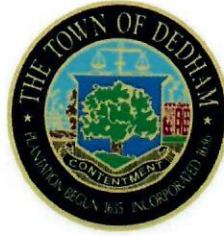


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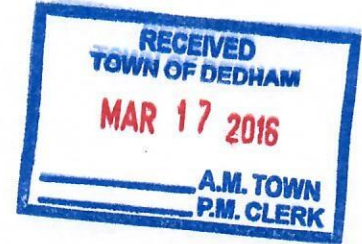
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TOWN OF DEDHAM ZONING BOARD OF APPEALS MINUTES



Wednesday, January 20, 2016, 7:00 p.m., Lower Conference Room

Present: James F. McGrail, Esq., Chairman
J. Gregory Jacobsen, Acting Chairman
Scott M. Steeves
E. Patrick Maguire, LEED AP
Jason L. Mammone, P.E.
Jared F. Nokes, J. D.
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.

Applicant: Leanne Jasset d/b/a Dedham Pharmacy and Medical Supply
Property Address: 596 Providence Highway, Dedham, MA
Case #: VAR-11-15-2044
Property Owner/Address: Dedham Marketplace, LLC, c/o Acton Management, 69 Great Road, P.O. Box 2350, Acton, MA 01720
Map/Lot, Zoning District: 123/16, Highway Business
Date of Application: November 25, 2015
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative: Leanne Jasset
Legal Notice: To be allowed a waiver from the town of Dedham Charter for an existing freestanding sign with an area of 122 square feet to add a sign panel that is 12" x 8', making the total sign area 130 square feet. The maximum size of a free-standing sign in the Highway Business zoning district is 100 square feet.
Section of Sign Code: *Town of Dedham Sign Code as noted in the Town of Dedham Charter, Section 237-17.A and B and Section 237-18E*

Start 7 p.m. Ms. Jasset is opening a new pharmacy, and needs signage. She will be putting up a panel on the existing Providence Highway free-standing sign and a wall sign. In addition, she would like to add a panel to the small free-standing sign in the back of the property on Lechmere Road, and requires a waiver as noted above. Mr. Maguire asked why the owner of the property was not present. Ms. Jasset did not have an answer for that. She asked if she could put the sign there since there was an empty space, and the owner told her to go to the ZBA. She also noted that there is a letter of permission from the owner on file. Mr. Maguire said he is fine with the sign, but there is a greater issue in that the owner is over the allowed square footage for signs, and is sending her before the ZBA to fix that. He expected the owner to be present and to explain why he cannot make less square footage to meet the Zoning Bylaw and still supply her and the rest of the tenants with signs. Ms. Jasset said that from the interaction she has had with the property manager, if she cannot receive approval, she would have to go without a sign. Mr. Steeves agreed, saying that the owner of the property should be present. He suggested that a condition be made on the motion that if anyone closes its business, the sign has to come down.

Mr. Steeves moved to allow a waiver from the Town of Dedham Sign Code as noted in the Town of Dedham Charter for an existing freestanding sign with an area of 122 square feet to add a sign panel that is 12" x 8', making the total sign area 130 square feet. The maximum size of a free-standing sign in the Highway Business zoning district is 100 square feet. The condition of approval is that if any tenant vacates its space, its sign must be removed. Mr. Jacobsen seconded the motion. Vote was 4-1, with Mr. Maguire voting against. End 7:10 p.m.

Applicant and Owner:	DIV Rustcraft, LLC, CCM, 125 High Street, 21st Floor, Boston, MA 02110
Property Address:	180-260 Rustcraft Road, Dedham, MA
Case #:	VAR-11-15-2043
Map/Lot, Zoning District:	164/1 and 5, RDO
Date of Application:	November 23, 2015
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative:	Bill Gisness, AIA, SGA, 200 High Street, Boston, MA 02110 Emily Sano, Environmental Graphic Designer, SGA
Legal Notice:	To be allowed a Special Permit for two additional free-standing monument signs to replace existing signs that have been removed.
Section of Sign Code:	<i>Town of Dedham Sign Code as noted in the Town of Dedham Charter, Section 237 Table 2, Note 9</i>

Start 7:10 p.m. Ms. Sano said they want to replace the two existing signs with two new monument signs. One of the monument signs will be for the main entry to the American Red Cross, and the other will be for tenants at the secondary entry, who currently do not have signs. The signs will keep in character with the building and its materials. Both signs are under 40 square feet and comply, but the Zoning Bylaw only allows one. The minimum frontage is 25 feet, but they are asking to bring it to 17.5 feet for the signs.

Mr. Mammone made a motion to grant a waiver from the Town of Dedham Sign Code as noted in the Town of Dedham Charter for a Special Permit for two additional free-standing

monument signs to replace existing signs that have been removed, and a front setback of 17.5 feet for the Red Cross sign, and 20 feet for the secondary entry sign instead of the required 25 feet. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0. End 7:21 p.m.

Applicant:	Jason Zagami d/b/a Solid Body Fitness
Property Address:	123 Stergis Way, Dedham, MA
Case #:	VAR-12-15-2051
Property Owner/Address:	SIP Trust, 80 Boxford Road, Rowley, MA 01969
Map/Lot, Zoning District:	150/7A, Highway Business
Date of Application:	December 7, 2015
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative:	Jason Zagami
Legal Notice:	To be allowed a waiver from the Town of Dedham Charter for a semi-permanent flag sign to be present during business hours and removed during storms.
Section of Sign Code:	<i>Town of Dedham Sign Code as noted in the Town of Dedham Charter, Section 237 – Table 1, Note 4</i>

Start 7:21 p.m. Mr. Zagami said the biggest obstacle for his business is awareness. He said there is no marker on the main road. People find his business on line, saying they never knew he was there. There are plans to have a lit monument sign for the park eventually. He would like to install a semi-permanent flag in the granite-curbed island (owned by SIP Trust) separating the entry and exit at the intersection of Stergis Way and Legacy Boulevard in the interim. He has a letter of permission from the owner of the property. The flag will measure 14" x 2.5 feet for a sign area of 34 square feet, and will be set back about 20 feet so it will not interfere with visibility. The flag will be present during business hours, and will be taken down during storms.

Mr. Jacobsen asked if it was actually difficult to find his location, saying he felt it was easy to find the business. Mr. Zagami said it was since it is on a dead end street, and that most of his customers find him on line. Mr. McGrail asked how the sign would help people since there are no directions on it. Mr. Zagami said that no arrow can be put on it because the flag rotates. In the past, he has put a small sign up with an arrow. Mr. Jacobsen said that he honestly did not think that type of sign belongs in that location, and he cannot support the petition. He said it looks like "you know what," and looks like it belongs on Route One in Revere. He also pointed out that the Design Review Advisory Board recommended against it. Mr. Zagami said he is looking for a low cost temporary item until he can put his name on the monument sign. However, there is no date for that sign. There is a brick area, where a new monument sign will go, but it only faces the street one way, and it is not illuminated so no one sees it. He said that the owners need to make up capital that they have lost due to vacancies over the last year or so, and then they can make improvements in the park. He said there is a double-sided aluminum monument sign present now.

Mr. McGrail said he was sympathetic, but it is not the most effective way to attract people since it still does not tell them where he is. Mr. Zagami said he had it up before, when he had permission from the Building Department, and it attracted a lot of walk-ins. It is to be noted

that the Building Department will authorize a temporary sign for 30 days. Mr. McGrail asked why he was before the Board now, and Mr. Zagami said he wanted to put it up again for a longer duration, but Building Commissioner Kenneth Cimeno told him to come to the ZBA.

Mr. Maguire was worried about the precedent that this would set. Mr. Zagami did not have a set number of time for the flag, but said it would be less than 12 months. There is an existing monument sign, and Mr. McGrail did not understand why the landlord could not put up the new monument sign now. He noted that signage may or may not be part of his rent, and he should look into that. Mr. Zagami again said that sign is "going away." Mr. McGrail said that normally when a sign is replaced, the old sign remains in place until the new one is put in. Mr. Zagami then said the issue is the height. Mr. McGrail said they will not take the sign down until they get permission from the ZBA to put a new one up if they do not fall within the guidelines. He said the old sign will remain until the new sign is put in.

Mr. Zagami said he does not like the old sign, and that it is virtually invisible and hard to read. Mr. McGrail said his issue is not that the old sign will be removed, it is that he does not like the sign. Mr. Zagami said it is both. Mr. McGrail said a flag would set a precedent if it was approved. The Board will continue this to February 17, 2016. End 7:31 p.m.

Applicant and Owner:	Justin J. Catalano
Property Address:	378 High Street, Dedham, MA
Case #:	VAR-12-15-2052
Map/Lot, Zoning District:	94/4, General Residence
Date of Application:	December 21, 2015
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative:	Peter A. Zahka II, Esq., 12 School Street, Dedham, MA 02026 Justin and Marie Catalano, owner/applicant
Legal Notice:	To be allowed such Special Permits and/or variances required to construct an addition to a pre-existing nonconforming dwelling on a pre-existing nonconforming lot which will be three feet from the side property line instead of the required ten feet.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.3.5 4.1 Table 2, 9.2 9.3, and Table 2</i>

Start 7:31 p.m. The Applicant would like to construct an addition that would be three feet from the side property line. The dwelling is a pre-existing nonconforming house on a pre-existing nonconforming lot. The home was built around 1920 according to the Assessor's Office. The lot has a little over 7,300 square feet; 7,500 square feet are required. The frontage is nonconforming in that they have 48 feet and 50 feet are required. The Applicant's family is growing, and there is a need for an addition that would measure 9.7' x 19'. He explained where the addition would be. The house currently has only two bedrooms, and the addition would be a third. He did obtain signatures from fourteen neighbors in support of his petition.

Mr. Mammone said the plan is stamped by a registered architect, not a professional land surveyor. Mr. Zahka said the Applicant and Kenneth Cimeno, Building Commissioner, dis-

cussed the plot plan. There is another plot plan in the application showing the existing conditions, and this was stamped by an engineer. The new addition has been superimposed on this.

Mr. Mammone suggested that the petition could be approved with the condition that the Building Department is satisfied with the plan, as a signed plot plan is a requirement for a building permit. Mr. Jacobsen made a motion to approve a Special Permit for construction of an addition to a pre-existing nonconforming dwelling on a pre-existing nonconforming lot that will be three feet from the side property line, with the condition that the Building Department be satisfied with whatever plans are submitted by the applicant and that they meet the Building Department criteria for issuing a building permit. Mr. Mammone seconded the motion. The vote was unanimous at 5-0. End 7:35 p.m.

Applicant and Owner:	John and Roberta Shaw
Property Address:	159 Meadowbrook Road, Dedham, MA
Case #:	VAR-12-15-2053
Map/Lot, Zoning District:	86-6, Single Residence A
Date of Application:	December 22, 2015
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative:	Peter A. Zahka II, Esq., 12 School Street, Dedham, MA John and Roberta Shaw, Applicants
Legal Notice:	To be allowed a special permit for the alteration, conversion, and use of a single family dwelling as a two-family dwelling.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 7.2.1, 9.2, 9.3, and Table 1 A.2</i>

Mr. Zahka noted that the Applicants have a Purchase and Sale agreement subject to approval of conversion to a two-family dwelling, which will eventually become condominiums. The property has 600 feet of frontage on Meadowbrook Road. The single family dwelling, which has five bedrooms, was built in 1930, and contains just shy of 4,000 square feet per Assessor's records. There are three separate lots totaling approximately four acres. The Applicants will live in one unit and sell the other; this is allowed in Section 3.0, Table 1 Principal Use Regulations as found in Section 7.2.1, which sets the conditions for such a conversion.

The property may be further divided in the future, but no property on Meadowbrook Road can do a Form A plan unless the road is upgraded. The property could be divided into three buildable lots. If there is a future division of the land, the Applicant is committed to the two-family having 80,000 square feet of land, which is 20,000 square feet more than the bylaw requirement. There can also be no exterior enlargements made during the last five years, including any changes on this application, and the cubic content of the house cannot be increased by 20% or more. Mr. Zahka is not aware of any major additions to the house within that period, and based on the information presented to the board, the basic addition is primarily for a new entryway. According to the architect's calculations, the new entryway alone is a 1.3% increase in the cubic volume of the property. There is an architect's version of a proposed garage, and even if this was included, there is a 16% increase, which is below the allowed.

The last condition in the bylaw is that there cannot be any exterior changes that, in the opinion of the ZBA, alters the single family character of the dwelling. The front façade will be existing and new; there will be a new entryway as shown on the renderings in the package. From the front of the building, it will match what is on the other side, and will still look like a single family dwelling. The floor plans submitted propose renovations inside. There will be four bedrooms, with elimination of one bedroom, so that each unit has two bedrooms. It is Mr. Zahka's assertion that the application meets the requirements of the Zoning Bylaw.

The Applicant contacted a number of neighbors in the area and obtained a petition in favor of the project. One of the direct abutters sent a letter directly to the Zoning Board of Appeals in support of the application. No one on the Board had any questions.

Kellie Jenkins, 65 Deerpath Road, spoke for over five minutes on her objection to the proposal. She is an abutter who "stares right at" the home. She said the Board made an exception for 152 Meadowbrook Road, which abuts her on one side. The lot was undersized, and the Board still approved it. Now the applicant is asking that the property across from her, which she can see from every window on the side of her house, become a two-family. She said everyone on her street is very upset about this, and their property values will be decreased. She said "I don't know what is going on with the Town of Dedham, between allowing people on one side of me to have an undersized lot, and now next to me, to think about a two-family." She said that, once the Board makes this exception, where would it draw the line, and how would it say no to the other mansions for sale on the last street. Mr. McGrail said that it will not look any different from what it looks right now. Ms. Jenkins said there would be twice the traffic on a road that cannot handle any traffic. She complained about the street condition (Note: the street is a private way), saying for three years she has called the Town of Dedham asking why the street light did not work. She said the Town said it was impossible and it was too decrepit, yet the Town was going to "allow all these extra things, abutting the properties we have all spent money maintaining." Mr. McGrail said there are neighbors in support of the petition, and listed the addresses. Ms. Jenkins said she has two neighbors with her that do not. She asked what is going on "with, like everybody gets and exception surrounding my property," and when it would end. Mr. McGrail said there are criteria in the Zoning Bylaw, spelled out by Mr. Zahka, that have been met. He noted one of the things she mentioned, "I'm going to look across the street...", and said it would not look any different than it does now. Ms. Jenkins asked if they would have twice the traffic as the single family, and Mr. McGrail said there may be a few more cars. Ms. Jenkins again spoke about the road and the poor condition it is in. She said the Town will not help, yet it will allow a two-family to be built right there. Mr. McGrail and Mr. Maguire corrected her, saying the house is already there. Ms. Jenkins said they would be adding on, but Mr. McGrail said they were not adding on. She said she was told that they were expanding for a garage and a kitchen. Mr. Zahka said there will be a garage, and showed where this would be. There will also be a new entryway. There will be two kitchens because they are two separate dwellings.

Ms. Jenkins asked about the extra two acres to the left side abutting her property. She said they will come back and say, "Oh, we want to build two more," and asked if the Board would say okay. Mr. McGrail said he did not know. He said that if people come before the Board and make an argument, the Board listens, weighs all the criteria, looks at the Zoning Bylaw,

and makes a decision. Ms. Jenkins said it seems like she has it all around her, and it is totally taking down her property value. She said she was very upset, and pays \$13,500 a year in taxes; Mr. McGrail said everyone pays taxes. He asked when her house was built, and she said in 1987 (Note: Assessors records show 1998). Ms. Jenkins said the Board should respect the people who spend the money and pay the taxes. Mr. McGrail again said everyone pays taxes. She asked if the Board is "totally letting all the laws change around them," and taking their property values down. Mr. Maguire said that there have been people from all our streets coming for relief the Zoning Bylaw. Ms. Jenkins said she wants relief from her taxes, but she was not here about that. Mr. McGrail said that the next item on the agenda is directly across the street from his house. Ms. Jenkins asked how he liked having the values of his property taken down from what he purchased and built it into. Mr. McGrail began to say that, just because there is development across the street from his house..., but was interrupted by Ms. Jenkins, who said the proposal is right on top of her. She continued to complain about the proposal and the situation.

David Moir, owner of 203 Meadowbrook Road, said he is working with the neighbors on Meadowbrook Road. They have talked with Mr. Shaw, who has been very forthcoming about recognizing that the road condition is a serious one. A number of the residents want to get together to review how best to manage it. The Shaws have said that they would like to be part of the discussions and would be willing to share a reasonable amount of the cost. He is hopeful that, by the time the project is done, there will be a homeowners association in place and changes made to the road. He supports the petition. Mr. Zahka said his client has had a discussion with Mr. Moir, and acknowledges that the road needs major improvement, and will work toward that. Mr. Moir noted that the previous owners have been opposed to forming an association or fixing the road.

Mr. Zahka said he did not want to mix different applications for Meadowbrook Road. The previous application that came before the Board was a variance, which is an exception to the Zoning Bylaw. This petition is for a Special Permit, which is not an exception to the Zoning Bylaw. Town Meeting voted and indicated that, under certain conditions, the Board can put reasonable conditions on it. The law presupposes the allowance of a Special Permit, which gives the public an opportunity to be heard. No one can build a two-family house on the property. The house has to have been in existence as of the date that the bylaw was adopted. In addition, a house in the SRA zoning district would have to have 60,000 square feet of land (50% more than generally required). The Zoning Bylaw does not regulate the type of ownership. With a Special Permit, no hardship needs to be shown.

The question of condominiums was raised. Mr. McGrail said the applicants want to convert the house to a two-family, and then sell the units as condos. This is not part of the application, and if it is not converted to condos, it will be a two-family. Philip Desimone, 70 Deerpath Road, said he was opposed to it being an investment property. He is fine with it becoming condos, but not if it remains a two-family. Mr. Zahka said his client is fine with a condition that it will be converted to condos.

After further discussion with Ms. Jenkins and explanation of what the petition encompasses, Mr. Steeves made a motion to allow John and Roberta Shaw a special permit for the alteration, conversion, and use of a single family dwelling as a two-family dwelling. A condition of the approval is that the lot supporting the two-family dwelling have not less than 80,000

square feet. Mr. Mammone seconded the motion. The vote was 4-1 in favor with Mr. Jacobsen voting no. End 8:08 p.m.

Applicant and Owner: Ursuline Academy
Property Address: 65-85 Lowder Street
Case #: VAR-12-15-2054
Map/Lot, Zoning District: 106/12, Single Residence A
Date of Application: December 23, 2015
Present and Voting: J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.

Representative:

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Rosann M. Whiting, President, Ursuline Academy
- Mark Dolny, AIA LEED AP, ARC/Architectural Resources Cambridge, 5 Cambridge Center, Cambridge, MA 02142
- Robert Corning, Senior Principal, Community Development, Stantec, 311 Summer Street, Boston, MA 02210-1723

Legal Notice: To be allowed a Special Permit for a retaining wall with a height of approximately 12 feet, i.e., with a height in excess of 4 feet. *Town of Dedham Zoning Bylaw Sections 6.5.2, 9.2, and 9.3*

Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Sections 6.5.2, 9.2, and 9.3*

Start: 8:09 p.m. Mr. McGrail recused himself from this hearing because his two daughters attend the school, he served on the committee recommending the project, and he directly abuts the school. Mr. Maguire also recused himself from this hearing because Ursuline is an ongoing client and the architect presenting is also a client of his. Mr. Jacobsen assumed the chair, and appointed Associate Member Jared F. Nokes, J.D. to sit on the Board for this hearing. Thus, there were only four voting members, and a unanimous decision was required. Mr. Zahka was made aware of this and chose to continue with the hearing.

The Planning Board and Conservation Commission approved a new athletic/convocation center in July 2015. The Applicant wishes to erect a twelve foot high retaining wall to screen the abutters. There will be a plain concrete wall that will be an extension of the concrete foundation of the building. The building is being constructed because the athletic/convocation center will displace the existing maintenance building. It is being set into an existing hill and will appear as two stories on the uphill side and three stories on the downhill side. The lowest level of the foundation can be extended for the wall. There will be ornamental plantings behind it. There will be a fence on top of it that will blend in architecturally with the building. There will be additional trees planted for screening. It will not be readily visible from the street or any abutting properties. There will be an extensive amount of landscaping including three 12-14 foot white pines.

Mr. Steeves made a motion to allow Ursuline Academy a Special Permit a retaining wall with a height of approximately 12 feet, i.e., with a height in excess of 4 feet, seconded by Mr. Nokes. The vote was unanimous at 4-0. End 8:14 p.m.

Applicant: Chick-fil-A
Property Address: 100-140 Providence Highway, Dedham, MA
Case #: VAR-12-15-2054
Property Owner: OSJ of Dedham, LLC, 375 Commerce Park Road, Kingston, RI
Map/Lot, Zoning District: 57/4A, 4B, and 4C, Highway Business
Application Date: December 23, 2015
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.

Representative:

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Scott Goodson, Chick-fil-A, Development Supervisor, Chick-fil-A Cares, P.O. Box 725489 Atlanta, GA 31139-9923
- Anthony Donardo, P.E., Bohler Engineering, 352 Turnpike Road, Suite 201, Southborough, MA 01772
- Scott Thornton, Project Traffic Engineer, Vanasse & Associates, Inc., 10 New England Business Center Drive, Suite 314, Andover, MA 01810
- Bill Goebel, Bohler Engineering, 352 Turnpike Road, Suite 201, Southborough, MA 01772
- Jeremy Lindsey, Chipman Design Architects, 2700 South River Road, Suite 400, Des Plaines, IL 60018

Legal Notice: To be allowed such Special Permits as required for a restaurant (i.e., a use requiring a common victualler license) with 160 seats (inclusive of 24 outdoor/patio seats), an approximate gross floor area of 5,100 square feet, and a drive thru facility, such Special Permits as required for fences and/or walls approximately 9 feet in height, and such waivers from the Town of Dedham Sign Code as noted in the Town of Dedham Charter to allow up to 4 free-standing signs, a total sign area of free-standing sign of 260 square feet, and/or for the expansion of an existing nonconforming free-standing sign.

Section of Zoning Bylaw and Sign Code: *Town of Dedham Zoning Bylaw Sections 3.0, 9.2, 9.3, and Table 1A.2. Town of Dedham Sign Code Sections 237-4, 237-9, 237-19, 237-22, 237-29, 237-30, Table 1, and Table 2*

Start 8:15 p.m. Mr. McGrail and Mr. Maguire returned to the meeting at that time. The Applicant requires a Special Permit for a common victualler license for a Chick-fil-A restaurant that will contain 160 seats, including 24 outside patio seats. In addition, a Special Permit is needed for a drive-thru, fences/walls over nine (9) feet for the dumpster enclosure, and waivers from the Town of Dedham Sign Code. There will be two menu boards and possibly three free-standing signs. Mr. Goodson gave an overview of the history of the business, which will serve no liquor and be closed on Sundays.

