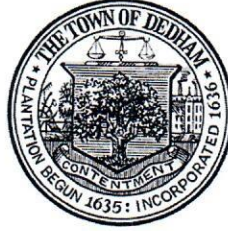


James F. McGrail, Chairman  
J. Gregory Jacobsen, Vice Chairman  
Scott M. Steeves  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®  
Jason L. Mammone, P.E.

**Associate Members**  
Jessica L. Porter  
Jared F. Nokes, J.D.



Dedham Town Hall  
26 Bryant Street  
Dedham, Ma 02026-4458  
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Susan Webster  
Administrative Assistant  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

**TOWN OF DEDHAM**  
**ZONING BOARD OF APPEALS MINUTES**  
Wednesday, June 21, 2017, 7:00 p.m., Lower Conference Room

**Present and Voting:** James F. McGrail, Esq., Chairman  
J. Gregory Jacobsen, Vice Chairman  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®  
Jason L. Mammone, P.E.  
Jared F. Nokes, J.D.  
Jessica L. Porter

**Staff:** Susan Webster, Administrative Assistant



Mr. McGrail called the meeting to order at 7:00 p.m. The plans, documents, studies, etc. referred to are incorporated as part of the public record and are on file in the Planning and Zoning office. In addition, the legal notice for each hearing was read into the record. Member Scott M. Steeves was not present for this meeting. Chairman McGrail appointed Associate Member Jared F. Nokes, J.D. to sit in his stead.

**Applicant:** Mollie Blundell Moran and Charles Edward King as authorized by Cynthia and Charles Silbert for the Estate of Charles Korb

**Property Address:** 25 Boathouse Lane, Dedham, MA

**Case #:** VAR-03-25-1949

**Property Owner:** Mollie Blundell Moran, 64 Dwight Street, Dedham, MA

**Zoning District and Map/Lot:** Single Residence B, Map 4, Lot 32

**Application Date:** May 19, 2017

**Present and Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jason L. Mammone, P.E., Jared F. Nokes, J.D.

**Representative:** Mollie Blundell Moran

**Legal Notice:** To be allowed an extension of a Special Permit, which was approved on June 18, 2015, to construct a single family dwelling on a previously developed lot, of which approximately 80% is in the Flood Plain Overlay District

**Section of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Section 8.1.5 Flood Plain Overlay District, Procedures, Section 9.2 Board of Appeal, and Section 9.3 Special Permits*

Ms. Moran is seeking an extension of a previously approved application for a Special Permit to construct a single family dwelling in the Flood Plain Overlay District. There was no one in the

audience in favor or in opposition to the request. Mr. Jacobsen moved to approve an extension of a Special Permit, which was approved on June 18, 2015, to construct a single family dwelling on a previously developed lot, of which approximately 80% is in the Flood Plain Overlay District. No one spoke either for or against the proposal. Mr. Maguire seconded the motion. The vote was unanimous at 5-0.

**Applicant:** Dennis Cunningham  
**Property Address:** 40 Riverside Drive, Dedham, MA  
**Case #:** VAR-05-17-2232  
**Property Owner:** Leah Kane and Dennis Cunningham, 40 Riverside Drive, Dedham, MA  
**Zoning District and Map/Lot** General Residence, Map 14, Lot 38  
**Application Date:** May 22, 2017  
**Present and Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP,<sup>®</sup> Jason L. Mammone, P.E., Jared F. Nokes, J.D.  
**Representative:** Dennis Cunningham  
**Legal Notice:** To be allowed a side yard setback of 5.5 feet instead of the required 10 feet, a side yard setback of 9.2 feet instead of the required 20 feet, a front yard setback of 16.4 feet instead of the required 20 feet, and a rear yard setback of 16.2 feet instead of the required 20 feet to construct a second floor on his dwelling to accommodate his growing family.  
**Section of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements*

Mr. Cunningham lives in a two-story Cape dwelling. He would like to add three bedrooms for his growing family. He looked into adding dormers, but these would be too shallow. He proposed taking off the roof of the house, raising the ceiling a couple of feet, and adding shed dormers, windows, and a new roof. He is going straight up and not encroaching on the property line. Mr. Mammone moved to approve a side yard setback of 5.5 feet instead of the required 10 feet, a side yard setback of 9.2 feet instead of the required 20 feet, a front yard setback of 16.4 feet instead of the required 20 feet, and a rear yard setback of 16.2 feet instead of the required 20 feet to construct a second floor on his dwelling to accommodate his growing family. No one spoke either for or against the proposal. Mr. Maguire seconded the motion. The vote was unanimous at 5-0.

