). The Applicant missed the first meeting on May 7, 2014, and is scheduled for July 2, 2014.

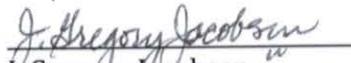
The Applicant would like to change the existing signage at the gas station and illuminate it with LED. This would allow them to change prices from inside the store. The signs will be easier to read and more visible to patrons. The structure of the pylon sign will not change, and the sign will remain the same size.

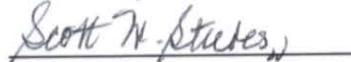
Mr. Jacobsen asked if the word "LOTTERY" would be removed from the pylon sign, and Mr. Florio said it would be replaced by "Rudy's Express." John McIntyre, 10 Bryant Street, asked for clarification on the sign, and was fine with the explanation.

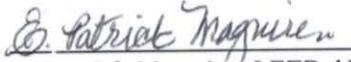
Upon motion being duly made by J. Gregory Jacobsen, and seconded by Scott M. Steeves, the ZBA voted to grant unanimously (5-0) a waiver from the Town of Dedham Sign Code for illumination of Rudy's Gas Station signage. In granting this relief, the ZBA finds (1) that Applicant has satisfied the procedural requirements set forth in the Dedham Sign Code, and (2) 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.

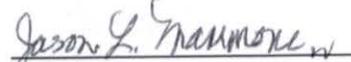
Dated: June 18, 2014


James F. McGrail, Esq.

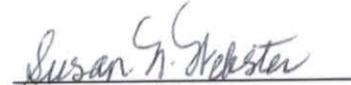

J. Gregory Jacobsen


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
- Photograph of existing and proposed conditions
- Letter of Authorization from Jay Florio, Cumberland Farms/Gulf Oil

- As-built plan of 31 Eastern Avenue, Dedham, MA, prepared by Garafalo & Associates, Inc., 85 Corliss Street, Providence, RI