Mr. Zahka explained the existing conditions of the site, which contains four separate lots (Note: The Registry of Deeds records indicate three separate lots). Land area is 227,000 square feet with frontage of 814 feet. Ocean State Job Lot (OSJL) has a 37,000 square foot building on site and the parking lot is extensive with very little landscaping. There is a double drive through entrance onto the site that easily accommodates about 18-20 vehicles at a

time. The parking lot will be shared; it is currently underutilized. A study done by the Applicant indicates that the maximum use of the parking lot by OSJL is about 75 vehicles, or 28% of the available on-site parking. The proposal will bring a major increase in landscaping from the current 9%, much of which is grass, to over 15%. There will also be significant upgrades and improvements to the frontage landscaping along Providence Highway.

The Applicant proposes two (2) so-called menu boards for the drive through facility. In addition, Applicant originally proposed to erect its own free-standing sign (as discussed further below) based upon meeting with the Design Review Advisory Board. However, the Applicant is now proposing a shared/combined free-standing sign with OSJL.

The Applicant indicates that traffic flow within the site and the proposed parking will adequately serve the Project. The drive-through facility has been designed to allow adequate room for the stacking/queuing of vehicles. The parking/site plan will undergo review and peer review as part of the Planning Board Site Plan Approval process. In addition, Applicant has commissioned a full traffic report for the Project. The traffic report concludes that there will be no significant change in the level of service between the No-Build and Build Conditions, and that the Project will satisfy safety standards. This traffic report will also undergo review and peer review as part of the Site Plan Review Process.

The dumpster area is proposed to be enclosed with 9 foot fences/walls. The architecture of these fences/walls is in keeping with the architecture of the proposed building. The DRAB has reviewed and recommended this.

Table 2 of the Dedham Sign Code provides that lots in the HB Zoning District are allowed one (1) free-standing sign with a maximum sign area of 100 square feet. As noted above, the Applicant proposes two (2) so-called menu boards serving the drive-through and a shared/combined free-standing sign with OSJL. Assuming the menu boards are considered free-standing signs, this will result in three (3) free-standing signs on the property. In addition, the total sign area of these three (3) free-standing signs will be approximately 260 square feet. Sections 237-29 and 237-30 of the Dedham Sign Code authorize and empower the ZBA to grant waivers to the provisions of the Dedham Sign Code. DRAB voted to recommend the Applicant's request for the relief or waivers for the total sign area of free-standing signs of 260 square feet. DRAB further voted that it preferred that the Applicant work with OSJL to have a single combined free-standing sign (and not a separate free-standing for Applicant). Based upon their recommendation, the Applicant requests waivers or relief from the Dedham Sign Code for three (3) free-standing signs with a total area of 260 square feet, consisting of two (2) menu boards and one (1) free-standing sign (a combined sign with Applicant and OSJL) with a sign area of approximately 200 square feet.

No one appeared in opposition to the requested special permits or waivers and/or relief from the Dedham Sign Code.

Mr. Steeves made a motion, seconded by Mr. Maguire, to allow such Special Permits as required for a restaurant (i.e., a use requiring a common victualler license) with 160 seats (inclusive of 24 outdoor/patio seats) and approximate gross floor area of 5,100 square feet, and a drive-thru facility, and for fences and/or walls approximately 9 feet in height. The vote was unanimous at 5-0. Mr. Steeves then made a motion, seconded by Mr. Maguire, to

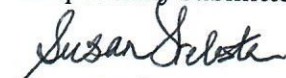
grant such relief or waivers from the Town of Dedham Sign Code as necessary or required to allow three free-standing signs, of which two will be so-called menu boards and the third an approximately 200 square foot combined/shared sign with the Applicant and OSJL, and a total sign area for free-standing signs of 260 square feet. The vote was unanimous at 5-0. End 8:44 p.m.

Review of Minutes

Mr. Jacobsen made a motion, seconded by Mr. Steeves, to approve the minutes of November 4, 2015 and November 18, 2015. The vote was unanimous at 5-0.

Mr. Jacobsen made a motion to adjourn, seconded by Mr. Steeves, voted unanimously (5-0). The meeting ended at 8:45 p.m.

Respectfully submitted,



Susan Webster
Administrative Assistant