

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
AUGUST 27, 2015**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Todd Crowley, Chair; Jeffrey Dearing, Acting Clerk; Kay Hamilton; Arthur Smith; Robert Kalantari

ABSENT: Angelo Colasante, Vice Chair; Carol Amick, Clerk; Michelle Puntillo

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

PRESENTATION: Mr. Dearing, Acting Clerk, read the notice of the hearing.

PETITION #005-16 – Harold Asp, at 11 Roberts Drive, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct garage addition within front yard setback.

Harold Asp introduced himself and his wife, Gwynne. He explained that they hoped to attach a two-car garage to their house that would, at its closest point, extend six feet into the front yard setback, bringing it to 29 feet instead of the required 35. He said that the side lot line would easily meet the requirement, so only the front setback would be infringed upon.

The Board talked with the applicant about the size and placement of the garage on the lot. Mr. Asp said that they had considered pushing the garage back more but it would have ended up blocking a window on the house and it would have looked much less visually appealing, especially since the driveway would have to be expanded to access it, which would add much more pavement on the property.

Ms. Hamilton asked whether there was an existing garage on the property. Mr. Asp replied that there was.

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 stated that this was a Special Permit application, for which the requirements were that the project is not injurious or detrimental to the neighborhood and was in keeping with the intent and purpose of the Bylaw. He said he felt this application met those requirements. The other members agreed.

MOTION:

Mr. Dearing moved to grant Harold Asp, at 11 Roberts Drive, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct garage addition within front yard setback, substantially as shown on Exhibits A, B, and C.

Mr. Smith seconded the motion.

Voting in favor: Crowley, Dearing, Hamilton, Smith, and Kalantari

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.

Mr. Asp thanked the Board members for their time.

BUSINESS MEETING:

Item #1: 174-176 Middlesex Turnpike

Scott Weiss, of the Guittierez Company, introduced himself and said he wanted to have a brief, informal discussion with the Board regarding a pre-existing internally illuminated sign at 174-176 Middlesex Turnpike. He said that there was already an internally illuminated sign at this property, which was the only property on Middlesex Turnpike located in the General Business District, as opposed to all of the other commercial properties, which were all zoned for Industrial. He said that the internal illumination was, therefore, technically not allowed under the Sign Bylaw, but he wanted to get an idea of whether the Board was amenable to allowing a renovation to this sign that would keep the internal illumination.

Mr. Dearing asked whether the Board had ever granted a Variance from the Sign Bylaw. Mr. Crowley said he could not recall it ever being done during his tenure on the ZBA, and noted that perhaps the Code Enforcement Director could shed some light on whether it was allowable.

Mr. Dearing asked whether the applicants had considered exterior, or halo, illumination. Mr. Weiss said they had not looked into that option yet, primarily because the internal illumination was existing and they hoped to be able to continue using it.

The general consensus of the Board members was that they were amenable to allowing the internal illumination to remain because of the location of the property and because the illumination was already existing; however, they needed to be sure that there were a proper means of granting such illumination, and there were no guarantees at all that it could be allowed.

Mr. Weiss said he understood that there were no guarantees, and he would move forward with a formal application in the near future. He thanked the Board for its time and cooperation.

Item #2: Carleton-Willard

The Board will discuss a memo from Code Enforcement Director Christopher Laskey regarding a minor modification to the site plan for the approved new buildings at Carleton Willard, 106 Old Billerica Road. A change to the proposal included an expansion of the footprint “Bistro” building and filling in a previously open terrace at the Activities Pavilion.

There was extensive discussion about the plan and whether the change was significant.

Mr. Crowley said that his recollection of the Board’s discussion was not so much of the size of buildings but the site itself: trees and landscaping, emergency access, and impact to abutters. He said he did not feel that this was, therefore, a significant change.

Mr. Smith agreed, noting that the Board would, without question, grant this relief if it were a formal application so it seemed like a waste of time to go through that process. The other members agreed.

MOTION:

Mr. Dearing moved that the Board find that the proposed change to the Carleton-Willard project (Petition #006-14, modification to Special Permit #79-3), as shown on Exhibits A and B, do not constitute a significant change.

Mr. Smith seconded the motion.

Voting in favor: Crowley, Dearing, Hamilton, and Smith

Voting against: None

Abstained: Mr. Kalantari

The motion carried, 4-0-1.

Mr. Kalantari commented that he was not present for the original petition, so he felt uncomfortable voting tonight, which was why he abstained.

Adjournment

Mr. Crowley called for a motion to adjourn the meeting.

MOTION:

Mr. Smith moved to adjourn the meeting.

Mr. Kalantari seconded the motion.

Voting in favor: Crowley, Dearing, Hamilton, Smith, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 8:35 PM.

 _____
Todd Crowley, Chair Date

8/27/15

Respectfully Submitted,

Scott Gould
ZBA Assistant