

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
JULY 25, 2024**

Town of Bedford  
Bedford Town Hall  
Reed Room / Auditorium

**PRESENT:** Robert Kalantari, Chair; Angelo Colasante, Vice Chair; Tom Flannery, Clerk; Jeffrey Dearing; Kay Hamilton; Lucille Wilson; Karl Winkler

**ABSENT:** John Hadden

**GUEST:** Christopher Laskey, Code Enforcement Director

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

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

**PETITION #002-25** – Peter Lavenson, for 9 Sunnyfield Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct sunroom within non-conforming front yard setback.

Mr. Lavenson greeted the Board and introduced Wendell Knicely, the homeowner for 9 Sunnyfield Road. Mr. Lavenson explained that they were seeking a Special Permit to construct a one-story sunroom addition within the front yard setback. He said that the addition would be approximately 260 square feet and would be about 32 feet from the front property line instead of the required 35, but it would not infringe any farther into the pre-existing non-conforming setback.

Ms. Hamilton asked whether the porch would be screened in or fully enclosed. Mr. Lavenson replied that it would be glass-enclosed with solid walls at the base.

There was general discussion about the surrounding structures in the neighborhood, with the applicants commenting that many of the homes on Sunnyfield Road were non-conforming in a manner similar to this one.

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

**DELIBERATIONS:**

Mr. Kalantari stated that this was a Special Permit application, for which the two requirements were that the project was in keeping with the intent and purpose of the Bylaw and was not injurious or detrimental to the neighborhood. He said that this seemed to be a very

straightforward application and easily met those two conditions. The other Board members agreed, and Mr. Kalantari called for a motion.

**MOTION:**

Mr. Flannery moved to grant Peter Lavenson, for 9 Sunnyfield Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct sunroom within non-conforming front yard setback, substantially as shown on Exhibit 1 (application containing plot plan and elevation drawings).

Mr. Dearing seconded the motion.

Voting in favor: Kalantari, Colasante, Flannery, Dearing, and Wilson

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Kalantari 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 move forward with the project.

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

**PETITION #001-25** – Prathima Tothempudi, at 11 Charles Street, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct dormer and porch within non-conforming front yard setback.

Prathima Tothempudi and Naga Gandham, the homeowners at 11 Charles Street, introduced themselves and stated that they were requesting a Special Permit to construct a full shed dormer across the front of the 1 ½ story dwelling and construct a new roofed porch at the front entrance within the front yard setback. They introduced their architect, Paul Mahoney.

Mr. Mahoney talked in detail about the plans, noting that the full shed dormer would be approximately 35' in width and meet the existing ridge so as not to go any higher than the existing dwelling. He stated that the proposed roofed front porch would sit 22.1' from the front property line and would be about six feet in width.

There was discussion about the size and aesthetics of the project. Mr. Colasante said his only concern was the width of the roof over the front steps, as it seemed to be inching closer towards a porch rather than a covered landing. The other Board members agreed.

Mr. Colasante asked the applicants whether they would be amenable to a smaller roof, perhaps four feet wide instead of six. The applicants stated that they would. Mr. Colasante added that the Board usually put a condition on these kinds of Special Permits that the front steps may have

a roof over them but may not be enclosed. The applicants said they had no problems with that condition either.

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

**DELIBERATIONS:**

Mr. Kalantari stated that this was a Special Permit application, for which the two requirements were that the project was in keeping with the intent and purpose of the Bylaw and was not injurious or detrimental to the neighborhood.

He stated that he felt this application met those requirements, with the condition that the porch be four feet wide instead of six. The other Board members agreed. Mr. Kalantari called for a motion.

**MOTION:**

Mr. Flannery moved to grant Prathima Tothempudi, at 11 Charles Street, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct dormer and porch within non-conforming front yard setback, substantially as shown on the application packet marked as Exhibit 1 and with the condition that the front porch be four feet in width and shall not be enclosed.

Mr. Dearing seconded the motion.

Voting in favor: Kalantari, Colasante, Flannery, Dearing, and Wilson

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Kalantari 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 move forward with the project.

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

**PETITION #003-25** – Reuven Laffer, for 29 Hancock Street, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct addition over 600 square feet on non-conforming lot.

Mr. Laffer introduced himself and his architect, Anat Beck-Nachtigal. Ms. Beck-Nachtigal said they were seeking a Special Permit to raise the roof of the existing 1 ½ story dwelling to create a full 2 story dwelling and also construct a 2 story addition over 600 square feet onto the left side.

She stated that the current house met all setback requirements, and the addition would do the same.

There was detailed discussion regarding the proposal, with Ms. Beck-Nachtigal commenting that the project will consist of raising the roof of the existing dwelling approximately 12.5' to a new ridge height of 199.95 (from 187.48) and also construct a two-story garage addition with a footprint of 735 square feet.

Mr. Kalantari noted that Mr. Laskey had expressed some concerns about the height. Mr. Laskey stated that the plot plan shows the base elevation at 166.0, and he did not agree. He said the lowest exposed foundation wall was the left side of the new garage addition, which has a base elevation of 164.2. He said he also disagreed with proposed height of 33.95 feet; based on the base elevation of 164.2, the dwelling height is 35.75 feet, which was over the 35 foot maximum height requirement.

Mr. Winkler said this proposal would be significantly higher than the houses surrounding it. Mr. Laffer said that there were several large homes in this neighborhood, and he felt that this would be consistent with those structures. Mr. Winkler stated that the majority of those houses were on bigger lots with greater setbacks from the street, so they did not appear as looming as this likely would when completed.

Mr. Colasante noted that the base elevation could, by right, be adjusted by up to two feet, but he agreed with Mr. Winkler that this would only contribute to the overall larger scale of the house. He asked the applicants whether the attic would have finished space. Mr. Laffer replied that it would not be large enough to have any finished space; it would strictly be for mechanicals and storage.

Mr. Colasante suggested lowering the height of the roof on the addition to bring down the massing, which would not take away any bedrooms or major habitable living space.

Mr. Dearing asked whether the foundation had been reviewed by a structural engineer to ensure that it could withstand the weight of this new addition. Mr. Laffer responded that it had.

Mr. Kalantari opened the hearing to the public.

He read two form letters in support of the project, one from Heidi Friedlander, of 38 Hancock Street, and another from Jonathan and Robin Pizzi, of 21 Hancock Street.

With no further comments from those in attendance, Mr. Kalantari closed the public portion of the hearing.

#### **DELIBERATIONS:**

Mr. Colasante said that the height and footprint were being fully maximized for this project and it would, ultimately, be a very large structure. He said he worried about both the height and width.

Mr. Dearing said that, from an architectural standpoint, he appreciated the lower roof over the garage, and he realized that the width of the garage could not be minimized by much because 24 feet was the bare minimum for a two-car garage and this wasn't much over that. He said he was more concerned about the height than the width.

Mr. Flannery said that the house next door was large in scale so he did not have a problem with this proposal in theory, but he agreed that anything that could be done to reduce its size would be alleviate many of the Board members' concerns.

Mr. Colasante said he believed there were ways to solve the massing problem by lowering the roof or changing its pitch in places. He suggested that the applicants tweak the design and come back before the Board at its next meeting. The other members agreed.

The applicants stated that they would work towards making some small changes that could help bring down the massing. Mr. Kalantari said that the Board would appreciate anything they could do to minimize the scale of the structure. He called for a motion to continue the hearing.

**MOTION:**

Mr. Flannery moved to continue Reuven Laffer, for 29 Hancock Street, seeking a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct addition over 600 square feet on non-conforming lot to August 22, 2024 at 7:00 PM.

Mr. Dearing seconded the motion.

Voting in favor: Kalantari, Colasante, Flannery, Dearing, and Wilson

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

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

**PETITION #018-24 – CONTINUATION** – Mauro Mattos Silva Araujo, for 35-37 Neillian Street, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to demolish house and build new house on non-conforming lot.

Mr. Araujo greeted the Board and stated that they had changed the plans since the last hearing in order to alleviate the members' concerns about the massing and roofline of the proposed structure. He noted that they would no longer have a gabled roof and there would now be no bedroom space on the third floor, only storage.

Mr. Colasante asked how many bedrooms each unit would have. Mr. Araujo replied that there would be three bedrooms on each side.

Mr. Kalantari asked whether the basement would be a walkout. Mr. Araujo stated that it would only have access from the inside of the house but would have no bulkhead and no access from the outside.

There was dialogue about the floor plans. Mr. Araujo forwarded them to the Code Enforcement Department and said they reflect the updated elevation drawings. It was determined that the Board had enough documentation to make an informed decision.

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

**DELIBERATIONS:**

Mr. Kalantari stated that this was a Special Permit application, for which the two requirements were that the project was in keeping with the intent and purpose of the Bylaw and was not injurious or detrimental to the neighborhood. Mr. Colasante noted that this application had been through several iterations and he felt it was finally at the point where he could support the project. The other Board members agreed.

Mr. Kalantari called for a motion.

**MOTION:**

Mr. Flannery moved to grant Mauro Mattos Silva Araujo, for 35-37 Neillian Street, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to demolish house and construct new house on non-conforming lot, substantially as shown on Exhibit 1 (elevations) and Exhibit 2 (floor plans)

Mr. Dearing seconded the motion.

Voting in favor: Kalantari, Colasante, Flannery, Dearing, and Wilson

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Kalantari 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 move forward with the project.

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

**PETITION #021-24 – CONTINUATION** – Pamela Brown, Esq., for Carlisle Road Bedford, LLC, seeks a Comprehensive Permit for 82 Carlisle Road to allow 120 units of mixed family housing on the “West Parcel” and a 51-unit senior restricted apartment building on the “East

Parcel,” in accordance with the Local Initiative Program (LIP) of M.G.L. c. 40B and the Comprehensive Permit Rules of the Zoning Board of Appeals of the Town of Bedford.

Brian DeVellis greeted the Board and gave a “refresher” of the progress of the application to this point. He noted that an application was submitted to the Conservation Commission and it was heard at its July 10 meeting. The Commission continued the discussion to the third week of August to allow for additional review and analysis. He noted that the board had decided to involve a design engineer to review the drainage system. This review is intended to address stormwater management concerns and ensure the system's adequacy.

Mr. DeVellis said he was still awaiting the final fiscal impact analysis from the school department. The initial analysis was reviewed on July 2, 2024, and the final data was expected shortly. He talked about some site updates, including sidewalks and supplemental traffic information.

There was general discussion about the site plan and the details of the individual units.

Ms. Hamilton asked how many acres this project sat upon, and how much of it was going to be taken up by the proposal. Mr. DeVellis replied that the entire parcel was 45 acres, of which 9 were proposed to be developed for this project.

Mr. Colasante said that this was the biggest development he had seen in his ten-plus years on the Board, and he felt it was important to weigh it the same way he did with every other application – to ensure that it was not injurious or detrimental to the neighborhood and was in keeping with the intent and purpose of the Bylaw. He said he hoped to receive guidance from Town Counsel as to whether those same metrics applied here.

Mr. Kalantari thanked the applicant for being so cooperative throughout the process. He said he wanted to be sure the Board got all the necessary comments or data from Town departments and boards and use those to weigh its decision. He suggested inviting a spokesperson from each of those departments and committees to the September 12 meeting in order to get everyone on the same page and be sure that there were no gaps in communication.

Mr. Kalantari opened the hearing to the public.

Richard Daugherty, of 49 Elm Street, said that this project provided much-needed housing for a diverse population of people. He said he was a great opportunity for Bedford and he hoped the Board would support it.

Mr. Laskey pointed out that there should be some language in the Comprehensive Permit regarding accessory structures such as sheds, fences, and pools, because that has been an issue with some of the other 40B or LIP projects throughout Bedford.

Mr. Kalantari stated that he would like himself and Mr. Colasante to meet with a member of Town Counsel within the next few weeks to discuss some simple legalities of the project, and then invite Town Counsel to the next meeting. He said it was important for him and the other

members to understand what the Board could and could not specifically ask for or require regarding a Comprehensive Permit application.

Mr. Colasante said he would also like to inquire what kind of assurances the Town could receive that this project was financially feasible. He said he wanted to know whether a bond or some other type of fiscal protection could be given to the Town so there was never a situation in which the market-rate units were built and the affordable units were not. Mr. DeVellis said he was free to discuss that with Town Counsel but, strictly from a building standpoint, the affordable units mixed in with the market rate units, so there was never going to be an issue of only one type of housing was constructed without the other.

After final discussion, Mr. Kalantari called for a motion to continue the hearing to September 12.

**MOTION:**

Mr. Flannery moved to continue Pamela Brown, Esq., for Carlisle Road Bedford, LLC, seeking a Comprehensive Permit for 82 Carlisle Road to allow 120 units of mixed family housing on the “West Parcel” and a 51-unit senior restricted apartment building on the “East Parcel,” in accordance with the Local Initiative Program (LIP) of M.G.L. c. 40B and the Comprehensive Permit Rules of the Zoning Board of Appeals of the Town of Bedford to Thursday, September 12 at 7:00 PM.

Mr. Dearing seconded the motion.

Voting in favor: Kalantari, Colasante, Flannery, Dearing, and Wilson

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

**BUSINESS MEETING:**

**Discussion Regarding John Hadden**

Mr. Kalantari said that John Hadden had only attended four out of the twelve meetings held in the last fiscal year, so Mr. Kalantari had emailed the Select Board and Town Manager about requesting that he formally be removed from the ZBA. He stressed that Mr. Hadden had been a valuable member of the Board and this was not a personal decision, but it was clear that Mr. Hadden did not have the time or availability to continue in his capacity as a member.

The ZBA members talked about whether the best course of action was to vote for the Select Board to dismiss him from the Board or ask him to resign. It was ultimately decided that Mr. Kalantari would reach out and ask him to resign; if he did not do so by the next meeting, the ZBA would vote to have the Select Board dismiss him.

**Adjournment**

