

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
MARCH 8, 2012**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Angelo Colasante, Chair; Kenneth Gordon, Vice Chair; Jeffrey Dearing; Carol Amick; Stephen Henning

ABSENT: Brian Gildea, Clerk; Jeffrey Cohen

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

PRESENTATION: Mr. Gordon, Acting Clerk, read the notice of the hearing.

PETITION #018-12 – Stuart and Anna Trout, 35 Riverside Avenue, seek a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to replace single story house with new two-story house, on existing foundation.

Anna Lipofsky-Trout and Stuart Trout, the applicants for 35 Riverside Avenue, introduced themselves and thanked the Board for taking their time to hear this application tonight. Ms. Lipofsky-Trout explained that she has lived at this property her entire life, and it was in fact purchased by her parents in 1939 and used as a boat repair shop. She said that in 1989, the Zoning Board granted a Special Permit to remove that original house out of the flood plain and build the current one, which is one story. She stated that she and her husband are back before the Board now because they have outgrown the house and are therefore proposing to demolish the existing one-story house and place a new two-story modular home on the existing foundation. She noted that the new home would not extend any farther into the current setback and would not change the foundation at all.

Ms. Lipofsky-Trout noted that several other one-story homes in the neighborhood have either been demolished and replaced with two-story homes, or have had a second floor added to them, so this house will not be out of character with the neighborhood. She handed out photographs of other houses in the area, to which this proposed house would look similar.

Mr. Trout reiterated that the new house will be placed on the existing foundation, which will not be touched or added to. He commented that the design of the proposed addition is Colonial and is very similar to the other houses in the area.

Mr. Gordon asked what the roof pitch of the proposed addition is. Mr. Trout said it would be 10/12.

Mr. Colasante opened the hearing to the public. He stated that the Trouts have submitted seven letters from abutters and one letter was mailed to the Code Enforcement office; all of the letters shall be included in the record and all are in support of the project.

David Hendry, of 12 Riverside Avenue, said he fully supports the Trouts with their application. He said the Trouts' house is on the lower part of a street in what is essentially a dead end, so there should be no concern about it being a detriment to the neighborhood; it will actually be an improvement to the neighborhood.

Katie Oates, of 16 Riverside Avenue, said she only has been in the neighborhood for ten years, but in that time several houses have either been built or upgraded, so the area is changing and this addition will be a part of that change. She said the addition fits in well with the neighborhood and will look very attractive. She concluded by noting that it is great to see someone who is a lifelong Bedford resident doing a project like this in order to stay in Bedford.

Nance Miller, of 12 Riverside Avenue, stated that she is in favor of this project as well, and it certainly will be in keeping with the look of the neighborhood, especially since it occurs to her that the Trouts are the only owners left in the neighborhood whose house is a single story.

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

DELIBERATIONS:

Mr. Colasante remarked that the two conditions of a Special Permit application are that the project is not injurious or detrimental to the neighborhood and is in keeping with the intent and purpose of the By-Law. He said he is comfortable with this project and feels it meets those two requirements. Mr. Gordon agreed, noting that it is nice to live in a town that is so welcoming that people want to build additions and stay, rather than moving to a different town. He said that he fully supports this application. Mr. Dearing stated that the direct abutter has written a letter in support of the application, which is comforting to see; he said he also supports this project fully. Mr. Henning agreed, noting that he doesn't even see how this project will intensify the non-conformity, since it is not going any farther into the setback. Ms. Amick said that the original non-conformity was created because the owner wanted to move their home out of the flood plain, for which no one can fault her. She added that she drove by the house earlier in the week, and she felt that this addition would look very attractive and would fit in with the other surrounding houses.

Mr. Colasante called for a motion.

MOTION:

Mr. Gordon moved to grant to Stuart and Anna Trout, 35 Riverside Avenue, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to replace single story house with new two-story house, on existing foundation, as shown on Exhibit A (application packet) and multi-sheet Exhibit B (eight letters of support).

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Gordon, Dearing, Amick, and Henning

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 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.

The applicants thanked the Board members for their time. Mr. Colasante wished them luck with the project.

BUSINESS MEETING:

Mr. Colasante said that the minutes of the February 9 ZBA meeting were ready for approval, and asked whether the other members had read them. When the Board members confirmed that they had, Mr. Colasante called for a motion to accept them.

MOTION:

Ms. Amick moved to accept the minutes of the February 9, 2012 ZBA meeting.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Gordon, Dearing, Amick, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

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

MOTION:

Ms. Amick moved to adjourn the meeting.

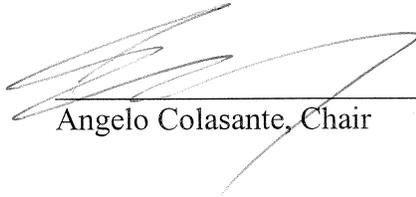
Mr. Gordon seconded the motion.

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Voting in favor: Colasante, Gordon, Dearing, Amick, and Henning
Voting against: None
Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 8:05 PM.



Angelo Colasante, Chair

4-26-12

Date

Respectfully Submitted,

Scott Gould
ZBA Assistant