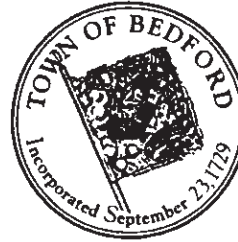


18-4

TOWN OF BEDFORD
BEDFORD, MASSACHUSETTS 01730



Doreen Tremblay, Town Clerk

Town Hall
10 Mudge Way
Bedford, Mass. 01730
781-275-0083
dorecent@town.bedford.ma.us

Date: June 1, 2005

Petitioner Name: Suzanne M. Poitras, Attorney for Fletcher Trust

Location of Property: 373 North Road
Petitioner Number: 041-04

Bk: 45713 Pg: 315 Doc: DECIS
Page: 1 of 18 07/27/2005 02:34 PM

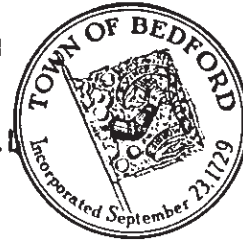
This letter certifies that twenty days have elapsed since the decision of the Zoning Board of Appeals was filed in the Office of The Town Clerk and no appeal has been filed.

Attest:

Doreen Tremblay
Town Clerk

J Daniel Woodyshek
2 Pleasant Street
S. Natick MA 01760

RECEIVED
TOWN OF BEDFORD
TOWN CLERK



THE BOARD OF APPEALS

04 DEC -3 PM 1:41

TOWN HALL
10 MUDGE WAY
BEDFORD, MASSACHUSETTS 01730

PETITION NUMBER: 041-04
PETITIONER: Suzanne M. Poitras, Attorney for Fletcher Trust
LOCATION OF PROPERTY: 373 North Road, Bedford, Massachusetts
MEMBERS VOTING: Robert Ellis, Chairman, Charles Theobald and Harold Ward

MOTION: To grant to Gerard H. Boucher, Trustee of Fletcher Trust, a Comprehensive Permit for 8 housing units at 373 North Road under the Local Initiative Program (LIP) of M. G. L. ch. 40B and the Comprehensive Permit Rules of the Zoning Board of Appeals of the Town of Bedford subject to the Conditions of approval set forth in Chapter III of this Decision.

VOTING IN FAVOR

VOTING IN OPPOSITION

Robert Ellis

Harold R Ward

Charles E Theobald

This vote was taken on December 2, 2004. Approval of this Motion for a Comprehensive Permit requires a majority vote of the Board.

The Bedford Zoning Board of Appeals voted 3 to 0 to grant this Comprehensive Permit.

The Board and the Petitioner have complied with all statutory requirements for the issuance of this Comprehensive Permit on the terms hereinafter set forth. A copy of this decision will be filed with the Bedford Town Clerk and will be mailed to all parties, persons or boards as required by Massachusetts General Laws Chapter 40A.

The decision was filed in the Office of the Town Clerk on DECEMBER 3, 2004. Any appeal from this decision by any party other than Fletcher Trust shall be made pursuant to Massachusetts General Laws Chapter 40B § 21 and must be filed within twenty (20) days after the initial filing of the Decision with the Town Clerk.

The Comprehensive Permit granted by this decision shall not take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal

A TRUE COPY ATTEST

[Signature]
Town Clerk

has been filed within said twenty (20) days, or that it has been dismissed or denied, and is recorded in the Middlesex Registry of Deed for this district. The fee for recording or registering shall be paid by the Petitioner. A copy of the recorded decision certified by the Registry, and the notification by the Petitioner of the recording, shall be furnished to the Board.

PETITION NUMBER: 041-04

THE STEPHEN LANE HOUSE COMPREHENSIVE PERMIT

CHAPTER I. FINDINGS

A. PROCEDURAL HISTORY

On March 25, 2004, Suzanne M. Poitras, Esquire, on behalf of Gerard H. Boucher, Trustee of Fletcher Trust (the "Petitioner"), applied to the Town of Bedford Zoning Board of Appeals (the "Board") for a Comprehensive Permit under the Local Initiative Program ("LIP") of M.G. L. ch. 40B to construct 8 housing units on a property located at 373 North Road, Bedford, Massachusetts ("The Stephen Lane House") [17].

By mutual consent the first public hearing was held on April 15, 2004. [32] The public hearing was advertised in the Bedford Minuteman on April 1 and April 8, 2004. All Town Boards were notified of the hearing and were requested to comment on the proposed Comprehensive Permit as required by 740 CMR 31.02 and Town of Bedford Zoning Board of Appeals Rules and Regulations for a Comprehensive Permit.

Additional public hearings were held on May 27, 2004, July 8, 2004, August 12, 2004, and September 23, 2004. On October 26, 2004, the Board voted to close the public hearing and start deliberations. On December 2, 2004, the Board voted to grant the Comprehensive Permit with conditions and sign the decision. A copy of the decision was filed with the town Clerk on December 3, 2004.

Present from the Board at all public hearings and voting on the petition were Robert Ellis, (Chairman), Charles Theobald (member) and Harold Ward (member).

B. EVIDENCE

In making its findings and reaching decisions, the Board considered evidence presented at the public hearings and evidence placed in the public record prior to the closing of the public hearing on October 26, 2004. The Board received comments from Town Boards [25- 32]. The record includes, but is not limited to, the documentation listed in Chapter II.

C. FINDINGS

1. Jurisdictional Requirements

Project eligibility has been established by a letter received from the Massachusetts Department of Housing & Community Development (“DHCD”) approving the application under the Local Initiative Program [1]. In its application the Petitioner proved the Board with evidence establishing that the company is a Limited Dividend Organization, as required by 760 CMR 31.01. Site control has been established through receipt of a deed showing outright ownership.

2. Statutory Minimum for Low and Moderate Income Housing

The Petitioner asserts that the Town of Bedford has not met the statutory minimum 10 percent threshold for low and moderate income housing as defined by M.G.L. ch. 40B and 760 CMR 31.04, which was confirmed by the Board at its public hearing.

The Board finds that the Town of Bedford has not met the statutory 10% minimum affordable housing required by M.G. L. ch. 40B, but has satisfied the two-year threshold of 1.5% of total year-round housing units specified in 760 CMR 31.07(1)(i).

3. Project Description

The project is a Local Initiative Project (LIP) under M. G. L. ch. 40B. The project is the conversion of an historic dwelling house and barn site to eight residential condominium units with associated grading, driveways, parking areas, utilities and storm water management system. The development will consist of three units in the existing dwelling house, the removal of the existing barn, which will be replicated in a different location on the site and contain three units, and a new structure with two units.

The project site is identified as 373 North Road (doc), being a lot containing 135,581 square feet of land area (3.113 AC), substantially as shown on a plan entitled “Site Plan, *The Stephen Lane House*, 373 North Road, Bedford, Massachusetts”, signed and sealed, dated September 3, 2004. No road will be constructed to serve the proposed buildings. A driveway and parking are to serve the units will be provided from North Road.

4. Exceptions from Local By-Laws

The petitioner proposes to build eight housing units on 3.113, which the Board finds acceptable. In addition, the petitioner requested the following specific exceptions:

4.1 Town of Bedford Zoning By-Law:

a. Section 3.1 Use Regulations; General Provisions:

“No land shall be used or building or other structures erected or modified in any district for any use not set forth and denoted in either with the word “yes” or by the letters “SP” . . .”

-Petitioner requested: To allow the multi-family residential use in the Residence A (RA) District.

-Board finds that such multi-family residential use is acceptable and approves said request.

b. Table I: Use Regulations:

-Petitioner requested: To allow the multi-family residential use in the Residence A (RA) District.

-Board finds that such multi-family residential use is acceptable and approves said request.

c. Section 4.2.2.1 Conversion: “A single family dwelling in existence on March 1, 1945 may be converted to accommodate no more than two families. . . .”

-Petitioner requested: To allow an existing single family residence to be converted to accommodate 3 families.

-Board finds that such conversion is acceptable and approves said request.

d. Section 6 Dimensional Regulations, Dimensions: “Minimum lot area, frontage, lot width, setback, yard and corner clearance requirements and maximum lot coverage, minimum lot landscaped and heights, and Floor Area Ration (FAR) shall be as prescribed in Table II Dimensions Regulations.”

