

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
SEPTEMBER 8, 2016**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Room

**PRESENT:** Todd Crowley, Chair; Angelo Colasante, Vice Chair; Michelle Puntillo, Acting Clerk; Jeffrey Dearing; Kay Hamilton

**ABSENT:** Carol Amick, Clerk; Robert Kalantari

**GUESTS:** Christopher Laskey, Code Enforcement Director; Jeffrey Cohen, Planning Board

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

**PRESENTATION:** Ms. Puntillo, Acting Clerk, read the notice of the hearing.

**PETITION #008-17** – Greg Gardner, for 22 Madawaska Street, 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.

Greg Gardner, the applicant for 22 Madawaska Street, greeted the Board and noted that he had recently been through the Special Permit process for 29 Houlton Street, and he now would like to demolish the house at 22 Madawaska Street and construct a new home there. He handed out an updated plot plan and noted that the house would be entirely within the setbacks, and was about 25 feet in from the two side lot lines instead of the required 15. He said that the existing house was a ranch with a one-car garage, with a total of 1,050 square feet of living space; this proposed house would be two stories with a two-car garage, at about 3,000 square feet. He said that the house met the height requirements, measuring approximately 33 feet from grade.

Mr. Colasante asked whether the applicant planned to cover the front entry area over the stairs. Mr. Gardner replied that he did not. Mr. Colasante noted that, once this house was built and it was a conforming structure, the Board would have a very difficult time granting a Variance for any other structures on it, such as a roof over the steps or a deck, so they should be added to the design before any approval is given. Mr. Gardner said that he had considered a roof over the steps but decided against it, and the back of the house had a walkout to a patio; he stated that he was comfortable with the design as is.

The Board members examined the proposed plans of the new house and talked about the details of the layout, dimensions, and height with the applicant.

Mr. Crowley opened the hearing to the public.

Bernard Morrissey, of 18 Madawaska Street, said that he and his wife moved to this neighborhood 50 years ago, and they have watched it change a great deal in the last few years. He said that the character of the neighborhood was very important to consider before allowing developers to build larger homes that will dwarf the ranch and Cape houses that make up the area.

Julie Deneau, of 15 Madawaska Street, asked why a Special Permit was required for this project. Mr. Crowley explained that, until about two years ago, any house on any lot in Bedford could be torn down and rebuilt without any ZBA approval as long as it met the setbacks; now, new case law had been brought to the Board's attention that dictated that, if a home on a non-conforming lot was torn down and rebuilt at a larger square footage than existing, it required a Special Permit from the ZBA. He stated that this lot was not the size required for this particular zone, and therefore any new house larger than the existing necessitates ZBA approval.

There was extensive conversation with the neighbors regarding the Zoning Bylaws and the new height requirements for new homes.

Mr. Morrissey reiterated that the Zoning Board's primary responsibility should be to consider the character of the neighborhood. Mr. Dearing stated that the Board had several factors to consider when issuing a Special Permit for a new house like this one; one of those factors was how it fit in with the neighborhood, but other factors included Zoning Bylaws, economics, architectural styles, and the current housing market.

John Twomey, of 23 Madawaska Street, said that the whole neighborhood was made up of Capes and ranches, but if houses like this proposed one continue to be built, then all of the homeowners will have no choice but to sell to developers who will tear their houses down and build larger ones. He noted that this would change the fabric of the neighborhood over time.

Omar Santiago, of 16 Madawaska Street, said that this proposed house was considerably wider than the other houses on the street. He said that he was not against contractors building new homes but he thought they should not be as large as this proposed one. Mr. Colasante said that, if one looked at the current market for new homes, the average was between 4,000 and 5,000 square feet, and the Board had seen several proposals for homes that size; in his opinion, this house was a more reasonable size than what was currently trending.

Jeff Cohen, of 17 Houlton Street, said that the Board had in the past exercised discretion in smaller neighborhoods and asked the builders to reduce the size of the proposed structure; he encouraged the Board to do that here, because the slope of the street was such that this house might seem too massive in comparison to the other homes.

Robert Lough, of 28 Madawaska, stated that he lived next door to this lot and his property was on a lower slope than the one for the proposed house, and he worried that the new dwelling would dwarf his own. He passed around photographs of his house in relation to the other homes in the area to give perspective, and said he was concerned about the size of Mr. Gardner's proposed house.

Jeffrey Connell, of 32 Houlton Street, said that he had moved to Bedford 30 years ago, and his house was, at the time, considerably larger than the other houses in the neighborhood. He said most of the homes in the neighborhood were cottages back then, and then they became ranches and Capes, and now the style was morphing again to Colonials. He commented that this proposed house reflected the changing housing market, adding that this might become the trend in many neighborhoods but that was simply a sign of change and should not be considered a bad thing. He concluded by saying that he supported this proposal and thought the design was very attractive.

After further discussion with those in attendance about the proposed house design and the neighborhood, Mr. Crowley closed the public hearing.

#### **DELIBERATIONS:**

Ms. Hamilton said that her only concern was that the back of the house would end up looking like a blank wall, but she thought the rest of the design was very attractive and she felt it met the requirements of a Special Permit.

Mr. Crowley said that, if a homeowner at this house wanted to renovate it and add a second story and a garage, all fitting within the setbacks, he would have no problem with such a proposal, and this proposal was not much different. He said that the footprint for this new house was very similar and the square footage was doubling because it would be two stories instead of one, but he did not feel that that was unreasonable.

Ms. Puntillo said that the proposed home was not nearly as large as it could be, but she thought that it still might be too large for this particular street. She said she worried that Bedford would lose the balance between neighborhoods with smaller homes and those with larger homes.

Mr. Colasante said that he felt this proposed house design was reasonable; a 3,000 square foot house with a two car garage was considerably smaller than many of the new homes being built in Bedford and other surrounding towns. He stated that this house was well outside the side yard setbacks as well, which also helped with the massing. Mr. Dearing agreed and said he supported the application.

#### **MOTION:**

Ms. Puntillo moved to grant Greg Gardner, for 22 Madawaska Street, 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, substantially as shown on Exhibits A through J, including

elevations, plot plan, and submitted photographs.

Ms. Hamilton seconded the motion.

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

Voting against: None

Abstained: Puntillo

The motion carried, 4-0-1.

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.

Mr. Dearing thanked the neighbors for coming out to the meeting. He said it was always important for developers such as Mr. Gardner to listen to neighborhood concerns and receive feedback. Ms. Hamilton said to the neighbors in attendance that more people needed to come to Town Meeting and voice their opinions about Zoning Bylaws and development in Bedford.

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

**PETITION #007-17** – Bedford North Road LLC, at 41 North Road, seeks to appeal the Building Inspector’s decision that, per Article 39.4 Section 3(A)(4) of the Sign Bylaw, second floor occupants are only allowed one square foot of signage on first floor.

Attorney Brian DeVellis greeted the Board and introduced Robert Macnamara, the owner of the building at 41-55 North Road. Mr. DeVellis explained that they were there requesting that the Board overturn Mr. Laskey’s decision to allow a signage scheme along the first floor that would include second floor tenants. He stated that their plan was to allow eight tenant signs along the first floor, at the same level as the previously approved Chestnut Dental sign. He said that the reason for Mr. Laskey’s original denial of the sign permits was that Article 39.4 Section 3(A)(4) of the Sign Bylaw stated that “each upper floor occupant is allowed one (1) sign not to exceed one (1) square foot in size affixed to a directory at the entrance to the upper floors.”

Mr. Crowley opened the hearing to the public in order to hear from Mr. Laskey, who stated that he did not believe he had the authority to issue sign permits for second floor tenants that would actually be located along the first floor perimeter of the building, which was why he suggested the applicants appeal his decision to the ZBA.

Mr. Colasante said he thought this was a great idea, but wanted to be sure the Board had the latitude to grant it. Mr. Cohen said he believed that the Board had some latitude in allowing this signage scheme. He noted that the very beginning of the Sign Bylaw stated its purpose, which included the statements “To protect public and private investments in

buildings and open spaces” and “To encourage signs which are aesthetically pleasing, which are harmonious with both the buildings and sites where they are displayed and their environs, and which are in keeping with the general atmosphere of the town.” He said that the Board could overturn Mr. Laskey’s decision based on these statements alone and allow the signs, with specific parameters.

Mr. Laskey said he agreed that this signage scheme was a very good idea, but he had to send it to the Board because he felt that he had no specific mechanism by which to grant it.

Ms. Puntillo asked whether the signs might look more aesthetically pleasing on the silver “box” that served as the entrance area. After conversation on the matter, it was determined that the signs would be easier to read if they were on a “band” along the front of the building.

Mr. Crowley asked whether the applicants had any specific numbers for dimensions of the signs. Mr. Macnamara said that they hoped to have the same size letters of the Chestnut Dental sign. Mr. DeVellis said that they would be happy to draft up some specific parameters about dimensions and lighting and, if amenable to the Board members, finalize those details at the next meeting. Mr. Crowley said that sounded like a good plan and called for a motion to continue the hearing.

**MOTION:**

Ms. Puntillo moved to continue Bedford North Road LLC, at 41 North Road, seeking to appeal the Building Inspector’s decision that, per Article 39.4 Section 3(A)(4) of the Sign Bylaw, second floor occupants are only allowed one square foot of signage on first floor to September 22, 2016 at 7:30 PM.

Mr. Dearing seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

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

**PETITION #002-17 – CONTINUATION** – Pamela Brown, Esq., for Bedford Marketplace, at 170 Great Road, seeks a Special Permit per Article 39.5 Section 1 of the Sign Bylaw to illuminate freestanding sign.

Mr. Crowley stated that Ms. Brown had sent an email requesting a continuation for this hearing, and he called for a motion to continue it.

**MOTION:**

Ms. Puntillo moved to continue Pamela Brown, Esq., for Bedford Marketplace, at 170 Great Road, seeking a Special Permit per Article 39.5 Section 1 of the Sign Bylaw to illuminate freestanding sign to October 13, 2016 at 7:30 PM.

Mr. Dearing seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

**BUSINESS MEETING:**

The Board talked with Mr. Laskey and Mr. Cohen about upcoming projects and developments in town.

**Adjournment**

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

**MOTION:**

Ms. Puntillo moved to adjourn the meeting.

Ms. Hamilton seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 10:00 PM.

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Todd Crowley, Chair

Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant