

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
JUNE 25, 2015**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

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

ABSENT: Michelle Puntillo

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 #035-15 – Pamela Brown, Esq., for Marshalls, at 170 Great Road, seeks a Special Permit per Article 39.4 Section 3(A) to allow oversized wall sign, and per Article 39.5 Section 1 to illuminate sign.

Ms. Brown greeted the Board and stated that Marshalls planned to take the existing sign down and build a more elaborate, modern entryway that would bump out to create a wider sidewalk; on that new entryway they proposed to reinstall the old sign but take out the internal illumination and use halo-lit illumination instead. She said that this would, therefore, be an improvement over the current conditions, and would bring the sign closer into conformity with the Sign Bylaw. She added that a Variance had been granted by the ZBA in 1980 to allow the sign to be erected in the first place.

Ms. Amick stated that the approval from 1980 allowed a sign that was 5'9" in height, but according to the new specification, the sign was six feet in height. Ms. Brown said she could not explain the discrepancy, and could only assume that there was a mistake made when the sign was manufactured.

There was discussion about the size and aesthetics of the sign, as well as the materials used.

Mr. Colasante asked whether Ms. Brown had any documentation certifying that the illumination would not exceed 75 foot lamberts. Ms. Brown said she did not have it but would have no problem getting it. Mr. Colasante asked whether it would be a problem having receipt of the letter being a condition of the Special Permit, and she replied that it would not.

James O'Neil, of 21 Clark Road, said that he didn't believe that the Zoning Board in 1980 had any appropriate legal grounds to grant a Variance from size, so he was

concerned about allowing this sign to remain the same size. The Board talked about whether to tie this application to the original Variance or grant a new Special Permit. Ms. Amick said she did not think it would be wise to tie this Special Permit back to the 1980 Special Permit, as it was a different size and different type of illumination. Mr. Colasante agreed.

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

DELIBERATIONS:

Mr. Colasante said that he had no problems with this sign, and he believed it met the two requirements of a Special Permit, in that it was in keeping with the intent and purpose of the Bylaw and was not injurious or detrimental to the neighborhood. The other Board members agreed. Mr. Dearing said that this sign would clearly be an improvement over the current one, but added that the Board should still condition the Special Permit as it always does, with the requirement that the sign not be illuminated between the hours of 11:00 PM and 6:00 AM. Mr. Colasante agreed and noted that he would also like to see the permit conditional upon receipt of documentation certifying that the illumination will not exceed 75 foot lamberts.

MOTION:

Ms. Amick moved to grant Pamela Brown, Esq., for Marshalls, at 170 Great Road, a Special Permit per Article 39.4 Section 3(A) to allow oversized wall sign, and per Article 39.5 Section 1 to illuminate sign, substantially as shown on Exhibits 1 and 2, and with the following conditions:

- 1) The applicant shall produce documentation from a licensed electrician, sign manufacturer or qualified lighting or engineering consultant that the illumination shall not exceed 75 foot lamberts;
- 2) The sign shall not be illuminated between the hours of 11 PM and 6:00 AM.

Mr. Crowley seconded the motion.

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

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, barring any appeals, the applicant may apply for a Sign Permit at the Code Enforcement Department.

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

PETITION # 036-15 – Pamela Brown, Esq., for 4 Selfridge Road, seeks a Variance from Section 6.2.7 to allow detached garage beside primary dwelling.

Ms. Brown explained that a house was currently being constructed at 4 Selfridge Road and the odd shape of the lot did not allow for a detached garage to be placed behind the house, as the Bylaw required; therefore, this was a Variance request to allow an accessory structure beside the primary dwelling, rather than ten feet behind the house as specified under the Zoning Bylaw. She said that the setbacks of the proposed garage were fully conforming, so the only relief necessary was the placement beside the house rather than behind.

Mr. Dearing said it appeared that there was a two-car garage already attached to the house, so this accessory structure would allow two more cars in addition to that. Ms. Brown said that was correct.

Mr. Colasante asked whether the applicant had considered attaching the garage to the house, so he could avoid this entire issue. Mr. Iovino said he had considered it but thought this proposal would look nicer, and the neighbors had also requested that it be detached.

