

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

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ZONING BOARD OF APPEALS
DECISION

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TOWN OF DEDHAM
CLERKS OFFICE

Applicant: Washington 850 LLC
Project Address: 850-888 Washington Street, Dedham, MA
Applicant Representative: Peter A. Zahka, II, Esq., 12 School Street, Dedham
Legal Notice: The Applicant, Washington 850, LLC, seeks to be allowed waivers from the Dedham Sign Code for six (6) new wall signs with heights of in excess of 25 feet (i.e. 33', 33', 43'9", 45'5", 29'1", and 28'9") which are higher than the roof line, for a new third free standing sign, and for a total sign area for free-standing signs of 166 square feet.

Section of Zoning By-Law: *Dedham Sign Code Sections 237-4, 237-19, 237-29, 237-30, Table 1, and Table 2.*

Zoning District, Map and Lot: Research and Development (RDO); Map 148, Lots 30, 33, 34, 41, 29A, and 35

Date of Public Hearing: September 18, 2019
Date of Decision: September 18, 2019
Vote: 5-0
Voting Members: Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason M. Mammone, P.E, and Sara Rosenthal

Date filed with Clerk: September 26, 2019

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts held public hearings on September 18, 2019, in the Town Office Building, Bryant Street, Dedham, MA. Present were Members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason M. Mammone, P.E, and Sara Rosenthal. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:35 p.m., the Chairman called for the hearing on the application of Washington 850 LLC, (hereinafter referred to as the “Applicant”). Applicant seeks to be allowed waivers from the Dedham Sign Code for six (6) new wall signs with heights of in excess of 25 feet (i.e. 33’, 33’, 43’9”, 45’5”, 29’1”, and 28’9”) which are higher than the roof line, for a new third freestanding sign, and for a total sign area for freestanding signs of 166 square feet. The property is located in the Research and Development (RDO) Zoning District. *Dedham Sign Code Sections 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 Gregory Salvatore, Manager of Washington 850, LLC, and Bart Steele, of Viewpoint Signs. Attorney Zahka had previously submitted a certified plot plan of the Subject Property and a “sign package” which included an overview and calculations, photographs of the existing structures and signs, and drawings of the proposed signs. 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 850-888 Washington Street, Dedham, Massachusetts, and shown on Dedham Assessors Map 148, Lots 30, 33, 34, 41, 29A, and 35 (hereinafter referred to as the “Subject Property”). The Subject Property contains approximately 280,823 square feet of land and has over 900 feet of frontage on Washington Street and Elm Street. The Subject Property is located in the Research & Development (RDO) Zoning District.

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 six (6) new wall signs proposed for the buildings will have heights of approximately 28 feet to 46 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 for the proposed six (6) new wall signs.

Table 2 (“Sign Dimensions and Location) to the Dedham Sign Code provides that properties in the Highway Business (HB) Zoning District¹ are allowed one (1) freestanding sign and a 100 square feet of total sign area for freestanding signs. There are two (2) freestanding signs currently located on the Subject Property. Applicant has proposed the addition of a third free-standing sign in front of 888 Washington Street. This new sign will bring the total area of freestanding signs on the Subject Property to 166 sf. Therefore, Applicant is requesting waiver from the provisions of the Dedham Sign Code to allow three (3) freestanding signs with a total area of 165 s.f. at the Subject Property.

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.

¹ The Dedham Sign Code provides that lots in the RDO Zoning District with street frontage on a major highway are subject to the regulations for the HB Zoning District. *See, footnote 2 to Table 1 and footnote 10 to Table 2 of the Dedham Sign Code.* The Subject Property is located on Route 1A which qualifies as a major highway.

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 new wall signs are proposed at a height that best utilizes the area along the top of the building which is the most logical (and architectural appropriate) location for the signs. Relative to the proposed new freestanding sign, the same is basically a "directory" type sign with names of the various tenants. It is noted that this sign satisfies the Dedham Sign Code requirements in terms of height, setback, and sign area. While there are two other freestanding signs on the Subject Property, the same area considerable distance from the proposed new sign and are for a single tenant. The requested waivers may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the purpose of the by-law.

No one appeared in support or in opposition of the proposed waivers.

Upon motion duly made the ZBA voted unanimously (5-0) to approve Applicant's request to be allowed waivers from the Dedham Sign Code for six (6) new wall signs with heights of in excess of 25 feet (i.e. 33', 33', 43'9", 45'5", 29'1", and 28'9") which are higher than the roof line, for a new third free standing sign, and for a total sign area for free-standing signs of 166 square feet. Said waivers are granted on the condition that illumination of all signs at the Subject Property shall be shut-off no later than 9:00 P.M.

Dated: September 26, 2019

James F. McGrail, Esq.

J. Gregory Jacobsen

Scott M. Steeves

Jason M. Mammone, P.E.



Sara Rosenthal, AIA, LEED AP

As Attested to by Administrative Assistant:

Jennifer Doherty