



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 657-2852 ZoningBoard@bellinghamma.org

Bellingham Zoning Board of Appeals Public Hearing

The Bellingham Zoning Board of Appeals will hold a Public Hearing on April 7, 2022 at 7:00 PM at 10 Mechanic Street, Bellingham, MA 02019.

The Applicant and owner is Edward & Suzanne Domestico, 10 Pearl Street, Bellingham, MA 02019 Assessor's Map 004 Lot 0058. This property is zoned Residential. The applicant seeks a variance from Section 240-38 Backlot Division and also Section 240-39 Lot Shape Factor located at 10 Pearl Street. , Bellingham, MA to split the lots so the petitioner's son can build a house on the newly created backlot (Lot 2).

The application may be viewed at the Town Clerk's Office, 10 Mechanic Street, during regular Town Hall business hours or at online at [www. bellinghamma.org](http://www.bellinghamma.org) on the Zoning Board page. Anyone wishing to be heard shall attend at the time and place above.

Brian Wright
Chairman

Milford Daily News 3/24/22 and 3/31/2022



**Guerriere &
Halnon, Inc.**
ENGINEERING & LAND SURVEYING

www.gandhengineering.com
Est. 1972

Whitinsville Office
1029 Providence Road
Whitinsville, MA 01588-2121
Phone: (508) 234-6834
Fax: (508) 234-6723

Milford Office
333 West Street
P.O. Box 235
Milford, MA 01757-0235
Phone: (508) 473-6630
Fax: (508) 473-8243

Franklin Office
55 West Central Street
Franklin, MA 02038-3807
Phone (508) 528-3221
Fax (508) 528-7921

F-4485

March 16, 2022

Town of Bellingham Zoning Board of Appeals
10 Mechanic Street
Bellingham, MA 02019

Re: Variance Application – 10 Pearl Street

Dear Zoning Board Members:

On behalf of the Applicant, Mr. & Ms. Edward Domestico, Guerriere & Halnon, Inc. (G & H) hereby submits the Request for Variance Application in accordance with the Town of Bellingham Submittal Requirements. We have provided the following supporting documentation for your review and approval.

As part of the submittal G & H has included the following:

- (2) signed originals of the Application for Variance;
- Project Narrative;
- (9) copies of the Variance Plot Plan;
- (1) Certified Abutters List with (2) sets of labels;
- Application Filing Fee \$150.00

RCV MAR 17 '22 7:08:58:17
BELLINGHAM TOWN CLERK

We trust this meets with your requirements. Please contact us at our Franklin office at (508) 528-3221 if you have any questions or require additional information.

Sincerely,
Guerriere & Halnon, Inc.

Amanda Cavaliere

Amanda Cavaliere
Franklin Office Manager
Enclosures



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
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(508) 657-2893 ZoningBoard@bellinghamma.org

SPECIFY TYPE OF APPLICATION

(circle)

Appeal

Special Permit

X Variance

APPEAL OF BUILDING INSPECTORS DECISION:

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

SPECIAL PERMIT: (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Principal Use | <input type="checkbox"/> Non-Conforming Situation | <input type="checkbox"/> Flood Plain |
| <input type="checkbox"/> Accessory Use | <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Comprehensive Permit |
| <input type="checkbox"/> Multi-Family Housing | <input type="checkbox"/> Earth Removal | <input type="checkbox"/> Family Apartment <input type="checkbox"/> Other |

VARIANCE: (check all that apply)

- | | | |
|---|---------------------------------------|--|
| <input type="checkbox"/> Rear Yard Setback | <input type="checkbox"/> Area | <input type="checkbox"/> Lot Width |
| <input type="checkbox"/> Side Yard Setback | <input type="checkbox"/> Lot Frontage | <input type="checkbox"/> Percent Area Building |
| <input type="checkbox"/> Front Yard Setback | Variance from 240-38 and 240-39 | |

Petitioner:(type/print) Edward Domestico & Suzanne Domestico

Signature _____

Email benhartdowling@gmail.com edwarddomestico@gmail.com

Address 10 Pearl Street, Bellingham Phone (508) 962-1630

Property Owner: Edward Domestico & Suzanne Domestico

Signature _____

Email benhartdowling@gmail.com edwarddomestico@gmail.com

Address 10 Pearl Street, Bellingham Phone (508) 962-1630

Address of Subject Premises 10 Pearl Street, Bellingham

If no address, description of
property _____



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Dimensions of Lot:

Frontage: 210.03' Depth:
Area: 44,081sf Lot Width:

Zoning District(s) subject premises located: Residential

Assessor's Map: 004 **Lot:** 0058

Describe proposed activity:

See Attached

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

See Attached

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

See Attached

How long have you owned the subject premises? Since 1977

What is the present use of the subject premises? Single Family Home

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:

Signature Edward + Suzanne Domestico Date 3/14/2022

Applicant:

Signature Edward + Suzanne Domestico Date 3/14/2022

Effective 8/2017

Please note: This application cannot be processed unless initialed by the Town Collector:

Town Collector: Date:

Describe Proposed Activity

The proposed activity is to split the existing lot into two lots as depicted in the attached plan. The petitioner seeks to split the lots so that petitioner's son can build a house on the newly created backlot (Lot 2).

