

Town of Bellingham MA

10 Mechanic Street, Bellingham MA 02019

Zoning Board Meeting Minutes 08/04/2016

Minutes of Meeting August 4, 2016

Present at Meeting

Brian Salisbury, Chairman
Brian Wright, Vice Chairman
Arturo Paturzo, Member
Peter Gabrielle, Member
James Jeskche, Alternate Member
Joseph Flanagan, Alternate Member
(James Dunlea-Absent)

Other Attendees:

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

7:00 PM

BS opened the hearing.

Renewal – 6 Brittany Road – Biggins

Special Permit for Family Apartment
Sitting In: BS, BW, AP, PG and JJ

The owner was in attendance to renew the Special Permit for a Family Apartment. Mrs. Biggins stated there were no changes. Her mother-in-law, Mary Biggins, still occupies the apartment. There are the same hardships.

AP motion to close the hearing.
BW second.
All in favor to close the hearing.

AP motion to grant the Special Permit for the renewal of the Family Apartment.
BW second.
There is a 20 day appeal period. The decision must be taken to the Registry of Deeds.

New – 74 Mendon Street – Conti

Special Permit for Family Apartment
Sitting In: BS, BW, AP, PG and JJ

Gerard Conti, owner of the property explained he would like to add a second floor above the existing 2 car garage for his father-in-law, a one bedroom apartment. (Sketch provided) The garage will eventually be the bead business he had received a home occupation for. This is a single family home in a B1 district. There will be 2 means of egress: one to the outside and an interior stairway to the single bay area. He is not changing the footprint. There is adequate parking for everyone. The septic system is adequate as he spoke with the BOH. His father-in-law, Konsen Reosakunchai, needs medical care and that is why he is seeking the permit.

AP motion to close the hearing.
PG second.
All in favor to close.

AP motion to grant the Special Permit as requested with no changes to the footprint.
JJ second.
All in favor to grant the Special Permit for a Family Apartment.

New – 83 Plymouth Road – Colleen Feerick

Variance Request for side yard setback

JK explained the Building Commissioner went to this property for another inspection and noticed this existing 12 x 20 shed, on a concrete footing was abutting the neighbors shed, with approximately 4 feet from the property line. She did not meet the required side yard setbacks required for a Suburban Zone, which is 15 feet. She was advised to come before the board. The applicant, Colleen Feerick, explained that she had 2 sheds that needed to be replaced. She chose this one shed and the location as it was the only spot that wasn't in the flood zone. She explained she hired a contractor to build the shed with the concrete foundation. During this time she was in the hospital. She knew the work was being done but was not really available to notice the details and she did believe her contractor was following all the correct regulations. The board reviewed the application and as-built plan. She would need an 11 foot side yard variance. The board would like to see the exact location of the flood area. The applicant asked to continue the hearing until September 1, 2016.

AP motion to allow continuance.

BW second.

All in favor to allow continuance to September 1, 2016.

Continuation - 10 Cross Street – Joshua Harris

Variance to convert single family home into a 2 family

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

JK explained that Mr. Harris continued from last meeting. This is a single family home. He is looking to make it into a 2 family home. A variance is required as he doesn't meet the lot area.

The applicants' attorney explained that they were in attendance because a 2 family dwelling requires 2 acres and they only have 1.57 acres. At one time there were 3 tenants on the property, the original home, the basement apartment and a garage apartment. One has been evicted. There also was a landscape business on property and when the town notified him that was not allowed, he did move it. When the business was moved Mr. Harris made that space into an apartment. The board requested the applicant explain the hardships. Mr. Harris stated if he had to turn it into a single family he would have a big financial loss. He relies on the income as he is the sole income provider for his family of four. Also he would be displacing the families living there. The property is an awkward layout. It is surrounded by lots that Mr. Fafard owns. He did reach out to him with no response.

There are also wetlands in the back right corner. The area is covered in woods and it is difficult to see. There is a lot of parking. He stated there was always an apartment in the basement. Mr. Harris felt since it was assessed in 2013 as a 2 family he could just use it as that. Mr. Harris assumed since it already existed he could just renovate it. He purchased it in 2011 and converted in the Fall 2015. He only took out electrical and plumbing permits. He received the letter from JK in the winter of 2015 and that is how he ended up at the ZBA. The board members discussed the variance requirements and questioned the hardships by this applicant as he did knowingly purchase this property as is. The board felt that he could still use this property as a single family residence. The applicant stated he was there to make it legal if he could and if not he would have to sell it at a loss. After much discussion the board felt that they had to go with what fits within the bylaw.

AP motion to close the hearing.

JF Second.

All in favor to close.

AP motion to grant the variance as requested.

BW second.

In favor: AP and BW, PG

Opposed: BS, JJ

Variance is 4 out of 5. This variance request is denied.

There is a 20 day appeal period.

General Business:

Jay Talerman, Town Counsel was in attendance to have an informal discussion/review on zoning.

JK provided a draft of upcoming zoning changes for the next Town Meeting.

Minutes – July 7, 2016

AP motion to accept as amended.

BS second.

All in favor.

Meeting adjourned 9:30 PM

Approved 9/1/16