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June 20, 2023

HAND DELIVERED

Ms. Amy Sutherland
Assistant Town Planner & Zoning Compliance Officer
Town of Bellingham
10 Mechanic Street
Bellingham, MA 02019

RE: 10 Paine Street – Variance Petition

Dear Ms. Sutherland:

Enclosed for filing please find the following:

1. Two (2) Original set of a Variance Application with attachments and exhibits;
2. Seven (7) copies of the Variance Application with attachments and exhibits;
3. Certified Abutters List with labels;
4. Filing Fee Check in the amount of \$150.00

Kindly let me know if you require any additional documentation and or information.

I understand a hearing regarding this submission has been scheduled for July 6, 2023.
Thank you for your attention to this matter.

TPN/nc

cc: Vinicius Paz
Derrick J. Scott

Very Truly Yours,

Thomas P. Nealon, Esq.

Respond to: Hopkinton

RCV JUN 20 '23 PM 1:07:00
BELLINGHAM TOWN CLERK



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 657-2893 ZoningBoard@bellinghamma.org

SPECIFY TYPE OF APPLICATION

(circle)

Appeal

Special Permit

Variance

APPEAL OF BUILDING INSPECTORS DECISION:

Please attach a copy of the Building Inspector's letter/decision.

SPECIAL PERMIT: (check all that apply)

- ☐ Principal Use ☐ Non-Conforming Situation ☐ Flood Plain
- ☐ Accessory Use ☐ Home Occupation ☐ Comprehensive Permit
- ☐ Multi-Family Housing ☐ Earth Removal ☐ Family Apartment ☐ Other

VARIANCE: (check all that apply)

- ☐ Rear Yard Setback ☒ Area ☐ Lot Width
- ☐ Side Yard Setback ☐ Lot Frontage ☐ Percent Area Building
- ☐ Front Yard Setback

Petitioner:(type/print) Derrick J. Scott

Signature *Derrick J. Scott*

Email derrickscst@gmail.com

Address 10 Paine Street, Bellingham, MA 02019 Phone (508) 735-7309

Property Owner: Derrick J. Scott

Signature *Derrick J. Scott*

Email derrickscst@gmail.com

Address 10 Paine Street, Bellingham, MA 02019 Phone (508) 735-7309

Address of Subject Premises 10 Paine Street, Bellingham, MA 02019

If no address, description of property



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Dimensions of Lot:

Frontage: 54.03 Depth: Variable 100'-147
Area: 10,555.44 Lot Width: Variable 54.03 - 125.65

Zoning District(s) subject premises located: Residential

Assessor's Map: 94 Lot: 194

Describe proposed activity:

Residential - single family home

Are there any buildings on the premises (if so, please describe them including their dimension)?

Single family house approximately 30'x25'

Describe the subject premises (terrain, septic system, description of area, etc.)

"Porkchop" lot connected to Town water and sewer located in a residential zone with mixed use.

How long have you owned the subject premises? 38

What is the present use of the subject premises?

Applicant/Owner's primary residence

State grounds for the Special Permit/Variance or Appeal: (please be specific)

SEE ATTACHED

I attest that I, to the best of my knowledge have paid any and all real estate taxes, excise taxes, license and/or permit fees.

Owner: Derrick J. Scott

Signature *Derrick J. Scott* Date 6/15/2023

Applicant: Derrick J. Scott

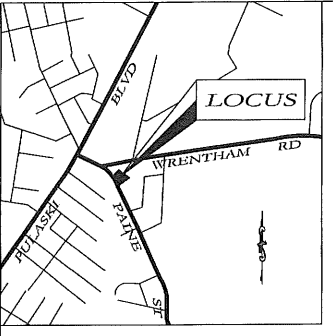
Signature *Derrick J. Scott* Date 6/15/2023

Effective 8/2017

Please note: This application cannot be processed unless initialed by the Town Collector.
Town Collector: _____ **Date:** _____

