



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019

**TOWN OF BELLINGHAM
BOARD OF APPEALS
NOTICE OF DECISION**

RCV JUN 10 '25 AM9:47:24
BELLINGHAM TOWN CLERK

Location of Property:
79 Annmarie Drive
Bellingham, MA 02019

Assessor's Reference:
Assessor's Map: 34
Lot: 88

Name and Address of Applicant:
Michael & Anna Rogers
79 Annmarie Drive
Bellingham, MA 02019

Name and Address of Owner:
Michael & Anna Rogers
79 Annmarie 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 Michael & Anna Rogers (the "Applicant") for a Side Setback Variance, Section 240-34, to allow for a side yard setback reduction from the required eight (8) feet to three (3) feet located at 79 Annmarie Drive, Bellingham, Massachusetts and identified as Assessor's Map 34-88, zoned Residential (the "Property").

This Decision is in response to an Application filed on May 14, 2025. 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 22, 2025 and May 29, 2025, posted and mailed to abutters and other parties of interest as required by law. The public hearing was conducted on June 5, 2025 and closed on the same evening. 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, Chair, Rayan Shamas, Vice Chair, Peter Gabrielle, Elizabeth Berthelette, 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 **VARIANCE** to allow for a side yard setback reduction from the required eight (8) feet to three (3) feet located at 79 Annmarie Drive.
2. The applicant proposes a 24' x 28' garage addition to the existing residential dwelling.
3. A literal enforcement of the provisions of this bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.
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. This was documented through a certified plot plan showing the limits of proposed construction associated with the existing non-conforming lot.

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 applicant provided a letter of support signed by adjacent neighbors, including the neighbor most affected by the proposed reduced side yard setback. Additionally, a preliminary architectural sketch was included in the application showing that the proposed garage addition will closely resemble the architectural and intensity elements of the existing structure.

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. The proposed garage addition shall not be constructed any closer than 3 feet of the property line. A Massachusetts licensed Professional Land Surveyor shall survey and stake the property line and limits of the proposed garage prior to construction.
3. The applicant shall obtain all applicable local and state approvals associated with the construction of the proposed garage, including but not limited to, a building permit through the Building Department.
4. 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.
5. 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.
6. 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

Brian Wright, Chair