



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019

RCV JUN 6 '22 PM12:38
BELLINGHAM TOWN CLERK

TOWN OF BELLINGHAM BOARD OF APPEALS NOTICE OF DECISION

Location of Property:
10 Pearl Street
Bellingham, MA 02019

Assessor's Reference:
Assessor's Map: 04
Lot: 0058

Name and Address of Applicant:
Edward and Suzanne Domestico
10 Pearl Street
Bellingham, MA 02019

Name and Address of Owner:
Edward and Suzanne Domestico
10 Pearl Street
Bellingham, MA 02019

DECISION of the Zoning Board of Appeals (the "Board") acting under the Bellingham Zoning Bylaws and the Massachusetts General Law c. 40A, on the application of Edward and Suzanne Domestico (the "Applicant") for a Variance, Section 240-12, from Intensity of Use Schedule, to allow for a buildable lot with 60 feet of linear frontage where 150 feet is required. The application also request a Variance, Section 240-12, from strict compliance with Lot Shape Factor, Section 240-39 at 10 Pearl Street, Bellingham, Massachusetts and identified as Assessor's Map 04-0058, zoned Residential (the "Property").

This Decision is in response to an Application filed on May 12, 2022. After causing notice of the time and place of the public hearing and of the subject matter thereof to be published in the Milford Daily News on May 19, 2022 and May 26, 2022, posted and mailed to abutters and other parties of interest as required by law. The public hearing was conducted on June 2, 2022. The record of the proceedings and submissions upon which this Decision is based may be referred to in the office of the Town Clerk or the Board office.

Members present and voting at the hearing were Peter Gabrielle, Vice Chairman, Brian Salisbury, Arturo Paturzo, and Jason Berthelette. The Chairman Brian Wright recused himself from the application.

The Board, after considering the materials submitted with the application, together with the information developed at the hearing, finds that:

1. The Applicant seeks a **VARIANCE** to allow for a buildable lot with 60 feet of linear frontage where 150 feet is required and strict compliance with Lot Shape Factor at 10 Pearl Street.
2. The proposed activity which is the subject of this application is to provide relief from strict compliance of the Bylaws in order to subdivide the lot in to two buildable lots.
3. A literal enforcement of the provisions of this bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant, as the parcel has sufficient lot area and frontage for a



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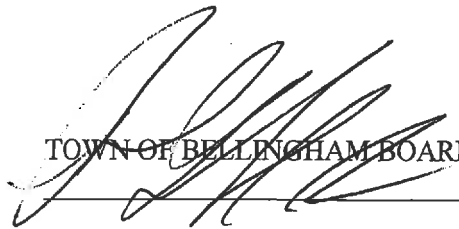
duplex to be constructed at this time. However, the Bylaws would not allow for two single family homes. The existing home is a well preserved home with significant neighborhood character. Providing relief would limit both the financial hardship and limit the degradation of the neighborhood by preserving the existing home.

4. The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located. As the existing lot has sufficient lot area for two units. The granting of two single family lots would be in kind and character with the existing neighborhood.
5. Desirable relief may be granted without either: (a) Substantial detriment to the public good; or (b) Nullifying or substantially derogating from the intent or purpose of this bylaw. The property as it is proposed will be consistent with the neighborhood character along Pearl Street and development standards otherwise applicable.

Therefore, the Board, after reviewing the available materials and based upon the above findings, voted unanimously to **GRANT** the **VARIANCE** subject, to the following **conditions**:

1. The proposed activity shall be conducted substantially in accordance with the Application submitted and materials contained in the file.
2. That each lot shall have access off of Pearl Street through separate and distinct driveways for each lot. There shall be no sharing of driveways.
3. Any person aggrieved by the Decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within twenty (20) days after this Decision is filed with the Bellingham Town Clerk.
4. No Variance, or modification or extension thereof, shall take effect until a copy of this Decision has been recorded in Norfolk Registry of Deeds. Such Decision shall bear 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 has been filed, or that if such appeals has been filed, it has been dismissed or denied.
5. The Decision rendered herein is concerned only with the Zoning Bylaw and not with the Building Code or any other Town Bylaw. The Applicant is responsible for determining and complying with Town, State, and Federal regulations in using the authorization granted.

Case #:
Filing Date:


TOWN OF BELLINGHAM BOARD OF APPEALS
_____, Chair