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COMMONWEALTH OF MASSACHUSETTS

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J. Gregory Jacobsen, Vice Chair
Scott M. Steeves
Jason L. Mammone, P.E.



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ASSOCIATE MEMBERS

George Panagopoulos
Andrew Pepoli

ZONING BOARD OF APPEALS

Applicant: OCW Retail, Dedham, LLC
Project Address: 150-370 Providence Highway Dedham, MA
Legal Notice: The Applicant, OCW Retail, Dedham, LLC, is requesting a waiver to allow a wall sign with a height of approximately 30 feet, which is above the lowest point of the roof of said building.
Section of Zoning Bylaw : *Town of Dedham Sign Code: Section 237-4, 237-19, 237-29, 237-30, Table 1 and Table 2.*
Zoning District, Map and Lot: Highway Business, Map 57, Lot 4, Map 57, Lot 9, Map 57, Lot 11, Map 57, Lot 12, Map 76, Lot 1, Map 93, Lot 1, and Map 93, Lot 2.
Date of Public Hearing: July 17, 2019
Date of Decision: July 17, 2019
Vote: 5-0, Unanimous
Voting Members: Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Associate Members George Panagopoulos and Andrew Pepoli
Date Filed with Town Clerk: July 24, 2019

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on July 17, 2019, in the Town Office Building, Bryant Street, Dedham, MA. Present were Members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, and Scott M. Steeves. In the absence of other Members, the Chairman appointed Associate Members George Panagopoulos and Andrew Pepoli to sit on these hearings. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:15 p.m., the Chairman called for the hearing on the petition of OCW Retail, Dedham, LLC, of 800 Boylston Street, Boston, MA (hereinafter referred to as the "Applicant"). Applicant requests such waivers as required to allow a wall sign with a height of approximately 30 feet, which is above the lowest point of the roof of said building. The property is located at 150-370 Providence Highway, Dedham, MA, and is in the Highway Business (HB) Zoning District. *Town of Dedham Sign Code Section 237-4, 237-19, 237-29, 237-30, Table 1, and Table 2.*

Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present on behalf of Applicant was Kelli Burke, Sr, Vice President of The Wilder Companies and Ron Ferrigno, General Manager of SignDesign.. Attorney Zahka had previously submitted a certified plot plan of the Subject Property, a complete sign "package" (including elevations, sign details, Dedham Mall sign list, etc.), and photos of existing conditions. The transcript from the hearing is the primary source of evidence and is incorporated herein by reference. At the hearing Applicant were afforded an opportunity to make a full presentation.

Applicant is the owner of the real estate known and numbered as 150-370 Providence Highway, Dedham, Massachusetts, and shown on Dedham Assessor's Map 57, Lot 4, Map 57, Lot 9, Map 57, Lot 11, Map 57, Lot 12, Map 76, Lot 1, Map 93, Lot 1, and Map 93, Lot 2. The Subject Property contains over 65 acres of land and has over 3,700 feet of frontage on the surrounding streets. The Subject Property is fully developed and is occupied by several commercial buildings known as the Dedham Mall. According to the Dedham Zoning Map, the Subject Property is located in the Highway Business (HB) Zoning District.

Applicant will be leasing approximately 45,333 square feet of floor (formerly occupied by Toys R Us) at the Subject Property to Burlington Coat Factory. In connection with this new tenant, Applicant proposes three new wall signs (in addition to panels on the existing free-standing signs). Under the Dedham Sign Code, Applicant is entitled 7,466 square feet of sign area at the Subject Property. Inclusive of the proposed signs for Burlington Coat Factory, Applicant will have a total sign area of 5,150 square feet. The proposed new wall signs satisfy the requirements of the Dedham Sign Code with the exception of height for the wall sign proposed for the front of the building. The Dedham Sign Code (Chapter 237 of the Revised By-Laws of the Town of Dedham) sets forth the dimensional and other requirements for signs in the various zoning districts in the Town of Dedham. Chapter 237-19 Section E (Computation of Sign Area and Height) of the Dedham Sign Code provides that, "No wall sign...shall extend higher than the

lowest of (i) 25 feet above grade; or (ii) below the second-floor window frame; or (iii) the lowest point of the roof.” The wall sign proposed for the front of the building will have a height of approximately 30 feet and will be above the roof line of other portions of the building. Therefore, Applicant has requested waivers from the height provisions of the Dedham Sign Code.

Relative to the relief requested from the provisions of the Dedham Sign Code, Applicant submits that it has satisfied the procedural and substantive criteria and requirements of said Sections 237-29 and 237-30 of the Dedham Sign Code. With respect to the procedural requirements, Applicant submitted an application and appropriate documentation to the Design Review Advisory Board (DRAB). Prior to this ZBA hearing, Applicant appeared before DRAB to discuss the requested waivers. At that time, DRAB voted to approve and recommend Applicant’s request for the waivers from the Dedham Sign Code. A copy of the DRAB letter of recommendation has been provided to the ZBA. In addition, a copy of the ZBA application “package” was provided to DRAB.

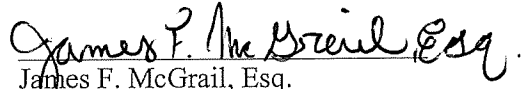
With respect to the substantive requirements, said Section 237-30 provides that the ZBA may grant waivers with a finding (a) that literal compliance... is not practical or is unfeasible or (b) that waivers are recommended by the DRAB, and provided that in all cases the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law. As indicated above, DRAB is recommending such waivers. In addition, Applicant submits that literally compliance with the Dedham Sign Code height requirements is not practical. The proposed sign is proposed at a height that best utilizes the new storefront and be visually connected to other signs at the same approximate height on the building. The requested waivers may be granted without substantial detriment to the public good and without nullifying or substantially derogating from

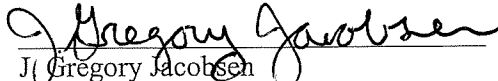
No one appeared in favor or in opposition to the requested relief.


Upon motion duly made the ZBA voted unanimously (5-0) to grant Applicant’s request for such waivers as required to allow a wall sign with a height of approximately 30 feet, which is above the lowest point of the roof of said building.

Appeals of this decision, if any, shall be made pursuant to Section 17 of Chapter 40A of the General Laws of Massachusetts and shall be filed within twenty days after the date of filing of notice of this decision with the Town Clerk

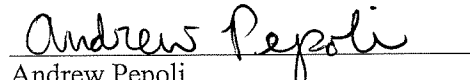
Dated: July 24, 2019


James F. McGrail, Esq.

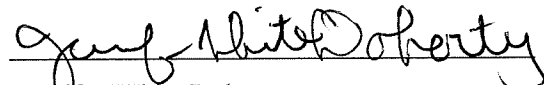

J. Gregory Jacobsen


Scott M. Steeves


George Panagopoulos


Andrew Pepoli

As Attested to by Administrative Assistant


Jennifer White Doherty