

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
APRIL 27, 2023**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

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

ABSENT: Jeffrey Dearing

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 and to reduce the number of parking spaces.

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 stated that this was a continuation from the April 13 meeting, at which time the Board had asked for more information regarding the addition and had requested more plantings – particularly evergreens – along the new fence.

Mr. Vaughan showed a site plan with an updated planting plan, which he noted was much more robust than the original plan had been. He said it not only contained more plantings than originally proposed but also had more evergreens than deciduous trees, ensuring that the trees would have leaves all year. He also displayed an updated rendering of the fence which included the translucent mesh screening.

Ms. Wellington noted that the mesh was green in the rendering because the company thought the Board might think it would blend better with the surroundings. She added that the company would, however, prefer that the mesh was black, but they were willing to go with either color.

Mr. Vaughan showed a rendering of the parking garage as well, commenting that it was considerably smaller than the existing building. He mentioned that the maximum lot

coverage was 25%, and this addition would not bring the building anywhere near that; it would instead raise the lot coverage from approximately 13% to about 14%.

Mr. Winkler said the only problem with the green mesh is that it tended to stand out against snow more than the black. There was discussion about which color should be chosen, and it was decided that it would be left up to the tenant.

The Board talked about the height of the mesh. Ms. Wellington said she did not know the exact height, but she knew it would stop before the curved portion of the fence began.

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 said that he greatly appreciated the fact that the applicants had listened to the Board's concerns and responded to them so succinctly. He stated that he still didn't love the idea of this fence but understood that it was a necessity and felt that this updated planting plan would help mitigate its visual impact along the street. The other members agreed.

Mr. Colasante suggested a condition on the Special Permit that the owner of the building be required to maintain the landscaping as shown on the site plan. The applicants agreed to this condition and also agreed to a condition that the mesh scrim be no higher than the bottom of the curved section of the fence.

The Board decided that the other requests – for the addition, the landscaping in the parking lot, and the parking reduction – also met the requirements of a Special Permit. After final discussion, Mr. Kalantari called for a motion.

MOTION:

Mr. Hadden moved to grant Riemer and Braunstein, for FDS Bedford LLC, at 40 Middlesex Turnpike, a Special Permit per Section 7.1.2 of the Zoning Bylaw to allow for proposed building addition; a Special Permit per Section 5.2.1 to construct fence over 6'; and a Special Permit per Section 7.4.3 to permit alteration to the existing landscaping percentage within the parking lot and to reduce the number of parking spaces, substantially as shown on application packets (original and updated) marked as Exhibits 1 and 2, and subject to the following conditions:

- 1) The owner of the building maintain the landscaping as shown on the site plan;
- 2) The mesh scrim on the fence be no higher than the bottom of the curved section of the fence.

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.

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 #019-23 – Ryan and Lindsay McCarthy, at 9 Gleason Road, seek a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct addition over 600 square feet and roof over existing front stairs, on non-conforming lot.

Lindsay McCarthy, the homeowner of 9 Gleason Road, and Joanna Reck, the architect for the project, introduced themselves. Ms. Reck explained that they were requesting a Special Permit to construct a one-story addition onto the first floor of a single-family dwelling to create a two-story structure which would include a new attached garage with a room above, along with a single story addition in the rear. She stated that they were also seeking a Special Permit to construct a roof over the front stairs/landing.

There was brief dialogue about the height of the structure. Ms. Reck pointed out that the lot was relatively flat and the proposed height would be 28'6", well below the 35 foot maximum.

Ms. Reck and Ms. McCarthy talked with the Board about the aesthetics and dimensions of the addition and front covered landing. Mr. Colasante said he wished there was a dimension on the plot plan that showed the setback to the proposed covered landing. It was determined that the landing would be no more than 25 feet from the front property line. The applicants initialed the plot plan on which that dimension was written in order to memorialize it for the record.

Mr. Colasante noted that the Board usually placed a condition on Special Permits for covered landings that they never be enclosed. He asked the applicants whether they had an issue with such a condition; Ms. McCarthy and Ms. Reck both replied that they did not.

Mr. Kalantari opened the meeting 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.

The Board members all agreed that this was a worthwhile project for the neighborhood and met the Special Permit conditions. Mr. Winkler noted that he was always grateful to see a house being added onto rather than demolished to make way for a new house.

Mr. Kalantari called for a motion.

MOTION:

Mr. Hadden moved to grant Ryan and Lindsay McCarthy, at 9 Gleason Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning Bylaw to construct addition over 600 square feet and roof over existing front stairs, on non-conforming lot, substantially as shown on the application packed marked as Exhibit 1 and subject to the condition that the front landing not be enclosed.

Mr. Flannery seconded the motion.

Voting in favor: Kalantari, Colasante, Hadden, 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. Hadden read the notice of the hearing.

PETITION #020-23 – Pamela Brown, Esq., for LCB BEDFORD MA, LLC, at 240 South Road, seeks a Special Permit per Article 39.5 of the Sign Bylaw to externally illuminate freestanding sign.

Ms. Brown greeted the Board and explained that she represented the company LCB BEDFORD MA, LLC, which was constructing the assisted living facility at 240 South Road. She stated that they were seeking a Special Permit to illuminate a proposed freestanding sign for the facility. She noted that the sign itself would comply with all of the dimensional requirements in Article 39.4 of the Sign Bylaw, so they only needed relief for illumination.

Ms. Brown confirmed that the sign would be 10 feet in from the property line, and she also provided the required letter certifying that the illumination would not exceed 75 foot lamberts.

There was dialogue about shielding the lights so there would be no spillover onto the street or any surrounding residences. Ms. Brown commented that the lights were not bright at all so she did not see that being a problem.

Mr. Flannery asked whether any trees would be removed to make way for this sign. Ms. Brown said that a sidewalk easement had been granted to wind its way around the trees at the front of the property, so no trees would be removed.

Mr. Colasante noted that the Bylaw required the lighting to be turned off between the hours of 11:00 PM and 6:00 AM, and asked whether the applicants were requesting that to be waived. Ms. Brown said they did hope for it to be waived due to the nature of the facility. She said this was an assisted living facility with many older people, and a lit sign would be extremely important to many of the residents.

Mr. Kalantari opened the meeting 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.

The Board members agreed that this sign illumination met the requirements of a Special Permit. Concerns about the light spillover were tempered by the shielding of the lights and the fact that there would be landscaping around the fixtures. After some discussion, it was decided that, because of the particular use of this property, it was appropriate to allow the sign to be illuminated all night.

Mr. Kalantari called for a motion.

MOTION:

Mr. Hadden moved to grant Pamela Brown, Esq., for LCB BEDFORD MA, LLC, at 240 South Road, a Special Permit per Article 39.5 of the Sign Bylaw to externally illuminate freestanding sign, substantially as shown on the application packet marked as Exhibit 1 and with the condition that the sign may be illuminated between the hours of 11:00 PM and 6:00 AM.

Ms. Wilson seconded the motion.

Voting in favor: Kalantari, Colasante, Hadden, 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:

Adjournment

MOTION:

Mr. Hadden moved to adjourn the meeting.

Ms. Hamilton seconded the motion.

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

The motion carried unanimously, 7-0-0.

The meeting adjourned at 8:05 PM.

Robert Kalantari, Chair Date

Respectfully Submitted,

Scott Gould
ZBA Assistant