

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
OCTOBER 8, 2015**

Town of Bedford
Bedford Town Hall
Second Floor Conference Room

PRESENT: Angelo Colasante, Acting Chair; Carol Amick, Clerk; Jeffrey Dearing; Kay Hamilton; Robert Kalantari

ABSENT: Todd Crowley, Chair; Michelle Puntillo; Arthur Smith

Mr. Colasante introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and assistant introduced themselves.

PRESENTATION: Ms. Amick read the notice of the hearing.

PETITION #009-16 – Leslie Mahoney, for 82 South Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct garage/mudroom addition within front and side yard setbacks.

Leslie Mahoney, of Mahoney Architects, introduced herself and the homeowner at 82 South Road, Chris Sarnowski. She explained that the property in question was pre-existing non-conforming, both due to the undersized lot size and non-conforming front and side yard setbacks. She stated that the proposal before the Board was for a garage addition that would keep the same setback lines and not extend any farther into the setbacks than the existing house already does.

The Board members talked with the applicant about the size and shape of the lot, and the layout and dimensions of the proposed addition.

Mr. Colasante opened the hearing to the public. With no comments or questions from those in attendance, Mr. Crowley closed the public hearing.

DELIBERATIONS:

Mr. Colasante said he thought this application met the two criteria of a Special Permit, in that it was not detrimental or injurious to the neighborhood and was in keeping with the intent and purpose of the Bylaw. Mr. Dearing agreed, noting that this addition was appropriate given the scale and density of the neighborhood. The other members agreed as well.

MOTION:

Ms. Amick moved to grant Leslie Mahoney, for 82 South Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct garage/mudroom addition

within front and side yard setbacks, substantially as shown on Exhibit 1 (proposed plot plan), Exhibit 2 (first floor plan), Exhibit 3 (Hartford Street side elevation), Exhibit 4 (rear elevation), Exhibit 5 (left elevation), and Exhibit 6 (South Road south elevation).

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Hamilton, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board had 14 days to write a decision, after which time there was a 20-day appeal period. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, the applicant may apply for a Building Permit.

PRESENTATION: Ms. Amick read the notice of the hearing.

PETITION #008-16 – Pamela Brown, Esq., for Learning Express, at 160-168 Great Road, seeks a Special Permit per Article 39.4 Section 3(A) to increase first floor wall area to 20% and divide wall signs into two or more signs; and per Article 39.5 Section 1 to illuminate sign(s).

Ms. Brown greeted the Board and re-introduced Mike Derse, of Learning Express, who was present when the business was granted its Variance to operate in the new tenant space at Bedford Marketplace, and introduced Brian Cartier. Ms. Brown said that the request before the Board in this application was to increase the first floor front wall area to 20% to increase wall sign size, divide the wall sign into three signs, and externally illuminate the signs.

Ms. Brown showed the Board the sign renderings as shown in the application packet, and there was discussion about the locations, aesthetics, and dimensions of the sign.

Mr. Colasante opened the hearing to the public.

Mr. Colasante read an email from James O'Neil, dated October 6, 2015 (see attached) in which he outlines three items: 1) The application referenced both gooseneck illumination and halo-lit illumination, and he felt the Board should choose one or the other; 2) The letter from Rex Signs used a lighting calculation that was not consistent with the Sign Bylaw; and 3) He questioned whether or not parapets have been traditionally included as part of wall area.

Ms. Brown commented that Mr. O'Neil had copied her on his email, and she had sent a reply (see attached) that addressed his three concerns: 1) The signs would be lit with *either* halo or goosenecks, but the applicants had not decided at the time of submittal

because they were not sure what other tenants were doing and wanted to be consistent; 2) The Sign Bylaw uses outdated terminology regarding lumens and foot lamberts, but the applicant's consultant has calculated that the illumination will indeed conform and be well under the allowed illumination; and 3) Parapets have typically been included as wall area for calculation purposes.

There was more conversation about the type of illumination. Mr. Colasante said it seemed that the general consensus of the Board was that either type was allowable, but a specific type needed to be chosen. Mr. Dearing said that his preference at this time was for goosenecks, but stressed that this could change depending on what the surrounding tenants chose. Mr. Colasante said he was certain that, if the applicants wanted to change the type of illumination, it could be done as a simple business item.

With no further comments or questions from those in attendance, Mr. Colasante closed the public hearing.

DELIBERATIONS:

Mr. Colasante stated that this was a Special Permit application, for which the two requirements were that the signs were not injurious or detrimental to the neighborhood and were in keeping with the intent and purpose of the Bylaw. He said that he felt this request met those conditions, so long as one specific type of illumination was chosen and memorialized in the Special Permit. Mr. Dearing agreed, noting that the usual condition that the sign not be illuminated between 11:00 PM and 6:00 AM should also be included. The other members agreed that the signs met the requirements of a Special Permit.

MOTION:

Ms. Amick moved to grant Pamela Brown, Esq., for Learning Express, at 160-168 Great Road, a Special Permit per Article 39.4 Section 3(A) to increase first floor wall area to 20% and divide wall signs into two or more signs; and per Article 39.5 Section 1 to illuminate sign(s), substantially as shown on Exhibit 1 (site plan of Bedford Marketplace), Exhibit 2 (Learning Express sign elevation exhibit), Exhibit 3 (letter from sign engineer), Exhibit 4 (front elevation – gooseneck), Exhibit 5 (Building A side – gooseneck), Exhibit 6 (east side gooseneck), and Exhibit 7 (east drive gooseneck), with the condition that the sign shall not be illuminated between the hours of 11:00 PM and 6:00 AM.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Hamilton, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board had 14 days to write a decision, after which time there was a 20-day appeal period. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, the applicant may apply for a Sign Permit.

Adjournment

Mr. Colasante called for a motion to adjourn the meeting.

MOTION:

Ms. Amick moved to adjourn the meeting.

Ms. Hamilton seconded the motion.

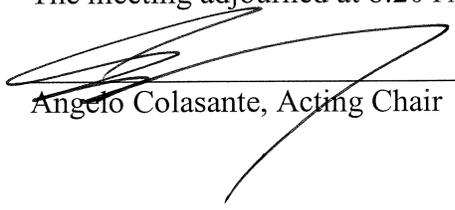
Voting in favor: Colasante, Amick, Dearing, Hamilton, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 8:20 PM.


Angelo Colasante, Acting Chair

12-10-15
Date

Respectfully Submitted,

Scott Gould
ZBA Assistant