

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
DECEMBER 12, 2019**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Rom

**PRESENT:** Todd Crowley, Chair; Angelo Colasante, Vice Chair; Carol Amick, Clerk; Jeffrey Dearing; Robert Kalantari; Kay Hamilton; John Hadden

**ABSENT:** None

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

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

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

**PETITION #015-20 – CONTINUATION** – Richard’s Auto Service and Sales, at 50 Concord Road, seeks to appeal the Building Inspector’s decision per Article 39.3 Section 2 of the Sign Bylaw not to issue a wall sign or movable freestanding sign for commercial business in residential district.

Mr. Crowley said that the voting members for this hearing were himself, Mr. Colasante, Mr. Dearing, Ms. Hamilton, and Mr. Hadden. He said he thought it was best to discuss the wall sign first and then move on to the A-frame sign.

**Wall Sign**

Albert Shi and Richard Wu, owners of Richard’s Auto Service and Sales, at 50 Concord Road, greeted the Board and explained that, at the previous meeting, the Board had requested more detail about the proposed wall sign on the front of the building. He said that the white letters were flush with the wall and non-illuminated; the capital letters would be approximately 12 inches high and the lowercase letters would be approximately 9 inches high, for a total of about 19 square feet.

Mr. Dearing mentioned that the Board had requested the sign company re-scale the sign on the building to reflect the accurate size. Mr. Shi said he had been in contact with the sign company and they had insisted that the scale was correct.

Mr. Shi noted that there had also been some questions about the size of the old Biehren’s Garage sign and how it compared to this new one. He said that the Code Enforcement Department had no record of a Sign Permit for the original sign, but photographs of it

showed that it looked to be about 20 square feet, so this proposal was about the same size or perhaps a bit smaller.

There was further dialogue about the details of the sign and how the letters would be mounted and scaled on the building.

Mr. Crowley opened the hearing to the public.

Mr. Crowley read into the record an email from Herbert Aumann, owner of 39 Concord Road, writing in opposition to the Board allowing a sign larger than six square feet in a residential zone.

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

**DELIBERATIONS (ON WALL SIGN):**

Mr. Crowley said that this was an existing, grandfathered business in a residential zone and, in his opinion, the applicant was entitled to have a sign to advertise his business. Mr. Colasante agreed and said he felt it was unfair to allow this business but not allow it to have a sign. He stated that this sign seemed reasonable, as it was approximately the same sign as the sign for the original garage. Mr. Dearing and Ms. Hamilton agreed as well. Mr. Hadden said he had some reservations due to the Sign Bylaw, but he would vote in favor of it. Ms. Amick commented that she was not voting but she would vote against it, as she did not feel that a wall sign of this size should or could be allowed in a Residential zone.

Mr. Crowley called for a motion.

**MOTION:**

Ms. Amick moved to overturn the Building Inspector's decision not to issue a wall sign to Richard's Auto Service and Sales, at 50 Concord Road, per Article 39.3 Section 2 of the Sign Bylaw for commercial business in residential district.

Mr. Dearing seconded the motion.

Voting in favor: Crowley, Colasante, Dearing, Hamilton, and Hadden

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 move forward with the project.

**Movable Freestanding Sign**

Mr. Wu explained that he also hoped to have a sandwich board sign on the property, at least for the grand opening of the business. He handed out an exhibit that showed the proposed “Grand Opening” wording for the sign. Mr. Colasante asked whether the applicants were requesting to have the sign permanently or temporarily. Mr. Wu said that he would like to have the sign for as long as the Board would allow.

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

**DELIBERATIONS (ON MOVABLE FREESTANDING SIGN):**

Mr. Crowley said that he had no qualms with allowing the applicant to have an A-frame sign as a grand opening sign for thirty or even sixty days, but the Board needed to determine whether it was appropriate to have such a sign on the property permanently. There was discussion about whether a permanent A-frame sign was appropriate; the Board members ultimately agreed that allowing the wall sign in a Residential zone was sufficient but allowing a movable freestanding sign as well was not appropriate. After further dialogue, it was also agreed that the A-frame sign would be allowed for not more than 60 calendar days after it was erected.

Mr. Crowley called for a motion.

**MOTION:**

Ms. Amick moved to allow a movable freestanding sign for no more than 60 consecutive calendar days to Richard’s Auto Service and Sales, at 50 Concord Road, per Article 39.3 Section 2 of the Sign Bylaw and per the eleven (11) conditions set forth under Article 39.4 Section 3(Q) of the Sign By-Law.

Mr. Dearing seconded the motion.

Voting in favor: Crowley, Colasante, Dearing, Hamilton, and Hadden

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 move forward with the project.

The applicants thanked the Board members for their time and Mr. Crowley wished them luck with the new business.

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

**PETITION #012-20 – CONTINUATION** – Don Vinh, at 42 Glenridge Drive, seeks a Variance from Section 6.2.7 of the Zoning Bylaw to erect shed not located ten feet behind rearmost point of the house, and within side yard setback.

Mr. Crowley stated that the voting members for this application were himself, Mr. Colasante, Mr. Dearing, Ms. Hamilton, and Mr. Hadden.

Mr. Vinh greeted the Board members and explained that, per their suggestion at the previous meeting, he had asked his builder how much it would cost to attach the shed, or a shed-like structure, to the house. He said that the builder had given an estimate of \$16,000. Mr. Vinh said that he and his wife could not afford that for a shed, so that would be a hardship for them. He also handed out a GIS map of his neighborhood showing the location of the wetlands, pointing out that, while the other houses in the area had wetlands, none had the wetland line touching the house the way his did. He said he believed this made his lot more unique and therefore more applicable for a Variance. Mr. Vinh commented that he had asked Mr. Laskey whether he had issued any permits for sheds attached to houses during his tenure as Building Commissioner, and Mr. Laskey had replied that he had not.

Mr. Dearing stated that \$16,000 seemed exorbitantly expensive for an attached shed, which was essentially three walls, a roof, and two sono tubes. He said that, in his experience, the price should not be much greater than it would be to purchase the shed itself. Mr. Vinh said he was not a builder and did not know about construction costs, but his contractor had been fair with him thus far and he had no reason to doubt his word on the estimate.

Mr. Dearing stated that he still struggled a great deal with this application, particularly because the Variance test in Massachusetts was so rigorous.

There was further discussion about the requirements of a Variance. Mr. Colasante suggested that the applicant talk once more with the Conservation Commission about placing the shed behind the house because, in his opinion, this proposal could not pass the Variance test. The other members were all in agreement, and it was suggested that the applicant withdraw his application. Mr. Vinh agreed to withdraw the application, and Mr. Crowley called for a motion.

**MOTION:**

Ms. Amick moved to withdraw without prejudice the application of Don Vinh, at 42 Glenridge Drive, seeking a Variance from Section 6.2.7 of the Zoning Bylaw to erect

shed not located ten feet behind rearmost point of the house, and within side yard setback.

Mr. Dearing seconded the motion.

Voting in favor: Crowley, Colasante, Dearing, Hamilton, and Hadden

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

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

**PETITION #016-20** – Dickinson Architects, LLC, for 11 Brooksbie Road, seek a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct second story addition over 600 square feet.

Bill Dickinson, of Dickinson Architects, greeted the Board and introduced the homeowner, Jyotsna Mulgund. Mr. Dickinson explained that the owners hoped to construct an addition over 600 square feet on a non-conforming lot, which triggered the Special Permit process. He said that the lot was 20,823 square feet, whereas 30,000 square feet was required in a Residence B District.

Mr. Dickinson said that the owners proposed to remove the existing deck and expand the kitchen and mudroom area with an approximate 470 square foot addition on the first floor. He said that they would also be removing approximately 600 square feet of storage area, attached to the garage, and replace it with a smaller 8'x14' addition used for storage. On the second floor, he added, the owners proposed a 900 square foot addition over the original house footprint. He concluded by commenting that the addition would meet all setbacks and would, in his opinion, be harmonious with the other houses in the neighborhood.

Ms. Mulgund commented that her family loved this neighborhood and wanted to stay, which was why they wanted to enlarge the house rather than move somewhere else in town. She noted that she had talked to her neighbors about this project as well, and they had all expressed support.

There was general conversation about the layout, dimensions, and architectural details of the project, including the height. Although the height was not memorialized on the plan set, the Board and applicants agreed to a condition limiting the height to 32 feet.

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

**DELIBERATIONS:**

Mr. Crowley stated that this was a Special Permit application, for which the two requirements were that the project was not injurious or detrimental to the neighborhood and was in keeping with the intent and purpose of the Bylaw. He said that he felt this was a lovely proposal and easily met those two requirements. Ms. Amick stated that she felt the same way and thought the applicants had done a wonderful job in designing an addition that fit in with the neighborhood. The other members agreed.

Mr. Crowley called for a motion.

**MOTION:**

Ms. Amick moved to grant Dickinson Architects, LLC, for 11 Brooksbie Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct second story addition over 600 square feet, substantially as shown on Exhibit 1 (plot plan), Exhibit 2 (floor plans – three pages), and Exhibit 3 (elevations – four pages), and subject to the condition that the addition shall not exceed a total height of 32 feet.

Mr. Dearing seconded the motion.

Voting in favor: Crowley, Colasante, Amick, Dearing, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

**BUSINESS MEETING:**

**November 14 Meeting Minutes**

Mr. Crowley called for a motion to approve the minutes of the November 14 meeting.

**MOTION:**

Mr. Colasante moved to approve the minutes of the November 14 meeting, as amended.

Ms. Hamilton seconded the motion.

Voting in favor: Crowley, Colasante, Dearing, Hamilton, and Hadden

Voting against: None

Abstained: Amick and Kalantari

The motion carried, 5-0-2.

**Zoning Bylaw Changes**

Ms. Amick stated that she was on the Charter & Bylaws Review Committee and wanted the Zoning Board's input on some of the proposed wording. She talked with the Board members about the sections on noise regulations (Article 37 of the General Bylaws) and the wording of the Zoning Board of Appeals authority, membership, and responsibility (Article 21 of the General Bylaws).

**Adjournment**

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

**MOTION:**

Mr. Colasante moved to adjourn the meeting.

Mr. Dearing seconded the motion.

Voting in favor: Crowley, Colasante, Amick, Dearing, Kalantari, Hamilton, and Hadden

Voting against: None

Abstained: None

The motion carried unanimously, 7-0-0.

The meeting adjourned at 9:15 PM.

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Todd Crowley, Chair

Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant