

File #
Date Submitted:
October 12, 2022



BELLINGHAM ZONING BOARD OF APPEALS

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 657-2892
ZoningBoard@bellinghamma.org

TOWN OF BELLINGHAM BOARD OF APPEALS NOTICE OF DECISION

Location of Property:
180 Patricia Drive
Bellingham, MA 02019

Assessor's Reference:
Assessor's Map: 29
Lot: 209

RCV DEC 12 '22 AMB:47:1
BELLINGHAM TOWN CLERK

Name and Address of Applicant:
Tara Darmiano
180 Patricia Drive
Bellingham, MA 02019

Name and Address of Owner:
Tara Darmiano
180 Patricia Drive
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 Tara Darmiano (the "Applicant") for a Variance, Section 240-12, from Intensity of Use Schedule, Section 240-40, to allow for the construction and siting of a shed no greater than 10 foot by 18 foot within the rear yard setback. The placement of the 10-foot by 18 foot shed requires relief of 16 feet. The proposed setback is 4-foot rear yard setback. The required setback is 20 feet at 180 Patricia Drive, Bellingham, Massachusetts and identified as Assessor's Map 29-209, zoned Residential (the "Property").

This Decision is in response to an Application filed on October 11, 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 October 20, 2022, and October 27, 2022, posted and mailed to abutters and other parties of interest as required by law. The public hearing was conducted on November 3, 2022, and continued to December 1, when the public hearing was closed. 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 Brian Wright, Chairman, Peter Gabrielle, Vice Chairman, Brian Salisbury, Arturo Paturzo, and Rayan Shamas.

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 the construction and siting of a shed no greater than 10 foot by 18 foot within the rear yard setback. The placement of the 10-foot by 18 foot shed requires relief of 16 feet at 180 Patricia Drive
2. 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 would require significant alterations due to its existing topography to site the shed within the allowed setbacks.
3. 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 steep topography challenges to the rear of the site.
4. 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 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. To allow for the construction and siting of a shed no greater than 10 foot by 18 foot within the rear yard setback. The placement of the 10-foot by 18 foot shed requires relief of 16 feet. The proposed setback of no less than 4 feet within the rear yard setback is granted at 180 Patricia Drive.
3. All privacy screening along the rear and side lot lines shall be maintained as possible. If in the event privacy screening is removed along the rear and side property lines, the owner of 180 Patricia Drive shall install no less than a 7-foot privacy fence or vegetation to screen the shed.
4. The shed shall be for storage purposes only.
5. 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.
6. 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 have been filed, it has been dismissed or denied.
7. 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:

December 13, 2022

TOWN OF BELLINGHAM BOARD OF APPEALS

Brian Wright, Chair