

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
JANUARY 23, 2020**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Room

**PRESENT:** Todd Crowley, Chair; Carol Amick, Clerk; Jeffrey Dearing; Kay Hamilton

**ABSENT:** Angelo Colasante, Vice Chair; Robert Kalantari; John Hadden

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

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 #015-20** – UCB Biosciences, Inc., at 3 Preston Court, seeks a Special Permit per Article 39.4 Section 5A(7)(a) of the Sign Bylaw to install wall sign above first floor of building, and seeks a Special Permit per Article 39.5 Section 1 of the Sign Bylaw to illuminate wall sign.

Mr. Crowley and Mr. Dearing stated that, although they had not been present at the previous meeting, they had read the minutes and therefore could vote under the Mullens rule exception.

Penny DePlacido, Operations Assistant for UCB Biosciences, Inc., greeted the Board and said she had come prepared with the items the Board had requested at the first hearing. She noted that the Board had asked for a photograph of the front of the building to calculate the allowable sign size; detail on the sign mounting; and detail on where the lighting fixture would be placed. She provided those details, noting that the sign would be flush mounted and the light bar would be placed under the sign, so the sign would be up-lit.

Ms. Amick said that the Board always required sign lighting to be on a timer to comply with the Bylaw's requirement that the illumination be off during the hours of 11:00 PM to 6:00 AM. The applicant agreed to this condition.

After general conversation about the dimensions of the sign and the details of the light fixture, Mr. Crowley opened the hearing to the public. With no one from the public in attendance, Mr. Crowley closed the public portion of the hearing.

**DELIBERATIONS:**

Mr. Crowley said that this was a Special Permit application, for which the two requirements were that the sign and illumination were in keeping with the intent and purpose of the Bylaw and were not injurious or detrimental to the neighborhood. He commented that this was a very small sign, well under the Bylaw requirements. He added that the building was located in an Industrial zone, so he did not believe the sign or illumination would be injurious to the neighborhood. The other members agreed.

Ms. Hamilton asked whether the Bylaw had any dark sky requirements. Mr. Crowley said it did not appear to have any. Christopher Laskey, the Code Enforcement Director, confirmed that it did not.

After final discussion, Mr. Crowley called for a motion.

**MOTION:**

Ms. Amick moved to grant UCB Biosciences, Inc., at 3 Preston Court, a Special Permit per Article 39.4 Section 5A(7)(a) of the Sign Bylaw to install wall sign above first floor of building, and a Special Permit per Article 39.5 Section 1 of the Sign Bylaw to illuminate wall sign, substantially as shown on Exhibit 1 (letter from property owner), Exhibit 2 (memo from design engineer regarding foot lamberts), Exhibit 3 (email from Sign Works Group regarding sign depth), Exhibit 4 (side elevation of building with sign rendering), Exhibit 5 (lighting specifications – 6 pages), Exhibit 6 (photos of front, side, and rear of building), and subject to the following conditions:

- 1) The sign shall not be illuminated between the hours of 11:00 PM and 6:00 AM;
- 2) The lighting shall be on a timer.

Mr. Dearing seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 4-0-0.

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

**PETITION #018-20** – 106 School Street, LLC, for 348-350 South Road, seeks a Modification to Special Permit #036-18, or a Variance per Section 14.7 and Table II: Dimensional Regulations of the Zoning Bylaw, whichever the Board deems necessary, to allow “doghouse” structure rather than bulkhead within rear yard setback of new two-family home.

Danting Lin, a representative of 106 School Street, LLC, greeted the Board and stated that the property at 348-350 South Road was a newly-constructed duplex. She said that, after the engineer established the Seasonal High Water Table (SHWT) on the site, they had to raise the grade by two feet, making it impossible to install a bulkhead. She noted

that the foundation had become too high, which forced them to build a more substantial “doghouse” structure rather than the bulkhead originally shown on the plans. Ms. Lin explained that the request before the Board was to allow the doghouse to remain standing, despite the fact that it extended approximately 2.5 feet into the rear yard setback.

Mr. Dearing stated that it would be difficult for the Board to grant this as a Variance, as he could not in good conscience find a hardship to justify it.

The Board talked with the applicant and with Mr. Laskey about whether it would be possible to remove the doghouse and replace it with a drywell or a bulkhead; it was concluded that, depending on the slope of the grade, this could be done without too much added expense, but it would be more expensive if the bulkhead had to be higher.

Mr. Crowley asked why the contractor moved forward with a doghouse without consulting with the Code Enforcement Department. Ms. Lin said her understanding was that the contractor did consult with the Building Inspector, Daniel Sullivan, who suggested that he build the doghouse. Christopher Laskey, the Code Enforcement Director, said that this was the first he had heard of this; his impression was that Mr. Sullivan had no knowledge of this doghouse structure until he went to do the final inspection.

It was determined that too many questions needed to be answered for the Board to make a decision tonight. Mr. Crowley suggested a continuation so that Mr. Laskey could speak with Mr. Sullivan and the contractor could look into the possibility of installing a bulkhead or drywell in place of the doghouse. Ms. Lin agreed to a continuation to the February 27 meeting. Mr. Crowley called for a motion.

**MOTION:**

Ms. Amick moved to continue 106 School Street, LLC, for 348-350 South Road, seeking a Modification to Special Permit #036-18, or a Variance per Section 14.7 and Table II: Dimensional Regulations of the Zoning Bylaw, whichever the Board deems necessary, to allow “doghouse” structure rather than bulkhead within rear yard setback of new two-family home to February 27, 2020 at 7:30 PM.

Mr. Dearing seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 4-0-0.

**BUSINESS MEETING:**

**Discussion of Open Meeting Law**

Mr. Crowley commented that the Board members had recently attended Open Meeting Law trainings hosted by Bedford's Town Counsel. He led a general discussion of some of the points brought to the attendees' attention, including points about meeting protocol, reviewing and editing minutes, and what should and should not be included in emails.

**Adjournment**

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

**MOTION:**

Ms. Amick moved to adjourn the meeting.

Ms. Hamilton seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 4-0-0.

The meeting adjourned at 8:45 PM.

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Todd Crowley, Chair

Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant