

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
APRIL 25, 2013**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Angelo Colasante, Chair; Brian Gildea, Clerk; Jeffrey Cohen; Jeffrey Dearing; Carol Amick

ABSENT: Kenneth Gordon, Vice Chair; Stephen Henning; Todd Crowley

Mr. Colasante introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members introduced themselves. Mr. Colasante informed those in attendance that the ZBA assistant was not present to take notes this evening, so the hearing would be recorded.

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

PETITION #027-13 – Sidney and Jennifer Kuo, 16 Charles Street, seek a Variance per Section 8.2.8 of the Zoning By-Law to allow accessory shed within greenbelt.

Mr. Colasante explained that this hearing was a continuation from the last meeting, and although two of the members here tonight, Mr. Gildea and Mr. Cohen, were not here for that hearing, they have invoked the exception to the Mullin Rule and are able to vote tonight because they have read the minutes of that meeting. Therefore, the voting members for this application were himself, Mr. Gildea, Mr. Cohen, Mr. Dearing, and Ms. Amick.

Mr. Kuo explained to the Board members who were not present at the previous hearing that he and his wife wished to install an accessory shed within the 50' greenbelt setback. He noted that two sides of the lot were within the greenbelt setback, which gave them very little room in which to place a shed.

Mr. Cohen commented that one of the pieces of the Variance “puzzle” stated that there must be “conditions affecting the parcel or building but not the whole district.” He asked the applicants to address that piece. Mr. Kuo stated that the greenbelt ran along two sides of their property and, to his knowledge, it only ran along one side of all the other properties in the Freedom Estates development, so he believed that made his lot unique.

Mr. Cohen asked whether the applicants were aware of the Variance proposal for 22 Liberty Road that the Board denied in 2009. Mr. Kuo said he was aware of that petition and noted that the greenbelt only affected that property on one side, whereas it affected his property on two sides.

Ms. Kuo said that the shed was quite far away from even the closest neighbor, so she felt that a Variance wasn't inappropriate in this particular case.

Mr. Gildea asked for confirmation that the driveway ran directly through the greenbelt. Mr. Kuo said that it does.

There was discussion about the shape and size of the parcel at 16 Charles Street and potential other locations that the shed could be placed on it.

Ms. Amick said that, at the last meeting, the applicant mentioned that he would be working in the shed, and she wondered exactly what he meant by "working in the shed." Mr. Kuo said that it could be anything from woodworking to metal working to painting. He said it would mostly be used for small hobby projects, nothing that nothing he did there would be loud or injurious to the neighborhood.

Mr. Colasante opened the hearing to the public.

Greg Sharpless, of 4 Charles Street, said that the Kuos were his direct neighbors and he felt that the proposed placement of the shed made a lot of sense. He said that he owned the property next door and he saw no problem with the Kuos' shed. He stated that he was fully in support of the application.

Nancy Lindscott, of 4 Charles Street, said that the proposed shed location was, in her opinion, the best possible location for the shed. She said that this section of the greenbelt was the most site impervious section of the entire greenbelt, and she felt that it would shield the shed very well.

Mr. Cohen noted that another piece of the Variance puzzle stated that there must be a hardship on the land, adding that one example of a hardship on the land was having ledge on the property that would cost thousands of dollars to blast through. He asked the applicants what hardship they saw on this property. Mr. Kuo said that, from that perspective, there was no financial hardship on the land; however, there was a financial value problem with putting a shed in the center of the back yard. He noted that one of the reasons they wanted to buy this property was because it had so much yard space, and this setback requirement cut down on that space.

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

DELIBERATIONS:

Mr. Colasante noted that part of the reason the Board continued the hearing was to find information from the Planning Board regarding that Board's decision behind not requiring the greenbelt as part of the site plan. He said that the Planning Director, Glenn Garber, weighed in on this application as well, and Mr. Garber said that the Planning

Board has discretion to either waive the requirement of the greenbelt or simply allow open space to meet that requirement rather than screen trees.

Mr. Cohen commented they should reopen hearing to read Mr. Garber's letter into the record.

MOTION:

Mr. Cohen moved to re-open the hearing for Sidney and Jennifer Kuo, 16 Charles Street, seeking a Variance per Section 8.2.8 of the Zoning By-Law to allow accessory shed within greenbelt.

Mr. Gildea seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Cohen read into the record an email from Glenn Garber, dated April 19, 2013 [see attachment].

Mr. Colasante closed the public hearing.

DELIBERATIONS:

Mr. Colasante reiterated that the Board should go through the pieces of the Variance puzzle to determine whether every condition was met.

- *A particular use must be sought.* Mr. Colasante said that the project meets that portion of the puzzle.
- *The use must be for one not requiring a Special Permit.* Mr. Colasante said that was clear here, as this needs a Variance.
- *Particular parcel or existing building.* Mr. Colasante said that was also obvious here.
- *Conditions affecting particular parcel or existing building.* Mr. Dearing said that he would argue that, out of the entire development, this parcel was most egregiously affected by the greenbelt, and although the greenbelt did affect the neighborhood as a whole, it affected this property the most. Mr. Cohen said he couldn't agree with that statement; he said that the site plan of the neighborhood showed that there were at least one or two other lots affected just as much. Ms. Amick said she agreed that the greenbelt was not unique. Mr. Colasante said it

wasn't unique, although there were several properties in this development which the greenbelt did not touch.

- *Without detriment to the public good.* The Board members agreed that it was without detriment to the public good.
- *No derogation from intent or purpose of the By-Law or ordinance.* Mr. Colasante said that the intent of the greenbelt was to separate a cluster development of larger homes from a district of smaller, more old-fashioned homes. He said that the addition of a shed into that greenbelt didn't necessarily derogate from that intent. He stated that, in his opinion, the greenbelt's intent was not being infringed upon here. Mr. Cohen said his understanding of the greenbelt's intent was to separate this cluster development from smaller nearby neighborhoods. Mr. Gildea said that the fact that there was a commercial business next door helped the applicant's case, in that the greenbelt wasn't serving to separate two residential properties. Mr. Colasante agreed, since the lot in question abutted a larger commercial property.
- *A substantial hardship, financial or otherwise.* Mr. Colasante said that the applicant's argument about the hardship had some merit, in that a shed in the middle of the backyard could decrease the property value somewhat. Mr. Cohen said he could not make the same statement because he didn't feel that there was enough of a hardship on the land to meet this requirement. Ms. Amick agreed.

Mr. Cohen pointed out that he would find it difficult to grant a Variance under the above parameters. He said that common sense didn't always prevail when looking at the letter of the law, and sometimes something that makes the most sense would not hold up under the By-law. Mr. Gildea agreed, noting that the shed could be placed elsewhere on the lot, even though it may not be in a perfect location. He added that he didn't feel the shed would take up as much of the backyard as the applicants might think it would.

Ms. Amick also agreed; she said she was troubled that the shed was so large and the proposed location was within the greenbelt when it could be located somewhere else on the lot, albeit in an imperfect spot. She said it was unfortunate for all involved, as it truly was a badly shaped lot, but she didn't see a way the Board could grant the Variance.

Mr. Dearing said that, if it were a Special Permit application, it would be much easier to reconcile the placement, but he agreed that a Variance would be very difficult to grant.

Mr. Colasante said he would like to take a straw poll on each of the seven Variance items, for the record. A yes vote, he noted, would state that the application met the requirement; a no vote would state that the application did not meet the requirement.

1) *A particular use must be sought.*

Yes vote: Colasante, Gildea, Cohen, Dearing, and Amick

No vote: None

2) *The use must be for one not requiring a Special Permit.*

Yes vote: Colasante, Gildea, Cohen, Dearing, and Amick
No vote: None

3) *Conditions affecting particular parcel or existing building.*
Yes vote: Colasante, Gildea, Cohen, Dearing, and Amick
No vote: None

4) *Without detriment to the public good.*
Yes vote: Colasante, Gildea, Cohen, Dearing, and Amick
No vote: None

5) *No derogation from the By-Law or ordinance.*
Yes vote: Colasante
No vote: Gildea, Cohen, Dearing, and Amick

6) *Substantial hardship, financial or otherwise.*
Yes vote: None
No vote: Colasante, Gildea, Cohen, Dearing, and Amick

7) *Conditions affecting the parcel or building but not the whole district.*
Yes vote: Colasante, Gildea, and Dearing
No vote: Cohen
Abstained: Amick

Ms. Amick said she could not make up her mind on the last item but felt it was a moot point, as the entire Board had already agreed that there was not enough of a hardship to grant the Variance.

