

**ZONING BOARD OF APPEALS  
JANUARY 12, 2012  
MINUTES OF MEETING**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Room

**PRESENT:** Jeffrey Cohen, Chair; Jeffrey Dearing, Vice Chair; Brian Gildea, Clerk; Kenneth Gordon; Carol Amick; Stephen Henning

**ABSENT:** Angelo Colasante

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

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

**PETITION #015-12** – John Whitesides, 25 Hartford Street, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct second floor addition.

Virginia Whitesides, of 25 Hartford Street, introduced herself and explained that she and her husband bought this house in 2008 and had twins in 2009, so they now need more space for their children. She said they have considered many options for expansion and ultimately decided that this proposal was the best: an addition above the garage that would serve as a play space for the twins.

Mr. Cohen said it appears that the existing garage is 2.7 feet from the side property line at the closest, with the corners being 2.9 feet on one end and 3.4 feet on the other. Ms. Whitesides confirmed that was correct.

Mr. Cohen asked whether the addition would serve any other purpose than as a play space. Ms. Whitesides replied that it would not.

Ms. Amick asked whether the garage would have any plumbing, such as for a kitchen or bathroom. Ms. Whitesides replied that there would be no plumbing and no other rooms than the play area.

The Board talked with the applicant about the floor plan of the house and what other possible options had been considered for an addition.

Mr. Dearing noted that the original Special Permit for this garage specified that there be no windows on the south wall for fireproofing. He asked whether the applicant had an architectural plan showing that the wall would still not have windows. Ms. Whitesides handed the Board the architectural detail showing this and it was placed into the file.

Ms. Amick asked how many square feet the garage would be with the second floor added. Ms. Whitesides said it would be approximately 50' x 28', so about 1,500 square feet.

Mr. Cohen opened the hearing to the public.

James Coughlin, of 21 Hartford Street, asked about the zoning in this area. Mr. Cohen replied that it is zoned Residential. Mr. Coughlin said he supports this project, but wanted to be sure that it would stay as a house and never be used for any kind of business. Mr. Cohen said it is not zoned for business or commercial and that in the event that someone wanted to run a business from the home, they would have to comply with the Bylaws to do so.. Ms. Whitesides said the entire reason for this addition is so she and her family can stay at the house, and she assured Mr. Coughlin that it would always be used as a residence.

Sherri Coughlin, of 21 Hartford Street, said that she fully supports this petition, noting that the addition won't be going out any farther into the setback than the garage does currently. She said the existing garage has a rather industrial feel, and this addition will make it feel more residential, so it will actually make the neighborhood look more attractive.

Sean Tierney, of 29 Hartford Street, said he supports this petition as well, especially since the addition will only be going up, not out. He said it should look very attractive when completed.

Amy Pearson, of 31 Hartford Street, said that she fully supports the Whitesides with their project. She stated that she and her husband came to the Zoning Board a few years ago for a Special Permit to put on an addition, and she is grateful that the Board granted it because the addition has made their home much nicer. She said she hopes the Board will grant this Special Permit as well, because she is sure that this addition will give the Whitesides the space they need and will keep them in the neighborhood.

Mr. Cohen said that when the Board considers a Special Permit application, it must consider whether the project meets two conditions: the project must be in keeping with the intent and purpose of the By-Law and it must not be detrimental or injurious to the neighborhood. He said he was struggling with how much this addition is in keeping with the intent and purpose of the By-Law considering that it will change from a utility building to part of the residence. Utility buildings must be 10-feet from the side yard lot line and residences must be 15-feet from the side yard lot line. He asked Ms. Whitesides to explain how their project is in keeping with the intent of the Bylaws. Ms. Whitesides said that, as Ms. Coughlin stated, the garage as it stands is very industrial-looking and does not blend in with the neighborhood. She said that her understanding of the Zoning By-Law is that the Town wants to keep zoning districts isolated and not have a residential zone looking commercial, which is what happens with the existing garage. She said this will be a very attractive change to the area. Ms. Whitesides said that she and her husband moved from Boston to Bedford a few years ago and they hope to stay in Bedford for the

rest of their lives, and if they aren't able to have more space for their twins, they will have to at least leave the neighborhood and perhaps the Town altogether.

Ms. Amick asked whether the applicants had considered adding a second floor to the back portion of their house that is only one story. Ms. Whitesides said they did consider it, but the main reason that they need the addition is to allow place space for their children, and such an addition to the back of the house would not give them that necessary space.

Mr. Tierney said that the houses on Hartford Street are already very close together so he doesn't think the garage addition would stand out any more than any of the other structures; he felt that it would actually stand out less, because it is in the back yard.

Mr. Coughlin said that everything the Whitesides have done to their property thus far has looked wonderful, and they have always been good neighbors who keep the abutters informed.

Ms. Coughlin said that the Town granted a Variance for the current garage, and she doesn't believe that the applicants should be penalized for the fact that it is too close to the lot line. She stated that she understands the Board's concerns about the project going against the By-Law or being detrimental to the neighborhood, but all the neighbors are here tonight saying it would be the very opposite of detrimental.

Ms. Amick asked whether the applicants had ever considered reducing the size of the garage itself in order to make the second floor addition less massive. Ms. Whitesides replied that they had not considered that.

There was further conversation about the plot plan and the dimensions of the house and garage.

The Board talked about a condition on the motion to not allow any plumbing. Ms. Amick said that might help with some of her concerns. Mr. Gildea agreed that it would make him feel more comfortable with approving the application but the term "plumbing" is perhaps too broad. In particular, Mr. Gildea inquired as to whether or not the Board would approve of plumbing in the downstairs garage. Mr. Dearing noted that use of the term plumbing could be problematic since the current design calls for a gas furnace. Mr. Cohen suggested that the condition state there will be no "domestic water or sanitary plumbing". Mr. Gildea said that is a much better way to phrase it and will get the point across that the Board wishes to prohibit any kitchen or bathroom in the structure.

Mr. Cohen asked whether the applicant would be willing to reduce the height of the addition walls to seven feet instead of eight. Ms. Whitesides said she would be willing to do that if it helped alleviate some of the Board members' concerns about the size.

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

**DELIBERATIONS:**

Mr. Cohen said that this type of project is not out of character for the neighborhood, as the structures in that area are all very close together, but he is not sure whether this is in keeping with the intent and purpose of the By-Law. The Applicant's garage already dwarfs all other detached garages in the neighborhood.

Mr. Dearing said it was a struggle for him as well, but in the end he can support this application because of the support from the neighborhood and because the addition will tie the garage in more with the aesthetics and architecture of the house.

Mr. Gildea said the question of whether this is in keeping with the intent of the By-Law is a slight concern to him, but everyone from the neighborhood is in favor of the project and the applicants have gone out of their way to keep the neighbors informed.

Mr. Gordon stated that he doesn't know whether this application meets the Zoning By-Law in a general sense, but he feels the Board must apply the Zoning By-Law to this particular neighborhood, and in this particular case the application does meet the intent and purpose of the By-Law, as well as not being injurious or detrimental to the neighborhood. He said he also would support this application.

Ms. Amick said she is struggling with this application as well. She remarked that, although the neighbors all may be in favor of the addition, they probably don't realize quite how massive it will look when completed.

Mr. Cohen called for a motion.

**MOTION:**

Mr. Gildea moved to grant John Whitesides, 25 Hartford Street, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct second floor addition, substantially as shown on Exhibits A through F and subject to the condition that the structure will have no domestic water or sanitary plumbing.

Mr. Dearing seconded the motion.

Mr. Cohen asked whether it would help alleviate some Board members' concerns about the size of the addition if another condition were placed on the Special Permit that states that the walls will be seven feet high instead of eight. Ms. Amick said it would help with her concerns about the size. Mr. Dearing said he would be in favor of the petition either way but he felt that such a condition would certainly help the Board in its decision.

For clarification, Mr. Cohen asked the applicant whether she would have a problem with a condition for a seven-foot wall height to the second floor addition. Ms. Whitesides

replied that they had hoped for eight feet but she said seven would be acceptable, especially if it helped with any of the Board's concerns and gets the motion passed. Mrs. Whitesides agreed to initial the amendment to the drawings indicating that the second floor addition would be seven feet in height.

Mr. Cohen called for an amended motion, to include the condition of seven-foot wall height for the second floor addition.

**AMENDED MOTION:**

Mr. Gildea moved to grant John Whitesides, 25 Hartford Street, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct second floor addition, substantially as shown on Exhibits A through F and subject to the conditions that the wall height of the second floor addition not exceed seven feet and that the structure will have no domestic water or sanitary plumbing.

Mr. Dearing seconded the amended motion.

Voting in favor: Cohen, Dearing, Gildea, Gordon, and Amick

Voting against: None

Abstained: None

The amended motion carried unanimously, 5-0-0.

Mr. Cohen explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision recorded at the Registry of Deeds. Once the decision is recorded, the applicant may apply for a Building Permit at the Code Enforcement Department.

Mr. Dearing remarked that tonight was a perfect example of how important it is to keep one's neighbors informed of these kinds of projects and to have them speak on one's behalf, as it was the neighborhood support that persuaded him to vote in favor of this application. The other Board members agreed.

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

**MOTION:**

Mr. Gildea moved to adjourn the meeting.

Mr. Dearing seconded the motion.

Voting in favor: Cohen, Dearing, Gildea, Gordon, and Amick

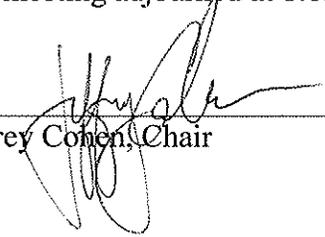
Voting against: None

Abstained: None

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The motion carried unanimously, 5-0-0.

The meeting adjourned at 8:15 PM.

  
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Jeffrey Cohen, Chair                      2/9/12  
Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant