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J. Gregory Jacobsen, Vice Chairman
Scott M. Steeves
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®
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Jared F. Nokes, J.D.

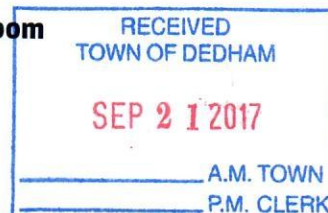


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TOWN OF DEDHAM ZONING BOARD OF APPEALS MINUTES

Wednesday, August 16, 2017, 7:00 p.m., Lower Conference Room



Present and Voting: James F. McGrail, Esq., Chairman
J. Gregory Jacobsen, Vice Chairman
Scott M. Steeves
Jared F. Nokes, J.D.

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. Mr. Maguire was not present for the meetings due to a previous commitment. Prior to each hearing, Mr. McGrail explained that there would be only four voting members for this hearing since Mr. Maguire was unable to attend, and the Applicants would need a unanimous vote for approval. The Applicants each chose to continue with the petition.

Applicant: Chick-fil-A, Inc.
Property Address: 100-140 Providence Highway, Dedham, MA
Case #: VAR-07-17-2245
Property Owner: OSJ of Dedham, LLC, 375 Commerce Park Road, Kingston, RI 02852
Zoning District and Map/Lot: Highway Business, Map 57-4A, 4B. and 4C
Application Date: July 12, 2017
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jared F. Nokes, J.D.
Representative:

- Peter A. Zahka II, Esq. 12 School Street, Dedham, MA 02026
- Scott Goodson, Chick-fil-A, Development Supervisor, Chick-fil-A Cares, P.O. Box 725489 Atlanta, GA 31139-9923

Legal Notice: To be allowed a waiver from the Town of Dedham Sign Code as needed or required for three (3) free-standing signs on a lot (inclusive of two so-called menu boards), for a total sign area of free-standing signs on the lot of 300 square feet (inclusive of a free-standing pylon sign with an area of 240 square feet), to expand, modify, and change a pre-existing nonconforming free-standing pylon sign with a height of 24

feet 2 inches, and to maintain the height of said pre-existing nonconforming free-standing/pylon sign at 24 feet 2 inches.

Section of Sign Code:

Town of Dedham Sign Code Sections 237-4 Definitions and interpretation, 237-9 Permits Required, 237-19 Computation of sign area and height, 237-22 Continuation of certain existing signs, 237-29 Waiver from requirements, 237-30 Waiver Criteria, Table 1 Permitted Signs By Type And District, and Table 2 Sign Dimensions and Location

Mr. McGrail explained that there would be only four voting members for this hearing since Mr. Maguire was unable to attend, and the Applicant would need a unanimous vote for approval. Mr. Zahka chose to continue with the petition. The signage for Chick-fil-A was approved on January 20, 2016. With regard to this application, all the signs will remain the same with the exception of the free-standing sign. DRAB had recommended that this sign be combined with the existing Ocean State Job Lot free-standing sign, rather than having two free-standing signs. They reached an agreement with the owners of property, and they have agreed to combine the signs on one pylon provided the sign is not lower than it is now. The same pole will be used and will be dressed up with brick.

There was, however, a miscalculation of the height of the free-standing sign, which is pre-existing nonconforming, in that it was thought to be 20 feet, but in actuality it is 24'2." This changes the total sign area from 260 square feet to 240 square feet. The only difference between this application and the previously approved application is the height of the free-standing sign and how the sign was measured.

Mr. McGrail asked if this application is starting over again or if this is superseding the previously granted relief. Mr. Zahka said it is superseding but replicating the application for everything except the free-standing sign. Everything about the application has been approved by DRAB and the Planning Board. The only change is the height of the pre-existing nonconforming sign that is 24' 2", and the sign area, which is for the total sign area on the site, which will be 300 square feet, inclusive of the free-standing sign (240 square feet, now measured by the outside box). DRAB recommends approval.