Mr. Colasante called for a motion.

MOTION:

Mr. Gildea moved to grant Sidney and Jennifer Kuo, 16 Charles Street, a Variance per Section 8.2.8 of the Zoning By-Law to allow accessory shed within greenbelt, substantially as shown on Exhibits A through E.

Mr. Cohen seconded the motion.

Voting in favor: None
Voting against: Colasante, Gildea, Cohen, Dearing, and Amick
Abstained: None

The motion did not carry, 0-5-0.

Mr. Colasante explained that the Board has 14 days to write a decision, after which time there was a 20-day appeal period, and the applicants had the right to appeal the Board's

decision to land court during that time.

Mr. Kuo said he was under the impression that he could withdraw the application. There was discussion about whether the applicant should have been given the option to withdraw the application before the ZBA members voted. Mr. Cohen said the Board didn't usually give the applicants that option. Mr. Colasante reiterated that, if the applicants were aggrieved by the decision, they had the right to appeal that decision.

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

PETITION #028-18 – Pamela Brown, Esq., for Strawberry Hill Properties, LLC, for 12 Anthony Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct second floor addition to non-conforming house.

Ms. Brown greeted the Board and introduced John Mara, owner of the property at 12 Anthony Road and manager of Strawberry Hill Properties, LLC, and Michael Shea, the contractor for the proposed addition. She said they were before the Board with a Special Permit request to construct a second floor addition on the house. She noted that this was a Special Permit because the lot and existing home were pre-existing non-conforming.

Ms. Brown explained that the proposal was not to tear down the home but to renovate it and add a second floor. She said that the addition will not create any new non-conformities and would not add to the existing footprint, except for a small 4' x 12' addition at the entryway, but that bump-out would still remain within the existing setbacks. She stated that it is a tight neighborhood with smaller lots, and they would respect that fact, along with respecting the other neighbors by keeping the noise down, working within allowable construction hours, and keeping the site clean during building.

Paul Mahoney, the architect for the project, talked about the design of the house and the addition, and stated that the intent behind the addition was to reflect the original character of the home. He said that the neighborhood had a variety of different homes, from one-story capes to two-story colonials, and said he believed this addition would fit well within it. He talked about the floor plan and proposed changes to the home.

Mr. Colasante asked what the proposed height of the final house was. Mr. Mahoney replied that it would be approximately 33 feet high and noted that the height was under the Zoning By-Law's restriction of 37 feet.

There was discussion about the height of the house with the new addition.

Ms. Amick asked whether this house would remain a single-family dwelling. Mr. Mara replied that it would.

Mr. Colasante opened the hearing to the public.

Mr. Colasante read into the record a letter from Ruth Bragg, of 51 Hancock Street, signed and dated April 20, 2013.

Thomas McDonald, 4 Hunt Road, said he was opposed to this project mainly because he was unsure that the foundation would support such an addition and because he was not convinced that the survey done for the property in question was accurate. He said that surveys have been done over the years for that property, for his own, and for others in the neighborhood, and they all show discrepancies. There was extensive discussion about surveying and the markers used to mark the property lines of the lots in the neighborhood. He was also concerned that the current owners drain their roof gutters onto his property and showed photographs illustrating this.

Dianne Grattan, of 10 Anthony Road, said she had three primary concerns about this project. The first is that the plans showed that the workspace will be 7.2' from her house, and that is a huge concern to her. She said that the height of the addition seems very high, and without specific dimensions, she couldn't be sure that she wouldn't be looking out her second floor windows into the windows of her neighbors. She said her third concern was the noise level during construction; she said she appreciated that the applicants said they would be respectful of the neighbors, but that sentiment sounds better than the reality.

