



BELLINGHAM ZONING BOARD

Date Submitted: July 10, 2023

TOWN OF BELLINGHAM BOARD OF APPEALS NOTICE OF DECISION

Location of Property:
10 Paine Street
Bellingham, MA 02019

Assessor's Reference:
Assessor's Map: 94
Lot: 194

Name and Address of Applicant:
Derrick J. Scott
10 Paine Street
Bellingham, MA 02019

Name and Address of Owner:
Derrick J. Scott
10 Paine 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 Derrick J. Scott (the "Applicant") for a Variance, Section 240-40, from Intensity of Use Schedule, to allow for a further reduction in lot area for a preexisting nonconforming lot that has 10,555.44 square feet of lot area where 40,000 square feet is required is required at 10 Paine Street, Bellingham, Massachusetts and identified as Assessor's Map 94-194, zoned Residential (the "Property").

This Decision is in response to an application filed on June 20, 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 June 22, 2023 and June 29, 2023, posted and mailed to abutters and other parties of interest as required by law. The public hearing was conducted on July 6, 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 Peter Gabrielle, Brian Salisbury, Arturo Paturzo, Brian Wright, and Elizabeth Berthelette.

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 further reduction in lot area for a preexisting nonconforming lot that has 10,555.44 square feet of lot area where 40,000 square feet is required is required at 10 Paine Street.
2. A literal enforcement of the provisions of this bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant, as providing relief would limit both the financial hardship and limit the degradation of the neighborhood by providing an abutting property to become more in to compliance.
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



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zoning district in which it is located as the reduction would be in kind and character with the existing neighborhood.

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 along Paine 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 and plan submitted and materials contained in the file.
2. That the reduction in lot area will be from 10,555.44 square feet to 8,905.65 square feet in accordance with the plan entitled, Plan of Lot 10 & 20 Paine Street, Bellingham, MA, by O'Brien Land Surveying, last revised June 10, 2022.
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 have 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.