

**TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS**

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.



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Jessica L. Porter  
Jared F. Nokes, J.D.

**ZONING BOARD OF APPEALS  
DECISION**

CLERKS OFFICE

2017 DEC 14 PM 2:51

TOWN OF DEDHAM

<b>Applicant:</b>	<b>Blue Ribbon Barbeque</b>
<b>Property Address:</b>	<b>342 Washington Street, Dedham, MA 02026</b>
<b>Property Owner:</b>	Petruzzello Properties, LLC
<b>Property Owner Address:</b>	21 Eastbrook Road, Dedham, MA
<b>Applicant Representative:</b>	<ul style="list-style-type: none"><li>• Scott Gubitose, General Manager, Blue Ribbon Barbeque, 45 Kenneth Street, Newton, MA 02461</li><li>• Ron Stoloff, Owner, Blue Ribbon Barbeque</li></ul>
<b>Legal Notice:</b>	To be allowed a waiver from the Town of Dedham Sign Code for internal illumination of a blade sign.
<b>Section of Sign Code:</b>	<i>Town of Dedham Sign Code Section 237-18E</i>
<b>Zoning District, Map and Lot:</b>	Central Business, Map 92, Lot 62
<b>Date of Application:</b>	October 13, 2017
<b>Date of Public Hearing:</b>	November 15, 2017
<b>Date of Decision:</b>	November 15, 2017
<b>Vote:</b>	Unanimously approved, 5-0
<b>Voting Members:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jessica L. Porter
<b>Date Filed with Town Clerk:</b>	December 14, 2017

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held a public hearing on Wednesday, November 15, 2017, at 7:25 p.m. in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, and E. Patrick Maguire, MLA, RLA, CLARB, LEED AP.® In the absence of Member Jason L. Mammone, P.E., the Chair appointed Associate Member Jessica L. Porter to sit in his stead.

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 hearing were sent to abutters within 300 feet of the property in question on October 24, 2017. Notification of the hearing was sent to the neighboring towns, 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 Department.

At 7:20 p.m., the Chairman called for the hearing on the petition of Blue Ribbon Barbeque, 342 Washington Street, Dedham, MA, to be allowed a waiver from the Town of Dedham Sign Code as noted in the Town of Dedham Charter for The property is located at 342 Washington Street, Dedham, MA, and is located in the Central Business zoning district. *Town of Dedham Sign Code, Section 237-18E*

The Applicant was represented by Scott Gubitose, General Manager, Blue Ribbon Barbeque, 45 Kenneth Street, Newton, MA 0246, and Ron Stoloff, Owner of Blue Ribbon Barbeque. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The Applicant had submitted an application for a waiver from the Town of Dedham Sign Code on October 13, 2017. This included:

1. Zoning Board of Appeals application
2. Photograph of proposed conditions
3. Specifications for proposed blade sign

The subject property is known and numbered as 342 Washington Street, Dedham, MA, and is shown on Dedham Assessors' Map 92, Lot 62. The Town of Dedham Assessors Database indicates that the Subject Property contains of 24,460 square feet of land and has 164.06 feet of frontage on Washington Street, 52.51 feet at the corner of Washington Street and Harris Street, and 58.55 feet on Harris Street. According to the Dedham Zoning Map, the Subject Property is located in the Central Business zoning district. Currently, the property is a mixed use building with commercial enterprises on the first floor and 60 apartments on the second,

third, and fourth floors. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 2017.

The ZBA is authorized and empowered to grant relief or waivers from the provisions of the Dedham Sign Code pursuant to Sections 237-29 and 237-30 of the Dedham Sign Code. This provision sets forth both procedural and substantive requirements for the grant of such waivers. The Applicant indicates that it has satisfied these requirements.

The Applicant submitted a full application relating to the proposed sign to the Design Review Advisory Board (DRAB) and the Applicant met with DRAB on November 1, 2017. At this meeting, DRAB voted to approve the application with respect to this sign, and issued a letter dated November 9, 2017, indicating the same. As further required by the Dedham Sign Code, the Applicant also provided DRAB with a copy of its application to the ZBA.

As indicated above, the Applicant's sign was approved by DRAB. In addition, the Applicant submits that literal compliance with the size, height and side set back requirements is not practical or is unfeasible. Furthermore, the "desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogatory from the intent or purpose of the by-law." It is also submitted that the requested relief or waivers are consistent with the purposes of the Dedham Sign Code as set forth in Section 1 of the Sign Code.

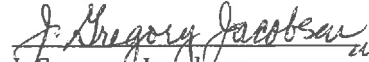
Said Section 237-30 provides that the ZBA may grant waivers from the Dedham Sign Code upon a finding that either (a) literal compliance with the provisions . . . is not practical or is unfeasible or (b) that such waivers are recommended by DRAB. In all cases, the ZBA must also find that that desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Sign Code.

Upon motion being duly made by J. Gregory Jacobsen and seconded by E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, the ZBA voted 5-0 to grant a waiver from the Town of Dedham Sign Code as noted in the Town of Dedham Charter for internal illumination of a blade sign.

Dated: November 15, 2017

Attest by the Zoning Board of Appeals:

  
James F. McGrail, Esq.

  
J. Gregory Jacobsen

  
Scott M. Steeves

  
E. Patrick Maguire, LEED AP

  
Jessica L. Porter

Attest by the Administrative Assistant

  
Susan N. Webster