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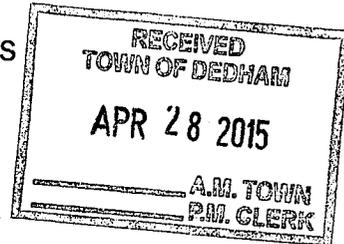
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**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

ZONING BOARD OF APPEALS

DECISION



APPLICANT:	Legacy Place
PROJECT ADDRESS:	2 Legacy Boulevard, 110, 200, 210 Elm Street, 119 Quabish Road
CASE #	VAR-03-15-1951
PROPERTY OWNER/ADDRESS:	Legacy Place, LLC, c/o W/S Development Associates, LLC, 1330 Boylston Street, Chestnut Hill, MA 02467
MAP/LOT AND ZONING DISTRICT:	162-1, 162-3, 162-44, 159-7, 150-5, RDO and PC
DATE OF APPLICATION:	March 20, 2015
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jessica L. Porter
PETITION:	To be allowed such relief and/or waiver from the Legacy Place Sign Program and the Town of Dedham Sign Code as noted in the Town of Dedham Charter as necessary or required to amend the <i>Legacy Place Sign Program</i> (as previously approved in ZBA decisions #07-74, 08-11, VAR-5-9-LEG, and VAR-03-10-1207) to provide for further definitions and clarification relative to tenant window signs (including LED and digital display) to be attached to or placed inside of storefronts intended to be visible from the outside of store with Landlord's approval.
TOWN OF DEDHAM SIGN CODE:	<i>Town of Dedham Sign Code Section 1-12, Table 1 & 2</i>
DATE FILED WITH TOWN CLERK:	APRIL 28, 2015

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held a public hearing on April 15, 2015 at 7:00 p.m. 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, and Jason L. Mammone, P.E. In the absence of Member E. Patrick Maguire, LEED AP, the Chairman appointed Associate Member Jessica L. Porter to sit in his place. This hearing and meeting of the ZBA was duly advertised in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:10 p.m., the Chairman called for the hearing on the appeal of Legacy Place LLC, to be allowed such relief or waivers from the provisions of the Dedham Sign Code as necessary and required to amend the *Legacy Place Sign Program* (as approved in ZBA Decisions No. 07-74, 08-11, VAR-5-9-LEG, and VAR-03-10-1207) to provide for further definitions and clarification relative to tenant window signs (including LED and digital display) to be attached to or placed inside of storefronts intended to be visible from the outside of store with Landlord's approval. The property is owned by Legacy Place, LLC, and is located at 110, 200 and 210 Elm Street, 2 Legacy Boulevard, and 119 Quabish Road, Dedham, MA in the Research, Development, and Office zoning district. *Town of Dedham Sign Code Sections 1-12, and Tables 1 and 2.*

The Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Attorney Zahka submitted plot plans of the subject property and the proposed revisions (March 2015) to the *Legacy Place Sign Program*. Also present on behalf of Applicant were Béth Winbourne, General Manager of Legacy Place, Katherine Wetherbee, Legacy Place, and Dan Hester, Legacy Place. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The Applicant has received approval from the Dedham Planning Board for an approximately 693,925 gross square feet life-style center to be located on approximately 45 acres of land on Providence Highway/Elm Street/Enterprise Drive. The subject property is located in a Research, Development & Office (RDO) Zoning District. However, the Project was approved as a Planned Commercial (PC) Development. Given the unique nature of a PC Development and a life-style center, the Applicant has developed a specific sign program for Legacy Place, known as the *Legacy Place Sign Program*. In developing this program, the Applicant worked closely with the Design Review Advisory Board and the Dedham Building Department. In ZBA Decision No. 07-74, the ZBA granted the necessary approvals and waivers from the Dedham Sign Code to allow for the signs at Legacy Place to be governed and regulated by the *Legacy Place Sign Program*. Subsequently in ZBA Decisions No. 08-11, VAR-5-9-LEG and VAR-03-10-1207, the

Zoning Board of Appeals granted necessary relief and waivers from the Dedham Sign Code to allow amendments to the *Legacy Place Sign Program*. As signs are being permitted and erected at Legacy Place, the Applicant has continued to work and coordinate with the Dedham Building Department and the Design Review Advisory Board. A consensus has developed that the *Legacy Place Sign Program* requires further refinement, definition, and clarification of the provisions relating to tenant window signs.

