

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
JANUARY 7, 2016**

Town of Bedford  
Bedford Town Hall  
Second Floor Conference Room

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

**ABSENT:** Carol Amick, Clerk; Arthur Smith

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

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

**PETITION #024-16** – William Simons, at 31 Sweetwater Avenue, seeks a Special Permit per Sections 7.1.2 and 7.1.4 to construct addition larger than 600 square feet on non-conforming lot.

Mr. Simons greeted the Board and stated that he was proposing an addition larger than 600 square feet, which required a Special Permit. He said that the first floor of the addition would serve as an accessory apartment for his wife's parents with a garage underneath and the second floor would be unfinished space that may become finished in the future if time and budget allowed. He noted that the addition would stay within the setbacks and meet the requirements of the accessory apartment Bylaw, so the requested Special Permit was solely for the size of the structure.

Mr. Crowley asked whether the driveway would be removed. Mr. Simons replied that it would not, although they would most likely extend it by five or six feet.

Mr. Kalantari talked with the applicant about the size and layout of the accessory apartment, and how the square footage was calculated in relation to the square footage of the primary dwelling.

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

**DELIBERATIONS:**

Mr. Crowley said that the two requirements of granting a Special Permit 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 he felt that this addition met those

requirements. Mr. Colasante agreed, and the fact that the applicant was only expanding out and not up to another floor helped a great deal. The other members also agreed.

**MOTION:**

Mr. Dearing moved to grant William Simons, at 31 Sweetwater Avenue, a Special Permit per Sections 7.1.2 and 7.1.4 to construct addition larger than 600 square feet on non-conforming lot, substantially as shown on Exhibit A (site plan), Exhibit B (rendering), Exhibit C (elevations), and Exhibit D (photographs taken from street).

Ms. Puntillo seconded the motion.

Voting in favor: Crowley, Colasante, Dearing, Puntillo, 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. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, the applicant may apply for a Building Permit.

Mr. Simons thanked the Board for its time. Mr. Crowley wished him luck with the project.

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

**PETITION #023-16** – Back Bay Sign, for Bank of America, at 158A Great Road, seeks a Special Permit per Article 39.4 Section 3(A) to divide wall signs into two or more signs; and per Article 39.5 Section 1 to illuminate sign(s).

Jason Parillo, of Back Bay Sign, introduced himself and explained that he was presenting a petition for two additional signs for Bank of America on Building “B” of Bedford Marketplace. He said that the petition also included a request to illuminate the signs with gooseneck lighting fixtures. He passed around photographs of the building to show the proposed sign locations; he added that the sign at the front of the building had already been permitted and installed, so the Special Permit request was to install two additional signs and to illuminate all three.

There was discussion about the aesthetics of the lighting fixtures. Mr. Parillo said that the specification sheet noted that the goosenecks were white, but Bank of America had no specific preference as to the color. After more dialogue, the Board concluded that black would be the best color, especially as it would match the other gooseneck fixtures in the Marketplace.

Mr. Dearing commented that there was an existing light on the back of the building, very close to where the drive-through wall sign was proposed. Mr. Colasante said that Bank of America may end up not even needing illumination for that sign because of the overspill from the existing light.

After further discussion about the size and aesthetics of the signs and lighting fixtures, Mr. Crowley opened the hearing to the public. With no comments or questions from those in attendance, Mr. Crowley closed the public hearing.

**DELIBERATIONS:**

Mr. Crowley said that, as always, the Board had to find that the proposal met the two requirements of a Special Permit: that it was in keeping with the intent and purpose of the Bylaw and was not injurious or detrimental to the neighborhood. He said he felt this proposal met those requirements, as the signs were quite modest in size – smaller than most, if not all, of the other signs in the shopping center – and the gooseneck fixtures were attractive and did not appear to be any larger than the other goosenecks approved at the site. He said that the second sign was necessary because of the way the building was situated, and having the drive-through at the back of the building was, in his opinion, a legitimate reason to warrant the third sign. The other members agreed.

Mr. Dearing mentioned that the site plan included in the application showed all of the signage, including small directional signs that were not under the Board’s purview, so he marked the exhibits to show the three wall signs that the Board would be approving. He confirmed with the applicant and the other ZBA members that the following three conditions would be placed on the Special Permit: 1) The illumination shall be on a timer; 2) The signs shall not be illuminated between the hours of 11:00 PM and 6:00 AM; 3) The light fixtures shall be black in color. All parties agreed to these conditions.

**MOTION:**

Mr. Dearing moved to grant Back Bay Sign, for Bank of America, at 158A Great Road, a Special Permit per Article 39.4 Section 3(A) to divide wall signs into two or more sign, and per Article 39.5 Section 1 to illuminate signs, substantially as shown on Exhibit A (property owner authorization letter) Exhibit B (lighting certification letter), Exhibit C (gooseneck illumination catalogue sheets), and Exhibit D (sign elevations), and subject to the following conditions:

- 1) The illumination shall be on a timer;
- 2) The signs shall not be illuminated between the hours of 11:00 PM and 6:00 AM;
- 3) The light fixtures shall be black in color.

Voting in favor: Crowley, Colasante, Dearing, Puntillo, 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. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, the applicant may apply for a Sign Permit.

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

**PETITION #020-16** – Pamela Brown, Esq., for Comella’s Restaurant, at 158H Great Road, seeks a Special Permit per Article 39.5 Section 1 of the Sign Bylaw to illuminate sign.

Ms. Brown greeted the Board and stated that the signage for Comella’s had been continued from the previous meeting because the Board felt that the proposed sign was too large. She said that they have modified the sign and scaled back the dimension from 118 square feet to 83 square feet. She added that the lighting specification had been changed to specify white light, since the catalogue sheet had originally stated that the light would be red.

The Board talked at length with Ms. Brown about the size of the sign. Mr. Colasante said that he felt that the sign was still too large, both in height and in width. The other members agreed.

Mr. Dearing said that this was a shopping plaza on Great Road in Bedford and not along Route 128, so there was no need for any signage to be this large. Ms. Hamilton said it was clear that Comella’s was trying to compete with the other tenants in the shopping center. Ms. Puntillo said that was unfortunate, because the signs should complement each other and not compete. Ms. Brown said that the restaurant could have 50 square feet by right. Mr. Dearing replied that 50 square feet would be a more appropriate size than the proposed dimensions. He added that he would have a difficult time approving the illumination of a sign that was this large, especially a sign with this proposed width.

Ms. Brown commented that this particular façade was larger than the other tenant’s facades, so a slightly larger sign would be appropriate. Mr. Colasante said that he agreed that it could be larger, but even a sign twice as large as the Subway sign would be smaller than this proposal. He commented that the “A” in the Marshalls sign was four feet high, and this proposed sign was six feet high in total, but it was on a façade one quarter the size.

Ms. Hamilton said that Comella’s had locations in several other towns – including Newton, Concord, and Wellesley – that were not nearly as massive and looming as this one, so she knew that the owners were capable of proposing an attractive sign on a smaller scale.

Ms. Brown excused herself while she spoke on the phone with her client, Mr. Comella; when she returned, she said that they were willing to compromise by removing the

second line of the sign that reads “Homemade Italian Food.” Mr. Colasante said that still did not alleviate concerns about the width.

Mr. Dearing said that the apostrophe used in the word Comella’s was not taken into account in the letter height, which would add an extra several inches to letters that were already too high. He said he would like to know the height of the apostrophe as well as the letters to make a more informed decision about the size.

Mr. Colasante said he would not vote for this sign tonight, because the proposal was still, in his opinion, far too big. Mr. Dearing agreed. Mr. Crowley proposed that the application be continued again to the next meeting. Ms. Brown agreed to continue the hearing.

**MOTION:**

Mr. Dearing moved to continue Pamela Brown, Esq., for Comella’s Restaurant, at 158H Great Road, seeking a Special Permit per Article 39.5 Section 1 of the Sign Bylaw to illuminate sign to January 21, 2016 at 7:30 PM.

Mr. Colasante seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

**BUSINESS MEETING:**

**December 10 Meeting Minutes**

Mr. Crowley called for a motion to approve the December 10 meeting minutes.

**MOTION:**

Mr. Dearing moved to approve the minutes of the December 10, 2015 meeting, as written.

Ms. Puntillo seconded the motion.

Voting in favor: Colasante, Dearing, Puntillo, Hamilton

Voting against: None

Abstained: Crowley and Kalantari

The motion carried, 4-0-2.

**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, Dearing, Puntillo, Hamilton, and Kalantari

Voting against: None

Abstained: None

The motion carried unanimously, 6-0-0.

The meeting adjourned at 9:35 PM.

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Todd Crowley, Chair

Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant