

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
FEBRUARY 9, 2023**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Robert Kalantari, Chair; Angelo Colasante, Clerk; John Hadden, Clerk; Jeffrey Dearing; Tom Flannery; Lucille Wilson; Kay Hamilton; Karl Winkler

ABSENT: None

Mr. Kalantari introduced himself and welcomed everyone back to the Board's first in-person meeting since the Covid-19 pandemic. He read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and assistant introduced themselves.

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

PETITION #014-23 – CONTINUATION – Olivier and Amanda Bonneau, at 392 North Road, seek a Special Permit per Section 4.2.9.2 (VII) of the Zoning Bylaw to use existing accessory dwelling for short term rentals.

The Bonneaus were not present when the hearing was opened, so the Board decided to move to the next applicant in the meantime.

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

PETITION #018-22 – Jian Yu Huang, for 110 North 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.

Kai Yin Yip, the contractor for the project, noted that he had applied for a Special Permit a year ago to build an addition to the rear of the house at 110 North Road. He explained that the Board had some issues with the size, as the proposal was quite large, and the Conservation Commission had issues as well because of the wetlands on the property. He said they scrapped that design and instead decided to demolish the existing one and a half story house and construct a two story house on top of the existing foundation. He noted that they would rebuild a rear deck that would be approximately the size of the existing one.

There was discussion about the dimensions, massing, and aesthetics of the proposal. Mr. Yip commented that the existing house was 1,900 square feet and the new one would be approximately 2,500 square feet.

Mr. Colasante noted that the right side of the structure was just under the height limit, at

34'8". He said he understood why it had to be that way but cautioned the applicant to be extremely careful during the building phase to keep it at that height.

There was dialogue about the wetlands on the property, with Mr. Yip stating that the house stood between two wetlands buffers, one on this property and one just across the street. He noted that the existing foundation was 32 feet from the front property line but it could not be moved back because that would push it closer to the 50-foot "no build" zone. He added that this project had been approved by the Conservation Commission.

Mr. Winkler asked about the drainage on the lot. Mr. Yip said that they had performed a soil test and determined that the Estimated Seasonal High Water Table was two feet below the existing basement, and the proposed house would be built higher. He said that the Conservation Commission had applied stormwater requirements to their Notice of Intent, so he did not anticipate any water issues.

Mr. Dearing talked with the applicant about the condition of the foundation and how it would be reinforced to allow for the two-story structure.

Mr. Kalantari opened the hearing to the public. With no comments or questions from those in attendance, Mr. Kalantari closed the public portion of the meeting.

DELIBERATIONS:

Mr. Kalantari said that this was a Special Permit application, for which the two requirements 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. Colasante said that the Board typically liked to see any new structure, even one being taken down to the foundation, be placed in a fully conforming location; however, this was a situation where the necessity to keep the foundation in place was obvious due to the location of the wetlands, so he was willing to make an exception. He said that he believed this proposal met the requirements of a Special Permit.

Mr. Dearing said he also believed the project met the Special Permit requirements, pointing out that the height was only going to be close to 35 feet on one side, and the structure would not present as overly tall along the streetscape.

Mr. Hadden said that his only concerns were about water on the site, but it seemed as though those concerns had been vetted by the Conservation Commission; he was, therefore, in full support of the project.

The other members all agreed, and Mr. Kalantari called for a motion.

MOTION:

Mr. Hadden moved to grant Jian Yu Huang, for 110 North 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 Exhibit 1 (plot plan), Exhibit 2 (water drainage mitigation plan), and Exhibit 3 (elevations and floor plans).

Mr. Dearing seconded the motion.

Voting in favor: Kalantari, Colasante, Hadden, Dearing, and Flannery

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Kalantari 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 #015-23 – Pamela Brown, Esq., for RSY LLC, at 42-44 Hillside Avenue, 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.

Paul Marcus, owner of RSY LLC, greeted the Board and explained that he had two proposals that he wanted to discuss with the Board before moving forward. He said that he owned the lots at 42 and 44 Hillside Avenue, and his options were either to A) raze and rebuild a single-family dwelling on 42 Hillside Avenue and renovate the house on 44 Hillside; or B) raze the dwellings on both 42 and 44 Hillside Avenue, combine the lots, and rebuild a larger single-family dwelling on the combined lots.

Ms. Brown joined the meeting at this time and pointed out that the applicant was not ready with official plans; he was primarily looking for the Board's and the neighborhood's feedback on what was most appropriate on the lot. Mr. Marcus pointed out that he would prefer proposal "A" but was willing to do whatever the Board and abutters thought was best.

There was discussion about the dimensions and shape of the two lots and the existing structures on each.

Mr. Winkler asked whether the applicant had spoken to any of his neighbors about the two proposals. Mr. Marcus replied that he had spoken with two of the neighbors so far and both were in favor of proposal "A."

The Board talked with Mr. Marcus about what the renovation of the 44 Hillside Avenue house would entail and how he proposed to maintain its general aesthetic.

Mr. Kalantari opened the hearing to the public.

Salvatore Canciello, of 49 Hillside Avenue, said that he fully supported proposal “A,” as he believed it fit the character of the neighborhood.

Mr. Kalantari said that it seemed clear from both the Board and the abutters that proposal “A” was the preferred option. Mr. Marcus said he also liked that option better, and he would work towards getting plans drawn and the property surveyed to move forward with that proposal. He requested a continuation to the March 9 hearing date. Mr. Kalantari called for a motion.

MOTION:

Mr. Hadden moved to continue Pamela Brown, Esq., for RSY LLC, at 42-44 Hillside Avenue, seeking 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 to March 9, 2023 at 7:00 PM.

Mr. Dearing seconded the motion.

Voting in favor: Kalantari, Colasante, Hadden, Dearing, and Flannery

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

(CONTINUED FROM START OF MEETING) PETITION #014-23 – CONTINUATION – Olivier and Amanda Bonneau, at 392 North Road, seek a Special Permit per Section 4.2.9.2 (VII) of the Zoning Bylaw to use existing accessory dwelling for short term rentals.

The applicant was not present for the meeting. After general discussion about Accessory Dwelling Units (ADUs), Mr. Kalantari called for a motion to continue this hearing to the next available meeting date.

MOTION:

Mr. Hadden moved to continue Olivier and Amanda Bonneau, at 392 North Road, seeking a Special Permit per Section 4.2.9.2 (VII) of the Zoning Bylaw to use existing accessory dwelling for short term rentals to March 9, 2023 at 7:00 PM.

Mr. Colasante seconded the motion.

Voting in favor: Kalantari, Colasante, Hadden, Dearing, and Flannery

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Adjournment

MOTION:

Mr. Hadden moved to adjourn the meeting.

Mr. Dearing seconded the motion.

Voting in favor: Kalantari, Colasante, Hadden, Dearing, Flannery, Wilson, Hamilton, and Winkler

Voting against: None

Abstained: None

The motion carried unanimously, 8-0-0.

The meeting adjourned at 8:00 PM.

Robert Kalantari, Chair

Date

Respectfully Submitted,

Scott Gould
ZBA Assistant