

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
FEBRUARY 27, 2020**

Town of Bedford
Bedford Town Hall
Lower Level Conference Rom

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

ABSENT: Robert Kalantari

GUEST: 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 #021-20 – Amy Coffey, for 19 Anthony Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to demolish house and construct larger house on non-conforming lot.

Ms. Coffey greeted the Board and explained that she proposed a teardown and rebuild at 19 Anthony Road. She said that the proposed house would be a 4,150 square foot Colonial, with four beds and four baths. Ms. Coffey talked with the Board members about the photographs of surrounding houses included in the application packet. She commented that Anthony Road had a mix of house sizes, from smaller Ranch style homes to larger, more modern structures. She added that there were houses on the street that were bigger than this proposal, so she felt it was in keeping with the neighborhood.

Mr. Colasante said that the lot in question was very deep, which allowed for the opportunity to push the house back and reduce the massing from the street; he asked why Ms. Coffey opted to have the house placed just up against the front setback. Ms. Coffey replied that she liked her houses to have big yards in back, particularly for children to play, so she wanted to keep the house closer to the street to allow for that space.

Ms. Hamilton said that she appreciated the fact that Ms. Coffey had obviously put forth effort to make the house attractive from the front, but she was concerned about the massing along the sides, as they were long and stark and with very little visual interest. Ms. Coffey said the right side of the house had contrast with the rooflines to make it more attractive, and she hoped to dress up the left side with landscaping. She added that it was difficult to fit a house onto this lot because it was so narrow.

Mr. Crowley opened the hearing to the public.

Peter Dolan, of 13 Anthony Road, said he had been an abutter to 19 Anthony Road for 34 years. He said that he and his wife both felt that the size of the proposed structure was injurious and detrimental to the neighborhood. He showed a rendering of the streetscape with five Ranch style houses lined up beside each other and stated that Ms. Coffey's proposed house was right in the middle and would be roughly twice as large. He said that this new house would drastically impact their sunlight and air, as it would block much of the views from their home.

Mr. Dolan said that there was also a serious water problem in this neighborhood. He displayed photographs of his yard that showed pools of water, and he noted that they got two feet of water every spring. He said he was greatly concerned about what this new construction would do to the water problem in the area.

Suzanne Dahlberg, of 2 Hunt Road, said that she lived in one of the newer houses on the street, but her home was built on the existing footprint and was only 2,200 square feet. She said that, according to her calculations, 85% of the houses on Anthony Road were 2,400 square feet or smaller, so she did not feel that this proposal would be in keeping with the neighborhood.

Robert Wood, of 5 Anthony Road, said that he and his wife had built a 2,600 square foot house that had plenty of space and was not nearly as tall or massive as this proposal. He stated that this new proposed house would block a great deal of their light and would appear extremely large on the street. He said he also had concerns about the water and drainage.

Ms. Coffey said that anyone who built a house on the lot would have to contend with drainage, and she fully understood that she would need to work with her engineers, excavators, and the Department of Public Works to address any potential water issues. She noted that she would be including two perimeter drains and would have a swale at the property line to collect any water. She added that, in her opinion, this house would be built above the water table so any water problems in the neighborhood would likely get better, not worse.

Cheryl Miksenas, of 21 Anthony Road, said that she had lived at this address her whole life and had always experienced water problems. Showing photographs of her backyard and that of 19 Anthony that she said were taken just last January, 2020, which showed most of the backyards under large pools of water, she said it usually started in February and got continually worse until April or May, but because of climate change, is showing up earlier. She commented that she also worried about her light and views being hindered, as she has a three-season sunroom on her property that would now be blocked.

Kyle Seaman, of 9 Anthony Road, said that he moved into his house in 2015 and has had a sump pump running in his basement constantly ever since. He said that water was a major concern on this street, and he shared the same concerns as other neighbors that this new proposal would exacerbate it. He said that he, too, was worried about the size of the

house, particularly its depth; he said that the town had seen too many of these “ocean liners” being built in recent years – houses that were narrow in front but extremely long.

Lizzie McGlinchey, of 9 Anthony Road, said she hated to see smaller, affordable houses being torn down and replaced with far bigger houses like this one, as it detracted from much of Bedford’s charm. She commented that she was concerned about the construction noise, because she and several others in the neighborhood had young children.

Dianne Grattan, of 10 Anthony Road, said she reflected Ms. McGlinchey’s concerns about construction noise. She asked what the general construction schedule would look like. Mr. Laskey said the Bylaw’s noise ordinance allowed construction to occur between the hours of 7:00 AM and 7:00 PM Monday through Friday and 8:00 AM to 6:00 PM on Saturday.

Ms. Coffey said that she would be happy to work with the neighbors to come up with a construction schedule that was not as broad as the allowable hours, perhaps not having any work start before 8:00 AM. She added that she always built attractive houses with whimsical touches and unique architectural features, and she planned to do that with this house as well.

Natasha Wood, of 5 Anthony Road, said that Ms. Coffey lived in this neighborhood and was a wonderful neighbor who built lovely homes; she said the comments heard here tonight were not a personal attack on Ms. Coffey but reflected concerns about the overall size of the house and water runoff.

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

DELIBERATIONS:

Mr. Crowley said 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 detrimental or injurious to the neighborhood. He said that the sunlight and air issues would likely be present for any new construction, but he did feel that the water issues should be addressed in more detail before the Board made a ruling.

Ms. Amick said that she thought the proposed house was simply too big, too tall, and too long for this lot and this street. She said she would like to see the applicant work with her architect to come up with a solution to alleviate the neighbors’ concerns about water and about the size, and she could not support the project as it was presented tonight.

Mr. Colasante agreed with Ms. Amick and said that the massing made him uncomfortable. He noted that setting the house back a bit farther on the lot might help mitigate some of the massing concerns, but even with a changed setback, the house was still tall and long.

Mr. Crowley said it was clear that the application would not pass tonight. He suggested that the applicant request a continuation and come back before the Board with modified plans. Ms. Coffey requested a continuation to the March 12 meeting. Mr. Crowley called for a motion to continue the hearing.

MOTION:

Ms. Amick moved to continue Amy Coffey, for 19 Anthony Road, seeking a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to demolish house and construct larger house on non-conforming lot to March 12, 2020 at 7:30 PM.

Mr. Hadden seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously. 5-0-0.

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

PETITION #018-20 – CONTINUATION – 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.

Mr. Colasante stated that, although he had not been present at the previous meeting, he had read the minutes and therefore could vote under the Mullens rule exception. Mr. Crowley said that the voting members would be himself, Mr. Colasante, Ms. Amick, Mr. Dearing, and Ms. Hamilton.

Elias DaRocha and Danting Lin, representatives for 106 School Street, LLC, greeted the Board and reiterated that they were before the Board to allow the doghouse structure to remain at the rear of the house, within the rear yard setback, at 348-350 South Road. Ms. Lin said that the company had outsourced the construction of this house to another contractor, and she apologized that the doghouse had been built without prior permission.

Mr. Crowley asked whether the applicant had anything new to present for this application. Ms. Lin and Mr. DaRocha said that they did not.

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 the house at 348-350 South Road was new and met all the setbacks, and the addition of the doghouse introduced a brand new non-conformity. He said this would require a Variance, and he found it extremely difficult to grant a Variance for this petition.

Mr. Colasante brought up the possibility of taking away the walls and leaving the roof with two posts. Mr. Crowley said that the Board had always treated a roof as a structure; he noted that the roof overhang would normally be considered as a Variance request as well.

Mr. Crowley said that he felt the applicants should either install a bulkhead or just have a doorway, but he could not support allowing the doghouse in any capacity. After further discussion, the other Board members agreed. Mr. Crowley said that the Board could vote on the application and deny it, or a vote could be made to withdraw the application without prejudice. Ms. Lin requested to withdraw the application.

MOTION:

Ms. Amick moved to withdraw without prejudice the application for 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.

Mr. Hadden seconded the motion.

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

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.

Ms. Lin and Mr. DaRocha thanked the Board members for their time.

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

PETITION #019-20 – Poblocki Sign Company, for Aspentech, at 32 Crosby Drive, seeks a Special Permit per Article 39.4 Section 5(B) of the Sign Bylaw to allow additional freestanding sign on lot.

Jason Parillo, of Poblocki Sign Company, introduced himself and Scott Saco, the representative from Aspentech. Mr. Parillo explained that Aspentech currently had two signs on the parcel, and the company hoped to relocate one of the signs within the site to the entrance to allow better identification. He noted that there would be no change to the sign and it would remain non-illuminated.

Mr. Crowley asked about the other sign on the site. Mr. Laskey noted that there were in fact two additional signs on the site and each simply listed an address: 20-24 Crosby Drive and 26-32 Crosby Drive.

Mr. Colasante said his only concern about placing this sign at the entrance was that it was specific to this one particular business, and he worried about what would happen in the future if other tenants wanted freestanding signs. There was conversation about the guidelines listed in the Sign Bylaw for multiple freestanding signs and whether more signage would be allowed on the site for other tenants. The Board members referenced the Sign Bylaw section that reads, "In the case of a lot with multiple entrances where the single permitted freestanding sign or other signage on the property does not effectively identify the business on the premises, additional freestanding signs may be permitted by Special Permit." Because of this language, and the fact that there were several entrances on the site, it was ultimately determined that other tenants had enough future options that the Board would feel comfortable granting a Special Permit for this particular sign.

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 said that this was a Special Permit application, for which the two requirements were that the sign was in keeping with the intent and purpose of the Bylaw and were not injurious or detrimental to the neighborhood. He stated that he felt this sign met those requirements, especially since Crosby Drive was such a massive area and many of the entrances did indeed need better identification. The other members agreed.

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

MOTION:

Ms. Amick moved to grant Poblocki Sign Company, for Aspentech, at 32 Crosby Drive, a Special Permit per Article 39.4 Section 5(B) of the Sign Bylaw to allow additional freestanding sign on lot, substantially as shown on Exhibit 1 (property owner authorization letter), Exhibit 2 (location of Aspentech buildings), Exhibit 3 (sign specifications and cross section), Exhibit 4 (proposed sign locations), and Exhibit 5 (layout of Crosby Corporate Center).

Mr. Dearing seconded the motion.

Voting in favor: Crowley, Colasante, Amick, Dearing, 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.

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

PETITION #020-20 – Sign Design, Inc., for The Edinburg Center, at 205 Burlington Road seeks a Special Permit per Article 39.5 Section 1(C) of the Sign Bylaw to internally illuminate freestanding sign.

Scott Clement, of Sign Design, and Randy Brown, of The Edinburg Center, greeted the Board. Mr. Brown stated that there was an existing sign at the site that the previous owner had internally illuminated, and they were before the ZBA this evening to obtain official permission to allow the illumination to be turned on. He said that they planned to reface both sides of the sign with the Edinburg Center’s logo, as shown in the application packet.

There was discussion about the size, aesthetics, and illumination of the sign. Mr. Crowley noted that the Bylaw required all sign illumination to be turned off between the hours of 11:00 PM and 6:00 AM. The applicants agreed to a condition in the Special Permit that the lighting will be on a timer to ensure it is turned off during those hours.

Mr. Crowley opened the hearing to the public. With no one from the public in attendance, Mr. Crowley closed the public portion of the meeting.

DELIBERATIONS:

Mr. Crowley stated that this was a Special Permit application, for which the two requirements were that the sign illumination was in keeping with the intent and purpose of the Bylaw and were not injurious or detrimental to the neighborhood. He said he felt that illuminating this sign would meet those requirements.

Ms. Amick said that the Board did not have a letter from an engineer or sign manufacturer stating that the illumination would not exceed 75 foot lamberts. She said that she was not opposed to this application but felt it was important to get that documentation. Mr. Clement asked whether the Board would be amenable to a condition of the Special Permit that the sign not be illuminated until such a letter was provided to the Code Enforcement Department. The Board members agreed that such a condition would be acceptable.

After further discussion, the other ZBA members agreed that the sign illumination met the requirements of a Special Permit, with the conditions noted above. Mr. Crowley called for a motion.

MOTION:

Ms. Amick moved to grant Sign Design, Inc., for The Edinburg Center, at 205 Burlington Road, a Special Permit per Article 39.5 Section 1(C) of the Sign Bylaw to internally illuminate freestanding sign, substantially as shown on Exhibit 1 (property owner authorization letter), Exhibit 2 (lighting specifications), Exhibit 3 (letter from Edinburg Center), and Exhibit 4 (sign dimensions), and subject to the following conditions:

- 1) The sign shall be on a timer and shall not be illuminated between the hours of 11:00 PM and 6:00 AM;
- 2) The sign manufacturer shall provide a letter certifying that the sign illumination shall not exceed 75 foot lamberts;
- 3) In the event that the Sign By-Law requirements for internally illuminated signs becomes more restrictive in the future, this internally illuminated sign shall be brought into compliance with the most recent edition of the Bylaw within a period of one year from its enactment.
- 4) The Special Permit shall run with the particular business, not the property where the business is located.

Mr. Dearing seconded the motion.

Voting in favor: Crowley, Colasante, Amick, Dearing, 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.

BUSINESS MEETING:

January 9 Meeting Minutes

Mr. Crowley stated that there were not enough members present to vote on the January 9 meeting minutes.

January 23 Meeting Minutes

Mr. Crowley called for a motion to approve the minutes of the January 23 meeting.

MOTION:

Ms. Amick moved to approve the minutes of the January 23 meeting, as amended.

Ms. Hamilton seconded the motion.

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

Voting against: None

Abstained: Colasante and Hadden

The motion carried, 4-0-2.

Adjournment

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

MOTION:

Ms. Amick moved to adjourn the meeting.

Mr. Dearing seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 6-0-0.

The meeting adjourned at 10:05 PM.

Todd Crowley, Chair

Date

Respectfully Submitted,

Scott Gould
ZBA Assistant