

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
01/11/2018**

**Salvatore Tinio, Trustee of Highland Pond Realty Trust
P.O. Box 112, Milford, MA 01757**

Members Present: James Carty, Patrick Guertin, John Vandersluis, Alt. Sherry Grant

J. Vandersluis motions to open the Public Hearing. P Guertin seconded the motion, motion passed unanimously.

J. Card read the Public Hearing notice.

The Applicant, Salvatore Tinio, Trustee of Highland Pond Realty Trust and his Attorney, Mr. James Roberti, presented an engineered plot plan of the properties.

Mr. Roberti demonstrated and verbally stated Mr. Tinio's reasons for needing a Variance - as also explained in the Application. Mr. Roberti stated that the Applicant would like to combine Lot 1A and proposed Lot 1B (Parcel A) and build a single-family home on the proposed Lot 1B (Parcel A). Mr. Roberti also added that if the Variance were not to be granted, that Lot 1A would remain forever unbuildable. Access to the back Lot 1B (Parcel A) will need access through lot 1A.

The abutters present at the hearing voiced their concerns through a question and answer period and were essentially satisfied.

J. Vandersluis questioned the location of the home to be built.

P. Guertin asked how close the houses will be.

Salvatore Tinio stated that one house will be 60-70 feet away and the other will be a good distance away from that location - home to be built on Varney Property.

Mr. Roberti stated that the driveway will be 325 feet in length and stated that the site line will be acceptable.

Resident, 4 King Philip Path questioned the lot size.

Resident, 5 King Philip Path asked why there are not any house plans or a site visit. J. Carty explained that sometimes that site visits occur before the hearing and sometimes after.

John Vandersluis motioned to grant the Variance as written in the Application with a restriction that only a single-family house be built on the proposed rear Lot 1B (Parcel A). P. Guertin seconded the motion - motion passed unanimously.

J. Vandersluis motioned to close the hearing. P. Guertin seconded the motion - motion passed unanimously.

Hearing adjourned.

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

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

**Minutes
68 Kinsley Lane
David and Cora Allaire
March 29, 2018**

J. Carty motioned to open the Public Hearing and read the hearing notice. L. Tinio seconded the motion - motion passed unanimously.

The Applicant, David S. and Cora Allaire, requested relief from Article II, sec. 2.01 (a) Table 1 of the Mendon Zoning By-Laws, pertaining to minimum lot size of 60,000 S.F.

The relief, if granted, will allow the following: To allow Lot 68 Kinsley Lane to have a min. lot size of 15,100+- S.F.

The Applicant through his engineer and surveyor Frederick Lapham of Shea Engineering & Surveying, Inc., presented a plan, entitled, "Zoning Board of Appeals Plan of Land in Mendon, MA", dated February 9, 2018, showing the surveyed property lines of the lot. Mr. Lapham also explained the following: The petitioner requests a variance from the Mendon Zoning By-Laws that will allow Lot 68 to be reduced in size from 17,880+- S.F. to 15,100+- S.F. The abutting property at 70 Kinsley Lane will be increased from 18,800+- S.F. to 21,580+- S.F.

Mr. Lapham went on to explain that the shape of the property at 68 Kinsley Lane is unique in that a small, narrow strip of land containing 2,780+- S.F. extends behind the abutting property at 70 Kinsley Lane. Said strip of land was originally part of the back yard of 70 Kinsley Lane, but in 1968 it was broken off and made part of 68 Kinsley Lane.

It was explained that the petitioners currently own both 68 and 70 Kinsley Lane, with their residence located at 70 Kinsley Lane. The petitioner would like to sell the property located at 68 Kinsley Lane and would like to retain the 2,780+- strip of land, shown on above referenced plan as Parcel B.

Parcel B is located directly behind the petitioners' residence and appears to be part of their back yard. As

Lots 68 and 70 are currently laid out, Parcel B constitutes an intrusion of privacy for both 68 and 70 Kinsley Lane.

After due consideration of the testimony from the applicant, the Zoning Board of Appeals finds that, due to the unique shape of the property, a literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial or otherwise to applicant. The Zoning Board of Appeals also finds that the requested variance 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.

P. Guertin motioned to grant variance as written. J. Vandersluis seconded the motion - motion passed unanimously.

L. Tinio motioned to close the Public Hearing - Motion passed unanimously.

Public Hearing Adjourned.

Minute Approval: 9/21/2017, 1/11/2018

Minutes respectfully submitted by:
Sherry Grant

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

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

Minutes
6 TAFT AVE
Joseph & Heidi Gallerani
March 29, 2018

J. Carty motioned to open the Public Hearing and read the PH notice. J. Vandersluis seconded the motion - motion passed.

PETITION:

Petition of Heidi and Joseph Gallerani, 6 Taft Ave, Mendon, MA 01756 for a variance to replace an existing mobile home with a new structure pursuant to Town of Mendon Zoning By-Laws Article III, Sec. 3.01 d(i)(v) pertaining to non-conforming lots and structures. The lot is located at 6 Taft Ave, Mendon, MA, Assessor's Map # 11-225-6.

It was stated that the public hearing was advertised, properly posted and that the notices were mailed to the parties of interest. Board members James Carty, John Vandersluis, Patrick Guertin with alternate members Lawney Tinio and Sherry Grant were present at the hearing.

A. Eli Leino, of Mayer, Antonellis, Jachowicz & Haranas, LLP, represented the petitioners, explained the proposed building's placement on the lot with regard to set back requirements and distance to neighboring structures. The petitioners answered the Board's questions about approvals granted by other town agencies related to water and sewer.

Three abutters to the project spoke in favor of replacing the mobile home with a more permanent structure.

1. The existing mobile home was a pre-existing structure on a lot that does not conform to the current zoning by-law requirements.

Replacing the mobile home with a traditional house qualifies as a structural change, alteration, enlargement, or reconstruction.

2. The proposed structural change, alteration, enlargement, or reconstruction is not substantially more detrimental to the neighborhood than the existing non-conforming structure and therefore qualifies for the relief sought in the form of a variance.

DECISION:

The neighborhood surrounding Nipmuc Pond, including Taft Avenue, consists of numerous lots smaller than those required by the Town's current zoning by-laws. Allowing the owners of 6 Taft Avenue to improve their residence with a limited expansion in square footage and with no new detrimental effects to the abutters is in keeping with the goals of the zoning by-laws. L. Tinio motioned to approve application as written. P. Guertin seconded the motion - motion passed unanimously.

J. Vandersluis motioned to close the hearing, P. Guertin seconded the motion - motion passed unanimously.

Hearing adjourned.

Minute Approval: 9/21/17, 1/11/2018

Minutes respectfully submitted by:
Sherry Grant

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

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

Minutes
41 Milford Street - Anna Corporation
March 29, 2018

J. Carty motioned to open the Public Hearing, J. Vandersluis seconded the motion. The motion passed unanimously.

Petition: Anna Corporation, 16 Goodrich CT, P.O. Box 553, Milford, MA requested a Special Permit pursuant to Article I, Sec. 1.03(c) of the Mendon Zoning By-Laws which allows residential use in a residential zone and no extension of business/retail (General Business - GB) into the residential zone. Seeking Variance to allow the entire lot to be used for all uses allowed in Table A for business/retail. The lot is located at 41 Milford St, Mendon, MA and owned by Roy Vaz 13 Highland St, Milford, MA. Assessor's Map # 9-177-41.

Roy Vaz, owner, demonstrated his petition and stated that he is seeking Board approval to use the entire lot for all uses allowable in Table A for business/retail.

After thorough discussion, a motion was made by J. Vandersluis and seconded by P. Guertin to grant the Variance/Special Permit as written in the application. The motion passed unanimously.

