

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
APRIL 28, 2016**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Todd Crowley, Chair; Angelo Colasante, Vice Chair; Carol Amick, Clerk; Jeffrey Dearing; Michelle Puntillo; Robert Kalantari

ABSENT: Kay Hamilton

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 #039-16 – Evner Natareno, for 31 Great Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct morning room within side yard setback and to construct addition totaling more than 600 square feet.

Mr. Natareno introduced himself and introduced the homeowner for 31 Great Road, Marc Randazzo. Mr. Natareno stated that the proposal involved demolishing the existing garage and constructing a new one-car garage with storage room above; this structure would be attached to the existing house by a breezeway. He said that they also hoped to add a small morning room on the opposite corner of the house. He stated that the architecture and colors would be consistent with the current home, and had been approved by the Historic District Commission (HDC). He noted that the only part of this project that was outside the allowable setback was the morning room, although that structure would not encroach any closer to the line than the existing structure.

Mr. Crowley asked whether the guest suite above the garage would be a full living space, with heating and plumbing. Mr. Natareno replied that it would.

The Board talked with the applicants about the dimensions and architectural features of the additions.

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 for granting it were that the project was not injurious or detrimental to the neighborhood and was in keeping with the intent and purpose of the Bylaw. He said that he felt this

project met those conditions, particularly since the new garage would be conforming and the aesthetics seemed to be more in keeping with the historic character of the house than the existing addition. Mr. Dearing agreed, stating that the barn was a lovely fit for the garage and would be a great addition to the neighborhood. The other members also agreed.

MOTION:

Ms. Amick moved to grant Evner Natareno, for 31 Great Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct morning room within side yard setback and to construct addition totaling more than 600 square feet, substantially as shown on Exhibit 1 (plot plan), Exhibit 2 (floor plan), and Exhibit 3 (exterior elevation).

Mr. Dearing seconded the motion.

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

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.

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

PETITION #040-16 – Bedford Patriots Park LLC, at 40-44 Wiggins Avenue, seeks a Special Permit per Section 7.4.3 of the Zoning By-Law to reduce required width of parking spaces from 9 feet to 8.5 feet.

Nicole Dunphy, of Highpoint Engineering, introduced herself and stated that she was here on behalf of Longfellow Real Estate Partners, the new property owners. She explained that the site was developed in 1976 and an addition was proposed in 1986 that required site plan review by the Planning Board; at that time, the site was approved for 472 parking spaces. She stated that, since that time, the site had been redeveloped and today there were currently 345 parking spaces. She said that Longfellow Real Estate Partners recently purchased the property and would like to increase the number of spaces from 345 to 432 to meet the desired parking ratio of three stalls per thousand square feet. She stated that, in order to meet that number, they propose reducing the dimensions of a standard parking stall size from 9 feet to 8.5 feet in width and from 19 feet to 18.5 in depth.

There was dialogue about the number of existing spaces versus proposed, along with the number of spaces designated as “compact” and the number of existing spaces that met the 9’ x 19’ size requirement.

Mr. Colasante asked whether the building was currently occupied. Ms. Dunphy replied that there was currently one tenant, but the owners hoped to expand in the near future.

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 said that this seemed like a reasonable proposal, and he liked that the applicants were planning to stay within the existing footprint and were increasing green space in the lot. He said that they seemed to be doing the best they possibly could with the parking, and he felt that it met the requirements of a Special Permit, in that it was not injurious or detrimental to the neighborhood and was in keeping with the intent and purpose of the Bylaw. The other Board members agreed.

MOTION:

Ms. Amick moved to grant Bedford Patriots Park LLC, at 40-44 Wiggins Avenue, a Special Permit per Section 7.4.3 of the Zoning By-Law to reduce required width of parking spaces from 9 feet to 8.5 feet, substantially as shown on Exhibit 1 (letter from engineer), Exhibit 2 (letter of authorization from property owner), Exhibit 3 (site map), and Exhibit 4 (building and parking plans).

Ms. Puntillo seconded the motion.

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

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.