Alan Bragg, of 51 Hancock Street, noted that every time surveyors have come to the neighborhood, they have added posts every time. He said that the surveys were very often inaccurate. Mr. Colasante said that any concerns about the accuracy of survey plans were legitimate, but the proposal before the Board was mostly for a second floor; the only change to the footprint was the small bump-out at the side. Mr. Bragg stated that, on a positive note, the proposed house was not a "McMansion" and was an appropriate size for the neighborhood.

Mr. Colasante said that this proposed renovation looked to be quite extensive, and with this transformation came an opportunity to address some of the neighborhood concerns. He said that drainage was often a concern for many people, and asked the applicants whether there was a plan to address that concern. Mr. Shea said that they would grade the land away from the garage floor to a great drain with a drywell and then grade back up to the street, so any water from both the garage or the street would flow into that drywell. Mr. Mara said a practical solution would be to put gutters on the house, which he would be happy to do. Mr. Colasante asked whether the applicants would have a problem with a condition of the Special Permit stating that gutters be placed on the house. Mr. Cohen pointed out that the By-Law states that water from a house cannot be drained onto another property, so he would prefer the motion simply state that and leave it to the design team to come up with a solution on how to meet that condition. Mr. Mara noted that the Town always required a water plan for that very reason.

Mr. Colasante asked about scaffolding and ladders. Mr. Shea said that, if this permit were approved, two types of staging would be used – pump jacks and ladder brackets, both of which ran vertically in a small amount of horizontal space. He said that the use

of ladders was often helpful but that usually required an abutting neighbor's permission; he commented that they would never go on another person's property without their permission, and if the permission was not given, there were a myriad of ways around it. He explained that they had in the past also installed a construction fence along the property line, both as a visual and as a physical barrier so everyone was quite clear about the boundary lines; he added that the problem with the fence was that it was unattractive.

Ms. Grattan said that she didn't feel that she had a lot of say as to whether this application was granted or denied. Mr. Colasante said he didn't agree, since one of the specific requirements of a Special Permit was that the project was not injurious or detrimental to the neighborhood. He said that the Board always did the best it could to weigh all the concerns of the neighbors. Mr. Gildea said that the fence may be a visual eyesore but it prevented anyone from wandering across the property line; but if the fence were not installed, people may walk onto the neighboring property by accident. He said that the decision was up to Ms. Grattan as to whether she wanted a condition for a fence inserted into the motion. Mr. Colasante said that he would recommend a fence but agreed that it was up to the neighbor. Ms. Grattan asked how high the fence would be. Mr. Shea said that it was approximately four feet.

Ms. Grattan said that she understood the allowed start time for construction in Bedford was 7:00 AM, but anytime later than that would be preferable. Mr. Shea said that his company's typical working hours are from 7:30 AM to 4:00 PM. He added that the company took pride in its workmanship and its appearance, so the workers are always fully clothed even in the summer and are not allowed to smoke or use profanity on the job sites.

Ms. Bragg said she worried that the foundation was not strong enough to support this new addition. Mr. Mahoney indicated that he was confident that the foundation would support the proposed 2 story structure. In response to a comment, he suggested that most of the wood in the house would have to be replaced. Mr. Colasante said that was an understandable concern but it was not within the Board's purview, as it was a Code Enforcement issue.

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

DELIBERATIONS:

Mr. Colasante pointed out that this application was a Special Permit, for which the two requirements were that the project was in keeping with the intent and purpose of the By-Law and was not injurious or detrimental to the neighborhood. He noted that neighborhood concerns had been well addressed and he felt comfortable that those concerns would be respected by the applicants. Mr. Dearing agreed and said he thought that the proposed addition looked very attractive, and that the gambrel roof shape was an excellent architectural solution for this home. He said it was a much better fit for this

neighborhood than some of the other houses and additions being built in small neighborhoods in Bedford.

Mr. Cohen addressed the letter from Ruth Bragg by noting that this may not be an affordable home for a first-time home buyer in Bedford, but those are not the only potential buyers in Town. He said that, regardless of what the price ended up being, this was a handsome addition to the area. He added that, because the project wasn't infringing any farther into the setbacks, he did not see a need for a new instrument survey to be performed.

