



BELLINGHAM ZONING BOARD OF APPEALS

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019

Minutes of Meeting **December 3, 2020**

Members Present via Zoom:

Brian Wright – Chairman
Peter Gabrielle – Vice Chairman
Arturo Paturzo – Member
Brian T. Salisbury – Member
Jason Berthelette – Alternate Member

Absent:

Rayan Shamas - Member

Also Present via Zoom:

James S. Kupfer – Town Planner and Zoning Compliance Officer
Laura Renaud – Recording Secretary
Timothy Aicardi, Building Commissioner

Continuation Public Hearing 305 Blackstone Street:

Chairman Wright opened the continues public hearing.

305 Blackstone Street – Map 62 Lot 3

- Variance request for lot area
- Variance request for alteration of a non-conforming structure

Members Present:

Brian Wright, Peter Gabrielle, Arturo Paturzo, Brian T. Salisbury

The applicants, Mr. And Mrs. Fuhrman were present via zoom. The applicant requested a continuation at the last hearing to provide the members with more substantial information that was not provided at their last meeting. Mrs. Fuhrman went through the list of requirements for a variance.

Mrs. Fuhrman noted the following:

- The literal enforcement of the bylaw does involve a substantial hardship.
- The hardship is owing to the shape factor of such land but not affecting the general zoning district. She explained they have the 410 feet of frontage across two parcels but do not have the area for the zoning district.
- B (1): There are other lots in the area that are similar in size to the proposed 2 lots, some are pre-existing non- conforming, and some are cluster zoning. There would be no impact on infrastructure.

- B (2)(a): It was further explained that there is no detriment to the public good and no impact on the infrastructure.
- B(3)(b): It does not nullify or derogate from the intent and purpose of this bylaw. The intent and purpose of the bylaw is to not overbuild or over intrude on abutters and there are similar lot sizes within the neighborhood in this zoning district.
- The bonus to the town is additional tax revenue, no impact on infrastructure, the town would be supporting residents that have been in town over 30 years. It will be a dropped modular home. The only variance needed is the area variance. It will not be a huge house. It won't be near the abutters.

Chairman Wright asked Planner/Officer Kupfer for confirmation as to the 2 variances needed.

Town Planner/Officer Kupfer confirmed that two variances are needed. The first variance is for a non-conforming lot so the Board if acting on this would be making it more-non-conforming. The second variance would be creating a lot that does not have the sufficient frontage.

Chairman Wright communicated that this is a substantial variance from what is allowed. He asked if the Fuhrman's did any research into a Special Permit for a family apartment.

Mrs. Fuhrman responded that it would be an additional cost due to the septic system and leeching field on the other side of the house.

Chairman Wright asked the Fuhrman's to confirm the hardship stated earlier was due to financial due to their son's college tuition debt. Mrs. Fuhrman responded that this is a hardship.

Member Paturzo communicated that this did not meet all the criteria for a variance as the lot shape factor pertains to an irregular shaped lot. This one does not meet that.

Abutter Joe Chappie of 229 Blackstone Street communicated that the frontage does cover both properties but the size of the lots in the area are not similar.

Member Gabrielle responded that this is a pre-existing non-conforming lot already. The subdividing would make the existing lot even smaller. This is a self-created hardship to create a second lot. It is a good thing to do for their son but many of our residents have financial struggles that would like to but cannot subdivide their lots.

Chairman Wright communicated that this would be increasing the non-conformity.

Chairman Paturzo explained that they must meet the requirements of the 3 bullet points. The Board has to work within the constraints of the bylaw. The lot shape factor is not being met.

Abutter Mr. Chappie communicated that the financial hardship they are claiming is their son's hardship, not their own. If the Board grants the variance it will create a hardship for his own property. He stated his property is continually being flooded already. This will make it worse.

Member Salisbury communicated that the Board would like to grant the relief, but the Board must follow the rules of the bylaw. There is no other basis for this variance. It is up to the

applicant as to how they want to proceed. They can move forward with a vote and can appeal if the Board does not grant the variances. They can withdraw without prejudice.

Member Berthelette communicated that the shape of the lot is not out of the ordinary. It is not an irregular shape.

Chairman Wright suggested the applicant look into a Special Permit for a Family Apartment.

Mrs. Fuhrman asked to withdraw without prejudice the application.

On a motion made by Chairman Paturzo and seconded by Member Gabrielle the Board voted to accept the withdrawal as requested.

Roll Call Vote:

Brian Wright	aye
Peter Gabrielle	aye
Arturo Paturzo	aye
Brian T. Salisbury	aye

Continuation Public Hearing: Lakeview Estates

Members Present:

Peter Gabrielle, Arturo Paturzo, and Brian T. Salisbury

Applicant Representatives via Zoom:

South Center Realty Attorney Angela Conforti

Elizabeth Mainini, Engineer Guerriere and Halnon

Chairman Wright recused himself.

Planner/Officer Kupfer communicate that the applicant is present for a continuance of the Comprehensive Permit. At the previous meeting, the applicant received a 6-month continuation request from Attorney Conforti.

Vice Chairman Gabrielle responded that the Board has been giving month-to-month continuations, but they are now asking for a 6-month continuance. He asked Attorney Conforti why the 6-month request.

Attorney Conforti responded that this it is a standard request. She also informed the Board that things are progressing with the Conservation Commission and the Notice of Intent.

Vice Chairman Gabrielle stated they would like to get them back to building. If they can all come back in a month maybe something will have changed.

Member Salisbury agreed with a one-month continuation.

On a motion made by Member Salisbury and seconded by Member Paturzo the Board voted by roll call to continue to January 7, 2021.

Roll Call Vote:

Peter Gabrielle	aye
Arturo Paturzo	aye
Brian T. Salisbury	aye
Brian Wright	(Recused himself and did not vote)

Approval of Minutes:

- The minutes from November 5, 2020 will be held until the January 7, 2021 meeting.

Adjourn:

On a motion made by Member Paturzo and seconded by Member Salisbury the Board voted by roll call to adjourn the meeting.

Roll Call Vote:

Brian Wright	aye
Peter Gabrielle	aye
Arturo Paturzo	aye
Brian T. Salisbury	aye
Jason Berthelette	aye

Minutes Accepted on January 7, 2021 and prepared by Laura Renaud