-Petitioner requested: To reduce the side yard setback from the required 15 feet to 13 feet for the principal use and from 10 feet to 7 feet for the accessory use (car port).

-Board finds that such a reduction in the set back is acceptable based on the buffer of trees to be planted and approves said request.

e. Table II: Dimensional Regulations:

-Petitioner requested: To reduce the side yard setback from the required 15 feet to 13 feet for the principal use and from 10 feet to 7 feet for the accessory use (car port).

-Board finds that such a reduction in the set back is acceptable based on the buffer of trees to be planted and approves said request.

f. Section 7.2 Flood Plain/Wetland District:

Not applicable to Project

g. Section 7.3 Earth Removal:

Not applicable to Project

h. Section 7.4.1.1 Parking Regulations, Required Spaces, Dwelling including multiunit structure: “Two parking spaces for each dwelling unit.”

- Petitioner requested: To allow a total of 18 parking spaces, which equals 2.25 per unit. The regulations allow 16 spaces, or 2 per unit.
- Board finds that such additional parking is acceptable based on the size of the lot and the configuration of the buildings thereon and approves said request.

i. Section 7.4.2 Parking Dimensional Regulations and Table III: Parking Stall Dimensions and Figure 4: "Off street parking facilities shall be laid out or striped in compliance with the minimum provisions of Table III and Figure 4."

- Petitioner requested: To reduce the maneuvering isle to be reduced from 24 feet to 18 feet.
- Board finds that such a reduction is acceptable based on the visibility and the wetland constraints and approves said request.

j. Section 7.5.1 Site Plan Approval, Standards for Requirement of Site Plan Approval: "In all instances specified in Table I: Use Regulation, indicating that site plan approval is required, no building permit shall be issued . . . except in conformity with a site plan bearing an endorsement of approval by the Inspector of Buildings after review thereof by the Planning Board."

- Petitioner requested: To allow the Applicant to obtain building permits without Site Plan Review.
- Board finds that Planning Board has made recommendations, which have been incorporated into the Board's decision; therefore, approves said request.

k. Section 12.2 Building Permit Limitations:

- Petitioner requested: To the extent applicable, to allow building permits to be issued without restriction.
- Board finds that such issuance without restriction, if applicable, is acceptable and approves said request.

4.2 Town of Bedford General By-Laws

a. Article 54. Wetlands Protection By-Law:

Not applicable to Project as Applicant is filing under the state Wetlands Protection Act; therefore, local by-law does not apply.

Waivers from Wetland Protection Bylaws (if applicable): Petitioner requested:

- a. Section 2.2.1.1.d.: To allow an outfall pipe within 50 feet of a resource area, 25 feet is proposed.
- b. Section 2.2.2.1.a.: To allow more than 25 percent impervious area within the 100-foot buffer zone, 27.2 percent is proposed.
- c. Section 2.2.2.2: To waive the required 25-foot undisturbed buffer. Approximately 12,034 square feet this area was previously altered. Approximately 8,300 square feet of the area will be allowed to restore itself naturally and will remain undisturbed in the future.

d. Section 2.2.2.2: To allow new building construction within the 50-foot no-build buffer. With the removal of the existing barn and shed the resulting building area within this buffer would be reduced by 395 square feet.
-Board finds such requests acceptable based upon the Order of Conditions issued by the Town of Bedford Conservation Commission, which incorporates these requests and approves said requests.

b. Article 56. Demolition Delay, Article 56.4 Procedure

“No demolition permit for a significant building shall be issued without following the provisions of this By-Law.”

-To allow Building Inspector to issue a demolition permit for removal of the barn currently existing on the site, as shown on the Site Plan without review and approval by the Bedford Historical Preservation Commission.

-Historical Preservation Commission has held a public hearing and voted to permit the removal of the barn; therefore, Board approves this request.

4.3 Town of Bedford Board of Health Regulations

a. No on site sewage disposal system; therefore, does not apply.

4.4 Town of Bedford Building/Connection Fees

a. Petitioner requested: Waiver of Building Permit, Inspection, Application, Water and Sewer Connection and other applicable local fees associated with the two (2) affordable units.

-Board finds such waiver is reasonable because of the cost associated with the creation of affordable units and approves this request.

5. Traffic Issues

The Board heard public comments and received concerns regarding the increased traffic issues.

The Board finds that the added traffic will not have a significant impact on the traffic on North Road. The Board further finds that line-of-sight at the proposed driveway conforms to town requirements. Said driveway shall only used for residential purposes.

6. Drainage Issues

The neighbors expressed concern about the potential impact of the development on groundwater levels and on abutting properties.

The Petitioner’s engineer has indicated that the proposed drainage system will be installed above the seasonal high groundwater elevation and that the precipitation falling on the site will infiltrate similar to existing conditions. The Town Engineer

has not questioned the design. The Board accepts the proposed drainage system as proposed by the Petitioner.

7. Landscaping Issues

The neighbors expressed concern regarding the buffer between the development and the neighbors' properties.

The Petitioner met with the neighbors and agreed on the placement and types of vegetation to be included in the landscaping for the project, which is included in the Site Plan [12]. The Board accepts the landscape design as proposed by the Petitioner.

8. Lighting

The Planning Director expressed concern regarding the lighting to be used on the premises.

The Petitioner provided the Board, the Planning Director with cut sheets for the outside lighting to be used at the project. The Board accepts the proposed lighting fixtures provided once the fixtures are installed, should any neighbors be adversely affected by the lights, the petitioner shall install directional hoods and/or shield in order to alleviate any adverse impact of the lighting on the abutting properties.

9. Asbestos Removal

The Board of Health raised concerns regarding detection and removal of any asbestos containing materials (ACMs).

The Petitioner has had the building surveyed for asbestos by Environmental Sampling and Testing, Ltd. of Ashburnham, MA. A copy of the Asbestos NESHAPS Survey Report dated December 23, 2003 will be submitted to the building department with the application for building permit.

10. Private Well and Cesspool

The Board of Health raised concerns regarding the private well and cesspool.

Petitioner shall abandon and decommission the private well and cesspool in accordance with all state and local regulations.

11. Buehler Ponds Conservation Area

The Conservation Commission and the Planning Director raised issues associated with the Buehler Ponds Conservation Area.

The Petitioner intends to deed that portion of the land which abuts Buehler Pond to the Town of Bedford to be called the "gifted parcel". The Board gratefully accepts the generous donation of the Petitioner. The Petitioner has agreed to make such donation on or before the completion of the units. Accordingly, this decision shall permit the creation of an additional lot for such purposes. Petitioner shall not be required to request any amendment to this Comprehensive Permit in order to create the lot to be conveyed to the Town.

12. Sidewalk

The Planning Director expressed concern that a sidewalk is necessary in this development.

Board finds that the sidewalk is not required.

13. Walking Trail

The Planning Director and Conservation Commission requested that a trail easement be granted upon the property to connect North Road to the Town's walking trail system.

Board finds that the walking trail may be constructed by the town within the parcel of land gifted to the town by the developer.

PETITION NUMBER: 041-04

THE STEPHEN LANE HOUSE COMPREHENSIVE PERMIT
CHAPTER II. DOCUMENTS

[1] Commonwealth of Massachusetts Department of Housing & Community Development letter of approval, dated June 18, 2003, addressed to Mr. Gerard H. Boucher, Trustee of Fletcher Trust, P. O. 789, Westford, MA and Ms. Catherine Cordes, Chair, Board of Selectmen, Town Hall, 10 Mudge Way, Bedford, MA, RE: Stephen Lane House, 373 North Road, Local Initiative Program, Determination of Site Eligibility and Preliminary Approval Under LIP.

[2] "Supplemental Data Report with Notice of Intent, 373 North Road, Bedford, MA", dated January 14, 2004, prepared by Landtech Consultants, Inc.;

[3] "Site Plan 373 North Road, 'North Road Farm', Bedford, MA", dated January 5, 2004, prepared by Landtech Consultants, Inc.;

[4] Letter to Zoning Board of Appeals from Landtech Consultants, Inc., dated March 22, 2004;

[5] "Revised Drainage Calculations, 'The Stephen Lane House', 373 North Road, Bedford, MA", dated March 22, 2004, prepared by Landtech Consultants, Inc.;

[6] "Site Plan 'The Stephen Lane House' 373 North Road, Bedford, MA", revised through March 22, 2004, prepared by Landtech Consultants, Inc.;

[7] Letter to Zoning Board of Appeals from Landtech Consultants, Inc., dated June 30, 2004;

[8] "Supplemental Data Report with Notice of Intent", 373 North Road, Bedford, MA; dated June 30, 2004, prepared by Landtech Consultants, Inc.;

[9] "Site Plan 'The Stephen Lane House' 373 North Road, Bedford, MA", revised through June 24, 2004, prepared by Landtech Consultants, Inc.;

[10] Letter to Zoning Board of Appeals from Landtech Consultants, Inc., dated August 10, 2004;

[11] "Revised Drainage Calculations, 'The Stephen Lane House' 373 North Road, Bedford, MA", dated August 19, 2004, prepared by Landtech Consultants, Inc.;

[12] "Site Plan 'The Stephen Lane House' 373 North Road, Bedford, MA", revised through August 19, 2004, prepared by Landtech Consultants, Inc.;

[13] Architectural Drawings (5 sheets) prepared by Design Partnership Architects, Inc., dated August 9, 2004;

[14] "Summary of Comments, 'The Stephen Lane House' 373 North Road, Bedford, MA", revised September 14, 2004, prepared by Landtech Consultants, Inc.;

[15] Letter to Bedford Conservation Commission from Landtech Consultants, Inc., dated September 2, 2004, (with attachments);

[16] "Comprehensive Permit / Local Initiative Program, **Waivers Requested** on Petition of Gerard H. Boucher, Trustee of Fletcher Trust, 373 North Road, Bedford, Massachusetts, The Stephen Lane House; (undated)

[17] "Site Plan 'The Stephen Lane House' 373 North Road, Bedford, MA", revised through September 2, 2004, prepared by Landtech Consultants, Inc.;

[18] Application for Comprehensive Permit dated March 24, 2004 submitted by Suzanne M. Poitras for Petitioner, Gerard H. Boucher, Trustee of Fletcher Trust;

[19] Certified abutters list dated January 13, 2004 issued by the Board of Assessors for the Town of Bedford;

- [20] Copy of Application for Determination of Significant Building filed by Petitioner with Town of Bedford Historical Preservation Commission and accompanying correspondence dated September 7, 2004 of Suzanne M. Poitras, Esquire;
- [21] Copies of letter to neighbors dated July 13, 2004 from Suzanne M. Poitras, Esquire regarding neighborhood meeting to review plans and specifications;
- [22] Copies of letter to neighbors dated September 15, 2004 from Suzanne M. Poitras, Esquire enclosing copies of revised site plan, landscape plan and update regarding outstanding issues;
- [23] Elevations of Carport dated September 23, 2004 prepared by Design Partnership Architects, Inc.;
- [24] Copy of specifications on mail box and lighting fixtures submitted by Suzanne Poitras, Esquire;
- [25] Memorandum issued by the Board of Health, David Black, Health Director to ZBA dated April 2, 2004;
- [26] Memorandum issued by Richard Joly, Planning Director to ZBA dated April 13, 2004;
- [27] Letter from Matthew Shuman and Adrienne St. John of the Public Works Department to ZBA dated July 8, 2004;
- [28] Memorandum of Bedford Fire Department, Lt David Grunes to ZBA dated August 12, 2004;
- [29] Letter from Brenda Kelly, Chair of Bedford Conservation Commission to ZBA dated April 13, 2004;
- [30] Memorandum issued by Richard Joly, Planning Director to ZBA dated July 22, 2004;
- [31] Memorandum issued by Richard Joly, Planning Director to ZBA dated September 23, 2004;
- [32] Letter from Elizabeth J. Bagdonas, Conservation Administrator to ZBA dated September 22, 2004;
- [33] Letter of Suzanne M. Poitras, Esquire to ZBA regarding voting members' appearance at the next scheduled hearing;
- [34] Notice of Public Hearing for hearing of April 15, 2004;

- [35] Notice of continuation of Public Hearing for hearing of May 27, 2004;
- [36] Notice of continuation of Public Hearing for hearing of July 8, 2004;
- [37] Notice of continuation of Public Hearing for hearing of August 12 2004;
- [38] Notice of continuation of Public Hearing for hearing of September 23, 2004;
- [39] Town of Bedford Board of Appeals, The Stephen Lane House meeting minutes dated April 15, 2004;
- [40] Town of Bedford Board of Appeals, The Stephen Lane House meeting minutes dated May 27, 2004;
- [41] Town of Bedford Board of Appeals, The Stephen Lane House meeting minutes dated July 8, 2004;
- [42] Town of Bedford Board of Appeals, The Stephen Lane House meeting minutes dated August 12, 2004;
- [43] Town of Bedford Board of Appeals, The Stephen Lane House meeting minutes dated September 23, 2004; and
- [44] Letter from S. Poitras defining the "gifted parcel" dated November 3, 2004.

PETITION NUMBER: 041-04

THE STEPHEN LANE HOUSE COMPREHENSIVE PERMIT
CHAPTER III. GRANT OF COMPREHENSIVE PERMIT
AND CONDITIONS OF APPROVAL

Based upon the findings of the Board, the Board finds that the project is consistent with the local needs of the Town of Bedford and therefore grants to the Petitioner a Comprehensive Permit to construct eight (8) housing units in accordance with M. G. L. ch. 40B and its implementing regulations 760 CMR ch. 30 – 31, as well as the Comprehensive Permit Rules of the Zoning Board of Appeals of the Town of Bedford, subject to the Conditions and Limitations set forth in this Decision.

A. General Conditions

The Comprehensive Permit is granted based on the latest issue of an Application and Site Plan entitled "Site Plan, *The Stephen Lane House*, 373 North Road, Bedford, MA" dated September 23, 2004 drawn by Landtech Consultants, Inc. and building elevations drawn by Design Partnership Architects, Inc., including all revisions

through October 26, 2004 and hereinafter referred to as The Site Plan and as modified by this Decision, signed and sealed, dated September 23, 2004.

1. The Comprehensive Permit incorporates in Section 4 requested exceptions from zoning by-laws and subdivision control regulations. In granting or denying these exceptions, the Board recognizes that the legal requirements for issuing a Comprehensive Permit have been met, and that the granting of exceptions from local zoning by-laws, subdivision rules and regulations and general by-laws may be necessary in the public interest, for the overriding need to provide affordable housing.
2. The Comprehensive Permit is subject to the Town of Bedford receiving a recorded copy of all easements, restrictions and other legal documents.
3. The project shall consist of eight (8) housing units on 3.113 AC lot (less that area which Petitioner intends to deed to the Town) as shown on the set of drawings entitled "Site Plan, *The Stephen Lane House*, 373 North Road, Bedford, MA" dated September 23, 2004 drawn by Landtech Consultants, Inc. and building elevations drawn by Design Partnership Architects, Inc., including all revisions through October 26, 2004 and hereinafter referred to as The Site Plan and as modified by this Decision.
4. The development shall consist of eight (8) residential condominium units, one having four (4) bedrooms, two having three (3) bedrooms and five (5) having two bedrooms. The units shall be home ownership units.
5. Two (2) of the units (one three bedroom and one two bedroom) shall be designated as "affordable" (as defined by The Department of Housing and Community Development) which designation shall be in perpetuity. The purchasers for the affordable units shall be selected by a lottery process in accordance with DHCD guidelines. The deed to such purchasers shall contain a rider regarding the affordability in a form acceptable to the Town of Bedford and DHCD.
6. The unit owners of the condominium shall be responsible for all maintenance of The Stephen Lane House, including but not limited to all structures, drainage structures, driveways, parking areas and landscaping.
7. Except as modified by this Decision, The Stephen Lane House development shall be built according to 780 CMR, the Massachusetts State Building Code, (Edition in full force and effect as of the date of this Decision), the Town of Bedford Zoning By-Laws, Rules and Regulations Governing the Subdivision of Land, and according to local Wetlands By-Laws, except as specifically allowed by the Bedford Conservation Commission.

