

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
FEBRUARY 28, 2013**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Room

**PRESENT:** Angelo Colasante, Chair; Jeffrey Cohen, Acting Clerk; Jeffrey Dearing; Stephen Henning; Todd Crowley

**ABSENT:** Kenneth Gordon, Vice Chair; Brian Gildea, Clerk; Carol Amick

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

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

**PETITION #022-13** – Riemer & Braunstein LLP, for 125 Middlesex Turnpike, LLC, at 125 Middlesex Turnpike, seeks a Special Permit per Section 7.4.3 of the Zoning By-Law for relief from non-compliant parking regulations.

Mr. Colasante explained that the Board usually asked for a letter from the property owner authorizing an applicant to speak on his or her behalf, but his understanding was that the property owner was present tonight. Brune Levering, the property owner, introduced himself and stated that he has indeed given Riemer & Braunstein, LLP full authorization to speak at this hearing on his behalf.

Robert Buckley, of Riemer and Braunstein, LLP, introduced himself and Andrew Sutton. Mr. Buckley explained that he had appeared before the Board in 2007 for a Special Permit to increase the number of parking spaces at the site. Mr. Sutton stated that they were petitioning the ZBA tonight for a modification to the parking spaces at the front of the site, nearest Middlesex Turnpike. He explained that the reason behind this modification was that a strip of land, amounting to approximately three-quarters of an acre, had been taken away from the front of the site due to the Middlesex Turnpike widening, and because of a miscalculation during the taking, there was now a steep slope in the finished grade between the road and the parking lot that varied from approximately three-feet to four feet. He said that the current tenant has expressed concern about plows pushing snow onto the parked cars and damaging them, so they are requesting a modification to the parking plan to reconfigure the dimensions of current and future parking spaces along that corridor, and to re-stripe and resize other compact spaces at the site.

There was extensive discussion about the dimensions and configuration of the parking spaces at the site.

Mr. Colasante asked about the history of the property. Mr. Levering stated that the building has been occupied in its entirety by GSI Group, Inc, which utilizes the space for office, R&D, and some assembly purposes. He said this site is the company's world headquarters, and it has been expanding dramatically in the last year; therefore, ensuring that all the parking spaces are functional was very important to the corporation.

Mr. Buckley said this modification would result in a reduction of 325 square feet of impervious surface, meaning there would be less pavement and more green space (pervious surface). He said that when this plan went before the Planning Board in 2007, the Planning Board was very adamant about maintaining trees and green space at the site, so they have made sure to maintain this approach regarding the landscaping with this modified plan.

Mr. Cohen asked for confirmation that the applicants were essentially here just to request that some parking spaces at the site be 17-feet long instead of the required 19-feet long. Mr. Buckley confirmed that this was the case and added the other element regarding re-striping the parking lot to the north of the building.

Mr. Cohen asked if they intended to stripe the unmarked strip adjacent to and in front of the site stairs in the north parking lot to alert drivers not to park there. Mr. Buckley said they did not intend to mark this strip with diagonal stripes because they believed people would know not to park there if they saw no parking space striped. Mr. Cohen said he understood the applicants were scheduled to appear before the Planning Board on this matter and that they should be prepared to discuss this question there. Mr. Cohen believed it should not affect the Zoning Board's decision this evening.

Mr. Henning asked whether the applicants had considered angling the parking spaces at 45-degrees to make a better fit. Mr. Buckley said they had tried several parking configurations, including angling both ways, but this proposal was the only one that allowed them to maintain the maximum number of parking spaces.

Mr. Colasante opened the hearing to the public. With no one from the public in attendance, Mr. Colasante closed the public hearing.

### **DELIBERATIONS:**

Mr. Colasante reminded the Board that the two conditions of a Special Permit are that the project was in keeping with the intent and purpose of the By-Law and was not significantly more detrimental or injurious to the neighborhood. He said he felt this project met those conditions, especially since the number of parking spaces would not be increased and they would instead simply be modified. The other Board members agreed. Mr. Cohen said he admired the applicant's desire to maintain the landscaping at the site.

For clarification purposes, Mr. Crowley asked whether the spaces in front would be marked as "Compact." Mr. Levering said that there would be signage to mark the compact cars.

**MOTION:**

Mr. Cohen moved to grant to Riemer & Braunstein LLP, for 125 Middlesex Turnpike, LLC, at 125 Middlesex Turnpike, a Special Permit per Section 7.4.3 of the Zoning By-Law for relief from non-compliant parking regulations, substantially as shown on Plans marked Exhibits A, B, and C.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Cohen, Dearing, Henning, and Crowley

Voting against: None

Abstained: None

The motion carried unanimously 5-0-0.

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

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

**PETITION #020-13 – CONTINUATION** – Talal Ali-Ahmad, for Najim LLC, at 143 Great Road, seeks a Variance from Section 4.5.16 (a) and (g) of the Zoning By-Law to allow residential unit on first floor.

Mr. Cohen stated that the applicant submitted a letter to the Board, signed and dated February 22, 2013, requesting to withdraw his petition without prejudice.

**MOTION:**

Mr. Cohen moved to withdraw without prejudice the application of Talal Ali-Ahmad, for Najim LLC, at 143 Great Road, seeking a Variance from Section 4.5.16 (a) and (g) of the Zoning By-Law to allow residential unit on first floor.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Cohen, Dearing, Henning, and Crowley

Voting against: None

Abstained: None

The motion carried unanimously 5-0-0.

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

**PETITION #017-13 – CONTINUATION** – Pamela Brown, Esq., for Subway Restaurant, at 168 Great Road, seeks to potentially modify Special Permit #023-09 regarding existing signs.

Mr. Cohen read a letter into the record from Pamela Brown, Esq., signed and dated February 20, 2013, asking to withdraw the signage for Subway restaurant without prejudice.

**MOTION:**

Mr. Cohen moved to withdraw without prejudice the application of Pamela Brown, Esq., for Subway Restaurant, at 168 Great Road, seeking to potentially modify Special Permit #023-09 regarding existing signs.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Cohen, Dearing, Henning, and Crowley

Voting against: None

Abstained: None

The motion carried unanimously 5-0-0.

**BUSINESS MEETING:**

The Board discussed the procedure, language, and legality of the Zoning Board's historical procedure of granting one-year probationary Special Permits for Restaurant Use.

**MOTION:**

Mr. Henning moved to adjourn the meeting.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Cohen, Dearing, Henning, and Crowley

Voting against: None

Abstained: None

The motion carried unanimously 5-0-0.

The meeting adjourned at 8:30 PM.

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Angelo Colasante, Chair

Date

Respectfully Submitted,

Zoning Board of Appeals  
Minutes of Meeting 2-28-13

Scott Gould  
ZBA Assistant