



## BELLINGHAM ZONING BOARD

10 MECHANIC STREET  
BELLINGHAM, MASSACHUSETTS 02019

Minutes of Meeting  
Thursday, March 5, 2020

### **MEMBERS PRESENT:**

Brian Wright (BW) – Chairman  
James Dunlea (JD)– Vice Chairman  
Arturo Paturzo (AP)– Member  
Brian T. Salisbury (BTS) – Member  
Peter Gabrielle (PG) Member  
James Jeschke (JJ)- Alternate Member

### **MEMBERS ABSENT:**

Joseph Flanagan (JF)– Alternate Member

### **ALSO PRESENT:**

James S. Kupfer, Town Planner and Zoning Compliance Officer  
Laura Renaud, Clerk

Chairman Wright opened the Zoning Board of Appeals meeting at 7:00 PM.

### **Lakeview Estates Comprehensive Permit Continuation Public Hearing:**

Vice Chairman Dunlea opened the continued public hearing for Lakeview Estates Comprehensive Permit and continued acting as Chairman of the proceedings.

### **Members Present:**

Brian Wright, Brian T. Salisbury, James Dunlea, Arturo Patruzo, Peter Gabrielle

### **Applicant Representatives:**

Bob Poxon, Site Engineer, Guerriere & Halnon, South Center Realty Attorney Angela Conforti, and Site Supervisor Alex Gow.

Planner/Zoning Officer Kupfer gave an update of the progress since the December meeting:

- Basin C still has some standing water in it. The Department of Environmental Protection has been notified and the town will be discussing it further with them.
- Phase 1B is progressing well. There are currently 12 Building Permits issued with 12 more to go pulled. The next step will be moving onto Phase 2. Before finishing phase 1B the applicant will need to complete the mitigation list. It is beneficial to be proactive in terms of mitigation. The town does not want to hold up any permits.

- In Phase 2, there has been significant improvements made to the fencing, and dust coverage. The applicant has planted a few arborvitaes.
- There has been blasting done on the site. Town officials are continually inspecting this site. Phase 2 appears to still have a lot of stone on the site.
- The Zoning Board would like Scott Jordan, the erosion control specialist to attend the next meeting since he could not attend this meeting.
- The Board has been reluctant to grant a year extension but is open to granting some form of extension.

Member Peter Gabrielle performed a site visit. He provided the following observations from the visit:

- The dust control is good.
- The fencing at the secondary entrance should be further secured.
- A gate was suggested a gate.
- The drainage is still odd looking with the swales coming down the hills.

The applicant informed the Board that the type of stone there does not break up well. This will be used for fill. There are 15 lots left to blast. It was communicated that 3 lots are done at a time, with the duration being 4 times a week. The holes are still filled, just surface blasting. The piles on site can be used around the foundations, which will clean up that site. The applicant agreed to put a gate at the secondary entrance.

**Abutter Brian Wright, 99 Silver Lake Road:**

Mr. Wright communicated his following concerns:

- On several occasions he has observed a lot of standing water in the drain.
- Mr. Wright continues to have flooding problems, along with another direct abutter. They are both directly effected negatively.
- Recommends to the ZBA that this continually be inspected.
- The applicant communicates that the system is working but it is overflowing.

The applicants engineer, Bob Poxon explained that this is a slow drain. After heavy rains there is a draw down period. It is designed to go that way. The swales will not be there once the hill is stabilized. Scott Jordan, the onsite erosion control expert does weekly inspections. He is an independent third party. He has no issues with sediment at the outfall. There has been no impact to the lake.

Planner/Zoning Officer Kupfer explained that they are waiting for comments from DPW on the basin. The stabilization of the basin is a concern. It does look better than it did before winter. One of the outlets was readjusted from wide to narrow to allow for more movement. There was standing water in the outlet when there was not a heavy rain event. The applicant has removed the silt fence and put in a mulch sock to hold back some of the sediment. Bob Poxon will address the standing water at the end of the swale.

Planner/Zoning Officer Kupfer suggested a two-month continuation as we need the following documents:

- Updated mitigation schedule

- The bonding schedules
- Schedule the erosion control specialist to be in attendance
- The security gate upgrades
- Update from DEP

The applicant stated that phase 1 of the project has all been sold. The applicant understands that it is in their best interest to get this work done as not to affect the occupancy permits. The applicant continues working with the Conservation Commission. There will be a date for mitigation for phase 2. There are no phase 2 units under agreement since the applicant continues working on phase 1B.

