

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
SEPTEMBER 26, 2013**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Room

**PRESENT:** Jeffrey Cohen, Vice Chair; Carol Amick, Clerk; Todd Crowley; Donald Drouin; Michelle Puntillo

**ABSENT:** Angelo Colasante, Chair; Jeffrey Dearing

Mr. Cohen introduced himself and read the emergency evacuation notice. The other Zoning Board of Appeals (ZBA) members introduced themselves. Mr. Cohen informed the applicants that due to the absence of the clerk, the proceedings would be audio-recorded for the Record.

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

**PETITION #005-14** – Matthew Hayes, at 11A Curve Street, seeks a Special permit per Section 7.2.3.2(g) of the Zoning By-Law to construct rear deck within floodplain.

Mr. Hayes introduced himself and explained that he received a Special permit in 2002 to build a house with an attached deck within the floodplain. He said he built the house at that time and also put the footings into the ground for the deck but ultimately ran out of money for the project; he said it had, therefore, been on hold for the past ten years but he now had the funds again to build the deck. He said the Special Permit has since expired, so he was here tonight asking permission to build the same deck permitted in 2002.

Ms. Puntillo asked whether the proposed deck was the same size as the one granted in 2002. Mr. Hayes replied that it was actually slightly smaller.

Ms. Amick said her only concern about the application was that Section 7.2.3 of the Zoning By-Law stated that this use was allowed provided that “a certification by a registered professional engineer is submitted by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.” Mr. Cohen said his recollection was that there were cases when the certification letter was not required, and it seemed to him that it wasn’t really necessary in this case, as the applicant was only seeking permission for a deck that had already been approved. Mr. Crowley said if new footings were proposed, he might be more concerned, but he wasn’t concerned about such a certification letter since the footings were already in the ground.

Mr. Crowley asked what would be at the bottom of the deck stairs. Mr. Hayes responded that it would be a small pad or patio; he noted that he would be working with Christopher

Laskey, the Code Enforcement Director, to ensure that the pad stayed well under the maximum impervious surface allowed on a lot.

Mr. Cohen opened the hearing to the public.

Ms. Puntillo asked whether the neighbors had been notified. Mr. Hayes said that they were, and none of them indicated any problems with the deck.

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

**DELIBERATIONS:**

Mr. Cohen said the two requirements of a Special Permit were that the project was in keeping with the intent and purpose of the By-Law and was not substantially more injurious or detrimental to the neighborhood. He said he felt this project met those requirements; he added that the project was straightforward and low-impact, and perfectly in line with the intent spelled out in the Zoning By-Law. Ms. Amick agreed. Mr. Crowley stated that he wished the Board had the original Special Permit as a reference so that it could ensure that the new concrete pad would not add too much more impervious surface. Mr. Cohen said he was not worried that the addition of a 4'x'4 concrete pad would bring the lot past the allowed impervious surface. Mr. Crowley said that was a good point, and alleviated his concern.

**MOTION:**

Ms. Amick moved to grant Matthew Hayes, at 11A Curve Street, a Special Permit per Section 7.2.3.2(g) of the Zoning By-Law to construct rear deck within floodplain, substantially as shown on Exhibit A (plot plan dated 9/3/02, framing plan, and cross section plan with photos).

Mr. Crowley seconded the motion.

Voting in favor: Cohen, Amick, Crowley, Drouin, and Puntillo

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Cohen explained that the Board has 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 is recorded, the applicant may apply for a Building Permit at the Code Enforcement Department.

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

**PETITION #006-14** – Carleton-Willard Homes, Inc., at 106 Old Billerica Road, seeks a modification to Special Permit #79-3 to construct new activities pavilion and dining bistro per Sections 4.3.5 and 10.3.3.1(f) of the Zoning By-Law; and a modification to Special Permit #79-3 to expand parking per Sections 7.4 and 10.3.8 of the Zoning By-Law.

Attorney Tom Swaim, of Holland & Knight, introduced himself and explained that he was the attorney representing Carleton-Willard Homes (CWH). He also introduced Barbara Doyle, president of Carleton-Willard Village; Doug Miller, the engineer for the project; and Constantine Tsomides, the pavilion architect.

Mr. Swaim stated they were here tonight requesting permission for a new dining bistro and activities pavilion, along with a parking expansion of 59 spaces. He said that he did not believe CWH technically needed to apply to the Zoning Board, as they were in compliance with all parking and zoning regulations under the Zoning By-Law; however, in 1992, when the Zoning Board gave Carleton-Willard a Special Permit for parking, CWH made the pledge that any time a substantial change was made to the property, they would return to the ZBA as a courtesy to make sure the Board and the abutters were fully aware of the change.

Ms. Doyle stated that, when Carleton-Willard opened 31 years ago, they were the first retirement community of this type in Massachusetts. She said that the resident population had changed and grown over the years, as had the demographics and interests and activities program offerings of the community, which was why they needed this new activities pavilion. She stated that the pavilion would include a bistro to provide alternate dining than the cafeteria, a meeting space, an artist and dance studio, an arts and crafts workshop, and a technology center, all solely for the use of the residents. She added that the staff had grown over the years as well, so with the addition of more residents and more staff, as well as the residents driving to and parking near the auditorium instead of walking or taking the community's shuttle, the increase of 59 new parking spaces was necessary at the site.

Mr. Swaim stressed that all of these changes were strictly internal, and would not add any more residents or traffic at the site.

Ms. Puntillo asked what the current population of Carleton Willard was. Ms. Doyle replied that there were 179 residents in cottages and apartments and 169 in various types of skilled nursing facilities.

Mr. Miller discussed the site plan, including landscaping, stormwater management, and retaining walls. He noted that new vegetation would be added to screen the pavilion from Old Billerica Road.

Mr. Cohen noted that he was in attendance at the Conservation Commission (Con Com) meeting the previous evening, and the Con Com members said that they had no official comments about the parking expansion component of the project, as it wasn't technically

within the Commission's purview. They had a few comments regarding the new construction, which the applicant will be addressing at the Commission's October 16 continuation hearing.

There was discussion about the sidewalks and guardrails at the site.

Ms. Amick noted that it appeared to her that the area where the proposed bistro was located was not near any wetlands. Mr. Miller said that the wetlands in question are a local wetland, not a State-regulated wetland.

Mr. Tsomides gave an overview of the activities center and new restaurant. He noted that the restaurant would be more geared towards casual dining and would seat 54 residents. He talked about the architecture of the facility and the kinds of activities that would take place within it, including a dance studio and a nail salon.

Ms. Puntillo asked how the size and features of the building were decided upon. Mr. Tsomides said it was the result of many meetings with the staff and residents, taking into account the residents' specific needs and desires for an activities center.

Ms. Puntillo asked how large the new pavilion would be. Mr. Tsomides replied that it was about 5,000 square feet per floor; the gross building area was approximately 11,600 square feet.

Mr. Crowley said it appeared that there was more space for the pavilion to the south of its proposed location. Mr. Miller said the location was chosen because there were more wetlands, especially local jurisdictional wetlands, to the south.

Mr. Cohen opened the hearing to the public.

Pamela Brown, of 12 Sorens Way, spoke in favor of the proposal, saying she felt that Carleton Willard was a great corporate citizen.

Mr. Cohen read into the record a memorandum from the Department of Public Works (DPW), initialed and dated September 23, 2013 (see attachment). Mr. Miller responded to the comments in the memo regarding stormwater management, riprap, and catch basins. He said he intended to meet with the DPW officials because he had a couple issues with their comments, specifically the DPW proposals (Phase 2) that the roof drain from the bistro addition should connect to an infiltration system sized to collect the first inch of stormwater in any given rain event (he believed that the roof drain was already three times the size required to meet stormwater discharges); that a fence should be installed along the top of the retaining wall adjacent to the pavilion addition (he believed that, because there already was a guard rail planned, a fence would be redundant); and, relative to including the proposed trench drain adjacent to the pavilion addition in the O&M Plan, he believed a trench drain is not a Best Management Practice.

Mr. Cohen read into the record a letter dated September 24, 2013 from concerned neighbors: Angelo and Michelle Colasante, of 2 Old Stagecoach Road; Chris and Kristen Doucet, of 14 Wagon Wheel Drive; Chris Majoros and Alison Weaver, of 4 Old Stagecoach Road; Dave and Jennifer Stewart, of 11 Old Stagecoach Road; Jennifer and Michael Buckley, of 34 Old Stagecoach Road; Paul and Monica Natalizio, of 27 Sweeney Ridge Road; and Michelle and Al Filosa, of 7 Sweeney Ridge Road (see attachment).

Mr. Miller responded to some of the neighbors' concerns. Relative to a landscaping plan and lighting for the access road that will surround the pavilion, Mr. Miller said there are some existing trees along the fire lane, and there are no lights currently along the fire lane and will not be lights in the future. Relative to the winter weather treatment of the access road and the impact de-icing salt and sand would have on the wetland he said the project's stormwater management system is designed to remove 83% of solids, a better result than the State requirement of 80%. Relative to the Town's Aquifer Protection District, he said that section of the Zoning Bylaws did not apply to the scope of this project.

Relative to planting a buffer of trees to block the neighbors' view of the new development, Mr. Miller said that the elevation at the end of Old Stagecoach Road is 135 feet, whereas the proposed pavilion development is at 150 feet, so it is impossible for Carleton-Willard to plant trees that will hide the development along the reconfigured access roadway due to the steeply sloping ground along the road.

Ms. Puntillo asked what the neighbors would see at night from light shining through all the new of the pavilion building. She suggested that there would be a "glow" noticeable quite a distance, and suggested that draperies or other window treatments across this wall would eliminate such a glow and provide energy savings. Mr. Miller said they would take that into consideration and may be able to provide window treatment to shade the indoor lights at night.

Mr. Cohen said he had done a site visit, and noticed deciduous trees that shed their leaves in the winter. He suggested that the Carleton-Willard developers address screening and landscaping. Mr. Miller responded that perhaps they could plant along the property lines of the homeowners at the end of Old Stagecoach Road, but the view from Wagon Wheel Drive still would not change. Mr. Cohen said he would like to see a more extensive landscaping plan that could address some of the neighbors' concerns, and would show proposed landscaping that can better shield the new pavilion from the neighbors, particularly on Old Stagecoach Road.

Ms. Amick asked whether the applicants intended to plant new trees along the retaining wall. Mr. Miller said that there was limited space in that area without pushing the plantings closer to the wetlands.

Kristin Doucet, of 14 Wagon Wheel Drive, asked about the new fire road. Mr. Miller stated that the road would be 18 feet wide and paved. He said it would not be lit and

would have no public access, only used for emergency vehicle travel. Ms. Doucet said that she was concerned with the lack of screening at the Old Stagecoach Road/Wagon Wheel Drive side of the site.

Chris Doucet, of 14 Wagon Wheel Drive, asked how the fire lane would be treated in the winter. Mr. Miller replied that it would be treated with sand and salt, and the fire lane was designed to wash away the water and sand so as not to impact the nearby wetlands.

Mr. Doucet said that Carleton-Willard has been an excellent neighbor, but if the neighbors can see this new pavilion building, that changes the view of the neighborhood. Mr. Miller stated that the original agreement with the Town requires that 35% of the land remain as open space under a conservation restriction. He argued that no other business in Bedford was held to such a standard.

Tim Benson of 6 Wagon Wheel Drive asked about the proposed parking changes; Mr. Miller described the proposal to expand existing parking areas by 59 spaces.

Mr. Swaim said Carleton-Willard would be agreeable to requesting a continuance so that they can discuss the neighbors' concerns and present some additional plans for screening the new pavilion site.

Ms. Amick said she was disappointed that Carleton-Willard had failed to meet with the neighbors about this significant development proposal. She noted that, when Carleton-Willard was last before the ZBA – relative to a proposed dog park – the CWH officials acknowledged that they had not met with the neighborhood that would be most impacted by such a dog facility, but pledged to communicate with the neighbors in the future.

Mr. Cohen called for a motion to continue the hearing.

**MOTION:**

Ms. Amick moved to continue Carleton-Willard Homes, Inc., at 106 Old Billerica Road, seeking a modification to Special Permit #79-3 to construct new activities pavilion and dining bistro per Sections 4.3.5 and 10.3.3.1(f) of the Zoning By-Law; and a modification to Special Permit #79-3 to expand parking per Sections 7.4 and 10.3.8 of the Zoning By-Law to October 24, 2013 at 7:30 PM.

Ms. Puntillo seconded the motion.

Voting in favor: Cohen, Amick, Crowley, Drouin, and Puntillo

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

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

**PETITION #007-14** – Pamela Brown, Esq., for Bedford Executive Office Suites, LLC, at 52-54 Middlesex Turnpike, seeks a Special Permit per Article 39.4 Section 5(B) of the Sign By-Law to allow a second freestanding sign on property; per Article 39.4 Section 5 to divide awning signs and allow signage above first floor; and per Article 39.5 Section 1 to illuminate signs.

Mr. Cohen suggested that the Board consider and vote upon each component in the application separately. Ms. Brown agreed with this approach.

