

James P. Carty, Jr. - Chairman
Patrick Guertin - Member
John Vandersluis - Member
Sherry Grant - Alternate
Lawney Tinio - Alternate

TOWN OF MENDON
ZONING BOARD OF APPEALS

Mendon Town Hall
20 Main Street
Mendon, Massachusetts 01756

Minutes

Todd A and Elizabeth Moryl
63A Blackstone Street
Mendon, MA 01756

The Applicants, Todd A. & Elizabeth S. Moryl, request relief from Article II, sec. 2.01 (a) and sec. 201 (b), Table 1 pertaining to lot size, frontage, width and depth of lots and requirements of driveways to be wholly contained in the lot frontage and the requirement to locate driveways at least 10' from side lot lines.

The relief, if granted, will allow the following:

To allow a min. frontage of 80.65' for Lot A (#63A Blackstone Street).

To allow a min. lot width of 80.65' for Lot A (#63A Blackstone Street).

Lot A contains 22.97 acres and has 80.65' of frontage on Blackstone Street and is shown on plan entitled, "Zoning Board of Appeals Plan of Land In Mendon, MA Owned By Todd A. & Elizabeth S. Moryl, 63A Blackstone Street, Mendon, MA 01756", dated January 16, 2017, prepared by Shea Engineering & Surveying, Inc.

A public hearing was unanimously opened on March 2, 2017 at 7:00 P.M. J. Carty reads the public hearing notice. The Applicant through his engineer and surveyor Fred Lapham present a map showing the surveyed property lines of the lots and a conceptual layout plan of the driveways and houses. Mr. Lapham also explains the following:

The petitioner requests variances from the Mendon Zoning By-Laws that will allow the subdivision of their 26.21 acre parcel of land into two lots. Lot A, containing 22.97 acres, will remain with the existing house and will have its' frontage of 80.65 feet on Blackstone Street. Lot B will be a building lot containing 3.24 acres and will have its' frontage of 166.24 feet on Millville Street. Lot B frontage of 166.24 feet and lot width of 187.00 (at building setback) existed prior to the Mendon Zoning Bylaw requirements.

Mr. Lapham went on to explain that the property is subject to prior variances granted by the Mendon Zoning Board of Appeals which restrict the development of the 26.21 acre property to one single family house having its' legal frontage on Millville Street and allowing its' driveway to be located on Blackstone Street.

Also, the property has unique soil conditions, with a wetland corridor running from north to south through the middle of the parcel, effectively dividing the property and street access points into two separate sections of upland. The property is also located within a priority habitat of rare and endangered species.

It was explained that the topography is unique, in that the only access to Blackstone Street has a grade that exceeds the maximum road grade required by the Mendon Subdivision Rules and Regulations, making the property inaccessible for construction of a street that could provide frontage for multiple lots.

The discussion continued with comments from abutters that were present. Mr. Lapham explained that, since the existing house has its' access from Blackstone Street, a literal enforcement of the Zoning Bylaws creates a hardship by making the legal frontage on Millville Street unusable. The existing house is about 1,400 feet from Millville Street and is separated by a wetland that varies in width from 75' to over 400'. Use of the 166.24 feet of frontage on Millville Street for a new building lot will allow the applicant to use their property in a manner that is consistent with the intent of the Mendon Zoning Bylaws and in harmony with the neighborhood in which the lot exists. The new building lot area is more than two times the minimum area required by current regulations. The proposed house will be more than 200 feet back from Millville Street.

It was also explained that the Millville Street frontage of 166.24' and lot width at min.

building setback of 187.00' existed prior to the Mendon Zoning Bylaw requirements, and further, it is the intent of the Mendon Zoning Bylaw for pre-existing, nonconforming frontage to be usable for all lawful purposes as long as it is at least 50 feet. Use of the Millville Street frontage and construction of a single family house as proposed will eliminate the future possibility of roadway access to Millville Street for development of over 150 acres of existing open land.