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

PETITION #042-16 – Greg Gardner, for 29 Houlton Street, 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.

Pamela Brown, Esq., greeted the Board and stated that Mr. Gardner had contacted her for her guidance through the ZBA process. She said that his original proposal as seen in the application was, in her opinion, too large-scale for the neighborhood, even though it was identical to the house built directly across the street. She said she worked with Mr. Gardner and his architect to revise the plans in order to bring the height and massing down so that it would fit in better with the neighborhood.

There was discussion about the height and footprint of the proposed dwelling. Ms. Brown noted that the footprint would be 30' x 44' and the height would be 32'4", as opposed to the house across the street, which was 39', as measured by the new Bylaw way of calculation.

Mr. Colasante commented that the plot plan in the application referenced the original house plan, not the revised one. Ms. Brown said that the revised house would be smaller so there would be no problem meeting the setbacks. Mr. Crowley asked whether the applicant would have a problem with a condition stating that a plot plan must be submitted to the Code Enforcement Department prior to issuance of a Building Permit. Ms. Brown said that would not be a problem at all, because Code Enforcement required a plot plan to be submitted with the Demolition Permit anyway to ensure that the proposed structure would meet the setbacks before the old structure was torn down.

Mr. Crowley opened the hearing to the public.

Norm and Linda Johnson, of 25 Houlton Street, said that they felt that this house was an improvement to the neighborhood, and they supported it.

Jeff Connell, of 32 Houlton Street, said that he agreed and also believed that this seemed to be an attractive design and would fit in well on the street.

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

DELIBERATIONS:

Mr. Crowley said that this was a Special Permit application, so the two requirements for granting it were that the project was in keeping with the intent and purpose of the Bylaw and was not injurious or detrimental to the neighborhood. He said that he felt this revised plan met those requirements much more than the original plan. Mr. Dearing agreed and noted that he was glad that the height requirement had been changed in the Bylaw, because it helped reduce the massing of new houses.

Mr. Colasante said that the new plan was certainly better than originally proposed in the application, but he was still concerned about the height. It was agreed that the heights of structures varied throughout the neighborhood, so this proposed structure would not be incongruous.

MOTION:

Ms. Amick moved to grant Greg Gardner, for 29 Houlton Street, 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 (elevation plans for new design) and Exhibit 2 (floor plan), with the following conditions:

- 1) That applicant submit a plot plan identifying the location of new construction on plan;
- 2) That the new plan conform to all required setbacks.

Mr. Dearing seconded the motion.

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

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.

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

PETITION #041-16 – Pamela Brown, Esq., for Bedford Marketplace, at 170 Great Road, seeks a Special Permit per Article 39.4 Section 3(B) of the Sign Bylaw to erect oversized monument sign, and per Article 39.5 Section 1 of the Sign Bylaw to illuminate sign.

Ms. Brown stated that the Bedford Marketplace is in the process of being upgraded and renovated, and the owner wanted to do the same with the freestanding directory sign at the entrance to the site. She said that they hoped to replace the current sign in the exact location, with a new sign that was smaller than the existing. She noted that the details of the sign, including a rendering to show how it would look, were in the application packet.

Mr. Dearing asked whether the Department of Public Works (DPW) had reviewed the sign location for site lines. Ms. Brown said that she did not believe that they had, but it would be 10 feet from the property line so it shouldn't be a problem. There was further discussion about the site lines and whether cars coming out of the shopping center would properly be able to see traffic.

Mr. Dearing said that, from a site line perspective, he would feel much more comfortable if the sign were pushed back from its current location. The other members agreed.

Mr. Crowley stated that the sidewalk had already been poured and it appeared to be curved around the island where the sign was located. The Board talked with Ms. Brown about whether the sidewalk was temporary and whether it could easily be moved. Mr. Colasante said that his understanding was that the sidewalk on the site plan was straight, so there would be no difficulty in straightening it out and moving the sign back.

