

TOWN OF BEDFORD
February 21, 2023
ZONING BOARD OF ADJUSTMENT
Action Sheet

The following is a summary of the Zoning Board of Adjustment actions and is not inclusive of all discussion. The official minutes will be posted as soon as they are available on the Town of Bedford website.

Town Meeting Room at BCTV – 7 P.M. - 10 Meetinghouse Road

Members present: John Morin, Neal Casale, Alex Kellerman, Dave Butler, Bob MacPherson

Members absent: Len Green, Sue Thomas

Staff present: Kathleen Ports, Rebecca Hebert

I. Call to Order and Roll Call:

Chairman Morin called the meeting to order at 7:00 p.m.

II. Old Business & Continued Hearings: None

III. Approval of Minutes of Previous Meetings

On a motion made by Casale and seconded by Gilbert, the Board voted to approve the Minutes of the December 20, 2022 ZBA meeting.

IV. New Business:

Item 1. Mark and Ida Baddeley – Request for a variance from Article IV, Section 275-28 to allow the replacement of an existing open-air deck within 42 feet of a wetland with an enclosed porch within 42 feet of a wetland where 50 feet is required, at 37 Elk Drive, Lot 31-18-25, R&A Zone.

Greg Rehm, Liberty Hill Construction, presented the application. There was no comment from the public at the meeting.

On a motion made by Gilbert and seconded by Casale, the Board voted unanimously to approve the replacement of an open-air deck within 42 feet of a wetland with an enclosed porch within 42 feet of a wetland, based on the following findings of facts:

- 1. The variance request satisfied all five criteria for granting relief from the Zoning Ordinance.**
- 2. The Board included all facts found in the meeting minutes for the application and incorporated all meeting minutes into this decision.**

Item 2. Gerard J. Dumas Family Trust and Pauline L. Dumas Revocable Trust – Request for a variance from Article III, Section 275-21B(2)(b)[2] for a proposed 54-unit, elderly housing development (55+) on a tract of land without frontage on a Class II, IV, or V roadway where such frontage is required, at 227 Wallace Road, County Road, and Bow Lane, Lots 20-26, 20-27, 20-28, 27-24, and 27-110, R&A and CO Zones.

Attorney Andrew Prolman, Prunier & Prolman, P.A., and Brent Cole, Granite Engineering, presented each variance application followed by questions from the Board. After all five applications were presented and the Board asked its questions, the hearing was opened to public testimony. One individual spoke against the proposal and three individuals spoke in favor of the proposal. Additionally the Board chair stated that four emails in favor of the proposal were received by the Planning Department. The Board then deliberated and voted on each application individually.

On a motion made by Gilbert and seconded by Kellerman, the Board voted unanimously to approve the request for a variance for a proposed 54-unit, elderly housing development (55+) on a tract of land without frontage on a Class II, IV, or V roadway based on the following findings of facts:

- 1. The variance request satisfied all five criteria for granting relief from the Zoning Ordinance.**
- 2. The Board included all facts found in the meeting minutes for the application and incorporated all meeting minutes into this decision.**

Item 3. Gerard J. Dumas Family Trust and Pauline L. Dumas Revocable Trust – Request for a variance from Article III, Section 275-21B(3) and Article V, Section 275-31 to allow portions of an elderly housing development (55+) designed as a Cluster Residential Development to be located within the CO Zone on a split zoned parcel, where the Cluster Residential Development is not an allowed use in the CO Zone, at 227 Wallace Road, County Road, and Bow Lane, Lots 20-26, 20-27, 20-28, 27-24, and 27-110, R&A and CO Zones.

On a motion made by Kellerman and seconded by Casale, the Board voted unanimously to approve the request for a variance to allow portions of an elderly housing development (55+) designed as a Cluster Residential Development to be located within the CO Zone on a split zoned parcel, where the Cluster Residential Development is not an allowed use in the CO Zone based on the following findings of facts:

- 1. The variance request satisfied all five criteria for granting relief from the Zoning Ordinance.**
- 2. The Board included all facts found in the meeting minutes for the application and incorporated all meeting minutes into this decision.**

Item 4. Gerard J. Dumas Family Trust and Pauline L. Dumas Revocable Trust – Request for a variance from Article III, Section 275-21B(3)(c) and Article V, Section 275-33B to allow an elderly housing development (55+) with a density of 54 units, designed as a Cluster Residential Development, where 14 units would be allowed in the R&A Zone, at 227 Wallace Road, County Road, and Bow Lane, Lots 20-26, 20-27, 20-28, 27-24, and 27-110, R&A and CO Zones.

The Board recommended that the Applicant table their request for a variance to allow an elderly housing development (55+) with a density of 54 units, designed as a Cluster Residential Development, where 14 units would be allowed pending additional information to address Board concerns regarding public safety. Specifically, a secondary egress for emergency vehicles and impacts on traffic at the intersection of Chestnut Drive and Route 101. The Applicant concurred and requested that the variance again be heard at the April 18, 2023 meeting pending the provision of additional information to address the concerns raised by the Board. The Chair stated that this announcement will serve as public notice and abutters' notices will not be resent for the April meeting.

Item 5. Gerard J. Dumas Family Trust and Pauline L. Dumas Revocable Trust – Request for a variance from Article III, Section 275-21B(2)(d) to allow a 54-unit, elderly housing development (55+), to not be served by group transit where such service is required, at 227 Wallace Road, County Road, and Bow Lane, Lots 20-26, 20-27, 20-28, 27-24, and 27-110, R&A and CO Zones.

On a motion made by Gilbert and seconded by Casale, the Board voted unanimously to approve the request for a variance for a proposed 54-unit, elderly housing development (55+) to not be served by group transit where such service is required, based on the following findings of facts:

- 1. The variance request satisfied all five criteria for granting relief from the Zoning Ordinance.**
- 2. The Board included all facts found in the meeting minutes for the application and incorporated all meeting minutes into this decision.**

Item 6. Gerard J. Dumas Family Trust and Pauline L. Dumas Revocable Trust – Request for a variance from Article V, Section 275-32H to allow a 54-unit, elderly housing development (55+), to be served by a private road that does not meet Town road standards where roads in Cluster Residential Developments are required to meet Town road standards, at 227 Wallace Road, County Road, and Bow Lane, Lots 20-26, 20-27, 20-28, 27-24, and 27-110, R&A and CO Zones.

On a motion made by Casale and seconded by Gilbert, the Board voted unanimously to approve the request for a variance to allow a 54-unit, elderly housing development (55+), to be served by a private road that does not meet Town road standards where such roads are required to meet Town road standards based on the following findings of facts:

- 1. The variance request satisfied all five criteria for granting relief from the Zoning Ordinance.**
- 2. The Board included all facts found in the meeting minutes for the application and incorporated all meeting minutes into this decision.**

Adjournment: The meeting was adjourned at 9:18 p.m.