



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019

Minutes of Meeting

Thursday, September 1, 2022

At 7:00 PM

This meeting is Zoom and in person.

MEMBERS PRESENT

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

ALSO, PRESENT

Amy Sutherland, Assistant Town Planner
Timothy Aicardi, Building Commissioner and Zoning Enforcement Officer
Bruce Wilson, Health Agent
Patrick Kelleher, Animal Control Officer

ALSO, PRESENT VIA ZOOM

James S. Kupfer, Town Planner and Zoning Compliance Officer

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

PUBLIC HEARING:

8 Fleurette Drive

The Chairman asked for a motion to open the public hearing for 8 Fleurette Drive.

On a motion made by Art Paturzo and seconded by Brian T. Salisbury, the Zoning Board voted unanimously to open the hearing for 8 Fleurette Drive.

On a motion made by Art Paturzo and seconded by Brian T. Salisbury, the Zoning Board voted unanimously to waive the reading of the public hearing notice for 8 Fleurette Drive.

The Board is in receipt of a Special Permit application submitted by the applicants Andrew and Holly Geffers.

The request is for a Special Permit (Section 240-74) for a family apartment on the premises of 8 Fleurette Drive, Bellingham, Assessor's Map 79 Lot 4R. The property is zoned Suburban.

The applicants Andrew and Holly Geffers were present. Mrs. Geffers explained there is an existing partially finished basement. They will need to add a kitchenette. They will have their own entrance. There are two means of egress. Their son and his wife, Angela Geffers will live in the main home, and they will live in the family apartment. She further explained that this situation will benefit them all financially and her son and daughter in law will help them as they age. There is ample parking in the 2- car garage and driveway.

Building Commissioner Timothy Aicardi was in attendance. He explained that this permit allows them to create a legal family apartment. This cannot be made into a rental property in the future. It must be renewed in 5 years and stated if there is still a family need.

The Board went through the requirements for a Special Permit for a family apartment. Rayan Shamas asked if they had a septic system. The owner stated they did, and it is currently for four bedrooms. Tim Aicardi explained when they redraw and submit the plans, they must show the exact bedrooms and office/den if that is the extra room. Health Agent Bruce Wilson stated the plans would be approved by the Board of Health first. It must be a confirmed 4-bedroom design.

There were no public comment or questions.

On a motion made by Art Paturzo and seconded by Peter Gabrielle the Zoning Board voted unanimously to close the hearing.

On a motion made by Art Paturzo and seconded by Brian T. Salisbury the Board voted unanimously to grant the family apartment as requested.

There is a 20-day appeal period.

CONTINUATION PUBLIC HEARING 86 PINE GROVE AVENUE

The Chairman Brian Wright asked for a motion to open the continued public hearing for 86 Pine Grove Avenue.

On a motion made by Art Paturzo and seconded by Peter Gabrielle the board voted unanimously to open the continued hearing for 86 Pine Grove Avenue.

Attorney Kenny was in attendance to represent Peter Bethany the prospective buyer. He was not present. The current owner Christine Masse was in attendance via Zoom.

Attorney Kenney stated the applicant has removed the request to sell vehicles. This proposal is only for the storage of vehicles. This property has been a wholesale restaurant business since 1979. There was a Special Permit issued at that time. It is a 70-foot steel building. He presented a plot plan to the Board. It is in a residential district. They are seeking a Special Permit section 240-30. This would be a new use to store RV's, motorcycles, boats, and vehicles for long term or seasonal. The seasonal would be busiest at fall when vehicles would be brought in and then out in the Spring. This use is less of a detriment to the neighborhood. The restaurant business had much more traffic. The use is of a similar nature. There will no outside storage.

Timothy Aicardi stated that the uses are limited for this property. It has only been a food distributor. There is an easement going into the property. It is a change of use, and this would be a good choice.

The Board had concerns of the height of the building and storage of RV's, outdoor parking and maintenance of the vehicles while stored.

Attorney Kenney stated if the RVs do not fit then they would not allow. They have no plans of storing vehicles outside. Timothy Aicardi stated that new construction requires an oil/water separator at the door. It is fully sprinkled. They are obligated to have an annual test and inspection by the Fire Department. This is in a flood plain. They cannot expand. There are not a lot of options at this property.

Brian Wright asked if this fell under the abandonment issue. Christine Masse, the current owner stated she has made sales and has the invoices that it has been in use within the past 2 years.

ABUTTERS

There were many abutters in attendance. They had concerns regarding the hours of operation, the narrow roads with the larger vehicles, the road maintenance, snow removal and outside storage of vehicles.

Attorney Kenney stated there is a right of way, but the owners are responsible for the road maintenance per the deed. They will also maintain the outside to keep it looking nice. They would like the hours of operation to be Monday through Saturday 8:00 am to 6:00 PM and Sunday 12:00 to 6:00. The Board can stipulate the hours. They have no plans of storing vehicles outside.

Peter Gabrielle had concerns of the owners going in for their vehicles mid-season. How would they shuffle the vehicles around? Also, would the owner be onsite during hours of operation to assist the owners of the vehicles?

Timothy Aicardi stated that they would have to cut a few more doors to move vehicles around.

The Board considered the abutters concerns and questions. The prospective owner has not been able to attend the meetings. The Board would like him to attend to answer questions. They need to have more details: moving of vehicles, hours of operation, the logistics of the operation and more detailed plans of what they are planning to do. The Board would like the applicant to put together an operational agreement and attend the next meeting.

