

# Town of Bellingham MA

10 Mechanic Street, Bellingham MA 02019

## Zoning Board Meeting Minutes 06/02/2016

Minutes of Meeting

June 2, 2016

**Present at Meeting**

Brian Salisbury, Chairman  
Brian Wright, Vice Chairman  
Arturo Paturzo, Member  
James Dunlea, Member  
Peter Gabrielle, Member  
James Jeskche, Member  
(Joseph Flanagan – absent)

**Other Attendees:**

James S. Kupfer (JK) – Town Planner & Zoning Compliance Officer  
Laura Renaud (LR) – Zoning Clerk  
Tim Aicardi (TA) Building Commissioner

**7:00**

BS opened the meeting.

**Informal – Taft Estates – Timothy Jones**

Mr. Jones came before the board to discuss 2 conditions in his comprehensive permit. Number 16 which states a two car garage shall require the approval of the Board. TJ would like to be allowed to put 2 car garages on 3 lots (4 & 6 Ernie Drive & Lot 17 Taft Drive). The Board felt they would fit within the building envelope of 10' and agreed to allow.

Number 23 states the sale of affordable units remains on pace with market rate units, a minimum of one (1) out of every four (4) units sold must be an affordable unit. TJ explained it has been difficult to sell the affordable units. There was a lottery and no one attended. TJ is asking if the board can waive this restriction as it has been costly for him. JK explained it is difficult to find applicants that qualify but can carry a mortgage. The process has been ongoing. He does have 3 constructed. He needs 2 more.

AP motion that the board allow the 2 car garages as requested and to allow the applicant to wait to construct the last 2 affordable units but withhold at least one occupancy permit for the regular units.

JD Second.

All in favor to allow as requested.

**Continuance – 21 Governor Avenue – Twin River Realty**

Appeal of Decision of Administrative Officer

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

JK explained the applicant was in attendance in January. It was determined that a variance is required. The applicants' attorney said he would not be applying as he felt it was not warranted as he claims the property was never abandoned. JK sent a cease and desist notice and that is why the applicant is here for an appeal now. Attorney Lee Ambler (LA) claims he could not ask for a Special Permit because the property was never abandoned. He states it has been ongoing since 1950. They feel their letter from the past Building Inspector, a written affidavit from 2 neighbors who have lived there for many years and an affidavit from Gordon Knight the previous owner was proof enough the business was ongoing. LA stated it was sold in 2014 to Mr. Daprato (in attendance) and the business was started within one month of that. JK stated the water was turned off and then back on; there is no business license with the town clerk and absolutely no hard evidence of an ongoing business. The board stated they required some type of evidence a business had been ongoing: delivery receipts, utility bills or a customer's repair invoice. The board felt the affidavits presented was not enough evidence. JK explained section 240-30c. The board agreed that the cease and desist of the business will remain in effect until some evidence is put forth. If there is not sufficient evidence then they will be required to apply for a variance. The applicant requested a continuation to the July meeting.

AP motion to grant as requested.

JD second.

All in favor to allow a continuation to July 7, 2017 at 7:00 PM.

**New – 19 Pelletier Drive – Rita Forrester**  
Special Permit for Family Apartment

BS opened the hearing. The applicant was not in attendance. There were many abutters in attendance. The board explained what criteria had to be met for a Family Apartment. The neighbors had many different concerns and were advised to file formal complaints with the Building Commissioner and/or Health Agent. The board agreed if the applicant wanted to return for another hearing they would have to re-advertise. The abutters would be notified of a new hearing. LR would contact the applicant and see what the issue was.

**New – 74 Highridge Road – Andrea Demetriades**  
Special Permit for Family Apartment  
Sitting In: BS, BW, AP, JD and PG

The applicant was in attendance as she would like to make her basement into an apartment for her elderly father, Joseph Augustine. He is not able to live alone due to medical issues. It will be mostly interior work in the existing basement. A possible screened in patio. They have town sewer. There will be no addition of vehicles. TA explained when they did put the design together they need to show a direct egress to the outside, a window or door is fine as long as it is no higher than 44" off the floor. They must bring the decision to the registry of deeds and return every 5 years for a renewal.

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

AP motion to grant the Special Permit as requested.  
PG second.  
All in favor to grant the Special Permit for a Family Apartment as requested.

BS – There is a 20 day appeal period.

**New – 60-72 Irving Street – Spencer**  
Special Permit for Multi-Housing  
Sitting In: BS, BW, AP, JD and PG

JK explained that the applicant Mr. Spencer was refinancing his multi-family property. The bank called him (JK) asking for permits and the legal description. After JK looked into this property it came about that it is 4 rental units on one parcel. (Reading footnote 10 in the Intensity of Use Schedule). JK explained this is a unique situation. The applicant has had since 1979, has applied and received all the correct building permits. He did purchase as a 4 family and it is still a 4 family. AP questioned if the owner would be making any changes. The applicant stated they only want to refinance and keep it all the same. TA stated he would be doing inspections on multi families, focusing on safety issues. JK explained that the applicant needs a Special Permit to allow the 4 existing units in two structures on only one parcel. The board felt the Special Permit could be issued as the parcel could not be reasonably used or altered and used for another permitted purpose. This use is in harmony with the general purpose and intent of the bylaw. The existing dwellings will not have adverse impact to the neighborhood or town in regards to: social or community needs, traffic flow and safety, adequacy of utilities, the qualities of the natural environment or on any potential fiscal impact.

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

AP motion to grant the Special Permit to continue to allow the 4 units in 2 buildings as presented in the application and materials submitted.  
PS second.  
All in favor to grant the Special Permit.

**New – 74 Mendon Street – Gerard Conti**  
Special Permit for Home Occupation  
Sitting In: BS, BW, AP, JD and PG

The applicant, Mr. Conti, explained he is seeking a permit to be allowed to run his bead business and live at the property of 74 Mendon Street. It is zoned B1. He will be putting the business where the garage is located. His living quarters will be to the right of the garage. He explained him and his wife have had the business for 20 years. It is a quiet business. There are approximately 3 visitors a day, one delivery truck a month. They are an online business, also. They will be using the existing attached 2 car garage. They are requesting to be open Tuesday through Saturday 11:00 am to 6:00 PM. They will be improving the property ascetically. He explained him and his wife and child will be living on the property and plan on staying there. The applicant provided photos. The board felt the parking area was quite large. There will be no employees. JK explained they need a Special Permit because of the area size they are using for the business. TA stated he met with the owner and he feels it is a good plan for that property. The board felt that it needs the improvements.

BS motion to close the hearing.  
JD second.  
All in favor to close the hearing.

AP motion to grant the Special Permit for a Home Occupation as described in the application and plans provided.  
PG second.  
All in favor to grant.

**Minutes – May 5, 2016**

AP motion to accept the minutes.  
JD second.  
All in favor to accept the minutes as presented.

Meeting Adjourned 9:30

Approved 7/7/2016