

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
MAY 12, 2016**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

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

ABSENT: None

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 #037-16 – CONTINUATION – Katherine Townsend, at 10 Perham Street, seeks a Variance from Table II: Dimensional Regulations and from Section 14.7 of the Zoning Bylaw to construct garage addition within rear and side yard setbacks, and seeks a Special Permit for addition totaling more than 600 square feet.

Katherine and Douglas Townsend reintroduced themselves along with their architect, Faith Baum, and their contractor, Angelo Busa. Ms. Baum said that, at the last meeting, the Board had asked them to redesign their proposal to adhere to a 10-foot setback for the proposed garage, as opposed to the original design, which was 7'6" from the setback.

The Board talked with the applicants about the dimensions of the garage and its placement on the lot. Ms. Baum noted that the plot plan had not been updated by the surveyor, so she was happy to have the Variance conditional upon the Building Department's receipt of a new certified plan. Mr. Crowley said he had no problem with that.

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 the Board members had gone through the four pieces of the Variance puzzle at the last meeting, but suggested that they discuss them once more regarding the updated proposal.

There are circumstances relating to the soil conditions, shape, or topography of such land or structures. The Board agreed that this was the case here.

Those circumstances especially affect the land or structures of the petitioner but do not affect generally the zoning district in which the land or structures are located. The Board members all agreed that this condition was also met.

A literal enforcement of the provisions of the by-law would involve substantial hardship, financial or otherwise, to the petitioner. Mr. Dearing reiterated his viewpoint from the last meeting, that it was onerous to the applicant to require more than a 10-foot setback for an attached garage when only 10 feet was required for a detached one. He stated that he was happy that the proposal had been modified to meet the 10 foot setback, and he now felt much more comfortable granting it. The other members agreed.

That desirable relief may be granted without substantial detriment to the public good and does not nullify or substantially derogate from the intent or purpose of the Bylaw. It was concluded that this requirement was met as well.

Mr. Crowley said that all of the pieces of the Variance puzzle had been met in the affirmative. With no further discussion, he called for a motion.

MOTION:

Ms. Amick moved to grant Katherine Townsend, at 10 Perham Street, a Variance from Table II: Dimensional Regulations and from Section 14.7 of the Zoning Bylaw to construct garage addition within rear and side yard setbacks, and a Special Permit for addition totaling more than 600 square feet, substantially as shown on Exhibit 1 (site plan and elevations and Exhibit 2 (site plan), subject to the submission of an updated plot plan before a Building Permit is released.

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.

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

PETITION #041-16 – CONTINUATION – 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 greeted the Board and stated that, at the previous hearing, the Board had asked for the proposed freestanding sign at Bedford Marketplace to be scaled down to 103 square feet, and also to get more detail on the sign illumination. She handed out a new rendering and lighting details and said that both of those items had been addressed.

Ms. Brown stated that the illumination it would be channel lighting with tiny LED lights around the perimeter of the sign, shining onto the letters. Ms. Puntillo asked whether the letters would be halo lit. Ms. Brown replied that only the letters “Bedford Marketplace” along with the decorative diamonds would be halo lit.

The Board talked at length about the placement of the sign on the lot and whether its proposed location would affect visibility pulling out of the site. Mr. Colasante said that, in his opinion, the only reason the owner did not want to move the sign was because he didn’t want to straighten the sidewalk. Ms. Brown said that she liked the curve of the sidewalk, but the Board agreed that it should be straightened. Mr. Crowley read into the record emails from Christopher Laskey, the Code Enforcement Director, and Adrienne St. John, the Town Engineer, regarding this issue. Ms. Brown said that she was amenable to a condition to straighten the sidewalk and place the new sign a foot or two back from it.

Mr. Crowley said that the sign dimensions appeared to be larger than 103 square feet. Ms. Brown said that Mr. Laskey had measured the originally proposed sign at 112 square feet, so the sign manufacturer went by that method of calculation to get to 103 square feet. There was extensive discussion about how the sign maker came to the 103 square foot calculation, and whether the Board should require the square footage to be measured the way the Bylaw required it in 1980 at the time of the original Variance, or how the Bylaw measured now. Ms. Brown said that it should be measured the way it was measured when the Variance was granted, because the 103 number came about from a more lenient calculation, and she believed that number would have been increased if they had used the current method. Mr. Colasante agreed. Ms. Amick disagreed, noting that the Board should only use the requirements under the current Sign Bylaw.

Mr. Dearing said that, if the Board denied this application as presented, the original sign would stay, as would the curved sidewalk. Ms. Amick agreed that this was probably true, but noted that she did not think that was a viable reason to grant a Special Permit. Ms. Puntillo said that she was comfortable granting a 103 square foot sign calculated the way the Bylaw was written in 1980 provided that there was a condition that the sidewalk was straightened and the sign was moved back. She noted that the sign was still smaller than the current one, which helped ease her concerns. Mr. Crowley and Mr. Dearing agreed.

Mr. Crowley commented that the Board typically conditioned all Special Permits for sign illumination that the lighting would be off between the hours of 11:00 PM and 6:00 AM. Ms. Brown said that she had no problem with that condition.

MOTION:

Ms. Amick moved to grant Pamela Brown, Esq., for Bedford Marketplace, at 170 Great Road, 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,

substantially as shown on Exhibit 1 (certification letter from sign engineer), Exhibit 2 (sign layout), and Exhibit 3 (illumination specifications), and Exhibit 4 (sidewalk layout), and subject to the following conditions:

- 1) Sign shall be moved back a distance of no less than 2 feet from the straightened sidewalk, in the alignment of the existing sign;
- 2) The sign shall not be illuminated between the hours of 11:00 PM and 6:00 AM.
- 3) The sign shall be on a timer to control hours of illumination.

Mr. Dearing seconded the motion.

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

Voting against: Amick

Abstained: None

The motion carried, 4-1-0.

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 Sign Permit.

BUSINESS MEETING:

April 28 Minutes

Mr. Crowley called for a motion to approve the April 28 meeting minutes.

MOTION:

Ms. Amick moved to approve minutes of the April 28, 2016 meeting, as amended.

Ms. Puntillo seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 7-0-0.

Adjournment

Ms. Amick moved to adjourn the meeting.

Mr. Colasante seconded the motion.

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Voting in favor: Crowley, Colasante, Amick, Dearing, Puntillo, Hamilton, and Kalantari
Voting against: None
Abstained: None

The motion carried unanimously, 7-0-0.

The meeting adjourned at 9:10 PM.

Todd Crowley, Chair

Date

Respectfully Submitted,

Scott Gould
ZBA Assistant