P. Guertin motioned to close the hearing. Motion passed unanimously.

Hearing adjourned.

Minute Approval: 1/22/2018

Minutes respectfully submitted by:
Sherry Grant

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

~ June 28, 2018

Property: 94 North Ave

Owner: Richard Jeffrey & Kaitlin Elizabeth Stevens

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

7: 00 PM: J. Carty motioned to open the hearing and read 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. P. Guertin seconded the motion, motion passed unanimously.

The Applicant, Richard Jeffrey, demonstrated his plan that he submitted with his application. Mr. Jeffrey stated that he was unable to place the garage on the right side of the home because of the well and septic locations. He stated that the garage will be of a pre-fabricated structure used for personal use. The structure will be 12 feet in height with a peak of 17 feet and made of wood construction. Mr. Jeffrey also stated that there will not be a second floor storage area.

Calvin Wieggers of 102 North Ave, was the only abutter present at the hearing and stated that he had no objections with the application presented to the Board.

After thorough discussion J. Vandersluis motioned to approve the 36x26 detached garage as presented in the application. P. Guertin seconded the motion, motion passed unanimously.

J. Vandersluis motioned to close the hearing. P. Guertin seconded the motion, motioned passed unanimously.

Minutes respectfully submitted by:
Sherry Grant

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

August 9, 2018

Property: 60 North Ave
Owner: Rt. 85 Realty Corp
P.O. Box 444
Mendon, MA 01756

Members present: James Carty, Patrick Guertin, John Vandersluis

7:00 PM: J. Carty motioned to open the Public Hearing, read the Public Hearing Notice that was properly advertised twice consecutively in the Milford Daily News prior to the hearing. All abutters were duly notified through the postal service. P. Guertin seconded the motion - motion passed unanimously.

The Applicant's Engineer, John Nenant, and Legal Counsel, Joseph Antonellis, demonstrated visually the plan that was submitted with the application. Mr. Antonellis stated that due to high groundwater, there will be a need for a substantial amount of fill. Also discussed, was the common drive and driveways. The drives & septic systems will need to be raised due to the high groundwater in the area. Mr. Antonellis continued to state that (8) Variances requested with this application, will meet the required upland area regulations for building. Discussion continued stating that unique soil conditions were created by the previous owners; creating wetland issues. Mr. Antonellis stated that the (4) driveways will remain private and the common drive will be maintained by a Homeowner's Association. Each lot will contain a raised private septic system in the front yards of the properties - the homes will contain a walk-out basement.

Mr. Nenant stated that the owner will be creating an unbuildable lot (Parcel A) with restrictions and will restore the wetlands. The engineer stated that a

meandering stream would be created in the wetland area to slow water flow. He also stated that a 10-foot clearing will be created along the lot line to allow access to the wetlands in the back of the property. Mr. Nenant stated that an

Order of Conditions had already been filed with the Conservation Commission. It was also mentioned that 575 plants would be planted in the vegetation area of the wetlands. It was stated that the cost to remediate the wetlands would cost \$100,000 for clean-up, \$75,000 for the driveway and \$300,000 for wetland repair. They will also be hiring a wetlands biologist to assist in bringing the wetlands back to the way they were prior to the disturbance. Route 85 Corp will maintain ownership of Parcel A and will most likely turn the parcel over to the Mendon Conservation Commission at some point.

Mr. Nenant adds that the drives are designed to allow enough space for fire and emergency apparatus to turn around.

P. Guertin inquired as to the number of bedrooms the homes will contain in which the engineer replied, three to four-bedroom homes.

Cindy Rosetti – 4 Northbridge Road had questions in regard to the wetland area and the distance to her property line. Mr. Nenant stated that Lot 5 would be about 58 feet from her stonewall and about 200 feet from house to house.

Jane Lowell – 40 Millville Road had questions about what constituted a hardship. She felt as though the engineer did not do their job in investigating the wetlands and is concerned about the impact on the wetlands. She stated that she was concerned that the impact of construction would change the soil conditions.

Kathy Schofield – 135 Blackstone Street also questioned the hardship in the application. She also asked if the number of homes could be reduced.

Mr. Antonellis stated that reducing the number of homes is not an option the applicant is looking for and that the owner could rehabilitate the existing home, sell lots as a whole and leave the Town with the wetland issue that had already been negatively impacted.

Mr. Nenant stated the Town will not have the added responsibility to maintain the common drive – as opposed to the already approved roadway.

Margaret O'Hagan – 50 North Avenue stated that she is concerned over traffic

coming in and out of the single common drive and suggested the possibility of a horseshoe driveway. Mr. Nenant stated the suggested design is not preferable.

Cheryl Lemon – 55 North Ave discussed option of moving common drive entrance to the other side of the existing house and is concerned about the proximity to Northbridge Road. Mr. Nenant stated that moving the common drive would not be a viable option.

Lynn Roberts – 65 Washington Street discussed the changes made in the present plan and is concerned of the uncertainty of those changes.

J. Vandersluis would like the hammerhead turn-around further back and longer and stated that a cistern is required – not seen on present plans.

After thorough discussion, J. Vandersluis motioned to approve the variances as written in the application for 60 North Avenue with the addition of a cistern and the with hammerhead/turn-around changes. P. Guertin seconded the motion – motion passed unanimously.

J. Vandersluis motioned to close the hearing. P. Guertin seconded the motion – motioned passed unanimously.

Adjourned.

Minute Approval: 3/29/2018, 6/28/2018

Minutes respectfully submitted by:
Sherry Grant

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
10/04/2018
6-1 Swandale Drive
Carol Stewart Family Trust

Members in attendance: James Carty, John Vandersluis, Patrick Guertin

J. Vandersluis motioned to open the Public Hearing. P. Guertin seconded the motion – motion passed unanimously.

J. Carty read the Public Hearing notice.

Attorney John Powers represented David Stewart and Carol Stewart.

The applicant's attorney demonstrated to the Board that the lot has 0' of frontage and are requesting a Variance to share a portion of 6 Cemetery Street's driveway to create lot 10B (4.17 +/- acres); 6-1 Swandale Drive. The lot is currently unbuildable.

A letter was read from an opposing abutter as well as comments and concerns from the abutters present at the hearing.

The applicant and their attorney stated that their intention was to build a single-family home. They had also expressed topographical hardships due to the wetlands and that the property was landlocked.

David Stuart stated that this was a buildable lot but it was switched to unbuildable since it did not have the needed frontage.

Resident, 4 Cemetery Street stated that the driveway would be right next to his lot. David Stewart replied that the driveway would have to be at least 10 feet or more from lot line. David also stated that there is an existing cart path where the driveway would be placed.

David Stewart stated that they considered a bridge over Muddy Brook next to 6 Cemetery Street by abandoned this consideration. He also stated that Conservation had approved this idea.

Scott Stewart, 2 Cemetery Street presented photos.

Nick Miller, 2 Cemetery street stated that he was concerned over his well and that if approved, this would set precedence in the future.

J. Vandersluis motioned to deny the Variance due to 0 feet of frontage. P. Guertin seconded the motion – motion carried by unanimous vote.

J. Vandersluis motioned to close the public hearing. P. Guertin seconded the motion – motioned passed.

Hearing adjourned.

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

1 Quissett Road
Claude Isabelle – Applicant
October 4, 2018

Members in Attendance: Jim Carty, John Vandersluis & Patrick Guertin.

J. Vandersluis motioned to open the Public Hearing. P. Guertin seconded the motion, motion passed unanimously.

J. Carty read the public hearing notice.

Claude and Kathleen Isabelle explained to the Board that they would like to build a 2000-3000 square foot home and donate some acreage to the Town. Otherwise, the plan meets all requirements for setbacks & sidelines but not frontage.

After thorough discussion, a motion was made by J. Vandersluis to grant the Variance as written. P. Guertin seconded the motion – motion passed unanimously.

J. Vandersluis motioned to close the hearing. P. Guertin seconded the motion, motion passed unanimously.

Hearing adjourned.

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

December 6, 2018

22 Main Street

L. Tinio motioned to open the Public Hearing. J. Vandersluis seconded the motion, motion passed unanimously.

L. Tinio read the Public Hearing notice: Petitioner, Kaestle Boos , 325 Foxborough Blvd., Foxborough, MA 02035, requests relief by Special Permit from Article II, Sec. 2.01(a) of the Mendon Zoning Bylaws – No lot shall be used or occupied and no structure or building shall be constructed or altered unless it complies with the Dimensional Regulations set forth in Table 1. The property is located at 22 Main Street, Mendon, MA and owned by the Town of Mendon. Refer to Assessor's Map # 12-174-22.

The applicant's architect for Kaestle Boos, demonstrated the plan and reasoning for the variance application. A Special Permit is needed because of the easement being requested as stated in application.

After discussion, L. Tinio motioned to approve the variance as written. J. Vandersluis seconded the motion - motion passed unanimously.

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

Minute Approval 8/9/2018, 10/04/2018

Hearing adjourned.

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
12B & 12C Asylum Street
Curtis and Samantha Beyer
December 6, 2018

L. Tinio opened the public hearing, J. Vandersluis seconded the motion – motion passed unanimously.

L. Tinio read the Public Hearing notice: Petitioners, Curtis and Samantha Beyer , 1 Fielding Street, Apt 1, Worcester Mass 01603, request relief by Variance from Article II, Sec. 2.01(a) & (b) – Table 1 of the Mendon Zoning Bylaws. The Petitioners request to reinstate and amend the Variance recorded with the Worcester District Registry of Deeds on December 27, 2013 in Book 51894, page 143. The lots are located at 12B & 12C Asylum Street, Mendon, MA and owed by Dana and Dawn Mattair, 12B Asylum Street, Mendon, MA. Refer to Assessor's Map # 20, lots 12B & 12C.

The Applicant's attorney Robert Knapik, demonstrated the plan and reasoning for the variance application. Mr. Knapik stated that the applicants wanted to reinstate and amend the 2013 filed decision. Mr. Knapik stated that the shorter setbacks requested are due to the land's topography and ledge conditions and felt the newly proposed distance was adequate. The revised plan with respect to the lot line changes will be sent to the Planning Board.

Resident, 6 Asylum Street stated that the Grace's were not granted the conditions on the first variance in 2013.

Edward Grace questioned the hardship and is concerned about structures coming close to his property.

Edward and Paulette Grace both stated that condition #11 was never enforced and trees were never planted along their back lot line.

L. Tino stated that the Town can not tell property owners what to do with their properties if they meet the setbacks. L. Tino also stated that he will enforce planting shrubs/ trees.

Paulette Graces stated that she is concerned about the lights shining in her home as her home sits lower.

The Board voted to amend the condition in the new decision to include tree plantings of at least 6 feet tall before and to acted upon before an occupancy permit is issued. The previous decision in 2013 included the tree plantings condition but was not enforced, and therefore never occurred. The Board stated that they will send a copy of the decision to the Zoning Enforcer to ensure enforcement.

L. Tino motioned to approve the variance as proposed in hearing - amending condition #11 with respect to 6ft tree plantings and no occupancy permit until enforced and Conditions #9 & 10 lifting the 500ft distance requirement. J. Vandersluis seconded the motion - motion passed unanimously.

L. Tino motioned to close the Public Hearing. J. Vandersluis seconded the motion, motion passed unanimously.

Hearing adjourned.

Minute approval: 8/9/2018, 10/4/2019