B. Exceptions from Local Regulation

1. Zoning Exceptions

The Board waives the following Zoning By-Law provisions as set forth below:

The petitioner proposes to build eight housing units on 3.113, which the Board finds acceptable.

Waiver from Section 3.1 Use Regulations; General Provisions: "No land shall be used or building or other structures erected or modified in any district for any use not set forth and denoted in either with the word "yes" or by the letters "SP" . . ." to allow the multi-family residential use in the Residence A (RA) District pursuant to The Site Plan, as hereinabove defined.

Waiver from Table I: Use Regulations: to allow the multi-family residential use in the Residence A (RA) District pursuant to The Site Plan, as hereinabove defined.

Waiver from Section 4.2.2.1 Conversion: "A single family dwelling in existence on March 1, 1945 may be converted to accommodate no more than two families. . . ." to allow an existing single family residence to be converted to accommodate 3 families pursuant to The Site Plan, as hereinabove defined.

Waiver from Section 6 Dimensional Regulations, Dimensions: "Minimum lot area, frontage, lot width, setback, yard and corner clearance requirements and maximum lot coverage, minimum lot landscaped and heights, and Floor Area Ratio (FAR) shall be as prescribed in Table II Dimensions Regulations" to reduce the side yard setback from the required 15 feet to 13 feet for the principal use and from 10 feet to 7 feet for the accessory use (car port) pursuant to The Site Plan, as hereinabove defined.

Waiver from Table II: Dimensional Regulations: to reduce the side yard setback from the required 15 feet to 13 feet for the principal use and from 10 feet to 7 feet for the accessory use (car port) pursuant to The Site Plan, as hereinabove defined.

Waiver from Section 7.4.1.1 Parking Regulations, Required Spaces, Dwelling including multiunit structure: "Two parking spaces for each dwelling unit" to allow a total of 18 parking spaces which equals 2.25 per unit pursuant to The Site Plan, as hereinabove defined.

Waiver from Section 7.4.2 Parking Dimensional Regulations and Table III: Parking Stall Dimensions and Figure 4: "Off street parking facilities shall be laid out or striped in compliance with the minimum provisions of Table III and Figure 4" to reduce the maneuvering isle to be reduced from 24 feet to 18 feet pursuant to The Site Plan, as hereinabove defined.

Waiver from Section 7.5.1 Site Plan Approval, Standards for Requirement of Site Plan Approval: "In all instances specified in Table 1: Use Regulation, indicating that site plan approval is required, no building permit shall be issued . . . except in conformity with a site plan bearing an endorsement of approval by the Inspector of Buildings after review thereof by the Planning Board." to allow the Applicant to obtain building permits without Site Plan Review pursuant to The Site Plan, as hereinabove defined.

Waiver from Section 12.2 Building Permit Limitations: to the extent applicable, to allow building permits to be issued without restriction pursuant to The Site Plan, as hereinabove defined.

2. Wetland Protection Bylaw

Waiver from Section 2.2.1.1.d. to allow an outfall pipe within 50 feet of a resource area, 25 feet is proposed pursuant to The Site Plan, as hereinabove defined.

Waiver from Section 2.2.2.1.a. to allow more than 25 percent impervious area within the 100-foot buffer zone, 27.2 percent is proposed, pursuant to The Site Plan, as hereinabove defined.

Waiver from Section 2.2.2.2 to allow alteration in the required 25-foot undisturbed buffer area pursuant to The Site Plan, as hereinabove defined.

Waiver from Section 2.2.2.2 to allow new building construction within the 50-foot no-build buffer pursuant to The Site Plan, as hereinabove defined.

3. Exceptions from Local Fee Schedules

Building Permit Fee, Sewer Connection Fee, Electrical and Plumbing Permit Fees shall be waived for the two affordable units.

C. Site Design

1. The site layout shall substantially conform to The Site Plans noted in Paragraph A. 1 and as modified by this Decision.

2. Gifted Parcel: The town accepts the petitioner's offer to give to the town of Bedford a parcel of land at the eastern end of the property as defined in the S. Poitras letter of 11/3/03 [44]. Walking trails may be constructed by the town within this parcel.

