

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
FEBRUARY 9, 2012**

Town of Bedford  
Bedford Town Hall  
Multi-Purpose Room/Auditorium

**PRESENT:** Angelo Colasante, Chair; Kenneth Gordon, Vice Chair; Brian Gildea, Clerk; Jeffrey Cohen; Jeffrey Dearing; Carol Amick; Stephen Henning

**ABSENT:** None

Mr. Colasante introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and ZBA assistant introduced themselves. He designated the voting members for tonight's hearing to be himself, Mr. Gordon, Mr. Gildea, Mr. Cohen, and Mr. Dearing.

**PRESENTATION:** Mr. Gildea read the notice of the hearing.

**PETITION #017-12** – Bedford Sports Center, LLC, at 191 Hartwell Road, seeks a modification to Special Permit #025-07 to replace soccer turf field with second ice rink.

Brian DeVellis, the applicant for the Bedford Sports Center (the Edge), introduced himself, noting that he is a landscape architect, land use attorney, and lifelong resident of Bedford. He explained that five years ago the Zoning Board granted, by a unanimous vote, a Special Permit to allow the use of the Edge Sports Center for an ice rink and turf field, as shown on three exhibits (see attachment) and with three conditions:

“1) Hours of operation to run from no longer than 5:30 AM to 12 midnight. 2) Alcohol shall not be permitted on the premises at any time; all contracts for use of the facility shall prohibit the use of alcohol; and signs on the facility shall so state that alcohol is forbidden. 3) Use of the facility will be offered to the Bedford Athletic Director/Bedford High School Hockey Team for 4 ½ hours of prime time ice (estimated to be 3:00 PM) during the week and 1 ½ hours on the weekend during the hockey season at off-season rates, estimated to be \$200/hour.”

Mr. DeVellis remarked that the owners had never anticipated that the facility would be so successful, but it has gone over so well that they now need additional space. He said they have been going through a long negotiation process with Massport to use the land adjacent to the Edge, previously used as a trailer park, to build two additional turf fields, one indoor inside a “bubble” and one outdoor, both three times the size of the existing turf field at the facility. He stated that the Edge therefore wants to turn the existing turf field into an ice rink, so the petition before the Board tonight is a modification to the original Special Permit – to swap out the original Exhibit A with a new exhibit showing

the two ice rinks. He said that if this petition gets approved and the negotiations with Massport go well, the Edge would then have two turf fields and two ice rinks. He noted that if for any reason the negotiations with Massport fall through and the adjacent turf fields are not constructed, then any approval granted tonight for a modification to the original Special Permit would be null and void, because the Edge would be in violation of the Board's approval, which required ice *and* turf. Mr. DeVellis concluded by stating that this will be a great asset to Bedford, and Bedford's Recreation Director, Amy Hamilton, is also fully supportive of the project.

There was discussion about parking. Mr. DeVellis pointed out that the Edge currently has 114 parking spaces, and the new fields will have even more, bringing the combined total to over 300 spaces, which will help greatly in alleviating any parking concerns.

Mr. Gordon asked whether the Board could condition the Special Permit on the acquisition of a lease from Massport. Mr. Cohen said the Board already has wording in the Special Permit that says they have to operate a turf field, so by implication the ZBA is covered.

Ms. Amick noted that the Board has received one email from a resident who expresses concerns about traffic. She asked whether that should be addressed. Mr. Colasante stated that during the public hearing he will read that letter into the record and at that time ask Mr. DeVellis to reply to it.

Mr. Henning asked whether the ice or turf typically requires more parking. Mr. DeVellis said it is usually the turf which takes up more parking, because parents tend to drop off children at the rink and then come back to pick them up, but usually stay by the field during soccer or lacrosse practices.

