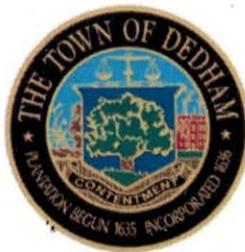


**ZONING BOARD MEMBERS**  
JAMES F. McGRAIL, CHAIRMAN  
J. GREGORY JACOBSEN, VICE CHAIRMAN  
SCOTT M. STEEVES  
E. PATRICK MAGUIRE, LEED AP  
JASON L. MAMMONE, P.E.

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JESSICA L. PORTER  
JARED F. NOKES, J.D.



**ADMINISTRATIVE ASSISTANT**  
SUSAN WEBSTER  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

**TOWN OF DEDHAM**  
**COMMONWEALTH OF MASSACHUSETTS**  
**ZONING BOARD OF APPEALS**  
**DECISION**

<b>APPLICANT:</b>	Alfred J. Priore, Jr., 928 Providence Highway, Dedham, MA
<b>PROJECT ADDRESS:</b>	910 Providence Highway, Dedham, MA
<b>CASE #</b>	<b>VAR-04-14-1830</b>
<b>PROPERTY OWNER/ADDRESS:</b>	Alfred J. Priore, Jr., 928 Providence Highway, Dedham, MA
<b>MAP/LOT AND ZONING DISTRICT:</b>	149/12, Research, Development, and Office
<b>DATE OF APPLICATION:</b>	April 10, 2014
<b>MEMBERS PRESENT AND VOTING:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
<b>PETITION:</b>	To be allowed a waiver from the Town of Dedham Sign Code for one pylon sign and three wall signs)
<b>SECTION OF SIGN CODE:</b>	<i>Town of Dedham Sign Code Table 2, Sign Dimensions and Locations</i>
<b>REPRESENTATIVE:</b>	Mollie Moran, AIA, 18 School Street, Dedham, MA
<b>DATE FILED WITH TOWN CLERK:</b>	<b>JULY 16, 2014</b>

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, May 21, 2014, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, Scott M. Steeves, and Jason L. Mammone, P.E. Member E. Patrick Maguire, LEED AP, recused himself from this meeting due to a professional relationship with Ms. Moran. The Chairman appointed Associate Member Jared F. Nokes,

J.D., to sit in his stead. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

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 7:45 p.m., the Chairman called for the hearing on the petition of Alfred J. Priore, Jr., 928 Providence Highway, Dedham, MA. The Applicant seeks to be allowed a waiver from the Town of Dedham Sign Code for one pylon sign and three wall signs. *Town of Dedham Sign Code, Table 2, Sign Dimensions and Locations*

The subject property is known and numbered as 910 Providence Highway, Dedham, MA, and is shown on Dedham Assessors' Map 149, Lot 12. The certified plot plan indicates that the Subject Property contains 34,440 square feet of land and has 109 feet of frontage. According to the Dedham Zoning Map, the Subject Property is located in the Research, Development, and Office zoning district. Currently, the property is occupied by a warehouse. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 1965.

Ms. Moran explained that there will be no change to the signage on Providence Highway. The proposed signage will be located on Legacy Boulevard, and there is no physical connection with Providence Highway. Mr. McGrail commented that this would be a good opportunity to fix the signage on Providence Highway, and Ms. Moran said there is a property manager who is working to get better signage. She said that usually signage does not change until a business is changing.

The first issue is 61, 65, and 67 Legacy Boulevard on the long building. The proposal is to eventually have matching signage. Right now, only 61 Legacy Boulevard is going in (FitBox). There is no tenant yet for 65 Legacy Boulevard. There is a photographer in 67 Legacy Boulevard who has much more minimal signage that they are proposing. The second issue is a proposal for a pylon sign to give identity to Legacy Boulevard and the businesses, and to

give it a more attractive look. The proposed total signage will only be over by 167 square feet. However, because of a previous waiver granted by the Zoning Board of Appeals for 128 square feet, they only need a waiver for 39 square feet of additional signage. The Applicant is also seeking a variance for the setback of the pylon sign because there is so little room for landscaping and signage. A letter of support has been written by the Design Review Advisory Board. Ms. Moran said that the Board felt that there is a reasonable amount of square footage, and it is an attempt to bring a new aesthetic to the back and beautify the new signage. She said that the Board would be considering putting together a sign package.

Mr. McGrail again said this is finally a good opportunity to fix the signage, but the Board needs to consider this and what, if anything, it can do toward that end. Ms. Moran asked if the Board has the authority to make an owner change his signs, and Mr. McGrail said it does not. However, the Board can talk with the owner in an attempt to fix it. The Board agreed that this should be continued to the June 18, 2014, meeting. In the meantime, Mr. McGrail is going to make a site visit. Mr. Steeves made a motion to continue this hearing to the next meeting, 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, June 18, 2014, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, Scott M. Steeves, and Jason L. Mammone, P.E. Member E. Patrick Maguire, LEED AP, recused himself from this meeting due to a professional relationship with Ms. Moran. The Chairman appointed Associate Member Jared F. Nokes, J.D., to sit in his stead. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

This is a continuation from May 21, 2014. Ms. Moran had submitted a modified appeal application. They deleted the pylon sign in the back, and only propose three tenant signs. She agreed that the front pylon signs need to be addressed, especially as tenants change, and said the Design Review Advisory Board ("DRAB"), of which she is a member, will be working on that as well. DRAB would like the owner to put together a sign package, but the signs for this evening's meeting are for 61, 64, and 67 Legacy Boulevard. Each will have a 2' x 10' wall sign and a 2' x 4' identification sign with hours of operation. There is currently

only 41 square feet of tenant signage available. Based on the wall area, 150 square feet are allowed at 5% of the wall area. With linear frontage, 226 square feet are allowed. The Applicant is asking for 84 square feet, which is only 2.8% of the wall area. The signs would be uniform and located in the same alignment and size. New England Rubber is not part of this application.

Mr. McGrail asked where Mr. Priore was. Ms. Moran said that he had recently had quadruple bypass surgery and will not be back until sometime in July. Mr. McGrail said he has a real problem with this building. Ms. Moran agreed that the signs in front are not useful, but that there is no reason to deny these tenants signage. The Board agreed that Mr. Priore needs to fix these signs and that they are a blight on a main street. Mr. McGrail did not like the fact that Mr. Priore has not come in. He has sympathy for the tenants, but none for Mr. Priore other than his recent illness. He needs to know that the Board is unhappy with what is going on. Ms. Moran said she met with Building Commissioner Kenneth Cimeno and Planning Director Richard McCarthy, who agreed that this signage only relates to Legacy Boulevard and that the rest of the signage should not be considered.

Mr. McGrail proposed to vote on P2 (FitBox) and table P3 and P4 (existing signage), which would be for a future tenant until Mr. Priore could attend a meeting. He said that Ms. Moran can do the signage as a matter of right, but she disagreed, saying that Mr. Cimeno wanted the Board to figure this out. The signage is over because of a previous variance. His motive in voting on two signs and tabling the third is to get Mr. Priore to come to a meeting.

Mr. Steeves made a motion to approve P2, which is the FitBox sign, seconded by Mr. Nokes. The vote was unanimous at 5-0. Mr. Jacobsen made a motion to table P3 and P4 until July 16, 2014, seconded by Mr. Steeves. The vote was unanimous at 5-0.

On July 14, 2014, the Applicant requested to withdraw without prejudice the petition for Signs P3 and P4 on July 14, 2014. The Board voted unanimously (5-0) to accept the withdrawal without prejudice.

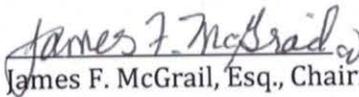
With regard to sign P2 (the FitBox sign) the Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant

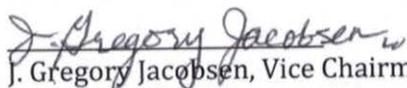
would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said special permits, the ZBA finds that, after consideration of the criteria Dedham Zoning By-Law, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood and will not be substantially more detrimental to the neighborhood.

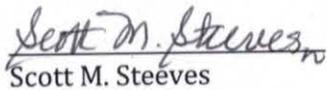
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed 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/variances 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: June 18, 2014

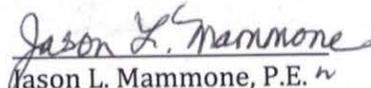
Attest, by the Zoning Board of Appeals:

  
James F. McGrail, Esq., Chairman

  
J. Gregory Jacobsen, Vice Chairman

  
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:**

- ZBA Application
- Existing conditions photographs showing locations of proposed signs and pylon, prepared by Mollie Moran, AIA, 18 School Street, Dedham, MA