

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
FEBRUARY 10, 2011**

Town of Bedford
Bedford Town Hall
Lower Level Conference Room

PRESENT: Jeffrey Cohen, Chair; Brian Gildea, Clerk; Angelo Colasante; Kenneth Gordon

ABSENT: Jeffrey Dearing, Vice Chair; Carol Amick

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

Mr. Cohen explained to the petitioners that there is a four-member Board for this meeting, which means that any positive vote must be unanimous. He said that in this situation the Board always allows the applicants the option of continuing to another night when a five-member quorum would be present, at which time one dissenting vote would be allowed out of the five.

After some discussion about the pros and cons of being heard now or continuing to another night, Ms. Williamson agreed to move forward with the application tonight.

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

PETITION #020-11 – Rebecca Williamson, for 166 South Road, seeks a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct addition within side yard setback.

Ms. Williamson introduced herself and explained that she is proposing a 16' x 30' addition for her mother. She said her mother will soon be retiring and moving to this area to be closer to her children and grandchildren, so they hope to build this master bedroom suite for her. She said the lot is very skinny and non-conforming, and this addition will encroach into the side yard setback, as there is not much room on the side.

Mr. Cohen asked whether the applicant's mother is in a wheelchair and will need wheelchair accessibility. Ms. Williamson said she is still mobile and is actually still working, but will be retiring within the next few months.

Mr. Colasante asked whether Ms. Williamson has talked with her neighbors about this proposed addition. Ms. Williamson replied that Richard Iovino, the abutter at 168 South Road, the lot closest to this addition, said he will be doing some building on his property as well and had no problem with it. She said that Mr. Iovino's brother, Bobby, came by tonight before the meeting to discuss it and he also had no problem with it, noting that he

feels she should be allowed to do whatever she wants with her own property.

Mr. Gildea asked whether the neighbor on the other side has commented on this addition. Ms. Williamson said there have been discussions with that neighbor about the garage that straddles the two property lines, and the potential for a land swap to put the garage entirely on Ms. Williamson's property, but the neighbor had no comment on the addition, as it is on the side opposite from him.

There was discussion about access to the crawlspace and bulkhead.

Mr. Cohen asked whether the addition would match the house in its color and siding. Ms. Williamson said it would; her intent is to have it blend in as much as possible with the existing structure.

Mr. Cohen opened the hearing to the public. With no one from the public in attendance, Mr. Cohen closed the public hearing.

DELIBERATIONS:

Mr. Cohen said this application clearly requires a Special Permit, as the lot and structure are pre-existing non-conforming. He noted that the two conditions of a Special Permit are that the project is not injurious or detrimental to the neighborhood and is in keeping with the intent and purpose of the By-Law. He said he feels this project meets those requirements. Mr. Gildea agreed, pointing out that the structure on the adjacent lot at 168 Great Road also looks close to the side yard setback, so a setback of under 15 feet is not out of character with the neighborhood. Mr. Gordon said he thought it was significant that no neighbors have written in or showed up to express a problem with this project, so he takes that to mean the neighbors are comfortable with this addition.

MOTION:

Mr. Gildea moved to grant Rebecca Williamson, for 166 South Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct addition within side yard setback, as indicated in Exhibits A through H.

Mr. Colasante seconded the motion.

Voting in favor: Cohen, Gildea, Colasante, and Gordon

Voting against: None

Abstained: None

The motion carried unanimously, 4-0-0.

Mr. Cohen explained that the Board has 14 days to write a decision, after which time there is a 20-day appeal period. The applicant is then responsible for getting the decision

recorded at the Registry of Deeds. Once the decision is recorded, the applicant may apply for a Building Permit at the Code Enforcement Department.

Ms. Williamson thanked the Board members for their time.

After agreeing that there was no business to discuss, Mr. Cohen called for a motion to adjourn the meeting.

MOTION:

Mr. Gildea moved to adjourn the meeting.

Mr. Colasante seconded the motion.

Voting in favor: Cohen, Gildea, Colasante, and Gordon

Voting against: None

Abstained: None

The motion carried unanimously, 4-0-0.

The meeting adjourned at 8:05 PM.

Respectfully submitted,

Scott Gould
ZBA Assistant