**Applicant:** James W. Devaney, Trustee, J & J Devaney Trust  
**Property Address:** 111 River Street, Dedham, MA  
**Case #:** VAR-05-17-2233  
**Property Owner:** The J & J Devaney Trust, 177 Wells Avenue, P.O. Box 9120 Newton, MA 02459-9120  
**Zoning District and Map/Lot** LMA, Map 129, Lot 1  
**Application Date:** May 22, 2017

**Present and Voting:**

James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP,<sup>®</sup> Jason L. Mammone, P.E., Jared F. Nokes, J.D.

**Representative:**

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- James W. Devaney, Applicant, 177 Wells Avenue, P.O. Box 9120, Newton, MA 02459-9120
- James Cook, Vice President, Global Partners, 800 South Street, P.O. Box 9161, Waltham, MA 02454-9161, Project Manager
- Camile A. Segel, Chief Financial Officer, Devaney Energy

**Legal Notice:**

To be allowed such Special Permits and/or variances as required for the removal of four (4) underground fuel storage tanks with a total capacity of 92,000 gallons and the installation of three (3) new underground fuel storage tanks with a capacity of 76,000 gallons and related pipes and apparatus which will be approximately three (3) feet from the rear property line and approximately 14 feet from the side property line at an inland fuel terminal (i.e., a change, alteration, extension, or reconstruction of a pre-existing non-conforming use and structures) in the LMA zoning district.

**Section of Zoning Bylaw:**

*Town of Dedham Zoning Bylaw Sections 3.3.2 Nonconforming Uses, 3.3.3 Nonconforming Structures, 9.3 Special Permits, 3.3.4 Variances, and Table 2*

The Subject Property is currently occupied by a 2,952 gross square foot building, an overhead loading rack and canopy, and four (4) underground fuel storage tanks with a total capacity of 92,000 gallons (i.e., 3 @ 30,000 gallons and 1 @ 2,000 gallons). The Subject Property is used as an inland fuel terminal – a fueling station for trucks which then distribute the fuel off-site. According to the records maintain by the Dedham Board of Assessors, said building and underground fuel storage tanks were constructed in 1962. The existing underground tanks have a left side yard setback of 14 feet, and have no rear yard setback (and in fact actually encroach onto the abutting property). The building has a right side yard setback of 2 feet.

The existing uses and structures on the Subject Property are pre-existing nonconforming in a number of respects. Table 1 of the Dedham Zoning By-law does not contain a “use” similar to that which is conducted at the Subject Property. Further, there appear to be no special permits for such use. Therefore, the inland fuel terminal in the LMA Zoning District is a pre-existing non-conforming use. In addition, Table 2 of the Dedham Zoning By-law requires structures to have minimum side yard setback of 15 feet and a minimum rear yard setback of 25 feet in the LMA Zoning District. As stated above, the buildings and/or structures have a right side yard setback of 2 feet and a left side yard setback of 14 feet. The underground tanks also have no rear yard setback. (It is noteworthy that existing underground tanks encroach upon the abutting lot located to the rear of the Subject Property.) Section 10 of the Dedham Zoning By-Law defines as “nonconforming building, structure, or use” as “an existing legally established building, structure, lot or use which predates and does not conform to the current requirements of the district in which it is situated as regards to size, dimensions, locations, or use of the building or land.”

Therefore, the Subject Property and the existing uses/structures are pre-existing nonconforming with respect to the nature of the current use as well as dimensional deficiencies.

Due to their age, Applicant proposes to replace the existing underground fuel storage tanks. Specifically, Applicant proposes to remove the existing four (4) underground fuel storage tanks and to install three (3) underground fuel storage tanks with a capacity of 76,000 gallons (i.e., 1 @ 15,000 gallons, 1 @ 25,000 gallons, and 1 @ 36,000 gallons – the latter made up of a 30,000 gallon compartment and a 6,000 gallon compartment). The new underground fuel storage tanks will have a left side yard setback of approximately 14 feet and a rear yard setback of approximately 3 feet. No other changes or modifications of the Subject Property or building are proposed.