After due consideration of the testimony from the applicant and abutting property owners, the Zoning Board of Appeals finds that due to the soils condition, shape and topography, a literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial or otherwise to applicant. The Zoning Board of Appeals finds that the proposed division of the 26.21 acre property into two lots, one with the existing house having its' legal frontage on Blackstone Street of 80.65' and a lot width of 80.65' and the other lot, to be considered a "building lot" for one single family house having its' frontage of 166.24' on Millville St. and a lot width of 187.00' is more desirable to the town, in general, by allowing the Millville Street frontage to be used for development of a single family house lot and thereby eliminating potential street access from Millville Street to over 150 acres of open land for possible development. The Zoning Board of Appeals also finds that the requested variances can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning ordinance. The Zoning Board of Appeals, in granting this variance, has reviewed the prior Zoning Board of Appeals' decisions affecting this property. The Zoning Board of Appeals has determined that conditions relating to soil, shape and topography are unique to the subject property and do not affect generally the zoning district in which it is located and hereby intends this decision to vacate the conditions set forth in all prior decisions affecting the subject property issued by the Mendon Zoning Board of Appeals.

The Zoning Board of Appeals unanimously vote to grant the variances as requested subject to the conditions listed below.

Conditions:

1. Only one single family dwelling is allowed on each lot. No further subdivision is allowed.
2. The single family house to be constructed on Lot B shall conform to the dimensional setback requirements of the Mendon Zoning By-Laws.
3. A restriction referencing this decision shall be placed on the deed conveying Lot B.
4. No building permit is to be issued until this decision is filed with the Mendon Town Clerk, per Massachusetts General Laws and the decision is recorded with the Worcester Registry of Deeds.
5. All prior decisions, conditions and restrictions affecting the subject property issued by the Mendon Zoning Board of Appeals are hereby vacated.

Minutes approved: 12/21/16 & 11/17/16

James Carty - Chairman
Patrick Guertin - Member
John Vandersluis - Member
Sherry Grant - Alt Member
Lawney Tinio - Alt Member



TOWN OF MENDON

ZONING BOARD OF APPEALS

Mendon Town Hall

20 Main Street

Mendon, Massachusetts 01756

101 Blackstone Street

Andrew J. Fiske

June 15, 2017

Member present: James Carty, John Vandersluis, Patrick Guertin, Lawney Tinio & Sherry Grant.

Applicant: Andres J. Fiske with Frederick Lapham, Engineer and Ernest Horn, Attorney.

7:00 PM:

J. Carty opens the hearing and reads the public hearing notice that was properly advertised in the Milford Daily news prior to the hearing. All abutters were duly notified of the hearing through the postal service.

Attorney Ernest Horn representing the applicant states reasons of application and hardship as written in the submitted application.

Fred Lapham, Shea Engineering, demonstrates plan to the Board. F. Lapham states that a previous decision on the property states that any future development on the property needs a ZBA approval. F. Lapham states that the proposed driveway will be 18 feet wide. He also states that there are (4) segmented segregated uplands and that the uplands are 1500 feet away from the entrance. He continues that the proposed development will be low impact. F. Lapham also demonstrated an alternative plan consisting of an (18) lot subdivision. He then continues on with the proposed plan and that driveway will cross the wetlands in two areas. F. Lapham states that each lot meets the 60,000 square foot lot requirement and that the lots will keep with the town's rural character.

J. Vandersluis questions if the driveway will be gravel in which F. Lapham answers that there will be gravel only at the wetland crossings. E. Horn would like the applicant to have to option to either pave or gravel the driveway.

J. Carty inquires as to who will maintain the driveway. Mr. Fiske states that a homeowner's association will be created to maintain the driveway.

L. Tinio questions on whether the entrance will consist of (2) drives or (1). A. Fiske states that he would like to leave the entrance as (1) driveway before they split due to the current landscaping. F. Lapham stated that (1) driveway is favored due to the traffic issues on Blackstone Street. L. Tinio recommends (2) driveways at the entrance from Blackstone Street. J. Carty concerned that a safety vehicle may enter wrong driveway if kept as (1) drive before they split into (2) drives. P. Guertin questions the safety due to the length of the driveways. F. Lapham states that there will be an effort to keep driveways clean from debris and branches and that easements will be needed for the driveways. E. Horn states that maintenance may have to be part of the homeowner's agreement. J. Carty agrees with L. Tinio and would like to see a turnaround for emergency vehicles. E. Horn states that a turnaround is not required for any other development in town. F. Lapham suggests flaring the ends of the driveways to help assist the safety vehicles when backing down drives and out onto the common drive. A. Fiske suggests keeping an island at the entrance before the driveways separate into (2) drives. A. Fiske also would like to keep his current address as 101 Blackstone Street. L. Tinio states that the ZBA does not have authority to make the decisions to keep the address but will support it. Mark Crib of 109 Blackstone Street was the only abutter present and had no objections.

Cell tower height variance to sideline was discussed with no objection.

J. Vandersluis motioned to approve the (4) lot subdivision as written and for (2) driveways to be constructed from the entrance from Blackstone Street with support for Mr. Fiske to keep his current address as 101 Blackstone Street and flared driveways for safety vehicles. L. Tinio seconded the motion – motion passed unanimously.

Hearing adjourned.

Minutes Approved: 3/2/17

James Carty - Chairman
Patrick Guertin - Member
John Vandersluis - Member
Sherry Grant - Alt Member
Lawney Tinio - Alt Member



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

Property: 32 Maple Street
Owner: Bruce Bartlett

July 12, 2017

Present members: James Carty, Patrick Guertin, John Vandersluis, Lawney Tinio and Sherry Grant.

Applicant: Bruce Bartlett

7:00 pm

J. Carty opens the hearing and reads the public hearing notice that was properly advertised twice consecutively in the Milford Daily news prior to the hearing. All abutters were duly notified of the hearing through the postal service.

Bruce Bartlett explains to the Board that he would like to enclose the existing open porch on the home and states that the footprint will remain the same. The porch currently is 12 x4 and when enclosed, the porch will no larger and the roofline will remain the same.

J. Vandersluis motions to approve the Variance as written. L. Tinio seconded the motion – motion passed unanimously.

J. Vandersluis motioned to close hearing. L. Tinio seconded the motion – motion passed.

Meeting Adjourned.

James Carty - Chairman
Patrick Guertin - Member
John Vandersluis - Member
Sherry Grant - Alt Member
Lawney Tinio - Alt Member



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

Property: 4 Joseph Road
Owner: Jim & Loretta Gentilotti

September 21, 2017

Present members: James Carty, Patrick Guertin, John Vandersluis and Sherry Grant.

7:00 pm

J. Carty motions to open the hearing and reads the public hearing notice that was properly advertised twice consecutively in the Milford Daily news prior to the hearing. All abutters were duly notified of the hearing through the postal service. J. Vandersluis seconded the motion – motion passes unanimously.

The Applicant, James G. Gentilotti and his Attorney, Michael Noferi, presented an engineered plot plan of 4 Joseph Road (lot #7). Mr. Noferi stated that the owners purchased the lot as a buildable lot. The owner then stated that he was informed by the Assessor's Department that the lot was not buildable - the lot was then abated and taxed as non-buildable in 1999. The Board Members stated that they felt the lot was grandfathered and that the lot is buildable – the lot was prior to the new zoning that required 60,000 square feet. Lots prior to zoning were approved as buildable at 40,000 plus square feet. A letter from abutters Ashley and Jaden Brodner was read at the hearing stating their concerns. Mr. Noferi reiterated that the Variance is to allow for a single family home. Abutter Justin Brook, 6 Joseph Road, stated that he is new to the neighborhood and wanted to clarify that the lot would be sold as a single family home. Brenda Boudreau, 30 Edward Road, was concerned that the lot would be used as a through-way to the back lot for a development. Mr. Gentilotti stated he did not want a development behind his home as well.

P. Guertin motioned to grant the Variance as written in the application to allow for a single family home. The Board would like it noted that the current lot size was prior to the new zoning. J. Vandersluis seconded the motion, motion passed unanimously.

P. Guertin motioned to close the public hearing. J. Vandersluis seconded the motion – hearing was unanimously adjourned.

Meeting Minutes:

P. Guertin motions to accept the meeting minutes for 7/12/2017 & 6/15/2017. J. Vandersluis seconded the motion – motioned passed unanimously.

P. Guertin motions to adjourn the meeting. J. Vandersluis seconded the motion – motion passes unanimously.

Meeting Adjourned

Minutes Approved: 7/12/17 & 6/15/2017