Regarding the sign dimensions, Mr. Crowley noted that Christopher Laskey, the Code Enforcement Director, had provided a synopsis stating the following:

This was originally thought to be a Special Permit request to modify a pre-existing, non-conforming sign. However, there is documentation of a variance being granted in 1980 to remove the old 235 sq. ft. neon standing sign and replace it with a new 103 sq. ft. standing sign to be illuminated by flood lights on the ground.

From the information in the file, if I take just the sign dimensions of the existing sign (not including the supports), it comes out to approximately 103 sq. ft. However, if I measure the sign area as we do today (i.e. include supports and the "vacant" space between the sign/supports), the existing sign area is approximately 155 sq. ft.

Reading the information Pam Brown has submitted, she appears to be taking the widest and tallest dimensions of the each sign (both existing and proposed). So for the existing sign she has 192 sq. ft. (18'-6"x10'-4") and for the proposed sign she has 182.5 sq. ft. (18'-3"x10'). Whereas, I calculated 155 sq. ft. for the existing sign and 112 sq. ft. for the proposed sign based on the sign's actual elements.

Ms. Brown said that, according to Mr. Laskey's measurements, the proposed sign was 112 square feet. Ms. Amick said that she would like to see the proposed sign be scaled down to be 103 square feet, in order to meet the requirements of the Variance. The rest of the Board agreed.

Mr. Crowley opened the hearing to the public.

Jim O'Neil, of 21 Clark Road, said that it seemed that the Board members had already made up their mind on this matter, but he wanted to remind them that the Sign Bylaw Review Committee had worked hard to come up with revisions that were fair to businesses, and they determined that 56 square feet was the appropriate size for this district. He said that he hoped the Board members would have the courage it took to deny this application and require the owner to meet the requirements of the current Bylaw.

Mr. Colasante said that he took issue with Mr. O'Neil's comment that the Board should show courage by only allowing a sign that was 56 square feet. He said that a Variance had been granted for this sign already, which ran with the land, and he felt that the size granted by that Variance was much more appropriate for this site than what the Bylaw allowed or what Mr. O'Neil proposed. He said that he did wish that the Planning Board had approved a sign scheme for the Marketplace during its site plan review, rather than

leaving it up to each applicant, because the result has been a mishmash of sign styles and illumination fixtures; however, he felt that there was nothing unreasonable about this sign proposal, and he would have no problem granting a 103 square foot sign.

Mr. Colasante said that he did, however, shared the Board's earlier concerns about the location. Ms. Amick agreed and noted that she would like Ms. Brown to continue the hearing in order to provide a new sign rendering that measured 103 square feet and showed the sign pushed back from the sidewalk more. After more conversation, Ms. Brown agreed to continue the hearing to the May 12 meeting.

MOTION:

Ms. Amick moved to continue Pamela Brown, Esq., for Bedford Marketplace, at 170 Great Road, seeking a Special Permit per Article 39.4 Section 3(B) of the Sign Bylaw to erect oversized monument sign, and per Article 39.5 Section 1 of the Sign Bylaw to illuminate sign to May 12, 2016 at 7:30 PM.

Mr. Colasante seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

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

PETITION #035-16 – CONTINUATION – Jeffrey Chun, at 18 Roberts Drive, seeks a Variance per Table II: Dimensional Regulations and per Section 14.7 of the Zoning Bylaw to construct addition within front yard setback.

Mr. Crowley stated that the Board had received an email from Mr. Chun requesting to withdraw his application without prejudice.

MOTION:

Ms. Amick moved to withdraw without prejudice Jeffrey Chun, at 18 Roberts Drive, seeking a Variance per Table II: Dimensional Regulations and per Section 14.7 of the Zoning Bylaw to construct addition within front yard setback.

Mr. Colasante seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Adjournment

MOTION:

Ms. Amick moved to adjourn the meeting.

Mr. Colasante seconded the motion.

Voting in favor: Crowley, Colasante, Amick, Dearing, Puntillo, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 6-0-0.

The meeting adjourned at 9:25 PM.

Todd Crowley, Chair

Date

Respectfully Submitted,

Scott Gould
ZBA Assistant