

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
FEBRUARY 4, 2016**

Town of Bedford
Bedford Town Hall
First Floor Conference Room

PRESENT: Todd Crowley, Chair; Angelo Colasante, Vice Chair; Carol Amick, Clerk; Jeffrey Dearing; Kay Hamilton

ABSENT: Michelle Puntillo; Arthur Smith; Robert Kalantari

GUESTS: Jeffrey Cohen and Amy Lloyd, Planning Board

Mr. Crowley 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 #022-16 – William Delaney, at 427 Davis Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to demolish house and construct larger house on non-conforming lot.

Mr. Crowley stated that Ms. Puntillo, who was a voting member at the first hearing, was absent tonight; however, although he was not present at the first hearing, he had read the minutes and would be invoking the exception to the Mullen Rule in order to preserve the five-member quorum.

Justin Delaney greeted the Board and reminded them that he was proposing to demolish the existing home at 427 Davis Road and rebuilt a new, larger home on the lot. He explained that the Board's primary concern at the first meeting was the massing of the proposed structure, particularly the height. He said that he worked with the architect to change the roof pitch and lower the plate for the second floor in order to reduce the height, and now the proposed height was 30'.03" from the originally proposed 38'.

Mr. Colasante asked whether the footprint of the proposed dwelling was changing. Mr. Delaney said it was not; the proposed structure was still approximately 3,800 square feet.

Mr. Crowley asked when the original house was built. Mr. Delaney replied that it was constructed in the mid-1950s.

Mr. Crowley said that he drove through the neighborhood earlier in the week, and felt that this proposed structure was much more in keeping with the context of the neighborhood than the original proposal. Ms. Hamilton agreed.

Ms. Amick said that she was grateful that the applicant had worked to reduce the height and massing of the structure, and she was thrilled with the new plan.

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

DELIBERATIONS:

Mr. Crowley stated that this was a Special Permit application, and the two requirements of a Special Permit were that the project was in keeping with the intent and purpose of the Bylaw and was not detrimental or injurious to the neighborhood. He said that he understood why the Board had issues with the original plan, but he felt this modified proposal met the requirements of a Special Permit and would be a handsome addition to the neighborhood. After further discussion, the other Board members agreed.

MOTION:

Ms. Amick moved to grant William Delaney, at 427 Davis Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to demolish house and construct larger house on non-conforming lot, substantially as shown on Exhibit 1 (Letter from architect to ZBA), Exhibit 2 (“Notes and Symbols”), Exhibit 3 (Foundation plan), Exhibit 4 (First floor plan), Exhibit 5 (Second floor and attic plan), Exhibit 6 (Elevations), Exhibit 7 (Sections), Exhibit 8 (Details), Exhibit 9 (Framing plans and roof plan), Exhibit 10 (Plot plan), Exhibit 11 (Drainage structures).

Mr. Dearing seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Crowley 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.

Mr. Crowley thanked the applicant for modifying the plan to better fit the neighborhood and wished him luck with the project.

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

PETITION #020-16 – CONTINUATION – Pamela Brown, Esq., for Comella’s

Restaurant, at 158H Great Road, seeks a Special Permit per Article 39.5 Section 1 of the Sign Bylaw to illuminate sign.

Ms. Brown greeted the Board and stated that the owners of Comella's had re-modified the proposed sign, and had now brought the size down to under 50 square feet; she said that the size was now allowed by right under the Bylaw, so the only relief needed from the Board was for illumination.

Mr. Crowley stated that the sign was a vast improvement over the first two proposed iterations. Mr. Dearing agreed, noting that he wished the applicants had proposed a sign like this from the very beginning, because it was so much more in keeping with the other signs at the Bedford Marketplace.

Mr. Crowley opened the hearing to the public.

Jeffrey Cohen, a resident of 17 Houlton Street and a member of the Planning Board, said that the specification sheet provided for the illumination of the second line of the sign, reading "Homemade Italian Foods," was a concern, as it showed a different type of halo illumination than he had ever seen. He said that the illumination for this part of the sign did not bounce out the back of the sign and off the wall to create the halo effect as was traditionally done, but instead came out the front of the sign and seeped around the opaque letters to provide the halo effect. There was extensive discussion about whether this type of lighting met the definition and intent of halo illumination as stated in the Sign Bylaw.

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

DELIBERATIONS:

The Board was in full agreement that the sign size was appropriate for the building and for the Marketplace. Regarding illumination, Ms. Amick said she worried this would set a precedent for other sign manufacturers to construct signs with lights that did not fit the specified criteria of the Bylaw. Mr. Colasante said that, as long as there was a condition that the sign would provide the same halo effect, he was not as concerned about how that effect was achieved. After further conversation, Mr. Crowley, Mr. Dearing, and Ms. Hamilton agreed. Ms. Brown stated that she had no problem with such a condition.

Mr. Crowley added that he felt this sign met the requirements of a Special Permit, in that it was not injurious or detrimental to the neighborhood and, in his opinion, met the intent and purpose of the Bylaw.

MOTION:

Ms. Amick moved to grant Pamela Brown, Esq., for Comella's Restaurant, at 158H Great Road, seeks a Special Permit per Article 39.5 Section 1 of the Sign Bylaw to illuminate sign, substantially as shown on Exhibit 1 (store front with sign location), Exhibit 2 (sign

size), Exhibit 3 (general specifications), and Exhibit 4 (certification letter), and subject to the following conditions:

- 1) That the lights illumination the words “Homemade Italian Food,” when installed, will create a true halo-lit effect, as per Article 39.2 Section A(12) of the Sign Bylaw, and, if not, shall be modified to comply with the Bylaw;
- 2) 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: Crowley, Colasante, Dearing, and Hamilton

Voting against: Amick

Abstained: None

The motion carried, 4-1-0.

Mr. Crowley 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 applicants may apply for a Sign Permit and illuminate the sign.

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

PETITION #013-16 – CONTINUATION – Aarthi Sampath and Vijayanand Appadvrai, at 1 Perham Street, seek a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct addition within front yard setbacks.

Mr. Crowley read into the record a letter from Ms. Sampath, dated November 30, 2015, requesting to withdraw the Special Permit application for 1 Perham Street.

MOTION:

Ms. Amick moved to withdraw without prejudice the application for Aarthi Sampath and Vijayanand Appadvrai, at 1 Perham Street, seeking a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct addition within front yard setbacks.

Mr. Dearing seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

BUSINESS MEETING:

Planning Board Meeting