Mr. Colasante opened the hearing to the public. He said that before any residents in attendance speak, he wanted to note that the Board has received 13 emails from residents regarding the Edge expansion; 12 of the emails are fully in support of the project and one email supports it but still voices some concerns. Mr. Colasante read the latter email, from resident Michelle Hoiseth, into the record (see attached). He asked the applicant to respond to Ms. Hoiseth's concerns regarding traffic and speeding on Hartwell Road. Mr. DeVellis replied that he would be more than happy to sit down with Richard Warrington, the Director of the Department of Public Works (DPW), to talk about "Slow" or "Caution" signs on or near the site, and he knows that Pulte Homes is doing roadway improvements, but he doesn't feel that it is appropriate for a business to be expected to install speed bumps or have the speed limit changed.

John O'Connor, of 51 Notre Dame Road, asked whether the applicant and the Board thought that this change was for the benefit of the Town. He said that if it were for the Town's benefit, then it should be considered a good thing, but the opposite holds true as well. Mr. DeVellis said that its very existence will be a benefit to Bedford, as the Town needs more fields and it clearly needs more access to ice rinks as well. He said that the

Edge has always had an excellent relationship with Ms. Hamilton and the Bedford Recreation Department, and that will continue.

Arthur Smith, of 9 Middlesex Road, said that he was an alternate member of the Zoning Board in 2007 when the original Special Permit for the Edge was issued. He said he voted in favor of the application then and he happily supported the modification to it now. He noted that this is only the first meeting of many that Mr. DeVellis will have to attend before this project can become a reality, and all the concerns that the Board has expressed tonight will be addressed at those meetings. He said that an approval from the ZBA tonight will simply be a gateway to Mr. DeVellis to make this project happen, and in the end the Town will be better for it.

Brian Barkus, of 26 Meadowbrook Road, said that he fully supports this project, noting that people often forget that the Edge is a privately owned, for-profit business, and the reason people often forget this fact is because the Edge has done so much for the Town and is such good corporate citizen that it seems to be another Bedford-run organization. He pointed out that it is important to not hold the Edge to a different standard than one would hold to any other privately owned business; for example, if a pizza parlor went in on Hartwell Road, the Town would not be asking that business to put in speed bumps or add "Caution" signage along the street. Mr. Barkus talked about the times of year that people use the ice and turf and the need for both in Town. He stated that any concerns about parking may actually be alleviated by the new facility with all the additional parking spaces. He noted that the area where the new turf fields will go is Massport land, and it could eventually be something far worse than two soccer fields; the Edge is "the devil we know," as opposed to the myriad of other businesses, from a FedEx shipping facility to an industrial complex, that could go onto that land. He thanked the Board for the chance to speak and concluded that he fully supports this petition.

Robert Marshall, of 4 Parker Road, said it is not fair to say that the traffic on Hartwell Road is only caused by the Edge, because Hartwell Road has many buildings and businesses on it, such as Instrumentation Laboratories; it is also used as a cut through by many residents to avoid Great Road. He said that there is always a police detail at the Edge during big events and he was sure that would continue, and he felt that this addition would be a "win-win" situation for the Town.

Thomas Judge, of 1 Mae Road, said that he has not seen any difference in traffic on Hartwell Road since the sports center has been there. He said that the Edge has been nothing but a good neighbor to Bedford, and he fully supports this petition.

Thomas Bryant, a Lexington resident and member of the Lexington-Bedford Youth Hockey, said that the Edge has always been a great partner for their program. He said that a facility like the Edge keeps kids active and creates a wonderful sense of community. He stated that he supports this application.

Mark Pare, of 5 Donovan Drive, stated that he thinks the Edge has been a very positive addition to the community, and the conversion of a turf field to an ice rink and the addition of another two fields can only be an asset to the Town.

Liz Cowles, of 4 Buehler Road, said that there has been a lot of discussion about the advantages of the ice rink, but she wanted to state on the record that the turf field has been very beneficial to soccer players in Bedford. She stated that she represents a girl's soccer league in Town, and the Edge has been a wonderful facility for her children and for the league. She remarked that she happily supports this application.

Mr. Cohen asked Mr. DeVellis whether he would consider a condition of this approval stating that the existing rink will be Bedford's home rink. Mr. DeVellis said he would have no problem with such a condition, especially since the Edge already has become the unofficial home rink of Bedford.

