

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
APRIL 13, 2023**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Robert Kalantari, Chair; Angelo Colasante, Vice Chair; John Hadden, Clerk; Lucille Wilson; Karl Winkler

ABSENT: Jeffrey Dearing; Tom Flannery; Kay Hamilton

Mr. Kalantari introduced himself and 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 #017-23 – Riemer and Braunstein, for FDS Bedford LLC, at 40 Middlesex Turnpike, seeks a Special Permit per Section 7.1.2 of the Zoning Bylaw to allow for proposed building addition; seeks a Special Permit per Section 5.2.1 to construct fence over 6'; and seeks a Special Permit per Section 7.4.3 to permit alteration to the existing landscaping percentage within the parking lot.

Mark Vaughan, of Riemer and Braunstein, greeted the Board and introduced Heather Wellington, representative of the owners of FDS Bedford LLC, and Alex Horgan, the engineer for the project. Mr. Vaughan explained that a new federal government building was going to be built on this property and some modifications needed to be made before it could go forward. He stated that they were seeking a Special Permit for four separate items: 1) to construct a perimeter fence over six feet in height; 2) to construct a small addition onto the existing building; 3) to modify existing non-conforming landscaping; and 4) to modify existing parking spaces.

Ms. Wellington commented that the private nature of the work being done at this building required, by federal law, its employees to have added security when moving from their cars to the building, which was why the eight foot fence was required around the parking area.

Mr. Winkler asked whether the facility would be open 24 hours a day. Ms. Wellington said it was not, although employees would have 24/7 access to the building.

Ms. Wilson asked how many parking spaces were being taken away. Mr. Vaughan stated that they were dropping from 240 parking spaces to 225, so it would be a reduction of 15 spaces.

Mr. Winkler asked whether the site would have new lighting, and Ms. Wellington replied that no new illumination was being proposed at the property.

Mr. Colasante said he understood that this eight foot fence was being required, but he worried that it might be very large and overwhelming, even in an industrial area. He said that the site plan did list the number of trees that would run along this façade but he wished there was more of a rendering so the Board could see how this large fence would be broken up along the streetscape.

There was extensive discussion about the sizes and species of trees that would be planted and how they would screen the fence.

Ms. Wellington showed a rendering of a black mesh screen that would be put on the first six feet of the fence. Mr. Colasante said he was surprised this was not in the application packet, as it changed the aesthetic of the entire proposal. This led to more discussion about how it would look along the street and with the proposed vegetation.

Mr. Kalantari opened the hearing to the public. With no one from the public 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 conditions were that the project was not injurious or detrimental to the neighborhood and was in keeping with the intent and purpose of the Bylaw.

Mr. Colasante noted that he was comfortable with the parking reduction, but he couldn't recall the Board ever approving a structure like a new building addition or a fence without seeing some sort of rendering showing how it would look from a public way. Mr. Winkler agreed, noting that a rendering could go a long way in showing the ZBA that this would not be detrimental to the neighborhood.

Ms. Wilson said that this was located in an Industrial district far from the main residential areas of town, and it seemed the Board had little leeway in the height or mesh appearance of the fence. She stated that, for these reasons, she was comfortable voting on the application as presented. Mr. Hadden agreed.

After further conversation, it was determined that the majority of the Board members felt more comfortable waiting for more information on the addition and the fence before voting. The applicants agreed to a continuation to the next meeting date of April 27. Mr. Kalantari called for a motion.

MOTION:

Mr. Hadden moved to continue Riemer and Braunstein, for FDS Bedford LLC, at 40 Middlesex Turnpike, seeks a Special Permit per Section 7.1.2 of the Zoning Bylaw to

allow for proposed building addition; seeks a Special Permit per Section 5.2.1 to construct fence over 6'; and seeks a Special Permit per Section 7.4.3 to permit alteration to the existing landscaping percentage within the parking lot.

Ms. Wilson seconded the motion.

Voting in favor: Kalantari, Colasante, Hadden, Wilson, and Winkler

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

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

PETITION #018-23 – MITRE Corporation, at 202 Burlington Road, seeks a Special Permit per 4.4.5 of the Zoning Bylaw to construct antennae array; and seeks a Special Permit per Section 7.2 to allow array to be constructed within the floodplain.

David Robinson, of Allen & Major Associates, Inc., and Robert Boston, of MITRE, greeted the Board. Mr. Boston explained that MITRE was seeking two Special Permits to install two separate antennae – one for transmitting and one for receiving. He noted that they were near each other but in two different locations, both of which were within the 100 year Floodplain.

Mr. Boston talked about the technical components of the antennae, including the dimensions, capacity, and output. There was conversation about the frequency and wavelengths involved, with Mr. Boston noting that the output from these arrays would be extremely minimal.

Mr. Kalantari noted that Section 4.4.5 of the Zoning Bylaw, "Wireless Communication Facilities," listed several requirements for this kind of application, including eight view lines and drawings for items such as antennae height and pattern coverage.

After reviewing the Bylaw, Mr. Robinson and Mr. Boston said that they had been focusing on Section 7.2, since this installation as not technically a "wireless communication facility."

Mr. Kalantari referenced Section 4.4.5.3(a) of the Zoning Bylaw, which reads: "No new wireless communications tower shall be used which involves lattice construction, requires three or more legs, or requires guy wire supports." Mr. Boston said that he had never come across that prohibition before and it was difficult in this case because the antennae themselves were on the guy wires. There was extensive discussion about these provisions and whether they were applicable to an array such as this or were intended solely for a larger cell tower installation.

After final conservation about the project, the applicants requested a continuation to the May 11 meeting date. Mr. Kalantari called for a motion to continue.

MOTION:

Mr. Hadden moved to continue MITRE Corporation, at 202 Burlington Road, seeking a Special Permit per 4.4.5 of the Zoning Bylaw to construct antennae array; and seeking a Special Permit per Section 7.2 to allow array to be constructed within the floodplain to May 11, 2023 at 7:00 PM.

Ms. Wilson seconded the motion.

Voting in favor: Kalantari, Colasante, Hadden, Wilson, and Winkler

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

BUSINESS MEETING:

March 9 Meeting Minutes

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

MOTION:

Ms. Wilson moved to approve the minutes of the March 9 meeting, as written.

Mr. Hadden seconded the motion.

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

Voting against: None

Abstained: Colasante

The motion carried unanimously, 4-0-1.

Adjournment

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

MOTION:

Mr. Hadden moved to adjourn the meeting.

Ms. Wilson seconded the motion.

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Voting in favor: Kalantari, Colasante, Hadden, Wilson, and Winkler
Voting against: None
Abstained: None

The motion carried unanimously, 5-0-0.

The meeting adjourned at 8:45 PM.

Robert Kalantari, Chair

Date

Respectfully Submitted,

Scott Gould
ZBA Assistant