As stated above, the Subject Property and existing uses/structures are considered as “nonconforming”. Section 3.3.2 of the Dedham Zoning By-law provides that the Board of Appeals may award a special permit for a change or alteration to a nonconforming use only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. Section 3.3.3 of the Dedham Zoning By-law provides that the Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Section 4.3.2 of the Dedham Zoning By-Law authorizes the ZBA to issue special permits to vary side and rear yard requirements in the case of irregular, narrow, or shallow lot or a lot unusual in shape. In addition, Section 9.3.2 of the Dedham Zoning By-Law provides that when acting upon requests for special permits, the ZBA must determine that the “adverse effects of the proposed use will not outweigh its beneficial impacts” after consideration of the six (6) enumerated factors set forth in said Section.

Applicant submits it satisfies these requirements and criteria for the issuance of the requested special permit. The existing uses and structures are pre-existing nonconforming. The Subject Property is utilized as a fueling station for trucks that distribute the fuel off-site and will continue to be used as such. The Project is not designed to intensify that use. In addition, the current left side yard setback is 14 feet. The proposed underground fuel storage tanks will maintain the same left side yard. The existing tanks have no rear yard setback (and actually encroach upon the abutting property). The proposed underground fuel tanks will remain beneath the ground and out of sight with the exception of minor equipment necessary to operate the underground fuel storage tanks. Accordingly, there will be no changes in traffic flow or parking nor will there be any impact on the environment.

Section 9.2.2 of the Dedham Zoning By-Law, the ZBA has the power “to hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures as set forth on G.L. c. 40A, § 10.” Section 10 of Chapter 40A of the General Laws of Massachusetts states that a variance may be granted if:

Owning to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is

located, a literal enforcement of the provision of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

The Applicant submits that it satisfies the requirements for issuance of the requested variance. The size of the proposed underground storage tanks in conjunction with other existing buildings upon a small lot (significantly smaller than the required lot area in the LMA Zoning District) makes it wholly impracticable for Applicant to undertake the necessary upgrades and maintain a rear yard setback of 25 feet and a left side yard setback of 15 feet. Accordingly, Applicant will suffer a substantial financial hardship since it would need to reduce the proposed underground fuel storage tanks by a significant amount, thus likely compelling Applicant to abandon any upgrades to the current underground fuel storage tanks and/or require Applicant to demolish the existing building to meet the dimensional requirements. In addition, relocating such tanks would cause a significant hardship for trucks to safely access the fuel terminal.

No one appeared in opposition to the requested relief. The Applicant submitted a petition signed by four (4) abutters indicating their support for the requested relief. It is noted that the petition is signed by the abutters closest to the proposed addition.

Ryan Huntoon, East Dedham Building Supply	187 Milton Street
(illegible) Patel	197 Milton Street
Anthony Venuto	106 River Street
Mark Ingemi	422 Whiting Avenue

Mr. Mammone asked why the tanks are being replaced. Mr. Zahka explained that after so many years, they are required to change them due to regulatory issues. Mr. Maguire asked how long this would take and what impact it would have on traffic. Mr. Cook said it would take approximately six to seven weeks. He said they would try to contain it all within the property, but they are sensitive to the traffic in the area. There will be a security fence during construction. Mr. Maguire asked about excavation. They will take up the asphalt and do some excavation. The tanks are surrounded by pea stone, which will remain on site. They will consult with another regulatory body regarding this.

Mr. Jacobsen moved to allow such Special Permits and/or variances as required for the removal of four (4) underground fuel storage tanks with a total capacity of 92,000 gallons and the installation of three (3) new underground fuel storage tanks with a capacity of 76,000 gallons and related pipes and apparatus which will be approximately three (3) feet from the rear property line and approximately 14 feet from the side property line at an inland fuel terminal (i.e., a change, alteration, extension, or reconstruction of a pre-existing nonconforming use and structures) in the LMA zoning district, seconded by Mr. Maguire. The vote was unanimous at 5-0.

**Applicant:** William McCaig  
**Property Address:** 25 Trimount Street, Dedham, MA  
**Case #:** VAR-05-17-2234  
**Property Owner:** William & Kathleen McCaig, 25 Trimount Street, Dedham, MA  
**Zoning District and Map/Lot:** General Residence, Map 7, Lot 11  
**Application Date:** May 19, 2017  
**Present and Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP,<sup>®</sup> Jason L. Mammone, P.E., Jared F. Nokes, J.D.  
**Representative:** None  
**Legal Notice:** To be allowed a rear yard setback of 11 feet instead of the allowed 20 feet to enlarge and square off the kitchen area.  
**Section of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements*

No one appeared at the designated time for this hearing. Mr. McGrail said this would be heard at the end of the meeting.

**Applicant:** Fadiz Fares  
**Property Address:** 105 Rustcraft Road, Dedham, MA  
**Case #:** VAR-05-17-2235  
**Property Owner:** Fadiz Fares, 105 Rustcraft Road, Dedham, MA  
**Zoning District and Map/Lot:** Single Residence B, Map 152, Lot 3  
**Application Date:** May 22, 2017  
**Present and Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP,<sup>®</sup> Jason L. Mammone, P.E., Jared F. Nokes, J.D.  
**Representative:** Peter A. Zahka II, Esq., 12 School Street, Dedham, MA  
**Legal Notice:** Fadiz Fares, Applicant and Owner  
 To be allowed such Special Permits or variances as required to modify, alter, or extend a pre-existing nonconforming single family dwelling on a pre-existing nonconforming lot for purposes of constructing an addition which will have a rear yard setback of 12 feet instead of the required 20 feet, and a front yard setback of 24 feet instead of the required 25 feet.  
**Section of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Sections 3.3.2, 3.3.5 Non-conforming Single and Two Family Residential Structures, 4.3.2 Special Setback and Yard Exception, 4.3.2 Special Permit, 9.3 Special Permits, 3.3.4 Variances, and Table 2*

Mr. Zahka explained that the property has 11,160 square foot of land with over 100 feet of frontage on Rustcraft Road. It is a single family dwelling in the Single Residence B zoning district. The rear yard setback is 12.6 feet and the front yard setback is 24.5 feet, making it nonconforming with regard to lot area, rear yard setback, potentially front yard setback, and side yard setback. The Applicant would like to put up an addition to the dwelling. The shape of the land angles off, so this is the only way an addition can be constructed. There is an existing raised enclosed porch,

and this area will be squared off for the addition. This can be done with Special Permits to allow the extension. When it is done, it will be 12 feet from the rear property line instead of the required 20 feet (see Table of Dimensional Requirements, Footnote 5), and 24 feet from the front property line instead of the required 25 feet. No one spoke either for or against the proposal.

A petition was submitted, signed by the following neighbors:

Anthony Alessio	24 McKinley Avenue
Josephine Giannangelo	32 McKinley Avenue
Boni Giannangelo	32 McKinley Avenue
Laura Koebler	121 Rustcraft Road
Marichelle Lunn	111 Rustcraft Road

Mr. Maguire asked if the Applicant needed to go to the Conservation Commission. Mr. Zahka said they would for storm water management. An engineer is handling this.

Mr. Maguire moved to allow such Special Permits or variances as required to modify, alter, or extend a pre-existing nonconforming single family dwelling on a pre-existing nonconforming lot for purposes of constructing an addition which will have a rear yard setback of 12 feet instead of the required 20 feet, and a front yard setback of 24 feet instead of the required 25 feet. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

<b>Applicant:</b>	<b>Olga Magomedova</b>
<b>Property Address:</b>	<b>66 Ware Street, Dedham, MA</b>
<b>Case #:</b>	<b>VAR-04-17-2224 – Continuation from May 17, 2017</b>
<b>Property Owner:</b>	Olga Magomedova
<b>Zoning District and Map/Lot</b>	Single Residence B, Map 61, Lot 25
<b>Application Date:</b>	April 14, 2017
<b>Present and Voting:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP, <sup>®</sup> Jessica L. Porter, Jared F. Nokes, J.D.
<b>Representative:</b>	Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA
<b>Legal Notice:</b>	Olga Magomedova, Owner/Applicant To be allowed a Special Permit to convert a single family dwelling with an in-law apartment to a two-family dwelling.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Zoning Bylaw Section 7-2, 9-3, and MGLA Ch. 40A, Section 9</i>

It is to be noted that Member Scott M. Steeves was not present for this meeting; he was present for the May 17, 2017, hearing, which was continued to this evening. Associate Member Jared F. Nokes, J.D., had been given the full application and minutes from the May 17, 2017, meeting, so he was fully informed of the petition.