Viniscus Paz, an abutting neighbor at 20 Paine Street is seeking to add some square footage to his property to provide a backyard area and some privacy. He has requested to buy a portion of the Owner/Applicants property and transfer a small portion of his property to the Owner/Applicant. The Owner/Applicant's property consists of a single-family residence on a grandfathered lot. Mr. Paz's property also consists of a single-family residence on a grandfathered lot. A 1929 Plan showing the Relocation and Widening of Paine Street shows these lots with buildings, (see Exhibit A attached). Title searches for each property show these properties have not been held in common ownership dating back to 1923. An "ANR" Plan, (see Exhibit B attached) was submitted to the Planning Board by Mr. Scott and Mr. Paz as owners and applicants. At the June 8, 2023 meeting the Planning Board directed Mr. Scott and Mr. Paz to first petition the Zoning Board of Appeals for a variance before seeking approval of their ANR Plan. Therefore, the purpose of this petition is to request a variance to reduce the existing area square footage at 10 Paine Street by 1,649.74 square feet and increase the existing square footage at 20 Paine Street by 1,649.74 square feet. The grounds for the variance request are these lots are unusually shaped and are substantially smaller than the 40,000 square foot requirement for this Residential Zoned area. The Owner/Applicant would not be able to sell the parcel to his neighbor without the variance. This transfer between neighbors as the desired relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of the by-law.

EXHIBIT B



NOTES

1. THE PURPOSE OF THIS PLAN IS TO COMBINE PARCEL "A" WITH LOT 1 AND PARCEL "B" WITH LOT 2.

LOT 1 10,555.44 SF
PARCEL "B" - 1,753.47 SF
PARCEL "A" + 103.68 SF
TOTAL 8,905.65 SF

LOT 2 4,539.12 SF
PARCEL "A" - 103.68 SF
PARCEL "B" + 1,753.47 SF
TOTAL 5,188.91 SF

LEGEND

- PROPERTY LINE
PROPOSED PROPERTY LINE
ABUTTERS LINE
EDGE OF PAVEMENT
O.H.W.
UTILITY POLE
IRON ROD
IRON PIPE

RESERVED FOR REGISTRY USE

APPROVAL UNDER SUBDIVISION CONTROL
LAW NOT REQUIRED
TOWN OF BELLINGHAM PLANNING BOARD

BEING A MAJORITY, DATED

PLANNING BOARD ENDORSEMENT OF THIS PLAN DOES NOT CONSTITUTE COMPLIANCE WITH TOWN ZONING, STATE AREA REQUIREMENTS, BUILDING CODE OR ZONING, SIDELINE SETBACK REQUIREMENTS, AND IS NOT A DETERMINATION AS TO COMPLIANCE WITH ZONING.

THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF 250 CMR 6.00 INCLUDING, BUT NOT LIMITED TO, THE EXISTING BOUNDARY WITH REFERENCE TO AT LEAST TWO PERMANENT BOUNDARY MONUMENTS ON OR OFF THE LAND TO WHICH THE PLAN RELATES. PROVIDING REFERENCE TO PREVIOUS SUBMITTALS OR PLANS IS NOT ADEQUATE TO SHOW A RELATIONSHIP TO THE RELEVANT MONUMENTS.

THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS IN THE COMMONWEALTH OF MASSACHUSETTS AND IN COMPLIANCE WITH THE RULES AND REGULATIONS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS. THIS CERTIFICATION IS INTENDED TO MEET THE REQUIREMENTS OF THE REGISTRY OF DEEDS AND IS NOT A CERTIFICATION OF TITLE OR OWNERSHIP OF THE LAND SHOWN HEREIN, OR AS TO THE EXISTENCE OF UNRECORDED EASEMENTS.

LOCUS MAP
N.T.S.

ZONED -- RESIDENTIAL
MINIMUM AREA = 40,000 SF
MINIMUM FRONTAGE = 150'
FRONT SETBACK = 20'
SIDE SETBACK = 10'
REAR SETBACK = 20'

DEED REFERENCES

- BOOK, 6753 PAGE, 604
BOOK, 35533 PAGE, 154

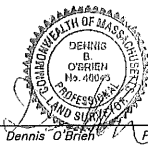
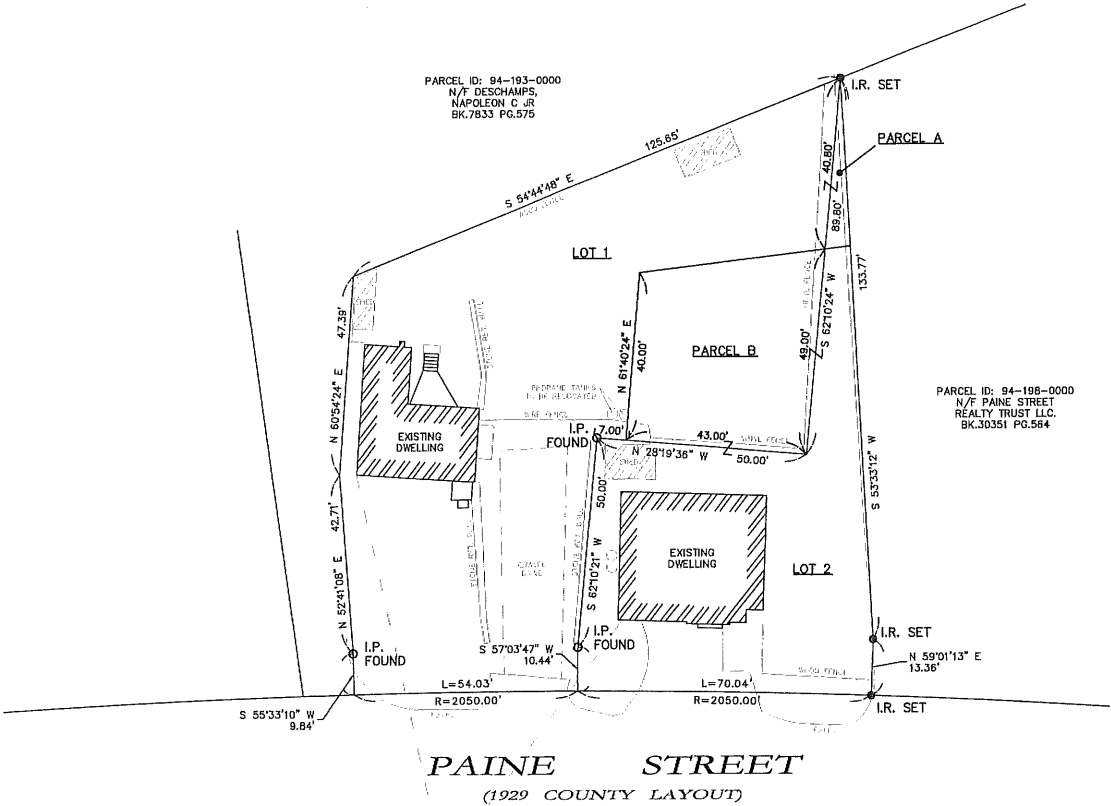
PLAN REFERENCES

1. PLAN 732 OF 1929
2. PLAN 71 OF 2017

RECORD OWNERS

PARCEL ID: 94-194-0000
SCOTT, DERRICK J. & KIMBERLY A.
10 PAINE STREET
BELLINGHAM, MA 02019

PARCEL ID: 94-195-0000
PAZ, VINICIUS FREIRE
20 PAINE STREET
BELLINGHAM, MA 02019



	D. O'BRIEN LAND SURVEYING 181 190 400 WEST CENTRAL ST. TOWN OF BELLINGHAM, MA 02019-501-0018	PLAN OF LAND 10 & 20 PAINE STREET BELLINGHAM, MA NORFOLK COUNTY			
		SCALE: 1"=20'	DATE: 6/1/2022	REVISED: 6/10/2022	DRAWN BY: J.A.A. CHECKED BY: D.O.

