

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
JULY 28, 2016**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

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

ABSENT: Carol Amick, Clerk; Michelle Puntillo

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

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

PETITION #004-17 – Giannetta R.E. & Construction Corp., for 427 Concord Road, 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.

Mr. Crowley explained that Mr. Kalantari was not present at the first meeting but he had read the minutes and would invoke the exception to the Mullen Rule in order to vote, so all five members present tonight would be voting members.

David Giannetta, the applicant for 427 Concord Road, introduced himself and stated that his business partner, Joe Barilla, had been present at the last meeting. He said that the Board had advised them at that meeting that it would be nearly impossible to grant a Variance from the Town's height requirement, so they had come prepared with an entirely new house plan tonight that was under the required height limit. He submitted updated elevation plans and an updated plot plan, stating that the dwelling was shown on plot plan and would meet all setbacks.

Mr. Colasante asked Mr. Giannetta about the square footage of the old dwelling versus the proposed. Mr. Giannetta replied that the original house was about 1,250 square feet on one floor and the proposed would be approximately 3,700 square feet, on two levels.

Mr. Crowley opened the hearing to the public.

Julie Turner, of 431 Concord Road, said that she still remained concerned that the applicants has provided a photo of an attractive house but there was no way to tell whether this was actual house that would be built. Mr. Crowley said that the applicants had provided what the Board required. Ms. Turner said that, as she had mentioned at the last hearing, she was also concerned about the service panel that had been erected ten feet back from the property line because it blocked her view pulling out of her driveway. She

said that her last concern was that some of the demolition seemed to have been started already, including windows being removed. Mr. Giannetta said that, when he applied for the Demolition Permit, he was not aware of this ZBA process, so when a friend asked to buy the windows, he agreed because he believed the house would be torn down within a matter of days. He said that, although it cost \$750 to erect the service panel in the current location, he would pay to have it moved back again.

Christine Smith, of 433 Concord Road, said that she was still concerned about the visual look of the property, because at the moment it looks very derelict with the windows gone and the grass very high. She said she had brought up this concern at the last meeting and was disappointed that nothing had been done, but she hoped that they could at least cut the grass in the near future just to make the property look better for the neighbors.

Mr. Crowley read an email from Karl Schwartz, at 423 Concord Road, dated July 28, 2016, which raised similar concerns to those mentioned by Ms. Turner and Ms. Smith.

Mr. Crowley said that he understood that the applicant was not aware of this ZBA process when he applied for the Demolition Permit, but he stressed that it was very important for all developers to remain cognizant of Zoning changes in Town in the future.

Ms. Turner stated that she was also worried about the fact that the Board of Health had signed off on the Demolition Permit in May but it was now almost August, so that sign-off might be moot. Mr. Giannetta said that he had talked with Heidi Porter, the Director of the Board of Health, that morning about getting a new sign-off for rodent control, so it would be up-to-date.

Wendell Smith, of 426 Concord Road, asked about the location of the driveway and whether any fill would be needed for it. Mr. Giannetta said that the lot had a natural slope so they did not plan on needing any fill.

Ms. Turner noted that her house was over 100 years old and was quite small, and she believed that this proposed house would dwarf hers. Mr. Colasante said that there were many large houses in the neighborhood and he felt that the size of the proposed house was appropriate.

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

DELIBERATIONS:

Mr. Crowley explained that this was a Special Permit application, and the requirements of a Special Permit were that the project was in keeping with the intent and purpose of the Bylaw and was not injurious or detrimental to the neighborhood. Mr. Dearing said that this was a much improved plan from the original, and the massing here was much more appropriate than the original proposal. He said that this was a fairly large piece of

land, which also helped. Mr. Colasante agreed and noted that the shape of the house and its placement on the lot would also help with the massing. The other members agreed. Mr. Crowley noted that the concerns brought up by the neighbors, while valid, were not within this Board's purview, and he felt that this application undoubtedly met the requirements of a Special Permit.

MOTION:

Mr. Dearing moved to grant to Giannetta R.E. & Construction Corp., for 427 Concord Road, 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 (site plan), Exhibit B (elevations), and Exhibit C (photographic references).

Ms. Hamilton seconded the motion.

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

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 move forward with the project.

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

PETITION #002-17 – 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 written an email requesting a continuation to the next available meeting date. He called for a motion to continue the hearing.

MOTION:

Mr. Dearing 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 August 25, 2016 at 7:30 PM.

Mr. Colasante seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Adjournment

MOTION:

Mr. Dearing moved to adjourn the meeting.

Mr. Colasante seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 8:35 PM.

Todd Crowley, Chair

Date

Respectfully Submitted,

Scott Gould
ZBA Assistant