Mr. Hampe reminded the Board of his presentation at the May 17, 2017, meeting. The Board had requested that a dilapidated truck be removed from in front of the property. An updated site plan dated May 31, 2017, prepared by Paul Lindholm, P.E., 80 Tarbox Street, Dedham, MA, was also

submitted as requested to take the place of the mortgage inspection plan prepared by Richard B. Betts, RLS, dated August 13, 1982.

Mr. McGrail asked the audience for any new comments. Danny Rico, 62 Ware Street, said the positions of the neighborhood have not changed since the last meeting. Mr. Maguire asked if the Applicant had met with the neighbors, and she had not. Mr. McGrail said that the neighbors made it clear what they thought.

Mr. Maguire moved to deny Ms. Magomegova's petition to convert a single family dwelling with an in-law apartment to a two-family dwelling because of the strong opposition of the neighborhood. Mr. Jacobsen seconded the motion. The vote of the Board was unanimous to deny at 5-0.

Mr. Mammone rejoined the Board and Ms. Porter stepped down.

<b>Applicant:</b>	<b>Boston Bread, LLC, d/b/a Panera Bread</b>
<b>Property Address:</b>	<b>725 Providence Highway, Dedham, MA</b>
<b>Case #:</b>	<b>VAR-05-17-2237</b>
<b>Property Owner:</b>	Federal Realty Investment Trust, 450 Artisan Way, Suite 320, Somerville, MA 02145
<b>Zoning District and Map/Lot</b>	Highway Business, Map 122, Lot 1
<b>Application Date:</b>	May 22, 2017
<b>Present and Voting:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP, <sup>®</sup> Jason L. Mammone, P.E., Jared F. Nokes, J.D.
<b>Representative:</b>	Jason Berg, Director of Construction, Hamra Enterprises, 1855 South Ingram Mill Road, Springfield, MO 65804
<b>Legal Notice:</b>	To be allowed waivers from Dedham Sign Code for four (4) signs mounted above the roofline on the northeast wall of the building, three (3) signs mounted above the roofline on the southeast wall of the building, and five (5) additional free-standing signs on the property, over the present amount of existing free-standing signs, i.e., a preview board for the drive thru, a speaker canopy, a menu board, a <i>Do Not Enter</i> sign, and a <i>Thank You</i> sign.
<b>Section of Sign Code:</b>	<i>Town of Dedham Sign Code Section 237-19E and Section 237 Attachment 2</i>

Mr. Berg explained that Dedham Plaza has a sign package for its businesses, but there is nothing to allow signage to an out building. The owners are building a new building for Panera, which will be in the lower parking lot in front of Planet Fitness. Mr. McCarthy had told them to keep the signs below the roofline to be consistent with the Sign Code. They have gone to the Design Review Advisory Board. The challenge is that if they keep all their signs before the roofline, the letters would only be ten inches tall and would not be visible from a distance. In conversation with DRAB, there is a parapet to block all the rooftop mechanicals. Both Mr. McCarthy and DRAB felt that this should be revised so that signage should be considered as being below the parapet instead of over the roofline. Mr. McCarthy is working on this. Mr. Berg explained that the only difference is that door has slid over. The sign is on the other side instead. Everything else is the same.



Mr. Maguire asked about the free-standing sign. Mr. Berg said that the menu board, preview board, the clearance bar, the *Thank You* sign, and the *Do not enter through the drive-thru* sign are considered monument signs. These will require a waiver. The only sign saying *Panera Bread* is what is attached to the building. Mr. McGrail noted where the monument signs were going. He asked if there would be anything on the corner. Mr. Berg said that what is existing will remain. Mr. Maguire asked if the clearance bar had a sign on it. Mr. Berg said it does not. As a car goes through the drive-thru, there would be a clearance bar, then the preview board, then the speaker canopy, a menu panel, and a sign at the end that said *Thank You* on one side and *Do Not Enter*. Mr. Maguire asked if any other stores had a configuration with a canopy and the menu board integrated. Mr. Berg said that, depending on the site, it can be done, but it would be hard to view.

Mr. Jacobsen moved to approve waivers from Dedham Sign Code for four (4) signs mounted above the roofline on the northeast wall of the building, three (3) signs mounted above the roofline on the southeast wall of the building, and five (5) additional free-standing signs on the property, over the present amount of existing free-standing signs, i.e., a preview board for the drive thru, a speaker canopy, a menu board, a *Do Not Enter* sign, and a *Thank You* sign. Mr. Berg said this was incorrect, saying the signs are not all on the same side. The list of signs should read:

**Northeast Elevation:**

- One Panera wall sign above the roof of the building ①
- A wall sign above the roof of the building (Drive Thru) ②
- A window sign

**Northwest Elevation:**

- One Panera wall sign above the roof of the building ③

**Southeast Elevation:**

- A Panera wall sign above the roof of the building ④

**Southwest Elevation:**

- A Panera wall sign above the roof of the building ⑤
- A wall sign (*Drive Thru*) ⑥

**Southwest Ground Sign:**

- Preview Board ⑦
- Menu Board ⑧
- Speaker/Canopy ⑨

**Northeast Corner Ground Sign:**

- Double-sided sign: *Do Not Enter* and *Thank You* ⑩

There was much confusion about the signage, so, after extensive discussion, the Board decided to continue the hearing until July 19, 2017, so that they can review the correct plans and signs. Mr. Berg will provide these to the Board at that time.

<b>Applicant:</b>	<b>Dedham Retail Realty Ventures Nominee Trust</b>
<b>Property Address:</b>	<b>855-875 Providence Highway, Dedham, MA</b>
<b>Case #:</b>	<b>VAR-05-17-2238</b>
<b>Property Owner:</b>	Same
<b>Zoning District and Map/Lot</b>	RDO, Map 149, Lot 34, and Map 149, Lot 35
<b>Application Date:</b>	May 25, 2017
<b>Present and Voting:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP, <sup>®</sup> Jason L. Mammone, P.E., Jared F. Nokes, J.D. <ul style="list-style-type: none"><li>• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA</li><li>• Justin Ferris, Owner representative</li></ul>
<b>Representative:</b>	
<b>Legal Notice:</b>	To be allowed a waiver from the Town of Dedham Sign Code to add window graphics and a screen for Red Wing Shoes and Starbucks Coffee, respectively, which will result in wall signs (inclusive of window signs) in excess of 5% of wall area, window signs in excess of 25% of window area, and maximum allowable signage on a lot on a major highway in the RDO zoning district. Per the Town of Dedham Sign Code, the property is allowed 696 square feet of exterior signage based on 348 linear feet of frontage on Providence Highway. Currently the property has used 535 square feet of exterior signage consisting of a 48 square feet free-standing sign and 487 square feet of wall signs, with 161 square feet allotted for the remaining vacant space. The Applicant is seeking an additional 531 square feet of signage in order to cover the windows looking into the stock rooms and back of house operations for Red Wing Shoes and Starbucks Coffee, and protect the remaining 161 square feet of exterior signage for a future tenant. This would bring the total sign area at the property to 1,216 square feet, consisting of 48 square feet for a free-standing sign and 1,116 square feet of wall signs (including the window signs and the 161 square feet reserved for a future tenant. The property is located at 855-875 Providence Highway, Dedham, MA, and is in the Research, Development, and Office Zoning District. <i>Town of Dedham Sign Code Section 237-19E and 237 Attachment 3, Table 2.</i>
<b>Section of Sign Code:</b>	

Mr. Zahka explained that the Applicant is not trying to permanently increase signage at this property. The stores in question are Starbucks and Red Wing Shoes, which are directly across from

Legacy Boulevard. The store entrances are in the rear by the parking lot. The side closest to Providence Highway is visible by motorists; a film was put up to prevent people from seeing into the manager's office and storage area at Starbucks and the stock room at Red Wing Shoes. Unfortunately, people thought this meant that the stores were closed. This was with Richard McCarthy, the Town Planner, and the solution was to cover the windows. They have been before DRAB, which recommended the window graphics. They are allowed 696 square feet of exterior signage. They have allocated that to various tenants. There is in abeyance 161 square feet, but this is allocated for and upcoming tenant. To aesthetically block the windows for these two uses, a waiver from the Town of Dedham Sign Code is required.

