



BELLINGHAM ZONING BOARD

Filing Date: December 5, 2024

TOWN OF BELLINGHAM BOARD OF APPEALS NOTICE OF DECISION

Location of Property:
12 Harper Boulevard
Bellingham, MA 02019

Assessor's Reference:
Assessor's Map: 55
Lot: 25

RCV DEC 6 '24 AM9:51:46
BELLINGHAM TOWN CLERK

Name and Address of Applicant:
Mark Miller
12 Harper Boulevard
Bellingham, MA 02019

Name and Address of Owner:
Mark Miller
12 Harper Boulevard
Bellingham, MA 02019

DECISION of the Zoning Board of Appeals (the "Board") on the application Mark Miller, (the "Applicant") for a Special Permit under Section 240-74 of the Zoning Bylaw, to create a family apartment within the existing structure at 12 Harper Boulevard, Bellingham, Massachusetts and identified as Assessor Map 55 Lot 25, in the Residential Zoning District (the "Property").

This Decision is in response to an application filed on October 29, 2024. 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 November 21, 2024 and November 27, 2024, posted and mailed to abutters and other parties of interest as required by law, the public hearing was conducted on December 5, 2024. 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 Elizabeth Berthelette, Rayan Shamas, Brian Salisbury, and James Dixon.

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 within 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 and has adequate septic capacity for the existing number of bedrooms, however the applicant will be coordinating the legal procedures for compliance with the Title V regulations with the Board of Health and Building Department.
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 Mark Miller.



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9. The remaining unit will be occupied by the owner's mother-in-law, Nadi Dos Santos Pereira.
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. Prior to occupancy, the applicant shall coordinate with the Board of Health and Building Department to confirm the existing septic system has adequate capacity for the proposed family apartment.
5. 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.
6. 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.
7. 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.
8. 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 appeals has been filed, it has been dismissed or denied.
9. 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.
10. 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.



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Elizabeth Berthelotte, Chairman