



BELLINGHAM ZONING BOARD

Case #: FY2023-2
Filing Date: March 6, 2023

TOWN OF BELLINGHAM BOARD OF APPEALS NOTICE OF DECISION

Location of Property:
9 Fairway Drive
Bellingham, MA 02019

Assessor's Reference:
Assessor's Map: 99
Lot: 13

Name and Address of Applicant:
Nicholas Leighton
9 Fairway Drive
Bellingham, MA 02019

Name and Address of Owner:
Nicholas Leighton
9 Fairway Drive
Bellingham, MA 02019

DECISION of the Zoning Board of Appeals (the "Board") on the application Nicholas Leighton, (the "Applicant") for a Special Permit under Section 240-74 of the Zoning Bylaw, to create a family apartment within the existing structure at 9 Fairway Drive, Bellingham, Massachusetts and identified as Assessor Map 99 Lot 13, Zoning District Suburban (the "Property").

This Decision is in response to an application filed on February 1, 2023. 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 February 16, 2023 and February 23, 2023, posted and mailed to abutters and other parties of interest as required by law, the public hearing was conducted on March 2, 2023. 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, Brian Salisbury, Peter Gabrielle, 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 **SPECIAL PERMIT** under Section 240-74 of the Zoning Bylaw to establish a family apartment with in the existing structure's basement.
2. The proposed activity which is the subject of this application is described in the Application provided.
3. The use is in harmony with the general purpose and intent of the bylaw.
4. There is currently a single-family dwelling on the property, and it has been in existence under legal occupancy permit for over two years.
5. The floor area meets the requirements of section 240-40 with no variance needed.
6. The Applicant confirmed the property is connected has adequate septic capacity, however Board of Health shall confirm adequacy prior to occupancy of the family apartment proposed.
7. Parking requirements can be met as required in Article X of this chapter for a two-family dwelling.
8. The principal unit will remain owner occupied by the owner Nicholas Leighton.
9. The remaining unit will be occupied by the owner's mother Kathie Leighton.



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10. The proposed family apartment will not have a negative impact on the neighborhood.
11. The proposed family apartment will serve the purpose of assisting the family with a financial hardship.
12. The building design will be kept within the character of the neighborhood.

Therefore, the Board, after reviewing the available materials and based upon the above findings, voted unanimously to **GRANT** the **SPECIAL PERMIT** 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. All vehicles associated with the family apartment shall be properly parked off-street within the paved surface on the property.
3. The special permit and a certificate of occupancy for a family apartment shall be issued for a period no greater than five years from the date of issuance and the special permit must be filed at the Norfolk Registry of Deeds prior to the issuance of a building permit.
4. A special permit for a family apartment may be extended for additional five-year periods upon application to the Zoning Board of Appeals at least 60 days prior to the expiration of the special permit. An extension shall be given only after inspection and a written report by the Town Inspector that the conditions of this underlying approval have not materially changed since the initial application and the Zoning Board's determination that the applicant is in full compliance with section 240-74 of the Zoning Bylaw. Any extension given must be filed at the Norfolk Registry of Deeds within 30 days of issuance. Failure to file within the time period given shall nullify the permit given.
5. Sale of the lot or dwelling that is the subject of the special permit shall nullify the permit on the date of sale unless the applicant and new owner obtain a prior amendment of this permit, in full conformance with Section 240-74.
6. Permanent removal from the premises of the individual or individuals for whom the permit has been obtained as stated in the above findings shall nullify the permit on the date of such removal.
7. No Special Permit, 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 appeal has been filed, it has been dismissed or denied.
8. 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.
9. 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.

TOWN OF BELLINGHAM BOARD OF APPEALS

, Chairman