

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

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ZONING BOARD OF APPEALS

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Jason L. Mammone, P.E.



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Dedham, MA 02026-4458
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Jennifer Doherty
Administrative Assistant
jdoherty@dedham-ma.gov

Associate Members

Jared F. Nokes, J.D.
George Panagopoulos

DECISION

Applicant/Owner	Federal Realty Investment Trust
Property Address	750 Providence Highway, Dedham, MA
Zoning District	HB, Highway Business
Map and Lot	122/1
Representative	David Webster, Federal Realty Trust Kevin Hampe, Esq., 411 Washington St., Dedham
Legal Notice	The Applicant seeks to be allowed a waiver from the Town of Dedham Sign Code Chapter 237-29, Table 2, Sign Dimensions and Locations, for the purposes of locating the previously approved free standing pylon sign 6.6 feet from the front property line instead of the required 25 feet at the main entrance to the retail shopping plaza.
Section of Zoning Bylaw	<i>Town of Dedham Sign Code 237-29, Table 2.</i>
Date of Application	11/09/2018
Date of Public Hearing	12/19/2018
Date of Decision	12/19/2018
Vote	5-0, Unanimous
Voting Members	James McGrail, Chair, Gregory Jacobsen, Vice Chair, Scott M. Steeves, Jason Mammone, Associate member Jared Nokes, and Associate member George Panagopoulos.
Date Filed With Town Clerk	January 9, 2019

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts, held public hearings on Wednesday, November 14, 2018, in the Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Present were members of the ZBA, J. Gregory Jacobsen acting as Chairperson, Vice Chair, Scott M. Steeves, Patrick Maguire, and Associate George Panagopoulos.

The hearings for this meeting of the ZBA were duly advertised in *The Dedham Times* on December 7, 2018 and December 14, 2018 in accordance with the requirements of Massachusetts General Law, Chapter 40A, Section 11, and the Town of Dedham Zoning Bylaw. In addition, notices of the hearings were sent to abutters within 300 feet of the property in question on November 29, 2018. Notification of each hearing was sent to the abutting towns of Boston, Needham, Canton, and Westwood on November 29, 2018. Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Town of Dedham Planning Department.

Mr. Kevin Hampe, Esquire, and David Webster of Federal Realty Investment Trust were in attendance for the application. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

Mr. James McGrail read the second application legal notice in anticipation of the applicant addressing both matters, however agreed the Board would keep the vote separate.

Mr. Hampe explained to the Board that on September 22, 2009 the Zoning Board of Appeals granted the applicant a waiver from the Town of Dedham Sign Code to locate the previously approved free standing pylon sign 6.6 feet from the front property line instead of the required 25 feet at the main entrance to the retail shopping plaza. Since that time the new Panera site has opened and the sign was taken down due to this project. Federal Realty would like to reestablish this sign in a different location now, which would make the sign closer to the highway, 6.6 feet. It is the exact same sign so it would be the same dimensions, just closer to the highway. David Webster showed the board members where the sign had been previously and where it would be located if they approve the new location. Mr. McGrail asked if anyone on the board had questions, and Jason Mammone asked about the original variance, he asked how close was the original sign located to the highway. Attorney Hampe said it was originally 35 feet from the curb lane and was in compliance but they asked for a variance for the size of the sign. It was supposed to be 200 feet and they asked for 244 feet for the sign, which at the time was not in compliance. Mr. McGrail asked if anyone in the audience had any questions, and no one did. Mr. Jacobsen asked what the hours of operation were for the stores, and Mr. Hampe responded he and Mr. Webster were aware of the issue with the lights and he was planning to address that with the next application.

Upon motion duly made by Scott Steeves and seconded by Gregory Jacobsen, the Zoning Board of Appeals voted unanimously, 5-0, to be allowed a variance for a side yard setback for an existing

single family dwelling of three (3) feet instead of the required 15 feet in the Single Residence B zoning district.

The Applicant is advised that, in accordance with Massachusetts General Law Chapter 40A, Section 11, no variance shall take effect until 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 and that no Special Permit shall take effect until 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 an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

Date: January 9, 2019

Attest by the Zoning Board of Appeals:

James McGrail
James McGrail

J. Gregory Jacobsen
J. Gregory Jacobsen

Scott M. Steeves
Scott M. Steeves

Jason Mammone
Jason Mammone

Jared Nokes
Jared Nokes

Attest by the Administrative Assistant:

Jennifer Doherty
Jennifer Doherty