As required by Section 11.c of the Dedham Sign Code, the Applicant provided written notice to the Design Review Advisory Board (DRAB) of its intent to seek revisions to the *Legacy Place Sign Program* that are the subject of this appeal. Subsequently, the Applicant appeared before DRAB to discuss the specific amendments relating to window signs. As a result of such meeting and review, DRAB has voted to recommend the Applicant's proposed revisions with some additional language further clarifying and distinguishing between window signs visible and not visible from a public way. As further required under the Dedham Sign Code, the Applicant has provided DRAB with a copy of the current application to the ZBA.

At the hearing, the Applicant presented the ZBA with a "red-lined" version of the proposed amended *Legacy Place Sign Program* (including the additional language recommended by DRAB.) The Applicant made a full presentation to the ZBA, which included a review and description of all proposed amendments. Specifically, the amendments to the *Legacy Place Sign Program* proposed by the Applicant (with the additional DRAB language) are as follows:

1. Section I.D.5. (Integrated Design): The words "without Landlord's approval" are added at the beginning of the second sentence.
2. Section II.B. (Supplemental Identity Signs): A new Subsection 17 is added which reads as follows:

Supplemental Sign Type B-17: Window Sign

Any sign (including LED and Digital Display), picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service related to the particular store or business displaying such sign, that is directly attached to and/or placed inside of the storefront and/or the interior face of a window and/or hung from the ceiling and/or otherwise made visible from the exterior of the storefront or window. Extent of application including actual text, design, positioning, etc. are subject to Landlord's discretion. Window signs not visible from Providence Highway or Elm Street shall not be subject to review and approval by the Design Review

Advisory Board; provided, further that window signs visible from Providence Highway or Elm Street shall be subject to provisions of the *Dedham Sign Code*.

Said Section 11.c provides that the ZBA may grant relief or waivers if the same "are warranted owing to any circumstances including . . . (a) that literal compliance with the provisions of this chapter is not practical or is unfeasible, or (b) that such relief or waivers are recommended by the Design Review Advisory Board." As indicated above, the Applicant's requested relief or waivers have been recommended by DRAB (with recommended additional language.) In addition, the Applicant submits that literal compliance with the provisions of the Dedham Sign Code is not practical or is unfeasible. The Applicant noted that the same arguments presented in connection with the ZBA's original approval for the *Legacy Place Sign Program* (ZBA Decision No. 07-74) as well as the ZBA approval of the previous amendment thereto (ZBA Decision No. 08-11, VAR-5-9-LEG and VAR-03-10-1207) are applicable to the current request for waivers and relief.

Upon motion being duly made by Jessica L. Porter and seconded by Scott M. Steeves, the ZBA voted unanimously (5-0) to grant the requested waivers and relief from the provisions of the Dedham Sign Code necessary to further amend the *Legacy Place Sign Program* as proposed by the Applicant (and modified by DRAB) as the same relates to tenant window signs subject to certain grammatical changes and on the condition that not more than thirty (30%) of the stores/businesses in Legacy Place will be allowed to have LED or Digital Display window signs. As so voted, new Section II.B.17 will read as follows:

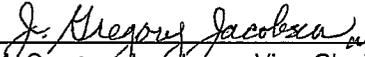
Supplemental Sign Type B-17: Window Sign

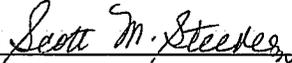
Any sign (including LED and Digital Display), picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service related to the particular store or business displaying such sign, that is directly attached to and/or placed inside of the storefront and/or the interior face of a window and/or hung from the ceiling and/or otherwise made visible from the exterior of the storefront or window. Extent of application including actual text, design, positioning, etc. are subject to Landlord's discretion. Window signs not visible from Providence Highway or Elm Street are not subject to review and approval by the Design Review Advisory Board. Window signs visible from Providence Highway or Elm Street shall be subject to provisions of the *Dedham Sign Code*. Landlord shall not allow or otherwise permit more than thirty (30%) percent of the stores/businesses at Legacy Place from having window signs with LED and/or Digital Display.

The Applicant is directed to file the version of the *Legacy Place Sign Program* as amended by this decision with the ZBA, the Dedham Building Department, and the Design Review Advisory Board. The heading of said document shall indicate that the same has been revised through the date of this hearing and reference the ZBA decisions approving and granting relief or waivers for the same.

Dated: April 15, 2015


James F. McGrail, Esq., Chairman

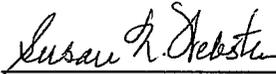

J. Gregory Jacobsen, Vice Chairman


Scott M. Steeves


Jason L. Mammone, P.E.


Jessica L. Porter

Attest, by the Administrative Assistant:


Susan N. Webster

Copies of this decision are filed in the Dedham Town Clerk's office. 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.

Materials Submitted: Proposed revisions to Legacy Place Sign Program