Ms. Brown greeted the Board and explained that her application involved signage for 52-54 Middlesex Turnpike, which was a large, 6.5 acre office park with two buildings and multiple tenants. She stated that the first proposed sign was a freestanding sign for the Goddard School. She introduced Wendy Libby, manager of the Goddard School, who noted that the signage at the site now was simply inadequate for the area. Ms. Brown said that the revised Sign By-Law had helped fix some of the problems with campus-style sites such as MITRE and this one, in that the Bylaw now permits more than one freestanding sign on the property through the granting of a Special Permit; she said this property is now able to erect more than one freestanding sign, provided that a Special Permit was granted. She said she was also requesting a Special Permit for the sign illumination.

There was discussion about the size, aesthetics, and illumination of the sign.

Mr. Cohen asked how far back the proposed sign would be from the property line. Ms. Brown replied that it would be at least the required ten feet.

Mr. Cohen asked whether the sign illumination would be on a timer. Ms. Brown stated that she had not thought of that, but would be happy to a condition that the lighting would be on a timer to ensure that the sign is not illuminated between 11:00 PM and 6:00 AM.

Ms. Amick asked for confirmation that there would be a total of two lighting fixtures, one on either side of the sign. Ms. Brown stated confirmed that this was correct.

Mr. Cohen opened the hearing to the public. There were no comments or questions.

**MOTION:**

Ms. Amick moved to grant to Pamela Brown, Esq., for Bedford Executive Office Suites, LLC, at 52-54 Middlesex Turnpike, a Special Permit per article 39.4 section 5(B) to allow second freestanding sign on the property and per 39.5 Section 1 to illuminate sign, substantially as shown on Exhibit A, sheets 1 – 4, inclusive.

Mr. Crowley seconded the motion.

Voting in favor: Cohen, Amick, Crowley, Drouin, and Puntillo

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Cohen 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 at the Code Enforcement Department.

Ms. Brown stated that the second part of the application involved awning signs on the building, for the Boardroom Bistro restaurant. She noted that awnings were treated like wall signs under the Sign By-Law, and therefore these awnings could exceed 10% but no more than 20% of the first floor front wall area. She stated that the structure looked very much like an office building and therefore many people have commented that they didn't even know a restaurant was there, so the owners believe these awnings would help a great deal.

There was extensive discussion about the size and color of the awnings, as well as the wording and graphics proposed on them. Mr. Crowley said that the chess pieces looked a bit overwhelming, and suggested breaking it up by removing a chess piece graphic from one of the awnings. Ms. Amick said that she thought the chess pieces lent consistency, so she had no issue with it. Mr. Drouin agreed with Ms. Amick that consistency was important. Mr. Crowley said that, given the location of the building – on Middlesex Turnpike, in an industrial zone – the graphics weren't as much of an issue for him as they might be in another area of Bedford.

Ms. Puntillo asked whether the awnings would be illuminated. Ms. Brown said there was an existing wall light underneath them but there were no plans for additional illumination.

The members then discussed the request for redesigning the existing wall sign and dividing the wall sign into two signs. The existing wall sign would remain on the building in its present location, facing Middlesex Turnpike and the new sign would be placed immediately around the adjacent corner and face north on Middlesex Turnpike.

Mr. Cohen commented that the concept for redesigning the existing wall sign to include reverse channel letters would not comply with the intent of the Sign Bylaw amendment being proposed at Special Town Meeting in November in that the lighting inside the letters would be illuminating other parts of the sign. The amendment proposes that lighting in reverse channel letters may only illuminate the wall to which the sign is attached.

Board members expressed their concern for moving forward on dividing the wall sign without a definitive design for the two signs before them.

Ms. Brown said that she would like to discuss another concept for the existing wall sign and then come back to present the redesign and the request for dividing the wall signs with the Board. She would also discuss the final concept for the awning signs at that time.

**MOTION:**

Ms. Amick moved to continue Pamela Brown, Esq., for Bedford Executive Office Suites, LLC, at 52-54 Middlesex Turnpike, request for a Special Permit per Article 39.4 Section 5 to divide awning signs and allow signage above first floor; and per Article 39.5 Section 1 to illuminate signs to Thursday, November 14, 2013.

Mr. Crowley seconded the motion.

Voting in favor: Cohen, Amick, Crowley, Drouin, and Puntillo

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

**Adjournment**

**MOTION:**

Ms. Amick moved to adjourn the meeting.

Mr. Crowley seconded the motion.

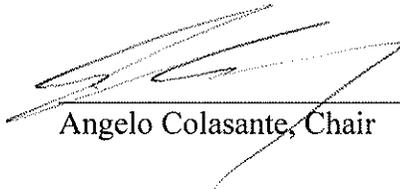
Voting in favor: Cohen, Amick, Crowley, Drouin, and Puntillo

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 10:45 PM.

  
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Angelo Colasante, Chair

1-14-14  
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Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant