



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

**Minutes of Meeting  
Thursday, November 5, 2020**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, no in-person attendance of members of the public will be permitted at this meeting. This meeting will be accessible to the public via the zoom online option.

**Members Present:**

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

**Also Present:**

James S. Kupfer, Town Planner and Zoning Compliance Officer

**Also Present via Zoom:**

Laura Renaud, Recording Secretary  
Timothy Aicardi – Building Commissioner

**Public Hearing, 7 Beaver Pond Road**

**Applicant:** Anastasia Hagerstrom

**Application:** Special Permit for Family Apartment, 7 Beaver Pond Road  
Map 17-Lot 13

**Members Present:**

Brian Wright, Peter Gabrielle, Arturo Paturzo, Brian T. Salisbury, and Rayan Shamas

Chairman Wright opened the hearing.

Town Planner/Zoning Officer Kupfer read the Public Hearing notice.

**On a motion made by Chairman Wright and seconded by Member Paturzo the Board voted by roll call to continue to move on to the next item on the agenda to allow the applicant more time to zoom into the meeting as she is not yet present.**

**Roll Call Vote:**

<b>Brian Wright</b>	<b>aye</b>
<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>
<b>Brian T. Salisbury</b>	<b>aye</b>
<b>Rayan Shamas</b>	<b>aye</b>

**Public Hearing, 305 Blackstone Street**

**Applicant:** James and Ann Fuhrman

**Application:** Variance for lot area and a variance for alteration of a non-conforming structure, 305 Blackstone Street – Map 62 Lot 3

**Members Present:**

Brian Wright, Peter Gabrielle, Arturo Paturzo, Brian T. Salisbury, and Rayan Shamas

Chairman Wright opened the hearing.

Town Planner/Zoning Officer Kupfer read the hearing notice.

**On a motion made by Chairman Wright and seconded by Member Paturzo the Board voted by roll call to open the hearing.**

**Roll Call Vote:**

<b>Brian Wright</b>	<b>aye</b>
<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>
<b>Brian T. Salisbury</b>	<b>aye</b>
<b>Rayan Shamas</b>	<b>aye</b>

Attorney Stephen Kenney and the applicants Mr. and Mrs. Fuhrman were in attendance via Zoom.

Attorney Kenney explained his clients are seeking variances for 2 lots. They are proposing to subdivide the existing lot and create a new lot.

The subject property is in an Agricultural Zone. The required area is 80,000 square feet and required frontage is 200 feet. A plan was submitted to the Board showing Lot A and Lot B. The petitioner is seeking to divide the lot at 305 Blackstone Street into 2 lots. The lot is rectangular in shape with 410 feet of frontage and 52,148 square feet of area. It is a shallow lot: one-side has 163 feet of depth and the other has 132 of depth. Attorney Kenney further explained that Lot A is the existing dwelling and Lot B is where the proposed dwelling would go. If divided, Lot A would have 28,337 square feet with a lot shape factor of 19.6. Lot B would have 23,811 square feet with a lot shape factor of 17.

The shape of this lot is unique in this zoning district. There is more than adequate frontage where 200 feet is required. It is a pre-existing non-conforming lot. The shape of the parcel affects this land but not the others in its district. It is a different type of shaped lot. It is a literal enforcement of the bylaw which involves a substantial hardship: the shape of the lot. This lot has more than enough frontage for the two parcels, but the problem is the limited depth. It does not meet the required area.

The applicants explained that they would like to create the new lot for their son to build a single-family home. He has substantial school debt and otherwise will not be able to afford a home in the near future. There is no detriment to the public good and it does not derogate from the Zoning Bylaw. There are single family residences in the area. It would not burden the land or be over intrusive to any abutters. There would be a buffer zone behind Lot B and the Furhmans home.

Chairman Wright communicated that the lot is already a pre-existing non-conforming. There is a high threshold to meet the criteria for variances. The son could sell the home in a few years for a profit.

Member Paturzo indicated that this does not meet the criteria to allow for a variance. The surrounding lots are similar to the lot that is already there.

Vice Chair Gabrielle agreed. He stated this is a substantial variance.

The applicant, Mrs. Furhman stated that there is no place to add on to their home. There is an easement behind them where nothing will be developed. The first house lot on Linda Way is smaller than the proposed lot. There is a well at one corner and a septic on the other. It must be attached for a family apartment. On the left side is the septic and on the right in back is where the well is. The town took some frontage for Maddie Way. They can barely park in their driveway without hitting the garage door. There is no room at the front of the house.

Chairman Wright suggested they could use the area from their house to the septic. It appears there is about 100 feet and that would be enough. It would have to be engineered.

Attorney Kenney responded that they did look at this but did see some difficulties. The applicant was looking at the variance because of the large amount of frontage.

Mrs. Furhman stated an addition for a family apartment cannot be built where the septic is or where the pipes come out of the house.

Chairman Wright asked Planner/Officer Kupfer to confirm the variances needed.

Planner/Officer Kupfer indicated that there are two variances needed. The first one is a non-conforming lot so the Board would be making it more non-conforming. The second would be creating a lot that does not have the sufficient area.

Chairman Wright confirmed if the Board does not vote in their favor, then they cannot return to the ZBA for the same request for 2 years.

Abutter Joe Chappie of 292 Blackstone Street stated he is directly across from the applicant. He is opposed to changing the zoning because it could set a precedent in their neighborhood. They do not need any more traffic there as it has gotten worse in the past few years. There should have been an access road at the development across the street. He explained his lot is significantly below the applicant's property and when it rains all water from Maddie Way comes through to his lot. Adding an additional property here does not allow the groundwater to be absorbed. His property floods every year. There is so little frontage he questioned where the new parking would go. He also can hear every conversation from their back yard in summer due to the way they are set below them.

Abutter Mrs. Linda Chappie of 229 Blackstone Street agrees with the Board. She stated it is not a great plan. The noise levels are bothersome now and granting this would allow others to subdivide their properties.

Chairman Wright does not want to start a precedence.

Applicant Mrs. Fuhrman corrected the abutter that it is Linda Way behind them not Maddie Way. Also, it is only her and her husband living on the property, so she is not sure where the noise they spoke of is coming from. Mr. Fuhrman stated there are no other homes in their area with the large amount of frontage as on their lots.

Building Commissioner Aicardi stated there are lots of similar size in the area. Linda Way is a cluster subdivision and that is why there are undersized lots in the area. It is a residential neighborhood in an Agriculture Zone. He felt the proposed lots would be like the other lots in the neighborhood.

Member Salisbury communicated that the Board must make decisions for the town based on the bylaw. The Board of Appeals are bound by the rules. Member Salisbury does feel that there is no hardship in the sense of the bylaw. A rectangular shaped lot is not a hardship. It is not a unique lot. A family apartment may work better.

**On a motion made by Vice Chairman Gabrielle and seconded by Member Paturzo the Board voted by roll call to close the hearing.**

**Roll Call Vote:**

<b>Brian Wright</b>	<b>aye</b>
<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>
<b>Brian T. Salisbury</b>	<b>aye</b>
<b>Ryan Shamas</b>	<b>aye</b>

Planner/Officer Kupfer stated the applicant could withdraw without prejudice if they choose to do so. The applicant can then start over with a new plan if they choose to do so. They can also request a continuance.

Attorney Kenney requested a continuance to December 3, 2020 to have time to speak with his clients.

**On a motion made by Member Paturzo and seconded by Vice Chairman Gabrielle the Board voted by roll call to allow for a continuation to December 3, 2020.**

**Roll Call Vote:**

<b>Brian Wright</b>	<b>aye</b>
<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>
<b>Brian T. Salisbury</b>	<b>aye</b>
<b>Rayan Shamas</b>	<b>aye</b>

Planner/Officer Kupfer stated that Ms. Hagerstrom is now in attendance via Zoom. Her hearing was previously opened.

The applicant, Ms. Hagerstrom explained that this was filed before her family took ownership on October 29, 2020. The permit would be for her in-laws to move into the existing Family Apartment. There are no changes to the configuration. The main house will be for then and Maureen and Steve Hagerstrom will move into the in-law.

There were no further questions or comments from the Board Members.

Chairman Wright indicated that this permit is for a 5- year period at which point it will need to be renewed.

Chairman Salisbury asked what their hardship is.

Ms. Hagerstrom stated her father in law is laid -off from his job and they would be helping them financially.

There were no public comments.

**On a motion made by Member Paturzo and seconded by Vice Chairman Gabrielle the Board voted by roll call to close the hearing.**

**Roll Call Vote:**

<b>Brian Wright</b>	<b>aye</b>
<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>
<b>Brian T. Salisbury</b>	<b>aye</b>
<b>Rayan Shamas</b>	<b>aye</b>

**On a motion made by Member Paturzo and seconded by Member Salisbury the Board voted by roll call to grant a Special Permit for a Family Apartment as requested.**

**Roll Call Vote:**

<b>Brian Wright</b>	<b>aye</b>
<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>
<b>Brian T. Salisbury</b>	<b>aye</b>
<b>Rayan Shamas</b>	<b>aye</b>

**Continuation Public Hearing:**

Comprehensive Permit – Extension Follow – Lakeview Estates

**Members Present:**

Peter Gabrielle, Arturo Paturzo, Brian T. Salisbury, and Rayan Shamas

**Applicant Representatives via Zoom:**

South Center Realty Attorney Angela Conforti  
Elizabeth Mainini, Engineer Guerriere and Halnon

Chairman Wright recused himself.

Vice Chairman Gabrielle communicated that the applicant has appealed the recommendation of the Building Commissioner to the MA Housing Appeals Committee so this cannot be discussed per Town Counsel. The public hearing will be continued.

Engineer Mainini communicated that the Notice of Intent has been submitted to the Conservation Commission as requested. The information has been sent to the peer reviewer. The applicant has put \$18,500.00 into the escrow account. The applicant communicated that they have made considerable progress and are looking for the extension and a release on the hold on the Phase 2 Building Permits.

Vice Chairman Gabrielle explained that while the appeal is proceeding, they cannot discuss the topic.

The Board members agreed to a 30- day continuation.

**On a motion made by Member Salisbury and seconded by Vice Chairman Gabrielle the Board voted by roll call to continue the hearing to December 3, 2020.**

**Roll Call Vote:**

<b>Peter Gabrielle</b>	<b>aye</b>
<b>Arturo Paturzo</b>	<b>aye</b>

Brian T. Salisbury	aye
Rayan Shamas	aye
Brian Wright	(Recused himself and did not vote)

**Approval of Minutes:**

**October 1, 2020**

On a motion made by Member Paturzo and seconded by Member Salisbury the Board voted by roll call to approve the minutes of October 1, 2020.

**Roll Call Vote:**

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

**October 8, 2020:**

The minutes from October 8, 2020 will be held.

**ADJOURN:**

On a motion made by Chairman Wright and seconded by Member Paturzo 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
Rayan Shamas	aye

Minutes Accepted on December 3, 2020 and prepared by Laura Renaud