On a motion made by Peter Gabrielle and seconded by Art Paturzo, the Zoning Board voted unanimously to continue the hearing to October 6, 2022, at 7:00 PM.

PUBLIC HEARING 34 Phillip Drive:

The Chairman asked for a motion to open the public hearing for 34 Phillip Drive.

On a motion made by Art Paturzo and seconded by Brian T. Salisbury, the Zoning Board voted unanimously to open the hearing for 34 Phillip Drive.

On a motion made by Art Paturzo and seconded by Brian T. Salisbury, the Zoning Board voted unanimously to waive the reading of the public hearing notice for 34 Phillip Drive.

The Board is in receipt of a Special Permit application submitted by the owners Julie and Tiffany Griffin.

The request is for a Special Permit for (Section 240-72, Section 240-25 & 23) to operate a kennel at 34 Phillip Dr, Bellingham, MA, 02019, Assessor's Map 12 Lot 0038. This property is zoned Residential.

The owner Julie Griffin was in attendance. She stated she is seeking this permit to use her house to board dogs. She had provided the Board with her detailed information. She would like to work with her neighbors as they have complained about the barking. She has no more than seven dogs at a time. On occasion it might be more during school vacations when more clients need her. She has a full-time job in retail. Her wife Tiffany is home with the dogs during the day. The back yard area is always clean of waste. The clients come daily to pick up and drop off. There are a few overnights. There is a separate section of house that is the dog area. The living room is set up just for them. They do not walk them around the neighborhood. There is a 6-foot privacy fence in the back. The front has a chain link fence, and she did cover it in ivy so the dogs could not see the other dogs when they walk by which she hoped would stop the barking. They do this for extra income as her wife is on disability. She is home with the dogs.

Brian Wright stated that this is for a Special Permit for a Kennel License. At this time no more than four dogs are allowed.

Bruce Wilson stated that cleanliness is important and that is what the Board of Health is concerned about, but a happy dog is not a continuously barking dog. They either need attention or be let in or out.

Patrick Sweeney stated that this has been an ongoing issue since 2020. There have been many complaints from the neighbors. He has been by the property at different times and has heard barking. He feels that seven dogs are too many for that area.

A discussion ensued with the Board as to the definition of a kennel and if it is allowed. Timothy Aicardi explained that a kennel is not allowed in a residential zone. This would be an accessory use. If it is considered a business, which is not allowed in a residential zone, then is a use variance that is needed. The Board reviewed the town bylaw use schedule and it clearly states

this is not an allowed use in a residential zone. The Board determined that this would be a request for an accessory use which would have to meet the Special Permit criteria.

ABUTTERS

There were many abutters in attendance that voiced their concerns regarding the noise of the barking all day. They could not leave their windows open. They could not sleep. The traffic was a nuisance. Photos and videos have been submitted to the Police and the Animal Control. Some abutters stated this has gone on for years with no resolution. It is an illegal business. The area is way too small. One abutter can see the dogs jumping and barking at the door to be let in. They feel their house values have gone down due to this.

A direct abutter at 46 Phillip Drive was in attendance to speak in favor of the applicant. He stated she is a good neighbor and has helped him out a lot. The dogs do not bother him. He thinks she would be willing to work things out with the neighbors if she could.

There were clients of the owner in attendance who stated she is exceptionally good to their dogs. They feel they are in a home environment and not a daycare. It is a clean environment.

The Board explained they are not there to say anything against the owners and how they care for the dogs. They are there to uphold the bylaws of the town. It is a small area, and they must determine if it is the right use for the size of the lot and does it fit in with the neighborhood.

Patrick Sweeney stated he would not allow it. There have been too many documented incidents with barking. It has gone on for years with no reprieve for the neighbors. It is just not fair to them. It is not the area for an animal kennel. He has personally had seven complaints to come to the neighborhood and he has seen video of the barking. He cannot speak for his partner as to how many she has been to.

Brian T. Salisbury explained that the Board must go through the criteria for a Special Permit. The one that is not being met is "will not have adverse effects to the town or the neighborhood." The effect to the neighborhood character and social structure is a problem. It has been since 2020. It does not fit into a neighborhood. It is a corner lot with only one-third of an acre.

The Board confirmed there has been two cease and desists in the past 2 months. All dogs were still there when the applicant applied.

The owner stated she did not understand the process. When Patrick Sweeney and Amy Sutherland from the Zoning Office came and explained it to her, she went forward and applied.

The Board agreed this is an impact of the use. It does have adverse effects on the neighborhood. The use is a negative impact and not the owners.

On a motion made by Brian T. Salisbury and seconded by Art Paturzo, the Zoning Board voted unanimously to close the hearing.

Discussion

The Board stated they took the neighborhood and Animal Control Officer's complaints into consideration. It clearly has had a negative impact over a lengthy period. The Board is here for the zoning and the town and not to judge businesses or residents. The neighborhood character and social structure is negatively impacted.

On a motion made by Art Paturzo and seconded by Peter Gabrielle, the Zoning Board voted unanimously to decline the application as applied for.

The Special Permit is not granted. There is a 20-day appeal period.

Minutes:

August 4, 2022

On a motion made by Peter Gabrielle and seconded by Art Paturzo, the Zoning Board voted unanimously to approve the minutes of August 4, 2022, as presented.

Adjourn:

On a motion made by Peter Gabrielle and seconded by Art Paturzo, the Zoning Board voted unanimously to adjourn the meeting.

The meeting adjourned at 9:30 PM

Respectfully Submitted,

Laura Renaud
Minutes Clerk

Approved 10-6-22