

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
JANUARY 26, 2023**

Town of Bedford
Remote Participation Conference Call

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

ABSENT: None

FACILITATOR: Christopher Laskey, Code Enforcement Director

Mr. Laskey introduced himself as facilitator of the Zoom virtual meeting.

Mr. Kalantari introduced himself and read the Governor's Order regarding virtual hearings. The Zoning Board of Appeals (ZBA) members introduced themselves.

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

PETITION #013-23 – Nicholas DeLuca, for 14 Foster Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct second story on non-conforming house.

Mr. DeLuca greeted the Board and stated that, on behalf of homeowner Linda Tolman, he was requesting a Special Permit to construct a one-and-a-half story addition onto the first floor of a single-family dwelling to create a two-and-a-half story structure. He said that Ms. Tolman lived with her extended family and needed more space for her three granddaughters.

Mr. DeLuca noted that the addition would be placed on the footprint of the primary dwelling but not the "garage under portion." He stated that the addition footprint would be approximately 32'x 24'.

The Board talked with the applicant about the height of the structure. Mr. DeLuca explained that the new house would be pushed to 34.9 feet as measured under the Bylaw, but that was because there was a retaining wall where the primary dwelling and the garage under portion met, so it shifted how the base elevation was measured and therefore how the height was calculated. He noted that, even with this height, the ceilings would still be at about eight feet high, so they were not requesting this height for anything extravagant.

Mr. Flannery asked Mr. Laskey whether he was comfortable with these height calculations. Mr. Laskey replied that he was.

There was brief conversation about the floor plans and layout of the proposal, along with the aesthetics and dimensions of the addition.

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 hearing.

DELIBERATIONS:

Mr. Kalantari stated that this was a Special Permit application, for which the two requirements were that the project had to be in keeping with the intent and purpose of the Bylaw and was not injurious or detrimental to the neighborhood.

Mr. Flannery said that he drove through this area earlier in the day, and he felt that this proposal would fit in nicely with the neighboring houses. Mr. Colasante agreed, but cautioned the applicant to be careful with the height measurement, since it was so close to the maximum allowed under the Bylaw.

The other members all agreed that the proposal met the conditions of a Special Permit, and Mr. Kalantari called for a motion.

MOTION:

Mr. Hadden moved to grant Nicholas DeLuca, for 14 Foster Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct second story on non-conforming house, substantially as shown on the application packet marked as Exhibit A.

Mr. Dearing seconded the motion.

Roll call vote:

Kalantari: Aye
Colasante: Aye
Hadden: Aye
Dearing: Aye
Flannery: Aye

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. Hadden read the notice of the hearing.

PETITION #014-23 – 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 applicants greeted the Board and explained that they currently had an accessory dwelling unit (ADU) which they hoped to use for short-term rentals, primarily as an “Air BnB.”

Mr. Winkler asked whether the unit was all on one floor. Mr. Bonneau replied that it was all on the ground floor, and it had two means of egress.

There was conversation about the layout of the house on the lot, particularly in terms of where the parking would be located. The applicants noted that they had included photographs the proposed parking area, which was to the right of the house.

Mr. Colasante asked whether the applicant had any sort of floor plan to show the layout of the unit. Mr. Bonneau said he had not provided one but could get it if the Board felt it was necessary.

Mr. Kalantari opened the hearing to the public.

Todd Crowley, of 31 Springs Road, asked whether these kinds of Air BnB’s had to comply to other regulations than the Town’s. Mr. Laskey said that there were provisions under Massachusetts General Law that must be followed, and all Air BnB’s must be registered with the State, so there would be other eyes on the project besides just this Board.

Jeffrey Cohen, of 17 Houlton Street, said that this seemed very similar to a home occupation application. He stated that, in this case, the occupation did not seem particularly intense, especially for this lot and neighborhood, and he would support it.

The Board talked about the history of ADU’s, how they were treated under the Zoning Bylaw, and the Town’s intent for them in residential neighborhoods. Mr. Laskey noted that the owner of the property needed to occupy one of the two units for an ADU, so he hoped that would offer the ZBA some comfort when voting on the Special Permit.

Mr. Colasante said he felt strongly that the Board should have some kind of floor plan before it voted on this application so that it could have it on record how the layout correlates to the lot and surrounding houses. After some discussion, it was decided that the Board would continue the hearing so that a floor layout plan could be obtained and the applicant could better demarcate the parking. The applicant agreed to a continuation to the February 9 meeting, and Mr. Kalantari called for a motion.

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 February 9, 2023 at 7:00 PM.

Mr. Dearing seconded the motion.

Roll call vote:

Kalantari: Aye
Colasante: Aye
Hadden: Aye
Dearing: Aye
Flannery: Aye

The motion carried unanimously, 5-0-0.

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

PETITION #004-23 – CONTINUATION – Pamela Brown, Esq., for 330 South Road Realty Trust, for The Village at Meriam Farm, seeks a Comprehensive Permit for 330 South Road to allow 20 housing units in partnership with the Town of Bedford in accordance with the Local Initiative Program (LIP) of M.G.L. c. 40B and the Comprehensive Permit Rules of the Zoning Board of Appeals of the Town of Bedford.

Ms. Brown greeted the Board and stated that all of the Board’s comments and edits had been worked into the final draft of the Comprehensive Permit decision. She said that Town Counsel had reviewed the decision and approved all the legal wording within.

The Board members talked with the applicants about the two requested waivers – the first to waive the sewer connection and inspection fees and the second to waive the water and sewer tie-in fees. The Board compared this project to previous Comprehensive Permits waivers that Mr. Laskey had researched, and it was ultimately decided that the Board would waive the fees of 25% of the units for this project.

There was dialogue about signage, with the Board permitting a larger sign at the main entrance and a smaller sign of six square feet, if necessary, at the secondary entrance.

Mr. Kalantari called for a motion.

MOTION:

Mr. Hadden moved to grant Pamela Brown, Esq., for 330 South Road Realty Trust, for The Village at Meriam Farm, a Comprehensive Permit for 330 South Road to allow 20 housing units in partnership with the Town of Bedford in accordance with the Local Initiative Program (LIP) of M.G.L. c. 40B and the Comprehensive Permit Rules of the Zoning Board of Appeals of the Town of Bedford, substantially as shown on **Exhibit A**, which includes:

- Site plans prepared by BSC Group (11 sheets), July 12, 2022 (revised through 11/9/2022)
 - Sheet G-100 Title Sheet
 - Sheet 1 of 1 Existing Conditions (12/21/2018)
 - Sheet C-100 Legend & Notes (7/12/2022)
 - Sheet C-101 Erosion & Sediment Control Plan (rev. 11/9/2022)
 - Sheet C-102 Layout & Materials Plan (rev. 1/4/23 for Fire Dept. comments)
 - Sheet C-103 Grading & Drainage Plan (rev. 11/9/2022)
 - Sheet C-104 Utility Plan (rev. 9/8/2022)
 - Sheets C-200 – C-203 Civil Details (rev. 11/9/2022)

Exhibit B (Planting Plan prepared by BSC Group [1 sheet])

And **Exhibit C**, which includes:

- Architectural Plans prepared by Ganek Architects, Inc. (10 sheets)
 - Architectural Site Plan, color rendering Sheet C-1.1 (revised November 17, 2022)
 - Architectural Site Plan, color rendering Sheet C-1.2 (July 30, 2021)
 - Building A Elevations C-2.2 and Floor Plans Sheet C-2.1 (revised August 21, 2021)
 - Building B Elevations C-3.2 and Floor Plans Sheet C-3.1 (revised August 9, 2021)
 - Building C Elevations and Floor Plans Sheet C-5.1 (revised November 23, 2022)
 - Building D Elevations C-4.0, C-4.2 and Floor Plans Sheet C-4.1 (revised April 25, 2022)

Mr. Flannery seconded the motion.

Roll call vote:

Kalantari: Aye
Colasante: Aye
Dearing: Aye
Flannery: Aye
Hamilton: Aye

The motion carried unanimously, 5-0-0.

BUSINESS MEETING:

Adjournment

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

MOTION:

Mr. Hadden moved to adjourn the meeting.

Mr. Flannery seconded the motion.

Roll call vote:

Kalantari: Aye

Colasante: Aye

Hadden: Aye

Dearing: Aye

Flannery: Aye

Wilson: Aye

Hamilton: Aye

Winkler: Aye

The motion carried unanimously, 8-0-0.

The meeting adjourned at 9:02 PM.

Robert Kalantari, Chair

Date

Respectfully Submitted,

Scott Gould
ZBA Assistant