



BELLINGHAM ZONING BOARD

10 MECHANIC STREET

BELLINGHAM, MASSACHUSETTS 02019

Minutes of Meeting, November 3, 2022

At 7:00 PM

This meeting is Zoom and in person.

MEMBERS PRESENT

Brian Wright – Chairman

Brian T. Salisbury – Member

Rayan Shamas – Member

Jason Berthelette – Alternate Member

ABSENT

Peter Gabrielle – Vice Chairman

Arturo Paturzo – Member

ALSO, PRESENT

Amy Sutherland, Assistant Town Planner

The Chairman Brian Wright opened the meeting at 7:00 PM.

The Board agreed to change the order of the agenda.

Lakeview Estates – South Main Street as Center Street Traffic Mitigation

Chairman Brian Wright recused himself. Brian T. Salisbury resided.

Angela Conforti was in attendance. She updated the Board on the issue of dimming the lighting for the resident on Brion Road. She spoke with National Grid and they stated it cannot be dimmed or covered over due to safety issues.

Brian Wright inquired as to what was taking place at end of Silver Lake Road.

Angela Conforti thought they were putting in boundaries and light poles.

Angela Conforti stated they would like to ask for an extension of the permit to November 2023.

On a motion made by Brian T. Salisbury and seconded by Rayan Shamas the Zoning Board voted unanimously to allow for an extension to November 2023.

PUBLIC HEARING:

110 Florida Avenue

The Chairman Brian Wright asked for a motion to open the public hearing for 110 Florida Avenue.

On a motion made by Brian T. Salisbury and seconded by Rayan Shamas the board voted unanimously to open the hearing for 110 Florida Avenue.

Brian Wright read the public hearing for 110 Florida Avenue.

The Board is in receipt of a variance application submitted by the applicant Carlos Terrinha.

The request is for a variance for the building of a bathroom off the back of the existing house on the premises of 110 Florida Avenue, Bellingham, Assessor's Map 98 Lot 17. The property is zoned residential.

The applicant Mr. Terrinha was present. He has owned this property since 2016. His family lives on the first floor and he rents out the second floor. He is seeking the variance to extend the bathroom 15 feet off the back of the home where 20 feet is required. He provided photos of the area where the proposed addition will go. He is seeking this as his home is too small to move around freely. He explained it is the best place to construct this addition as all the plumbing is accessible.

The Board explained that an applicant must meet all criteria for a variance as follows: A literal enforcement of the provisions of the bylaw would involve a substantial hardship, financial or otherwise to the applicant. The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures but not affecting the general zoning district. Desirable relief may be granted without either a substantial detriment to the public good or derogate from the intent of the bylaw.

Mr. Terrinha stated his hardship is the lack of space in his home. If he was to place it on the side of the home, then his family would have to go through bedrooms to access the bathroom. He would have to re-do all the plumbing. It would not be feasible for the set up inside the home or financially.

After hearing from Mr. Terrinha, the Board felt his home was functioning well as a 2 family and the applicant had other options to explore that doesn't require a variance.

The applicant asked for a continuation to December 1, 2022, to explore his other options.

On a motion made by Brian T. Salisbury and seconded by Rayan Shamas the Zoning Board voted unanimously to allow for a continuance to December 1, 2022, at 7:00 PM.

PUBLIC HEARING:
180 Patricia Drive

The Chairman Brian Wright asked for a motion to open the public hearing for 180 Patricia Drive.

On a motion made by Brian T. Salisbury and seconded by Rayan Shamas the board voted unanimously to open the hearing for 180 Patricia Drive.

Brian Wright read the public hearing for 180 Patricia Drive.

The applicant, Tara Damiano was in attendance. She is seeking this variance for a 10 x 18 shed for storage as her home is on a slab with no storage area. She has owned the property for 18 years. It is a corner lot. There is currently an 8 x 8 shed that is dilapidated and unusable. She further explained the hardship is due to the topography of her property. There is a retaining wall, rocks and a wave of land. This would be the only flat spot the shed could go. She provided photos of the property.

The Board asked if she has considered her other options such as a smaller shed of 8 x 10 or placing it on the side of the home. She could place it and spin it around where a lesser variance may be needed. This request is for a very large shed on a small area of property.

Ms. Damiano stated that a smaller shed would not meet their needs. And if she placed it on the side of the home it is too close to the bedrooms. It would not work. She stated she has explored all other options, and this is the best scenario for her. She feels it meets the criteria of a hardship and is not detrimental to the neighborhood. She is also on a time restraint with the winter ahead. She would have to take out part of her fence to place the shed which she cannot do if there is snow on the ground. It is not a permanent structure.

The Board asked if they could view the property to see the topography of the lot and what impact it may have.

The applicant asked for a continuation to December 1, 2022 and gave the Board permission to go on her property. She will email that confirmation to Amy Sutherland.

On a motion made by Rayan Shamas and seconded by Brian T. Salisbury the Zoning Board voted unanimously to allow for a continuance to December 1, 2022, at 7:00 PM

GENERAL BUSINESS:

Special Renewal Process Discussion

Amy Sutherland continued the discussion for streamlining the process of the renewals of family apartments. She provided the Board with an email from town counsel stating this could be done administratively. Amy Sutherland would take all applicants from 2018 and earlier and send a form letter type renewal. This renewal would show if taxes were paid, if the same family members were living there, and have an affidavit signed stating all information is correct. The fee would be \$ 150.00 to renew for another 5 years. The applicants that did not return the renewals would have to come before the Board for a public hearing. She would like to put this in place as soon as possible. Once in place the software would automate this information so in the future it would be easier. This has not been done consistently.

The Board discussed the option of doing this administratively or require all residents with family apartments to come before the Board in person. Brian T. Salisbury would like to have all residents come before the Board as it is the Boards responsibility to monitor the situation. He would like to meet them as a lot can happen in 5 years. They can explain their situation.

Amy Sutherland explained the Board cannot get involved in certain personal information of the applicants. They would have an affidavit which would have to be enough. She suggested that town counsel come before the Board in executive session to explain the legality of the request of information.

The Board declined this request and agreed to allow Amy Sutherland to go forward with the renewals administratively. She will send her renewals out to all applicants from 2012 to the present. The applicants that do not respond and any prior to 2012 must come before the Board for a public hearing.

On a motion made by Brian T. Salisbury and seconded by Jason Berthelette the Zoning Board voted unanimously to have Amy Sutherland process all family apartment renewals from 2012 to the present as requested. Anyone that was issued a family apartment prior to 2012 must come in before the Board for their renewals.

Minutes:

October 6, 2022

On a motion made by Rayan Shamas and seconded by Brian T. Salisbury, the Zoning Board voted unanimously to approve the minutes of October 6, 2022, as presented.

Adjourn:

On a motion made by Brian T. Salisbury and seconded by Rayan Shamas, the Zoning Board voted unanimously to adjourn the meeting.

The meeting adjourned at 9:00 PM

Respectfully Submitted,

Laura Renaud
Minutes Clerk
Approved December 1, 2022

