

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
APRIL 28, 2011**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Room

**PRESENT:** Jeffrey Cohen, Chair; Jeffrey Dearing, Vice Chair; Brian Gildea, Clerk;  
Angelo Colasante; Kenneth Gordon; Stephen Henning

**ABSENT:** Carol Amick

**PRESENTATION:** Mr. Gildea read the notice of the meeting.

**BUSINESS MEETING:** The Board will discuss whether the addition of a deck at 2 Carter Way is a significant change to the Habitat for Humanity Comprehensive Permit.

Mr. Cohen reminded the Zoning Board of Appeals (ZBA) members that at the last meeting, the Board had concerns about whether to call the addition of a deck at 2 Carter Way “insignificant” without hearing from the direct abutters. He said the applicants, although not present tonight, have submitted documentation detailing the placement and framing of the deck, along with a letter from the abutter at 4 Carter Way supporting the deck. Mr. Cohen said he believes that this documentation satisfies the Board’s concerns from the previous meeting. He added his view that the change is considered insignificant under the provisions of Chapter 40B, and he feels it is insignificant from his own perspective as well. Mr. Cohen asked how the other Board members felt about it.

Mr. Gordon said he felt the letter from the abutter satisfies his own concerns about giving the neighbors a chance to speak up. Mr. Colasante agreed. Mr. Cohen said that the homeowners at 4 Carter Way are actually the only abutters in the entire development at this moment, so it is easy to state that there is no neighborhood opposition.

Mr. Dearing noted that the Board is making a finding for this change, not granting any kind of permit, and he therefore wondered whether the Board can put conditions on a finding. Mr. Cohen replied that the members cannot put any conditions on a finding. Mr. Gildea said that the Board could, however, phrase the finding in such a way that it makes clear its intentions; for example, although the Board cannot put a condition on the permit to not allow a roof over the deck, the Board could state that it finds the deck is insignificant *because* it does not have a roof, thereby ensuring that the Board’s opinion is that a roof would make it significant. Mr. Cohen said that was an excellent way to present the members’ opinion on the matter.

There was discussion about the size and shape of the deck and how it would look on the lot.

Mr. Gildea suggested also stating in the finding that the ZBA members also find the deck insignificant because there is support from the abutter and no opposition. Mr. Cohen agreed and stated that a third statement could be made: the Board finds the deck insignificant because this is the only house at the Habitat site without any kind of outside deck structure.

Mr. Henning noted that since he is new to the Board, he is unfamiliar with the Chapter 40B regulations; he talked with the other Board members about the rules and regulations of the 40B Comprehensive Permit law.

There was further conversation about the wording of the finding.

**FINDING:**

Mr. Gildea moved that the Board find that the addition of a deck at 2 Carter Way is not a significant change to the Habitat for Humanity Comprehensive Permit, because a) the deck is open and does not have a roof; b) no neighborhood opposition was voiced; and c) it is the only property in the Comprehensive Permit development that does not have a deck structure, all as shown on Exhibits A through E.

Mr. Dearing seconded the motion.

Voting in favor: Cohen, Dearing, Gildea, Colasante, and Gordon

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

**April 14, 2011 Meeting Minutes**

Mr. Cohen asked whether all the Board members had had the chance to read the minutes of the last meeting and make any comments if needed. The members all agreed that they had.

**MOTION:**

Mr. Gildea moved to accept the minutes of the April 14, 2011 ZBA meeting.

Mr. Dearing seconded the motion.

Voting in favor: Cohen, Dearing, Gildea, Colasante, Gordon, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 6-0-0.

**MOTION:**

Mr. Gildea moved to adjourn the meeting.

Mr. Dearing seconded the motion.

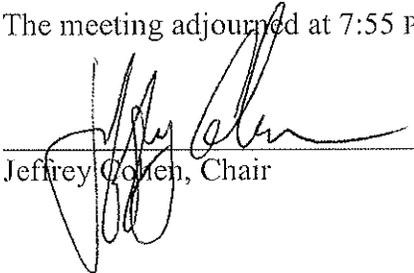
Voting in favor: Cohen, Dearing, Gildea, Colasante, Gordon, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 6-0-0.

The meeting adjourned at 7:55 PM.

  
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Jeffrey Cohen, Chair                      6/16/11                      Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant