

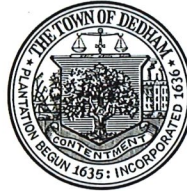
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George Panagopoulos, Associate Member

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS



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ZONING BOARD OF APPEALS

DECISION

Applicant: Federal Realty
Project Address: 725 Providence Highway, Dedham, MA
Property Owner: Federal Realty
Property Owner Address: 450 Artisan Way, Suite 320, Somerville, MA 02145

Applicant Representative(s): Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA
David Webster, Director of Development, Federal Realty

Legal Notice: To be allowed a waiver from the Town of Dedham Sign Code Chapter 237-29, Table 2, Sign Dimensions and Locations, for the purpose of erecting a new free-standing pylon sign 15.6 feet from the property line adjacent to the southerly entrance to the retail shopping plaza on Washington Street

Section of Sign Code: *Town of Dedham Sign Code Chapter 237-29, Table 2, Sign Dimensions and Locations*

Zoning District, Map and Lot: Highway Business, Map 123, Lot 15

Date of Public Hearing: January 16, 2019
Date of Decision: January 16, 2019
Vote: Unanimous approval, 4-0
Voting Members: James F. McGrail, Esq., Chair, Scott M. Steeves, Jason L. Mammone, P.E., George Panagopoulos

Date Filed with Town Clerk: January 30, 2019

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts held public hearings on Wednesday, January 16, 2019, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were Members of the ZBA, Chair James F. McGrail, Esq., Scott M. Steeves, and Jason L. Mammone, P.E. In the absence of Vice Chair J. Gregory Jacobsen, the Chair appointed Associate Member George Panagopoulos to sit in his stead. Member E.

Patrick Maguire, LEED AP, was also unable to attend the meeting. Associate Member Jared F. Nokes, J.D., was unable to attend. Therefore, there were only four voting members of the Board present for each hearing. Mr. McGrail explained that, according to Zoning Bylaw Section 9.2.5 Quorum, a unanimous vote must be made to approve any petition. The Applicant was informed of this and chose to proceed.

The hearings were duly advertised for two consecutive weeks in *The Dedham Times* in accordance with the requirements of MGL Chapter 40A, Section 11 and the Town of Dedham Zoning Bylaw. Notices of the hearings were sent to abutters within 300 feet of the property in question. Notification of the Public Hearing was sent to the neighboring towns of Boston, Needham, Canton, and Westwood. 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 and Zoning Department.

At 7:00 p.m., the Chairman called for the hearing on Federal Realty, 450 Artisan Way, Suite 320, Somerville, MA 02145 for property located at 725 Providence Highway, Dedham, MA. 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 purpose of erecting a new free-standing pylon sign 15.6 feet from the property line adjacent to the southerly entrance to the retail shopping plaza on Washington Street. *Town of Dedham Zoning Bylaw Chapter 237-29, Table 2, Sign Dimensions and Locations.*

The Applicant was represented by Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA. Accompanying Mr. Hampe was David Webster, Director of Development, Federal Realty. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The subject property is known and numbered as 725 Providence Highway, Dedham, MA, and is shown on Dedham Assessors Map 123, Lot 15. The certified plot plan indicates that the Subject Property contains 15.4 acres of land and over 700 feet of frontage on Providence Highway. According to the Dedham Zoning map, the property is located in the Highway Business zoning district. Currently, the property is occupied by a shopping center. According

to records maintained by the Dedham Board of Assessors, the building was constructed in 1959.

There had been a concern about sight lines in relation to the location of a proposed pylon sign on Providence Highway. New plans depicting the location of the sign and sight line calculations were submitted to the Board. It is the contention of Mr. Hampe and the applicant that the sight lines are adequate and safe, and will not create a hazardous situation.

Mr. Mammone said he has reviewed several iterations, and the plans presented tonight appear to be satisfactory. They will see if the sign obstructs the sight lines for vehicles trying to get on to Washington Street when it is installed, and there are some trees and shrubs that will need to be removed. The two trees that need to come out are within Town property. The applicant will need to speak with Joe Flanagan, the town tree warden, so he will be able to figure out whether they need to see him determine the tree size before they are removed. It was good that they gave the Board the new plans because they were found to show other things that obstruct the sight lines. Mr. Hampe said the applicant has no problem with doing that. Mr. McGrail noted that they had spoken about issue about tenants and lights. Mr. Webster said their property manager had an electrician review the property. He believed that they changed the clock for all the signs on the house panel, but these are not all the signs. They are working with the tenants and electrician to fix the panel signs. He believes that they are set for 11 p.m.

The audience had no comments.

Mr. Steeves moved to grant a waiver from the Town of Dedham Sign Code Chapter 237-29, Table 2, Sign Dimensions and Locations to Federal Realty, 725 Providence Highway, Dedham, MA, for the purposes of erecting a new free-standing pylon sign that would be 15.6 feet from the property line adjacent to the southerly entrance to the retail shopping plaza on Washington Street, with the condition that the applicant works with the DPW regarding tree removal. Mr. Panagopoulos seconded the motion. The vote was unanimous at 4-0.

Date: January 30, 2019

Attest by the Zoning Board of Appeals:

James F. McGrail Esq.
James F. McGrail, Esq., Chair

Scott M. Steeves
Scott M. Steeves

Jason L. Mammone, P.E.
Jason L. Mammone, P.E.

George Panagopoulos
George Panagopoulos

Attested to by Administrative Assistant

Jennifer Doherty
Jennifer Doherty