Mr. Dearing stated that granting a Variance was extremely difficult for the Board, as a hardship on the land needed to be proven. He said he would have great difficulty finding any hardship in this case. The other Board members agreed.

Mr. Iovino said that he could attach the garage to the house as of right without needing any zoning relief, but he and the abutters all thought it would look better as a detached structure beside the primary structure. Mr. Colasante said he did not disagree that it might look better, but the Board needed a hardship in order to grant a Variance. Ms. Amick said that the Board could be subjective with certain parts of the Bylaw, but a Variance did not allow any leniency. Mr. Dearing agreed, noting that if this were a Special Permit application, it would be much easier to grant, but a Variance cannot be granted just because the Board agreed that the garage was more aesthetically pleasing in one location than another.

Mr. Colasante suggested that the applicant withdraw the application, because it would clearly not pass; he added that, if an application is denied, the applicant cannot return to the Board with a similar application for two years, so it was in Mr. Iovino's best interest to withdraw. Mr. Iovino agreed to withdraw the application, noting that he would find a way to attach the garage to the house.

MOTION:

Ms. Amick moved to withdraw without prejudice the application of Pamela Brown, Esq., for 4 Selfridge Road, seeking a Variance from Section 6.2.7 to allow detached garage beside primary dwelling.

Mr. Crowley seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

BUSINESS MEETING:

Election of Officers – Chair

Mr. Colasante stated that the Board was encouraged to change up the officers of Chair, Vice Chair, and Clerk every year, and the members filling those roles had not changed for two years; therefore, he felt it was time to switch the roles around. He nominated Todd Crowley for Chair, and called for a motion to accept the nomination.

MOTION:

Ms. Amick moved to nominate Todd Crowley as ZBA Chair.

Mr. Smith seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 7-0-0.

Election of Officers – Clerk

Ms. Amick stated that she would be willing to continue as Clerk but would also be willing to relinquish the role if another member wanted to fill it. It was agreed that Ms. Amick would remain.

MOTION:

Mr. Crowley moved to re-nominate Ms. Amick as ZBA Clerk.

Mr. Dearing seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 7-0-0.

Election of Officers – Vice Chair

The Board agreed that Ms. Puntillo would be an excellent fit for Vice Chair. Mr. Smith said he would like to nominate her. Ms. Amick said she worried about nominating a member for such a role when that member was not present at the meeting. Mr. Colasante said he would be willing to act as Vice Chair if Ms. Puntillo were not willing. Ms. Amick suggested making a motion to nominate Ms. Puntillo for Vice Chair and then making a separate motion nominating Mr. Colasante for the role if Ms. Puntillo did not want the position. The Board members agreed that this was a good idea.

MOTION:

Ms. Amick nominated Michelle Puntillo as ZBA Vice Chair.

Mr. Crowley seconded the motion.

Voting in favor: Colasante, Crowley, Amick, Dearing, HAMILON, Smith, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 7-0-0.

MOTION:

Ms. Amick moved that Angelo Colasante be nominated for ZBA Vice Chair should Ms. Puntillo be unable or unwilling to take on the role.

Mr. Crowley seconded the motion.

Voting in favor: Colasante, Crowley, Amick, Dearing, HAMILON, Smith, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 7-0-0.

May 28 Meeting Minutes

Mr. Colasante called for a motion to accept the minutes of the May 28 meeting.

MOTION:

Ms. Amick moved to accept minutes of the May 28, 2015 meeting, as amended.

Mr. Crowley seconded the motion.

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

Voting against: None

Abstained: Amick, Hamilton, and Smith

The motion carried, 4-0-3.

Adjournment

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

MOTION:

Mr. Smith moved to adjourn.

Ms. Amick seconded the motion.

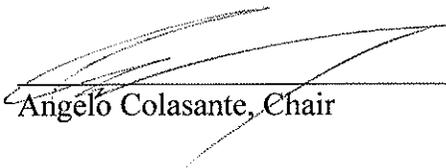
Voting in favor: Colasante, Crowley, Amick, Dearing, Hamilton, Smith, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 7-0-0.

The meeting adjourned at 8:45 PM.



Angelo Colasante, Chair

9-24-15

Date

Respectfully Submitted,

Scott Gould
ZBA Assistant