



TOWN OF MENDON

BUILDING DEPARTMENT

Mendon Town Hall

18 Main Street

Mendon, MA 01756

Telephone: (508) 473-2679 Fax: (508) 634-2909

March 3, 2022

Attorney Jason R. Talerman
730 Main St.
Suite 1F
Millis, MA 02054

RE: Request for Zoning Enforcement
106 Millville Road, Mendon, MA (the "Property")

Dear Attorney Talerman,

I am in receipt of your request for zoning enforcement at the above referenced property, pursuant to G.L. c. 40A, §7.

I do not find this property to be in violation of the Mendon Zoning By-Law for any of the reasons alleged.

Specifically, you allege that "the owner of the property has decreased or ceased farming activities and has made arrangements to use his land for the receipt and stockpiling of fill and associated construction materials." My inspection and observations indicate that the owner has indeed brought in large amounts of dirt, gravel, and or fill; and has done so to grade or regrade his property. I did not find that he is "stockpiling" the material, or using it in any way that violates the zoning bylaw. To this extent, you allege:

- "Commercial fill operations are a separate primary use of property that are not listed in your Zoning By-Laws". Upon inspection, I do not consider the activity at this property to be a commercial fill operation. I have reviewed your comparison to the case of Richardson-North Corp v. ZBA of Uxbridge. I do not find the activities at 106 Millville Rd. to be similar, identical, analogous, pertinent, or otherwise comparable to the aforementioned case.
- "If such use could plausibly be determined to be allowed under the zoning bylaws (which it can't), Site Plan Review would be required." I agree that "such use" would require site plan review, however, my inspection as stated above, did not reveal a commercial fill operation to be the use.
- "The use of the site for an industrial filling operation is also in violation of XXVI of the Town's General Bylaws, which regulates Stormwater Management". Whether this is in fact true, as

Building Commissioner I do not enforce this regulation, nor is this general bylaw a zoning bylaw

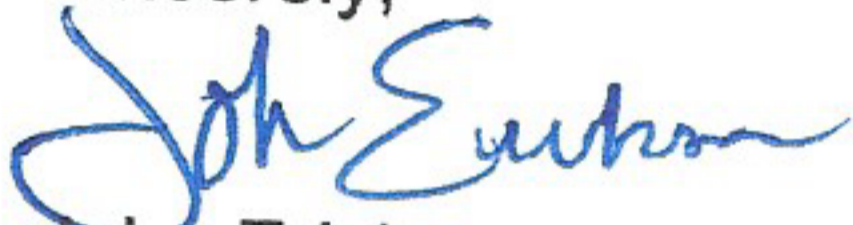
- "I am also providing you with notice that large scale filling operations require oversight and approval by the Massachusetts Department of Environmental Protection pursuant to the Department's *"Interim Policy for Re-Use of Soil for Large Reclamation Projects"*." As I'm sure you are aware, as Building Commissioner, I do not enforce DEP regulations, nor does a DEP violation inherently violate the Zoning By-Law.

You have further stated that this property is in violation of additional regulations and at least one department or board has issued a cease-and-desist order.

As stated previously, as result of several in-person inspections along with review of photographic evidence provided for my consideration, I do not find the activities described in your letter to be in violation of the Town of Mendon Zoning By-Law.

Please be aware that you and your clients have the right to appeal this decision, as provided in MGL c. 40A.

Sincerely,



John Erickson
Building Commissioner

cc: Town Administrator