

**TOWN OF DEDHAM
ZONING BOARD OF APPEALS
26 BRYANT STREET, DEDHAM, MASSACHUSETTS 02026**



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DECISION

Date of Filing with Town Clerk: February 6, 2012
Date of Hearing(s): January 25, 2012

Applicant(s): ViewPoint Sign and Awning
Property Owner: Dedham Real Estate Development LLC
Project Address: 800 Providence Highway
Case #: VAR-12-11-1466
Map/Lot: 136/15
Zoning District: Highway Business

The Town of Dedham, Massachusetts Zoning Board of Appeals (hereinafter, "ZBA") held Public Hearings on Wednesday, January 25, 2012, in the Lower Conference Room, Town Hall, 26 Bryant Street, Dedham, MA. Present were members of the Zoning Board of Appeals J. Gregory Jacobsen, Acting Chairman, Scott M. Steeves, E. Patrick Maguire, and Jason L. Mammone, P.E. In the absence of Chairman James F. McGrail, the Acting Chairman appointed Alternate JH Rumpp to sit in his place. The public hearings for this meeting of the ZBA were duly advertised on January 6, 2012 and January 13, 2012 in the *Dedham Times* in accordance with the requirements of G.L.c. 40A, § 11. The ZBA meeting notice was duly posted in accordance with the provisions of G.L.c. 39, § 23A, as amended.

At 8:54 p.m. on Wednesday, January 25, 2012, the Acting Chairman called for the hearing on the petition of ViewPoint Sign and Awning ("Applicant") to be allowed a waiver from the Town of Dedham Sign Code to extend the existing pylon sign at 800 Providence Highway by an additional fifteen (15) inches. The Applicant submitted the following materials to the Zoning Board of Appeals:

- Zoning Board of Appeals application, request for abutters list, and authorization form for publication in *The Dedham Times*
- Renderings of proposed signage with specifications
- Letter of authorization from landlord, David Spiegel, owner of property
- Copy of Design Review Advisory Board letter dated December 1, 2011, supporting the requested waiver

The one-and-a-half–page minutes from the hearing are incorporated herein by reference. The Applicant was represented by Jeffrey Kwass of ViewPoint Sign and Awning.

The Zoning Board of Appeals is authorized and empowered to grant relief or waivers from the provisions of the Dedham Sign Code pursuant to Section 11.c. of the Dedham Sign Code. This provision sets forth both procedural and substantive requirements for the grant of such waivers or relief. The Applicant indicates that it has satisfied these requirements.

The existing pylon sign sits at the front of property located at 800 Providence Highway, and currently displays a large sign for the Vitamin Shoppe. There was room beneath this sign for two smaller cabinets, which will be used by Dunkin' Donuts and European Wax Center, two of the four new tenants for the newly expanded building. Mr. Kwass is asking for a waiver from the Town of Dedham Sign Code in order to add a fifteen (15) inch split cabinet for projected new tenants. He indicated that it would be in keeping aesthetically with the current sign. He noted that the Vitamin Shoppe has the largest sign on the premises, and has in its lease agreement the stipulation that it cannot be decreased in size. He stated that having the split extension would allow the tenants visibility from the highway and would enhance their ability to be successful. He indicated that splitting the Dunkin' Donuts/European Wax sign into four cabinets would not allow sufficient visibility of the signs. He noted that the Design Review Advisory Board has written a letter in support of this addition.

Both Mr. Maguire and Mr. Steeves were of the opinion that the present pylon sign is highly visible from down the highway and should be adequate. They suggested that the Applicant should work with what was there instead of adding more signage.

On a motion made by Scott M. Steeves and seconded by E. Patrick Maguire, the Zoning Board of Appeals voted 4-1 to deny the requested waivers and relief from the provision of the Dedham Sign Code to allow. Mr. Jacobsen was the dissenting vote. The Board felt that no waiver is necessary in this case, and that the Applicant should utilize existing signage instead of adding another cabinet.

Date: February 6, 2012

J. Gregory Jacobsen, Acting Chairman

Scott M. Steeves

E. Patrick Maguire

Jason L. Mammone, P.E.

JH Rumpp