Mr. Gildea commented that, regarding Mr. Cohen's comment about Ms. Bragg's letter, the question before the Board was not whether first time home buyers could afford this home but instead whether it was injurious to the neighborhood and was in keeping with the intent of the By-Law. He said this particular property was indeed in keeping with the intent and was a benefit to the neighborhood, as it preserved an older home instead of demolishing it.

Mr. Colasante mentioned that one of the conditions discussed was that there would be a drainage system in place to have any runoff directed away from abutting properties, and he would like to see that condition included. Mr. Gildea noted that another condition should state that a construction fence shall be erected to safeguard other properties.

MOTION:

Mr. Gildea moved to grant Pamela Brown, Esq., for Strawberry Hill Properties, LLC, for 12 Anthony Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct second floor addition to non-conforming house, substantially as shown on Exhibits A through N, subject to the following conditions:

1. Drainage be in compliance with Zoning Regulations to direct stormwater runoff away from abutting properties;
2. Temporary construction fence be erected along side yards to safeguard against damage and trespass against abutting properties;
3. Abutting properties and Town properties be kept clean of construction debris.

Mr. Cohen seconded the motion.

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

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, the applicant could apply for a Building Permit at the Code Enforcement Department.

The applicants thanked the Board members for their time.

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

PETITION #029-13 – Pamela Brown, Esq., for 7 Prescott Place, seeks a Variance from Section 8.2.8 of the Zoning By-Law to eliminate applicability of greenbelt or make a finding that greenbelt provisions do not apply.

Ms. Brown introduced Ray Gilmartin, owner of the property at 7 Prescott Place, and explained that this property was a corner lot with a greenbelt setback on two sides. She said that one side of the property fronted onto a paper street called Victoria Road, and the applicants were before the Board tonight requesting that the side fronting onto Victoria Road did not need to be considered as part of the greenbelt setback, and the allowable front yard setback of 35 was sufficient. She noted that this request could be handled in two ways: the Board could grant a Variance allowing future uses within the greenbelt setback or the Board could make a finding that the greenbelt setback did not apply because of the frontage on the second street.

Ms. Brown explained that a similar application came before the ZBA in 2006 for a house that had been constructed within the greenbelt inadvertently; she noted that a section of the minutes for that meeting read:

“There was discussion on whether part of this property that abuts South Road would be considered as having to meet the 50-foot setback requirement, since the street is part of a residential district. It was the consensus of the Board that the requirement did not apply to lots abutting a street.”

Ms. Brown stated that she understood that the Board did not making a finding at that meeting, but she agreed with the Board members’ discussion that night that the purpose of a greenbelt was to create a barrier between residences; this property, however, did not abut another residence and instead abutted a street, and she therefore felt that the greenbelt setback should not apply.

Mr. Colasante pointed out that one of the pieces of the Variance puzzle stated “A particular use must be sought,” and since no use was being proposed, it seemed impossible for the Board to grant a Variance. Ms. Brown agreed and stated that a finding would be the more appropriate form of relief for this request.

Mr. Colasante asked whether this issue might be better addressed either through the Planning Board or by making a change in the Zoning By-Law. Ms. Brown replied that one of the Zoning Board’s authorities was to issue findings. Mr. Colasante said he would feel much more comfortable if the applicant came before the ZBA asking for a specific use, such as a deck.

Ms. Amick asked why the Planning Board required the greenbelt in this location if the paper street had been there all along. Ms. Brown replied that a greenbelt was a requirement of a cluster subdivision, so the Planning Board simply took the locus and drew a greenbelt around the entire perimeter. She noted that an alternative was to have the greenbelt reduced to 35 feet; she added that the intent was mainly to have a usable yard without any specific future use, which was why she didn't set forth a particular use in the application.

Mr. Cohen noted that, in the 2009 application that Ms. Brown had referenced, the Board ended up granting a Special Permit, not a Variance. He said that the 2009 hearing and this hearing were very different in a number of ways, so he didn't feel that it was an apt comparison.

There was extensive discussion about the dimensions of the property and the placement of the greenbelt on it, particularly in relation to Victoria Road.

