ZONING BOARD OF APPEALS
MINUTES OF MEETING
JULY 9, 2015

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

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

ABSENT: Jeffrey Dearing; Michelle Puntillo; Robert Kalantari

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 #002-16 – Ayoub Engineering, Inc., for Shell Oil, at 358 Great Road, seeks a modification to Special Permit #019-02 to allow canopy to be used for signage.

Steve Pedro, of Ayoub Engineering, Inc., greeted the Board and explained that Shell Oil was in the process of refurbishing the signage at the 358 Great Road gas station, which involved repainting the canopies and installing three Shell "pecten" logos on those canopies. He said that the proposed logos would be 2'9" square.

Mr. Crowley asked whether the proposed logos would be illuminated. Mr. Pedro replied that they would not.

Mr. Colasante said that it was important to note that the original Special Permit for the Shell signs, granted in 2002, allowed for the name "Shell" to be placed on the canopies in two locations, even though it was never done.

There was further conversation about the dimensions and alignment of the canopies on the property. Mr. Pedro stated that the canopies were visible from three different directions, which was why Shell proposed the three logo signs.

Mr. Colasante asked about the setback of the canopy to the property line. Mr. Pedro said he was not sure of the exact dimension, but was fairly certain that it was at least 10 feet in from the street, as the Sign Bylaw required for any sign, even though he was not sure whether this should be considered a freestanding sign.

Mr. Crowley opened the hearing to the public.

James O'Neil, of 21 Clark Road, asked to see the locations of the three pecten signs. After reviewing the submitted plan, he noted that it appeared that the three new logos

combined still came to less square footage than the original two "Shell" signs. Mr. Pedro said that was correct. Mr. O'Neil said that, as long as there was no new illumination on the canopies, he supported the application.

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

DELIBERATIONS:

Mr. Crowley stated that the Board had to determine that this modification to the original Special Permit was in keeping with the intent and purpose of the Bylaw and was not injurious or detrimental to the neighborhood. He said he felt that this modification met those requirements. The other Board members agreed.

Ms. Amick asked whether the Board wanted to place any conditions on the motion. Mr. Crowley said he would be more comfortable simply amending the original Special Permit and referencing an exhibit rather than placing any new conditions. Ms. Amick said she thought it was important that the motion mention that the new canopies will allow three signs. Mr. Colasante agreed.

MOTION:

Ms. Amick moved to grant to Ayoub Engineering, Inc., for Shell Oil, at 358 Great Road a modification to Special Permit 019-02 to allow three pecten signs on two existing canopies, substantially as shown on Exhibit A.

Ms. Hamilton seconded the motion.

Voting in favor: Crowley, Colasante, Amick, Hamilton, and Smith
Voting against: None
Abstained: None

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 #001-16 – Robert Badzey, at 41 Pine Street, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to build second floor addition on nonconforming structure.

Mr. Badzey introduced himself and stated that his house was a Cape style home that he and his wife hoped to turn into a Colonial. He said that they did not plan to expand the footprint of the house at all, but proposed taking off the half story above the first floor

and reframe it, thereby turning it into a second story with much more space. He showed a photograph of the existing house and noted that the application showed renderings of the house once the proposed addition was completed. He added that the garage, though non-conforming, was not attached to the house, so technically the only setback that made the existing house non-conforming was the front.

Ms. Hamilton said she was concerned about the house looking too massive after the addition because of its close proximity to the street, especially compared to the surrounding houses, which were all set farther back from the property lines. There was discussion about the size and aesthetics of the addition.

Mr. Crowley asked about the square footage of the existing house and the proposed addition. Mr. Badzey replied that the current house was 1,600 square feet, and the addition would bring it to a little more than 1,900 square feet.

Mr. Badzey commented that the elevation plans showed an overhang above the front steps, and he wondered whether that should be dealt with as part of this application or whether it should be taken out. Mr. Crowley said that it was not technically part of this application so he would prefer that Mr. Badzey come back before the Board in the future if he wanted to add the roof overhang.

Mr. Crowley opened the hearing to the public. With no one from the public in attendance, Mr. Crowley closed the public hearing.

DELIBERATIONS:

Ms. Amick said that she understood Ms. Hamilton's concern, but she was not as worried because of the considerable side setback between this house and the abutting house, which would help soften the size of the proposed structure. Mr. Colasante said he sympathized with homeowners who wanted to stay in their home rather than buying another house altogether, and he felt that this addition was a good compromise to allow this family to stay in Bedford. Mr. Crowley noted that the other houses being more set back also helped to soften the aesthetics, as the structures would not seem too imposing on both sides.

Mr. Crowley noted that 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 injurious or detrimental to the neighborhood, and he felt this addition met those requirements. The other members agreed.

MOTION:

Ms. Amick moved to grant Robert Badzey, at 41 Pine Street, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to build second floor addition on nonconforming structure, substantially as shown on Exhibit A (plot plan) and Exhibit B-1 and B-2 (elevation plans), without the portico roof over the front stairs.

Mr. Colasante seconded the motion.

Voting in favor: Crowley, Colasante, Amick, Hamilton, and Smith
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.

BUSINESS MEETING:

Adjournment

MOTION:

Ms. Amick moved to adjourn the meeting.

Mr. Smith seconded the motion.

Voting in favor: Crowley, Colasante, Amick, Hamilton, and Smith
Voting against: None
Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 8:55 PM.

Todd Crowley, Chair 9/22/15 Date

Respectfully Submitted,

Scott Gould
ZBA Assistant