

Town of Bellingham MA

10 Mechanic Street, Bellingham MA 02019

Zoning Board Meeting Minutes 12/01/2016

Minutes of Meeting
December 1, 2016

Present at Meeting

Brian Salisbury, Chairman
Brian Wright, Vice Chairman
Arturo Paturzo, Member
James Dunlea, Member
Peter Gabrielle, Member
James Jeskche, Alternate Member

Absent

Joseph Flanagan, Alternate Member

Other Attendees:

James S. Kupfer (JK) – Town Planner & Zoning Compliance Officer
Laura Renaud (LR) – Zoning Clerk

7:00

BS opened the meeting.

Renewal – 4 Charlotte Road – Mr. & Mrs. Pearson Special Permit Renewal for Family Apartment

Sitting IN: BS, BW, AP, JD and PG

The owners/applicants were in attendance to renew the Special Permit for a Family Apartment. Mrs. Pearson stated their daughter; Kayla Pearson still lives in the apartment. This was originally issued in 2011. TA (Building Commissioner) did drive by the property. They stated there have been no changes since then. The Board reminded the applicant to record the decision at the Registry of Deeds. The applicant agreed and they would return in five years.

AP motion to close.

PG second.

AP motion to grant the Special Permit for the renewal of the Family Apartment.

PG second.

All in favor to grant the renewal as requested. There is a 20 day appeal period.

Renewal – 3 Roberta Lane – Nancy Fraser Special Permit Renewal for Family Apartment

Sitting IN: BS, BW, AP, JD and PG

The owner/ applicant was in attendance to renew the Special Permit for a Family Apartment. Nancy Fraser stated that she still lives in the principal unit and her daughter, Holly Fraser, her husband and their daughter live in the other unit. TA did drive by the property. There have been no changes since the original Special Permit was issued.

There were no questions from the public. The Board reminded the applicant to record the decision at the Registry of Deeds. The applicant agreed and they would return in five years.

BS motion to close.

AP second.

BS motion to grant the Special Permit for the renewal of the Family Apartment.
PG second.

All in favor to grant the renewal as requested. There is a 20 day appeal period.

**New – 6 -6A Acorn Street – Kari Meszaros-Phaneuf
Special Permit for a Family Apartment**

Sitting In: BS, AP, JD, PD and JJ

JK explained that they have the new application and previous decision in front of them. The applicants are the potential new owners. The applicant provided photos. It is not physically attached but through a silt fence and patio. Kari and Brad are the ones purchasing the property.

Kari explained that her and her husband will be purchasing the property to live in the main unit and her parents, Frank and Carol Maszaros will live in the other. They are close to signing the P & S Agreement. There will not be any structural changes. BS explained that this is for family members only. Kari stated they did understand that. One member of the audience questioned as to why the original agreement to put a row of evergreen trees was never followed up on. JK stated it was shown on the plan. JD questioned if they would be willing to put in. Kari stated they could work it out with the present owner. Other audience members questioned how this could legally happen in a single family residential zone. BS explained the Family Apartment Bylaw. This bylaw is not for rentals but to help family members with a hardship. The applicant will have to return every 5 years to renew this and also register the decision at the Registry of Deeds. The applicants noted they understood this.

BS motion to close.

AP second.

All in favor to close the hearing.

AP motion to grant the Special Permit as requested with the understanding the evergreens will need to be planted as shown on the original plan.

BS second.

All in favor to grant as requested with the condition of the planting of evergreens as discussed. Also, the decision will have to be recorded at the Registry of Deeds when the sale of the house is completed. There is a 20 day appeal period.