Mr. McGrail said this has been somewhat of a controversial development because an existing building was torn down, and the new buildings are right on top of a neighborhood. There were a number of neighbors who came to the Board for the hearing. The owners did an outstanding job with the fence, and they have been very responsive to the concerns raised by the ZBA and the neighbors. He noted that there are no neighbors present for this meeting, which means there are no complaints. He said that, from that perspective, this project has been a home run.

Mr. Zahka explained the calculations. Table 2 of the Dedham Sign Code provides that lots in the RDO Zoning District with physical access on a major highway (such as Providence Highway) may utilize the total sign area allowed in the HB Zoning District. Said Table 2 provides a maximum sign area of 2 square feet area per linear foot of frontage. Accordingly, the Subject Property may have a total sign area of 696 square feet (i.e., 348 x 2). The total sign area currently on the Subject Property is 535 square feet consisting of 487 square feet of wall signs and a 48 square foot free-standing sign. The balance (i.e., 161 square feet) has been allocated for the remaining vacant space at the Subject Property.

In light of the above, the Applicant requires relief from various provisions of the Dedham Sign Code. Specifically, to cover the windows as described Applicant will require relief to allow wall signs (including window signs) in excess of 5% of the wall area, window signs in excess of 25% of the windows, and total sign area on the Subject Property in excess of the maximum sign area per lot by 531 square feet. As proposed, the total sign area on the Subject Property will include the existing 48 square feet free-standing sign and 1,179 square feet of wall signs (inclusive of window signs and 161 square feet allocated/reserved for a future tenant). It was reported that the Applicant appeared before the Design Review Advisory Board, which issued a positive recommendation on the requested relief and the proposed window screens/graphics.

No one appeared in opposition to the requested relief. The Applicant submitted a petition signed by four (4) abutters indicating their support for the requested relief.

Mr. Nokes moved to approve a waiver from the Town of Dedham Sign Code to add window graphics and a screen for Red Wing Shoes and Starbucks Coffee, respectively, which will result in wall signs (inclusive of window signs) in excess of 5% of wall area, window signs in excess of 25% of window area, and maximum allowable signage on a lot on a major highway in the RDO zoning district. Per the Town of Dedham Sign Code, the property is allowed 696 square feet of exterior signage based on 348 linear feet of frontage on Providence Highway. Currently the property has used 535 square feet of exterior signage consisting of a 48 square feet free-standing sign and 487 square feet of wall signs, with 161 square feet allotted for the remaining vacant space. The Applicant is seeking an additional 531 square feet of signage in order to cover the windows looking into the stock rooms and back of house operations for Red Wing Shoes and Starbucks Coffee,

and protect the remaining 161 square feet of exterior signage for a future tenant. This would bring the total sign area at the property to 1,216 square feet, consisting of 48 square feet for a free-standing sign and 1,116 square feet of wall signs (including the window signs and the 161 square feet reserved for a future tenant. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

**Applicant:** José Santana  
**Property Address:** 11 Fresno Road, Dedham, MA  
**Case #:** VAR-05-17-2239  
**Property Owner:** José Santana and Alexandra Martinez  
**Zoning District and Map/Lot:** Single Residence B, Map 168, Lot 23  
**Application Date:** May 24, 2017  
**Present and Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP,<sup>®</sup> Jason L. Mammone, P.E., Jared F. Nokes, J.D.  
**Representative:** José Santana, Owner  
 Paolo Mendez, Contractor  
**Legal Notice:** To be allowed a variance for a side yard setback of 9 feet instead the required 10 feet, and a 9 foot, 7 inch side yard setback instead of the required 10 feet to construct a two-story addition for a dining room on the first floor, and a bathroom and bedroom on the second floor.  
**Section of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements*

Mr. Santana would like to construct a two-story addition to his home. There is currently an existing addition, but this is one story and has no foundation. He would remove this and replace it with an addition that would be two stories and extend 20 inches on both sides. The Board asked for clarification on the certified plot plan, which showed 9.7 feet; Mr. Santana's application said 9'7," which is what he needs.

No one in the audience spoke in favor or against the petition. The Applicant presented a petition signed by neighbors who support the proposal:

Joan Conway	22 Fresno Road	James McGillicuddy	16 Fresno Road
Kevin Conway	22 Fresno Road	Stephen Lane	17 Fresno Road
Christine Conway	22 Fresno Road	Paul Lane	17 Fresno Road
Carolyn McGillicuddy	16 Fresno Road	Douglas Kelm	26 Fresno Road
Kathleen McGillicuddy	16 Fresno Road		

Mr. Jacobsen moved to approve a variance for a side yard setback of 9 feet instead the required 10 feet, and a 9 foot, 7 inch side yard setback instead of the required 10 feet to construct a two-story addition for a dining room on the first floor, and a bathroom and bedroom on the second floor. Mr. Maguire seconded the motion. The vote was unanimous at 5-0.

**Applicant:** Mary Reynolds  
**Property Address:** 302 Mount Vernon Street, Dedham, MA  
**Case #:** VAR-05-17-2240  
**Property Owner:** Mark and Mary Reynolds, 301 Mount Vernon Street,  
Single Residence B, Map 140, Lot 116  
**Zoning District and Map/Lot**  
**Application Date:** June 8, 2017  
**Present and Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick  
Maguire, MLA, RLA, CLARB, LEED AP,<sup>®</sup> Jason L. Mammone,  
P.E., Jared F. Nokes, J.D.

**Representative:**

- Mary Reynolds, Owner
- David Consentino, Contractor, 36 Wampanoag  
Drive, Franklin, MA

**Legal Notice:** To be allowed an 8 foot, 9 inch space between her garage  
and her single family dwelling instead of 10 feet to replace  
an existing porch with a two-story addition for a mudroom  
on the first floor and a bedroom on the second floor.

**Section of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimen-  
sional Requirements*

Mrs. Reynolds would like to construct a two-story addition to her home for a mudroom and a bedroom. The Board asked for clarification on the certified plot plan, which showed 8.9 feet; Mrs. Reynolds' application said 8'9", which is what she needs. Mr. Jacobsen moved to approve an 8 foot, 9 inch space between her garage and her single family dwelling instead of 10 feet to replace an existing porch with a two-story addition for a mudroom on the first floor and a bedroom on the second floor. Mr. Maguire seconded the motion. The vote was unanimous at 5-0.

**Applicant:** William McCaig  
**Property Address:** 25 Trimount Street, Dedham, MA  
**Case #:** VAR-05-17-2234  
**Property Owner:** William & Kathleen McCaig, 25 Trimount Street, Dedham,  
MA  
**Zoning District and Map/Lot** General Residence, Map 7, Lot 11  
**Application Date:** May 19, 2017  
**Present and Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick  
Maguire, MLA, RLA, CLARB, LEED AP,<sup>®</sup> Jason L. Mammone,  
P.E., Jared F. Nokes, J.D.

**Representative:** None

**Legal Notice:** To be allowed a rear yard setback of 11 feet instead of the  
allowed 20 feet to enlarge and square off the kitchen area.

**Section of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Section 4.1 Table of Dimen-  
sional Requirements*

No one appeared at the designated time for this hearing. Mr. McGrail said this would be heard at the end of the meeting. Mr. McGrail called for this hearing at the end of the meeting, and no one was present. Mr. Jacobsen moved to continue this hearing until July 19, 2017, seconded by Mr. Maguire, and voted unanimously, 5-0.

Review of minutes was postponed until July 19, 2018.

Mr. Mammone moved to adjourn, seconded by Mr. Maguire, and voted unanimously at 5-0. The meeting ended at 8:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Susan Webster".

Susan Webster, Administrative Assistant