AFFIDAVIT OF THOMAS P. NEALON, ESQUIRE

I, Thomas P. Nealon, being duly sworn, depose and say that:

1. I am a resident of and licensed attorney in the Commonwealth of Massachusetts;
2. My principal place of practice is Hopkinton, Massachusetts;
3. As a part of my practice of law, I am experienced in real estate law including, but not limited to, real estate title examinations and certifications to lenders and individuals;
4. In connection with the petition of Derrick J. Scott of 10 Paine Street to the Bellingham Zoning Board of Appeals for a Variance to reduce the area of his preexisting non-conforming lot which if granted will allow him to sell a portion of his lot to his abutting neighbor Vinicius Paz of 20 Paine Street, I conducted a title examination of the subject property at the Norfolk County Registry of Deeds in order to provide a legal opinion and the necessary proof that the subject lot was not held in common ownership with any adjoining lot during its existence as a "pre-existing non-conforming" lot.
5. Subsequent to conducting the title examination of the subject property located at 10 Paine Street, Bellingham, Massachusetts, it is my legal opinion that the lot of land, which is known as 10 Paine Street, has not been held in common ownership with any adjoining lot during its existence as a "pre-existing non-conforming" lot.
6. I base my opinion as expressed in paragraph no. 5 above on the following:
 - (a.) The lot, now known as 10 Paine Street (the "subject property"), was created in its current configuration when a portion of the property under the ownership of Richard Billet and Adeline Billet was conveyed to George E. Raimond and Emile Sheemaker doing business as the Geo. Raimond Co., by a deed dated July 13, 1923, and recorded with the Norfolk County Registry of Deeds in Book 1594, Page 185.
 - (b.) Prior to the enactment of the Bellingham Zoning By-Laws in February 1961, Richard Billet, as the executor of the Estate of Adeline Billet and individually conveyed the subject property to Rodolphe J. Fontaine and Blandine Fontaine by two (2) deeds dated January 24, 1947, and recorded with the Norfolk County Registry of Deeds in Book 2660, Pages 331 and 332 respectively.
 - (c.) From that date of conveyance (January 1947) as noted in (b.) above, there have been six (6) owners of record of the subject property, with the Petitioner, Derrick J. Scott, being the sixth and current owner.
 - (d.) As aforementioned, the adjoining lot, now known as 20 Paine Street, was also owned by Richard Billet and Adeline Billet at the time of its creation in 1923.

That adjoining lot (now 20 Paine Street) was conveyed by Richard Billet and Adeline Billet to George E. Raimond and Emile Sheemaker doing business as the Geo. Raimond Co., by a deed dated July 13, 1923, and recorded with the Norfolk County Registry of Deeds in Book 1594, Page 185.

- (e.) From that date of conveyance (July 13, 1923) as noted in (d) above, there have been eight (8) owners of record of 20 Paine Street, with Vinicius Paz being the eighth and current owners.
- (f.) It should be noted Rodolphe J. Fontaine and Blandine Fontaine were the owner of record for 10 Paine Street from January 24, 1947, until September 27, 1947, and they were the owner of record for 20 Paine Street from April 27, 1973, to April 1, 1976.
- (g.) Based on my title examination of both the subject property and 20 Paine Street Drive, all of the owners of record have been different since July 13, 1923, except as noted in (f) above, which was thirty-eight (38) years before the enactment of the Bellingham Zoning By-Laws.
- (h.) Based on the foregoing, and as noted in No. 5 above, it is my legal opinion that the subject property (10 Paine Street) has not been held in common ownership with any adjoining lot during its existence as a "pre-existing non-conforming" lot.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY this 16th day of
June 2023.



Thomas P. Nealon, Esquire BBO #546761