**Continuation – 22 Bellstone Drive – John and Lillian Kauker
Amend a Variance - 2 detached units on one lot**

Sitting In: BS, BW, AP, JD and PG

The applicants and their attorney, Stephen Kenny were in attendance. Attorney Kenny explained that in 1998 the Kauker's petitioned for a variance at a Public Hearing with the ZBA. They were issued a variance for an in-law apartment. They currently have a garage with an attached in-law on their property and a single family home. They would like to amend their previous decision to state the 2 buildings be allowed on one lot, not just a Family Apartment. Their lot consists of 12.5 acres. The Applicant stated that the use of their in-law is no longer necessary. There would be no changes to the property of structure. The only change would be the residents. It is a large lot. He stated it does not derogate from the current bylaw and is a financial hardship to maintain for the applicants if not allowed. That structure has been there 18 years. BS stated it was used as a Family Apartment for 18 years. Lillian Kauker stated that at the time they came to the ZBA in 1998 they made it clear they wanted to rent it out when the time came. They questioned as to what they will do with a 3 bedroom single family home at this point. The board explained they need to meet the hardships for a variance. Attorney Kenny stated this would not have any negative effect on the neighborhood, there is a financial hardship to maintain a vacant structure, the shape of the lot and the size of the lot allows this type of structure to set nicely, there is not enough frontage to subdivide the property. JD explained that if allowed; the next people that own and rent may not be great neighbors. It is a single family neighborhood. It was a self-imposed hardship. JD felt in 1998 the decision reads for a construction of a garage with attached in-law. It does read that it is used as an in-law. AP felt that this is a unique situation and should be taken that way. Abutters were in attendance and had concerns how the granting of the variance would change their neighborhood character and felt it does impact the neighbors. Jason Healy of 23

Bellstone Drive spoke in favor of the variance as he felt it would be a benefit to the neighborhood as the Kauker's live right next door and could watch over anyone who rented it. William O'Connell of 18 Bellstone Drive made comment that allowing a rental unit would add traffic, would not be in character to the neighborhood, and would devalue his and other properties on the street. Michael Connor, 13 Bellstone Street was also concerned of the impact to the neighborhood and spoke regarding possible provisions be added to the decision to control the traffic, if a variance is granted. The board reviewed all the materials presented, heard from the applicants and the abutters.

BS motion to close the hearing.

AP second.

All in favor to close.

There was no further discussion.

AP motion to grant the amendment as requested as in section 240-37.

JD second.

Discussion: The board members felt this was a difficult situation and the hardship criteria for a variance is not easy to meet but the board is bound by the bylaw.

Board Vote:

In favor – AP

Opposed – BS, BW, JD and PG

The Variance is denied. There is a 20-day appeal period.

New- 799-801 Pulaski Blvd. – John Wasylean

Special Permit for Earth Removal

Sitting in: BS, BW, AP, JD and PG

JK explained the applicant is in attendance for a Special Permit as they need to remove earth to construct a private road and 3-single family homes. There is a steep hill and a lot of gravel that needs to be removed.

Their representative from Andrews Survey was in attendance and explained there were several knolls at higher elevations on lot #3. They will need to remove a lot of soil but will also need a significant amount as fill. BS explained that they will still need to go to Planning and Conservation. The discussion should be tabled. JK explained the applicant could withdraw from the ZBA and then come back after meeting with the other boards or continue it for a few months. The applicant requested a continuance to the March 2, 2017 meeting. JK stated they will also need an extension.

BS motion to continue to March 2, 2016.

JD second.

All in favor to continue as requested.

General Business

JK explained the Municipal Modernization Act which allows one person be appointed to sign any invoices that come through, which saves time instead of waiting for the board to sign month to month.

AP motion to choose James Kupfer and Brian Salisbury as the alternate to be the designated signees.

BW second.

All in favor for the designated signees.

Budgets – JK did the budget for FY2018. He stated most of the line items remained the same except for postage increase due to the need to mail out decisions to abutters after hearings now. Which had not been done in the past. He explained the Board may want to increase the Variance application fee to \$150.00 which is the same as the Special Permit fee. That will help defray the cost of the mailings also. JK is also seeking an increase for the part-time personnel stipend. The board agreed.

Minutes – November 3, 2016

AP motion to accept the minutes as amended.

PG second.

All in favor to accept as amended.

Meeting adjourned 8:45 PM

Approved 1/5/2017