

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

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

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

ABSENT: Angelo Colasante, Vice Chair; Kay Hamilton

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

PRESENTATION: With Mr. Hadden delayed, Ms. Wilson 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.

Mr. Bonneau greeted the Board and stated that he was following up on his request for a Special Permit to allow an “Air BnB” use in his existing accessory dwelling unit (ADU). He said that, per the Board’s request, he had taken photographs of the parking areas on the site and had also provided a floor plan of the ADU so the layout would be clear in relation to the rest of the house and the lot.

Mr. Laskey noted that the photographs of the inside of the ADU showed that the cooktop had been removed and replaced by a microwave. He noted that the Bylaw required a cooktop in an ADU, so some sort of stove or cooktop unit would need to be included in order for him to allow this use. Mr. Bonneau said he would work towards getting that replaced.

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 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. He said he believed this project met those two requirements, and he did not believe any conditions would be necessary for this Special Permit.

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

MOTION:

Ms. Wilson moved to grant Olivier and Amanda Bonneau, at 392 North Road, a Special Permit per Section 4.2.9.2 (VII) of the Zoning Bylaw to use existing accessory dwelling for short term rentals.

Mr. Flannery seconded the motion.

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

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.

Mr. Hadden arrived at this time and took over his position of Clerk.

PRESENTATION: Mr. Hadden 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.

Ms. Brown greeted the Board and noted that the lots at 42 and 44 Hillside Avenue each had a single-family house. She reminded the members that the applicant for RSY LLC, Paul Marcus, had appeared before them last month with two options for consideration – the demolition and rebuild of one of the houses with the renovation of the second, or the demolition of both houses to create one large house. She noted that the Board, the applicant, and the abutters all preferred the first option, and she was here to present it tonight.

Ms. Brown showed plans of house being proposed to replace the structure at 42 Hillside Avenue. She noted that it presented as a one and a half story house and would be 29'9" feet high as measured under the Bylaw, although in reality it was 27'9". She talked about the dimensions, massing, and aesthetics of the house.

There was conversation about drainage and water runoff at the site. Mr. Marcus noted that there had never been any groundwater issues at the site before, but he would take any precautions necessary to ensure that there would be no new water or drainage problems.

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. Dearing said this was a very straightforward application and it seemed clear to all involved that this would be an improvement to the neighborhood, so he could easily support it.

Mr. Winkler expressed his appreciation that Mr. Marcus didn't plan to knock both houses down and propose one giant house in its place. He said this proposal was much more in keeping with the area, and he also supported it.

The other members all agreed and expressed their support for the project. Mr. Kalantari called for a motion.

MOTION:

Mr. Hadden moved to grant 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, substantially as shown on packet marked as Exhibit 1 (plot plan, floor plans, and elevations).

Mr. Dearing seconded the motion.

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

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 #016-23 – Pamela Brown, Esq., for 53 Page Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to demolish existing structures and construct new home on non-conforming lot.

Ms. Brown and the owner/developer of the property, Greg Gardner, greeted the Board. Ms. Brown said that the site at 53 Page Road had a complicated history with two dwellings which were both in poor condition. She said that Mr. Gardner hoped to demolish an existing 2 story, single-family dwelling (#53) and a one-story detached accessory dwelling (#53A) and construct a larger, two and a half story, single-family dwelling on the lot. She commented that both existing dwellings had a non-conforming front yard setback and #53A had a non-conforming side yard setback; the proposed dwelling would, however, comply with all setback requirements.

Ms. Brown commented that there were a lot of wetlands and floodplain areas on this lot, but the removal of one of the houses and the accessory structures, such as the shed, would help compensate, so this was ultimately a project that would be good for Conservation as well as for the neighborhood. She talked about the Estimated Seasonal High Water Table, particularly as it impacted the height of the structure.

Mr. Kalantari opened the hearing to the public.

Steven Walker, of 57 Page Road, noted that he was the direct abutter of this property. He talked with the applicants about site concerns such as sewer connection and oil tanks but indicated that he was fully in support of the project.

Mr. Winkler talked with the applicant and with Mr. Walker about the possibility of the Town continuing the sidewalk in front of the house at 53 Page Road, noting that this seemed like an appropriate time to do so and improve the neighborhood even more.

With no further 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. Dearing said that there were a slew of non-conformities on this site, both in terms of zoning and Conservation, which would all be cleaned up with an attractive new conforming house; with that in mind, he thought this was a wonderful project and felt it easily met the requirements of a Special Permit.

The other members all agreed that it was a worthwhile project for the neighborhood and met the Special Permit conditions. Mr. Kalantari called for a motion.

MOTION:

Mr. Hadden moved to grant Pamela Brown, Esq., for 53 Page Road, a Special Permit per

Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to demolish existing structures and construct new home on non-conforming lot, substantially as shown on the application packet marked as Exhibit 1 (neighborhood photographs, plot plan, elevations, and floor plans).

Mr. Dearing seconded the motion.

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

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.

BUSINESS MEETING:

January 12 Meeting Minutes

Mr. Kalantari called for a motion to approve the minutes of the January 12 meeting.

MOTION:

Mr. Hadden moved to approve the minutes of the January 12 meeting, as written.

Mr. Flannery seconded the motion.

Voting in favor: Kalantari, Dearing, Flannery, Wilson, and Winkler

Voting against: None

Abstained: Hadden

The motion carried unanimously, 5-0-1.

January 26 Meeting Minutes

Mr. Kalantari called for a motion to approve the minutes of the January 26 meeting.

MOTION:

Mr. Hadden moved to approve the minutes of the January 26 meeting, as amended.

Mr. Flannery seconded the motion.

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

Voting against: None
Abstained: None

The motion carried unanimously, 6-0-0.

MOTION:

February 9 Meeting Minutes

Mr. Kalantari called for a motion to approve the minutes of the February 9 meeting.

MOTION:

Mr. Hadden moved to approve the minutes of the February 9 meeting, as amended.

Mr. Flannery seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 6-0-0.

Adjournment

MOTION:

Mr. Hadden moved to adjourn the meeting.

Mr. Dearing seconded the motion.

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

Voting against: None

Abstained: None

The motion carried unanimously, 6-0-0.

The meeting adjourned at 8:00 PM.

Robert Kalantari, Chair Date

Respectfully Submitted,

Scott Gould
ZBA Assistant