D. Drainage and Storm Water Management

1. The Petitioner shall design and install the proposed infiltrators so as to provide a minimum two feet separation between the bottom of the structure and the estimated seasonal high groundwater level and shall maintain said infiltrators in good working order. Final design of the drainage system shall be approved by the Town Engineer.
2. On-site snow storage areas as shown the Site Plan shall be located so as not to create run-off onto abutting properties or public ways. Snow removal operations shall be conducted in such a manner so as not to cause snow to be deposited on any public ways or abutting properties.

E. Building Design and Final Plan Review

1. The buildings will be situated on the lot in substantial compliance with the submitted plans, maintaining front, side and rear setbacks as shown on The Site Plan.
2. The renovated homestead shall contain three units, the new barn structure shall contain three units and the other new building shall contain two units. Construction shall be substantially in accordance with the submitted floor plans.
3. Roof penetrations shall be placed at the rear of the buildings so that they are not visible from North Road.
4. The building height of the two new buildings shall conform to the requirements of the Zoning By-Law.
5. The dumpster will be of a type that contains a rubber lid to limit noise during use.
6. The dumpster and recycling area shall be enclosed as shown on The Site Plan.
7. Prior to issuance of a building permit, the Petitioner shall submit a detailed set of building plans acceptable to the Town of Bedford Building Inspector. Said definitive plans shall be in substantial compliance with all conditions of this decision.
8. Changes in the plans following the issuance of this Decision shall be submitted to the Town of Bedford Building Inspector, who may approve minor changes. If the Building Inspector, in his opinion, determines that the proposed change is a major change, the Petitioner shall appear before the Board and present the change for review and approval.

9. Any substantial changes or modifications to this Comprehensive permit shall only be made by the Board upon written request and upon holding a public hearing in accordance with the Comprehensive Permit rules of the Town of Bedford.

F. Parking, Tree Preservation, Landscaping and Buffers

1. Parking shall be located as shown on the submitted plans. A total of four (4) spaces shall be contained in the car port, which shall be constructed substantially in accordance with the elevations submitted.

2. A landscape buffer shall be installed and maintained between the properties to the north of the new buildings and carport, as shown on the Site Plan.

3. Additional landscaping shall be provided in substantial compliance with the landscape details shown on The Site Plan submitted.

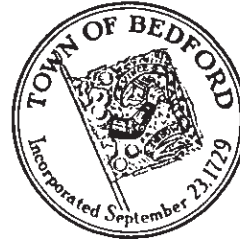
G. Dwelling Unit Fire Protection

1. A fire protection sprinkler system shall be installed in the building in accordance with the State Building Code. The Bedford Fire Department will review and approve the proposed design.

2. Additional fire hydrant to be installed as shown on The Site Plan.

3. Site layout must accommodate the turning movement requirements of the fire and rescue apparatus.

THE BOARD OF APPEALS



TOWN HALL
10 MUDGE WAY
BEDFORD, MASSACHUSETTS 01730

DATE DECISION FILED: December 3, 2004 **PETITION NUMBER:** 041-04

Notice is hereby given that the Zoning Board of Appeals **GRANTED** a Comprehensive Permit for 8 housing units at 373 North Road under the Local Initiative Program (LIP) of M.G.L. ch. 40B and the Comprehensive Permit Rules of the Zoning Board of Appeals of the Town of Bedford subject to the Conditions of approval set forth in Chapter III of the Decision.

PETITIONER: Suzanne M. Poitras, Attorney for Gerard H. Boucher, Trustee of Fletcher Trust.

PROPERTY: 373 North Road

The hearings were held on:

April 15, 2004;
May 27, 2004;
July 8, 2004;
August 12, 2004;
September 23, 2004;
October 26, 2004; and voted on
December 2, 2004.

Harold Ward, Clerk
Harold Ward, Clerk

An appeal from the decision of the Zoning Board of Appeals may be made by any person aggrieved by the decision of the Board pursuant to M.G.L. c. 40A, Section 17, as amended, within twenty (20) days after the date of the filing of the decision in the Office of the Town Clerk.

James C. Brown
Attest. Middlesex S. Register