Mr. Jacobsen asked how long the sign will be lit, and what the hours of operation will be. Mr. Zahka said the Zoning Bylaw requires the sign to be shut off within one hour of the store closing. Mr. Jacobsen asked if both businesses are on the same closing schedule, and Mr. Zahka tended to believe they are not. [Ms. Webster looked up Ocean State Job Lot, and they are open from 8 a.m. to 10 p.m. Monday through Sunday]. Mr. Goodson said Chick-fil-A's hours are 6:30 a.m. to 10 p.m. Monday through Saturday; the restaurant is not open on Sunday. Mr. Zahka assumed that the lights are controlled by one entity, and is not sure whether Chick-fil-A will be able to shut off the lights.

Mr. Steeves moved that Chick-fil-A, Inc., and OSJ-Dedham, LLC, 100-140 Providence Highway be allowed a waiver from the Town of Dedham Sign Code as needed or required for three free-standing signs on a lot (inclusive of two so-called menu boards), for a total sign area of free-standing signs on the lot of 300 square feet (inclusive of a free-standing pylon sign with an area of 240 square feet), to expand, modify, and change a pre-existing nonconforming free-standing

pylon sign with a height of 24 feet 2 inches, and to maintain the height of said pre-existing non-conforming free-standing/pylon sign at 24 feet 2 inches. Mr. Jacobsen seconded the motion. The vote of the Board was unanimous at 4-0.

Applicant: Richard Howdy
Property Address: 397 Whiting Avenue, Dedham, MA
Case #: VAR-06-17-2242
Property Owner: Richard Howdy, 35 Heritage Hill, Dedham, MA
Zoning District and Map/Lot: General Residence, Map[128, Lot 81
Application Date: June 16, 2017
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jared F. Nokes, J.D.
Representative: Paul Lindholm, P.E., 80 Tarbox Street, Dedham, MA
Legal Notice: Richard Howdy, Owner
To be allowed a lot width of 68 feet at the front and the rear building lines instead of the required 90 feet, and a minimum lot width of 68 feet instead of the required 90 feet for the front yard.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements*

The Applicant had been granted 68 feet of frontage instead of the required 90 feet, and lot area of 10,781 square feet instead of the required 11,000 square feet at 397 Whiting Avenue. Mr. Lindholm and Mr. Howdy bumped into Building Commissioner Kenneth Cimeno, who noted that Mr. Howdy needed additional relief for lot width at the front and rear buildings, and lot width for the front yard. He returned to the Board to request this.

Mr. Steeves moved to allow a lot width of 68 feet at the front and the rear building lines instead of the required 90 feet, and a minimum lot width of 68 feet instead of the required 90 feet for the front yard. Mr. Jacobsen seconded the motion. The vote was unanimous at 4-0.

Applicant: Boston Bread, LLC, d/b/a Panera Bread
Property Address: 725 Providence Highway, Dedham, MA
Case #: VAR-05-17-2237
Property Owner: Federal Realty Investment Trust, 450 Artisan Way, Suite 320, Somerville, M 02145
Zoning District and Map/Lot: Highway Business, Map 122, Lot 1
Application Date: May 22, 2017
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jared F. Nokes, J.D.
Legal Notice: 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

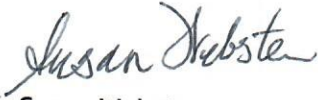
Section of Zoning Bylaw:

*Do Not Enter sign, and a Thank You sign. Town of Dedham Sign Code Section 237-19E and Section 237 Attachment 2
Town of Dedham Sign Code Section 237-19E and Section 237 Attachment 2*

Ms. Webster received an e-mail from Wendy Regan, Permit/Compliance Associate for Mandeville Sign, 676 George Washington Highway, Lincoln, RI (see Panera file for hard copy) requesting to continue the application until September 20, 2017. Mr. Jacobsen moved to continue the application to that date, seconded by Mr. Steeves. The vote was unanimous at 4-0.

Mr. Jacobsen moved to adjourn, seconded by Mr. Steeves. The vote was unanimous at 4-0. The meeting ended at 7:30 p.m.

Respectfully submitted,



Susan Webster
Administrative Assistant