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

There is currently a single-family home located on the lot. Its dimensions are depicted on the attached plan. The existing building has irregular dimensions but has a gross building area of 2,880 feet according to the assessor's field card.

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

The subject premises was constructed in 1873 and is located at 10 Pearl Street in Bellingham. It is proximate to the Charles River and was originally constructed in connection with nearby mill operations on the Charles River. The subject property is located in a primarily single-family neighborhood with some neighboring multi-family properties. The subject premises is serviced by an on-site septic system. If this variance is approved and a subsequent special permit is obtained from the Planning Board the petitioner would perform site design and analysis to ensure the on-site septic system for the existing single-family home and the proposed new home on the newly created lot are sufficient for relevant sanitary regulations.

How long have you owned the subject premises? Since 1977.

What is the present use of the subject premises? The present use is as a single-family home. The petitioner does not propose changing the present use. For the existing lot or for the new lot, if approved.

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

BACKGROUND

The petitioner intends to seek a special permit from the Bellingham Planning Board under 240-38 Back lot division. Before Petitioner can obtain such a special permit from the Planning Board the petitioner needs two variances from the Zoning Board. Petitioner is seeking variances from the following sections of the Bellingham Zoning Bylaw:

Variance from 240-38 Backlot Division.

240-38 states: "*A parcel with no other contiguous land in common ownership may be divided into two or three lots, one of which has less than the normally required frontage, and a single-family dwelling may be built on the reduced frontage lot, provided that such division is authorized on a special permit granted by the Planning Board. Such divisions shall be authorized if meeting each of the following, but not otherwise.*"

240-38 A(2) states: *"The lot having reduced frontage must contain at least twice the lot area otherwise required, without counting any portion of the lot between the street and the point where lot width equals 100 feet or more."*

Under the proposed plan Lot 2 is the lot that has reduced frontage (40 feet of frontage). Therefore, the bylaw requires that Lot 2 *"contain at least twice the lot area otherwise required..."* The lot area otherwise required is 40,000 sq. ft. (not counting any portion of the lot between the street and the point where lot width equals 100 feet or more). The Petitioner is seeking a variance to provide relief of 48,276 sf down to 31,724 sf where 80,000 sf lot area, as defined in this section, is required.

Section 240-38 A (4) states: *"All other requirements specified in § 240-40, Intensity of Use Schedule, must be met."* Therefore, Petitioner also needs a variance from 240-39 Lot Shape Factor.

Variance from 240-39 Lot Shape Factor.

240-39 states: *"No lot shall be created so as to be so irregularly shaped or extended that it has a "Shape Factor" in excess of 22. Shape Factor equals the square of the lot perimeter divided by the lot area (before deduction for wetlands, etc.). That portion of the lot in excess of the required lot area may be excluded from the computation of Shape Factor using an imaginary lot line, provided that the entire required frontage is included in the portion used for the calculation."*

The Lot Shape Factor of Lot 1 is 17.4. The Lot Shape Factor of Lot 2 is 37.0. Therefore, Petitioner is requesting a variance from this requirement under the bylaw.

JUSTIFICATION FOR VARIANCES

A literal enforcement of the provisions of these bylaws would involve a substantial hardship for the Petitioner, as a literal enforcement of the bylaws would prevent the Petitioner from splitting his oversized lot and thereby allowing his son to build a home adjacent to Petitioner. This substantial hardship is due to the shape of the subject property and by extension, it's size.

The subject premises is in the Residential zoning district. The shape of the subject property is somewhat unusual for the district as it is larger than most of the lots in the surrounding area. The shape of the subject property is unusual for the zoning district. The subject lot is an especially deep lot and in that regard is unusual for the district. This unusual shape results in the lot being significantly larger than most of its immediate neighboring residential lots. The subject property is approximately 86,081 square feet whereas the lots of most of its immediate residential neighbors are closer to 10,000 square feet. The minimum lot size for the district is 40,000 square feet. The subject lot is more than double that size. The proposed Lot 1 and Lot 2 would be larger than the minimum lot size of 40,000 square feet, despite not conforming with 240-38. It is notable that most of the surrounding lots are significantly smaller than the subject premises and many of the surrounding lots are smaller than 40,000 square feet.

The unusual shape of the subject premises is somewhat unique to the subject premises in the district and does not generally affect the zoning district in which the subject premises is located. 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 the bylaw.

EDWARD DOMESTICO
10 PEARL ST.
Bellingham MA 02019



TOWN OF BELLINGHAM

Assessment Administration Office
Municipal Center - 10 Mechanic Street
Bellingham, Massachusetts 02019
508-657-2862 * FAX 508-657-2894
Email: Assessors@bellinghamma.org
www.bellinghamma.org

March 9, 2022

**THE PROPERTY OWNERS LISTED HEREIN ARE THE KNOWN ABUTTERS TO
THE PROPERTY OWNERS:**

ABUTTER TO ABUTTER WITHIN 300 FEET OF MAP 4 PARCEL 58

Property Address(es):	10 Pearl St. Bellingham, MA 02019
Owner of Record:	Edward V. & Suzanne M. Domesticco 10 Pearl St. Bellingham, MA 02019
Requested by:	Guerriere & Halnon, Inc. 333 West St. Milford, MA 01757

ABUTTERS ATTACHED

Certified: *Cheryl A. Hanly*
Cheryl A. Hanly, Assessment Technician, MAA