Ms. Brown explained that Christopher Laskey, the Code Enforcement Director, had been interpreting the By-Law's intent behind the greenbelt setbacks as not allowing anything – from a pool to a deck to a patio – into that setback. She noted that she disagreed with that interpretation because the By-Law specifically prohibits *buildings* from the greenbelt. She read Section 8.2.8 of the Zoning By-Law:

“No building shall be erected within 50 feet of the boundary line with adjoining land zoned for residential use.”

She then read the definition of “building” under the Zoning By-Law:

“A structure enclosed within exterior walls or firewalls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property. For the purpose of this definition, ‘roof’ shall include an awning or any similar covering, whether or not permanent in nature. The word ‘building’ shall be construed, where the context requires, as though followed by the words ‘or parts thereof.’ ”

Ms. Brown noted that the definition of “building,” therefore, did not include an open deck, so she believed the ZBA could quite easily make a finding that stated that “buildings defined under the By-Law were admissible in the greenbelt setback.”

Ms. Amick said that a “carte blanche” determination about greenbelt setbacks made her uncomfortable, especially without input from Mr. Laskey or the Planning Board.

Ms. Brown said that such a finding would be within the By-Law.

Mr. Colasante opened the hearing to the public.

Mr. Colasante read into the record a letter from Jim Webber, of 9 Prescott Place, signed and dated April 25, 2013.

There was extensive conversation about the intent behind the greenbelt regulation and whether it was meant to allow any building or non-building features within it.

Mr. Gilmartin said that his understanding of the intent behind the greenbelt was to protect abutting properties from a cluster subdivision to another neighborhood. He said he was amenable to that intent when Gary Pike, the abutting owner, had only woods on his property, but now he felt that the intent behind the greenbelt was moot because Mr. Pike was having a street put in at the back of the lot, so there was no longer any green space to protect.

Mr. Colasante said he would be comfortable with not making a specific ruling on this greenbelt but simply stating that it was clear from the By-Law that a deck was not a building. Ms. Amick said that, after further discussion and after reading through the By-Law more thoroughly, she was inclined to agree.

Mr. Cohen asked what would happen if, after the Board made a finding that open decks didn't apply under the greenbelt provision of the By-Law, the homeowner wanted to enclose the deck in the future. Ms. Brown responded that the owner would have to come back before the Zoning Board, because anything with a roof was a building and buildings were prohibited.

Mr. Gildea said that he couldn't see a particular reason not to simply restate the By-Law and make a finding that non-buildings were allowed within greenbelt setbacks. Mr. Colasante agreed.

Mr. Colasante closed the hearing to the public.

DELIBERATIONS:

After final discussion regarding this matter, Mr. Colasante called for a finding to allow non-building elements within the greenbelt setback.

MOTION:

Mr. Gildea moved that the Board make a finding that any non-building elements, where "building" is defined under Section 1.3.4 of the Zoning By-Law, are excluded by Section 8.2.8 of the Zoning By-Law because that Section specifically prohibits buildings.

Mr. Dearing seconded the motion.

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

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.

BUSINESS MEETING:

251 Concord Road

Ms. Brown stated that Mr. Laskey wanted a clarification of the Zoning Board's decision for 251 Concord Road, in which the Board allowed a 2,400 square foot house to be built on the lot. She said that Mr. Laskey had simply asked for confirmation that the Board had been referring to living space, not total footprint.

There was discussion about whether the 2,400 square foot number should include anything other than living space, such as the garage or storage space over the garage. The ZBA members agreed that the number referred to living space only.

Mr. Colasante called for a motion that the Board make a finding on this matter.

MOTION:

Mr. Gildea moved that the Board find that the 2,400 square feet limitation for the house at 251 Concord Road, reflected in ZBA decision #019-12, refers to 2,400 square feet of living space.

Mr. Dearing seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Adjournment

MOTION:

Mr. Cohen moved to adjourn the meeting.

Ms. Amick seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 11:15 PM.

Zoning Board of Appeals
Minutes of Meeting 4-25-13

Angelo Colasante, Chair Date

Respectfully Submitted,

Scott Gould
ZBA Assistant