**On a motion made by Vice Chairman Dunlea, amended by Member Gabrielle and seconded by Member Salisbury the Board voted unanimously to continue the hearing for Lakeview Estates to May 7, 2020 at 7:00 PM with an update from Scott Jordan and the security gate be added as requested.**

#### **Continuation Public Hearing**

Applicant: Bonnie Santos

Variance (lot area & lot frontage) – 61 Indian Run Road – Map 74 Lot 94

#### **Members Present:**

Brian Wright, Brian T. Salisbury, James Dunlea, Arturo Patruzo, Peter Gabrielle

The applicant's attorney was in attendance. He explained that in 1944 a subdivision plan was presented. Ms. Santos and her father were granted this lot when the grandmother passed away. The grandmother was the original purchaser of 2 undersized lots. In order to construct a single-family home on the lot, an area variance and frontage variance is required. The lot area requirement is 40,000 square feet, they have 12,500; requesting 27,5000. The frontage requirement is 150 feet, they have 100; requesting a 50-foot variance. These lots were created before the Bellingham Zoning Bylaws went into effect. They were then subdivided later on which eliminated their pre-existing status. It does meet all the setback requirements. The hardship is in the shape of the lot as to how they were originally laid out. It is an unbuildable lot in a dense neighborhood. It is now overgrown. There is no detriment to the neighborhood as it would be an improvement. It is similar to the other lots in the area and it is the only one not developed. There is a private septic system. Bruce Wilson, Health Agent was in attendance and disclosed he did the septic design for this property.

The Board heard concerns from the direct abutters. They questioned the type of the home that would be built as most homes were smaller bungalows. The abutters wanted the natural vegetation to stay for privacy. They did feel this could add value to the neighborhood.

The builder, Mr. Grillo was in attendance. He stated the plan was to put a single-family split entry with a 2-car garage under and a finished basement. (presented proposed plans to view)

After hearing from the applicant's representatives, the Board communicated that this lot was similar to the others in the neighborhood, as some even smaller. It is the only lot not developed. The lot was an odd shape as originally laid out. There is no detriment to the neighborhood. It is in keeping with the character of the neighborhood.

The Attorney for the applicant stated they would be reasonable with the neighbors and will keep some vegetation and trees for privacy. They will supplement the existing tree line with arborvitaes. He agreed to put up a 6-foot fence.

Town Planner/Zoning Officer Kupfer stated a pre-construction meeting will be held.

**On a motion made by Member Paturzo and seconded by Member Gabrielle the Board voted unanimously to close the public hearing.**

**On a motion made by Member Salisbury and seconded by Member Paturzo the Board voted unanimously to grant the variances for lot area and frontage as requested.**

#### **New Public Hearing**

Special Permit (animal kennel) – 14 Potter Circle -Map 55 Lot 13

Applicant: William Giovanella

#### **Members Present:**

Brian Wright, Brian T. Salisbury, James Dunlea, Arturo Patruzo, Peter Gabrielle

Chairman Wright opened the Public Hearing for 14 Potter Circle.

Planning/Zoning Officer Kupfer read the Public Hearing notice.

Planner/Zoning Officer Kupfer explained that this situation came about because the applicant submitted to the Town Clerk to get dog licenses. The Town Clerk informed him that if more than 4 they would need a special permit. The Board of Health was also informed. The request is a special permit for a non-commercial kennel for 5 dogs.

The applicant, Mr. Giovanella was in attendance. Mr. Giovanelli explained that he had 4 dogs and was divorced last year. His wife took one of the dogs with her. Mr. Giovanella's girlfriend would like to move in with him and she has 2 dogs. They would like to keep all 5 dogs. Mr. Giovanella currently has 3; a mini dachshund, a chocolate Labrador and a Catahoula Leopard Hound. His girlfriend has 2 medium sized dogs. This would be a short-term situation as they would like to find a new home soon. The Lot is .29 acres. He did have some interaction with animal control when the ex- wife lived there as she did foster some dogs. She did have one aggressive dog. This one is now in Texas.

Bruce Wilson Health Agent did speak with the current Animal Control Officer and she stated that one dog in the past was aggressive. If that dog is no longer there, then there should not be any issues. The barking could be an issue with 5 dogs out at one time as it is a dense neighborhood.

The board heard from a direct abutter. His fence abuts the applicants back yard. There had been some damage in the past from the aggressive dog. He suggested the applicant put his own fence up as not to damage the abutters. Other neighbors wanted to make sure they were not affected by continual barking.

The board discussed how the noise level of the barking could be limited as there is no control other than the current noise ordinance which only speaks to after hours. It is not helpful if dogs are barking all day. The applicant and his girlfriend work separate shifts; could put dogs out only when owner is home. Also, the applicant and neighbors could communicate if any issues arise. They agreed to do this on a trial basis and return on June 4<sup>th</sup> to see how the situation is going.

**On a motion made by Member Paturzo and seconded by Member Gabrielle the board voted unanimously to close the Public Hearing.**

**On a motion made by Member Salisbury and seconded by Member Paturzo the board voted unanimously to grant the Special Permit for a non-commercial animal kennel for no more than 5 dogs, not to be replaced at any time. Dogs are allowed outside only when the owners are home. Any complaints are to be resolved immediately between applicant and neighbors. There will be a 6-month renewal on June 4, 2020 where the applicant shall be in attendance.**

#### Minutes

**On a motion made by Member Paturo and seconded by Member Salisbury the Board voted unanimously to accept the minutes from February 6, 2020.**

#### Adjourn:

**On a motion made by Member Salisbury and seconded by Vice Chairman Dunlea the Board voted unanimously to adjourn the meeting.**

The meeting adjourned at 8:45

Minutes Accepted on June 4, 2020 Via ZOOM Laura Leonard  
(Date) (Prepared by)

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Brian Wright

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James Dunlea

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Arturo Patruzo

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Brian Salisbury

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Peter Gabrielle