

TOWN OF MENDON
ZONING BOARD OF APPEALS
20 Main Street
Mendon, Massachusetts 01756

James P. Carty, Chairman Patrick
Guertin - Member
John Vandersluis - Member
Thomas Merolli – Alternate
John D’Amelio - Alternate

Minutes
November 4, 2021

Members present Jim Carty, Patrick Guertin, Alternate John D’Amelio, Alternate Thomas Merolli. Absent: John Vandersluis

E. Agro (admin) asked Chairman Carty to choose an alternate. He did not reply so the admin asked Mr. Merolli to sit as alternate since Mr. D’Amelio sat on the last hearing.

26 Blackstone St.

The hearing was opened at 7:00pm. Chairman Carty read the hearing notice and nature of relief.

The applicant, Justin Harshaw of 32 Blackstone St. Mendon, was represented by his engineer Steve O’Connell of Turning Point Engineering. The applicant seeks to split off the house on 26 Blackstone St. from the remaining ~8 acres. This change would create a non-conforming house lot in size, but the remaining dimensions would be in compliance with zoning. Mr. O’Connell stated the the septic design would allow for this change. The house lot requirements are 60, 000 sf for a single family dwelling. The new lot would be 35, 000sf. Mr. O’Connell noted that while his client could comply with current zoning, any land added to ensure compliance would be unusable to the future owner, i.e. they could run a 5 foot strip up the entire property to comply.

Mr. Carty repeated that the applicant *could* comply but agreed that that a 5 foot strip of land would not be desirable.

Mr. Merolli inquired as to the nature of hardship. Mr. O’Connell repeated that the narrow width of the land cannot be practicably used and will not affect the current dwelling.

Mr. Harshaw informed the Board that he has first right of refusal for 30 Blackstone St. and would like to combine all the land into a cow/horse pasture. He has no plans to develop the land further.

Mr. D'Amelio asked if it was his intention to have a family farm. Mr. Harshaw answered yes.

Mr. D'Amelio asked how many acres in total would he have. Mr. Harshaw answered 22 acres.

Mr. Merolli asked the applicant to clarify how this is a hardship? Creating a non-conforming house lot could affect future plans for the buyer.

Mr. Carty stated that this is an unusual situation whereas we have someone who wants to create a larger agricultural area than he already has. He repeated that he doesn't want to see a 5 foot strip of land.

Mr. Carty opened discussion to the public. Several neighbors spoke in favor of the variance. Mr. Capone of 56 Blackstone St. says he is in favor of it staying farmland and doesn't want to see it developed.

Mr. Pearson, of Millville, said he was confused on the hardship. The applicant knew when he bought the land what the lot looked like. Mr. Carty stated that is what this board is here for. Mr. Pearson also stated that Mr. Harshaw was granted a variance for his property a few years ago. In that hearing he stated he would not be paving his driveway, yet now it is. Mr. O'Connell said it was not a condition of the variance and paving the driveway was because it was too dusty.

Mr. D'Amelio asked if the septic location was suitable for the smaller lot. Mr. O'Connell replied yes and it has a current Title V inspection.

There was no further discussion. Mr. Carty called for a motion.

Mr. Guertin made a motion to grant the variance as written. No second was given before Mr. Carty called for the vote. Mr. Guertin and Mr. Carty both voted aye. Mr. Carty said the variance was granted. E. Agro reminded Mr. Carty that he needed a second before he could vote. Mr. Carty looked to Mr. Merolli for the second. Mr. Merolli would not second the motion. Mr. Carty then stated that as chair, he is responsible for selecting the alternate and he did not select Mr. Merolli. E. Agro stated that she requested the chair assign one but when he didn't respond asked Mr. Merolli to sit since Mr. D'Amelio sat for the last one.

Mr. Carty asked Mr. D'Amelio to be the alternate. Mr. D'Amelio seconded the motion. The variance passed unanimously. 7:24pm

Other Business

On a motion from Mr. Guertin, seconded by J. D'Amelio, the minutes from 9.9.21 and 10.14.21 were approved 7:26pm

J. D'Amelio made a motion to adjourn, P. Guertin seconded. The meeting was adjourned at 7:27pm.

Approved April 21, 2022