Mr. Colasante asked when a police detail is required at the site. Mr. DeVellis responded that a police detail is used for big events and championship games, and any other time that the Edge feels that a large turnout may occur. Mr. Colasante asked whether the Board wanted some sort of condition requiring a police detail for certain events. Mr. Cohen said he would not feel comfortable with such a condition, because it is such a broad and general statement, and the Edge already has proven itself to be a responsible tenant in these matters.

There was further discussion about parking and traffic concerns at the site.

Mr. Gordon asked whether Bedford will continue to have priority for turf and ice if this proposal passes. Mr. DeVellis said that Bedford doesn't necessarily have priority, but the Town has never been turned down for any request it has made, and he couldn't foresee that it ever would.

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

#### **DELIBERATIONS:**

Mr. Colasante asked to hear the other Board members' thoughts about the application. Mr. Cohen said that the Edge is a business that the Town should encourage; it has always been a good corporate citizen and an excellent example of how Bedford wants businesses to conduct themselves. He said that added parking spaces should help with the overall parking at the site. He stated that the Edge is a great asset to Bedford and he supports this application.

Mr. Gildea said he also supports the application, noting that the record should show that the Board has 13 emails in support of the project and eight people in attendance supporting it. He said the only concern is the traffic on Hartwell Road, but that is something that neither the Board nor the applicant has any control over.

Mr. Gordon agreed that the traffic on Hartwell Road is not in the Board's control. He said he supports this application also.

Mr. Henning said he was in favor of this project, and that the Edge has been a great addition to the Town. Ms. Amick agreed.

Mr. Colasante said he supported this project also. He talked with the Clerk about the conditions of the motion, and called for the motion to be made.

**MOTION:**

Mr. Gildea moved to grant Bedford Sports Center, LLC, at 191 Hartwell Road, a modification to Special Permit #025-07 to replace soccer turf field with second ice rink, subject to the conditions that: 1) the new rink will not be constructed until the applicant has executed a new lease from Massport; and 2) the existing conditions on the turf field will apply to any new turf fields; wherein original Exhibit A will be replaced with Revised Exhibit A.

Mr. Gordon seconded the motion.

There was discussion about the exhibits, and the Board decided that all three of the original Exhibits, A through C, should be replaced with Revised Exhibit A.

Mr. Cohen said that he would also like to see a condition, to which the applicant had already agreed, stating that the existing rink will be designated as Bedford's home rink.

**AMENDED MOTION:**

Mr. Gildea moved to grant Bedford Sports Center, LLC, at 191 Hartwell Road, a modification to Special Permit #025-07 to replace soccer turf field with second ice rink, as shown in Revised Exhibit A, whereas original Exhibits A through C are deleted from the record, and subject to the following conditions: 1) the new rink will not be constructed until the applicant has executed a new lease from Massport; 2) the existing conditions on the turf field will apply to any new turf fields; and 3) that the existing rink be designated as Bedford's home rink.

Mr. Cohen seconded the amended motion.

Voting in favor: Colasante, Gordon, Gildea, Cohen, and Dearing

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision recorded at the Registry of Deeds.

Mr. DeVellis thanked the Board for its time. Mr. Colasante wished the applicant luck with the project.

**MOTION:**

Mr. Cohen moved to adjourn the meeting.

Mr. Gildea seconded the motion.

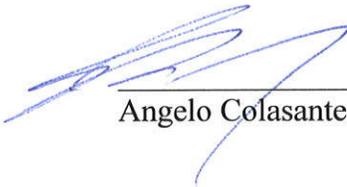
Voting in favor: Colasante, Gordon, Gildea, Cohen, Dearing, Amick, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 7-0-0.

The meeting adjourned at 8:35 PM.

  
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Angelo Colasante, Chair

3-8-12  
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Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant

Attachments:

- Original Exhibits A, B, and C of ZBA Special Permit #025-07
- Email from Michelle Hoiseth, dated February 8, 2012