

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
JULY 26, 2012**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Room

**PRESENT:** Angelo Colasante, Chair; Kenneth Gordon, Vice Chair; Brian Gildea, Clerk; Stephen Henning; Todd Crowley

**ABSENT:** Jeffrey Cohen; Jeffrey Dearing; Carol Amick

**GUEST:** Margot Fleischman, Planning Board Liaison

Mr. Colasante introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and ZBA assistant introduced themselves.

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

**PETITION #005-12** – Jeffrey and Michelle Helms, and Diane Stevens, for 14-16 Marion Road, seek a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct deck and roof within front yard setback.

Jeffrey and Michelle Helms greeted the Board and explained that they would like to rebuild the porch at the front of their house, as it is currently rotting, and also put a roof over it. Mr. Colasante said his impression from the application was that they were building a new deck; he asked for confirmation that there was already a deck at the front of the house. Mr. Helms confirmed that there already was a deck there now.

Mr. Colasante asked whether Diane Stevens was a co-owner of the property or owned a separate half of a two-family structure. Ms. Helms responded that they co-owned the property with Ms. Stevens, and both names were on the deed. Mr. Colasante noted that Ms. Stevens was not present tonight, and asked whether the applicants had a letter authorizing Mr. and Ms. Helms to act on her behalf and move forward with this project with the Board. Mr. Helms said they did not, although Ms. Stevens did sign the ZBA application. Mr. Colasante said he would feel more comfortable with a letter; he asked the applicants whether they would mind a condition being placed on the Special Permit that stated Ms. Stevens would submit a letter to the Building Department agreeing to the construction of the deck, before the Building Permit was issued. Ms. Helms said they would have no issues with such a condition, and Ms. Stevens could easily submit a letter.

Mr. Henning asked how high off the ground the deck was. Mr. Helms replied that it was approximately 18 inches off the ground. Mr. Henning said that would, under Code, require a railing. Mr. Helms said that there would definitely be a railing on the deck,

although it wasn't reflected on the plans. Mr. Gildea made a note of the railing on the exhibit.

Mr. Gordon asked how high the center beam of the roof would be. Mr. Helms said he believed it was 30 inches. Mr. Gordon talked in detail with the applicants about the pitch of the roof, noting that he wanted to be sure that the roof pitch was in keeping with the slope of the house roof. Mr. Gildea made a note of the 30" center beam height on the building plan included in the application. Mr. Crowley said that a notation on the plan limiting the applicants to 30 inches for the center beam could be detrimental if they need to change it a few inches either way. Mr. Gordon agreed, noting that his mindset behind stating the number was to ensure the roof pitch would be reasonable, but he had no problem with marking "+/- 6 inches" on the plan to give the applicants some leeway.

Mr. Colasante stated that the Board typically included a condition on any Special Permits for decks that they not be enclosed. He asked the applicants whether they would have a problem with such a condition. The applicants replied that they would not, since they never planned to enclose the deck anyway.

There was further discussion about the height and width of the deck, roof, and railing.

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

Mr. Gildea asked the applicants to initial the notations he had made to the plans, as written documentation that they understood and approved of the changes. The applicants initialed the plans.

#### **DELIBERATIONS:**

Mr. Colasante said this project required a Special Permit, and the two conditions of a Special Permit were that the project was not detrimental or injurious to the neighborhood and was in keeping with the intent and purpose of the By-Law. He stated that it was important to note that the deck in question was existing and not a new deck being built, which he might have some concerns with, but he had no problem with the applicants rebuilding the existing deck and putting a roof over it. The other Board members agreed.

For clarification, Mr. Gildea asked about the difference between the street line and the property line, as shown on the plot plan. Mr. Helms responded that there was a five foot difference, because the Town originally planned a five-foot sidewalk around the neighborhood and therefore the property lines all began five feet in from the street.

#### **MOTION:**

Mr. Gildea moved to grant to Jeffrey and Michelle Helms, and Diane Stevens, for 14-16 Marion Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct deck and roof within front yard setback, as substantially shown on Exhibits A

through D, subject to conditions that the structure cannot be enclosed, and that a letter regarding permission for representation of Diane Stevens be submitted to the Building Inspector prior to issuance of Building Permit.

Mr. Gordon seconded the motion.

Voting in favor: Colasante, Gordon, Gildea, Henning, and Crowley

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. Once the decision is recorded, the applicant may apply for a Building Permit at the Code Enforcement Department.

**MOTION:**

Mr. Gildea moved to adjourn the meeting.

Mr. Henning seconded the motion.

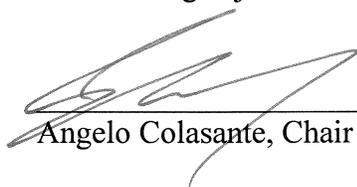
Voting in favor: Colasante, Gordon, Gildea, Henning, and Crowley

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 8:10 PM.

  
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Angelo Colasante, Chair

8-9-12  
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Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant