

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
April 21, 2022

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

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.

20 Hartford Ave W.

The hearing was opened at 7:03pm. Chairman Carty read the hearing notice and nature of relief.

The applicants, Randy and Jessica Smith, of 10 Hartford Ave. W. Mendon, were represented by their engineer Margaret Bacon of Civil Site Engineering. The applicant seeks relief from frontage requirements in order to access land further back on the 3.7 acre parcel. Mr. Smith indicated the old barn would stay and a driveway would go around it. Ms. Bacon stated that any runoff would head towards existing wetlands and not towards abutters.

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.

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

Mr. Vandersluis made a motion to grant the variance as written. Mr. Guertin seconded. The motion passed unanimously 7:12pm

Appeal of Building Inspector Determination 106 Millville St.

The hearing was opened at 7:14pm and Mr. Carty read the notice of appeal. Attorney Jay Talerman was present, representing the appellants, Kathy and Mark

Alexander. Attorney Ernest Horn was representing the property owner, Mr. Neto Joao.

Mr. Talerman began by explaining the building inspector of Mendon had made a determination (copies of decision are on file) that 106 Millville St. was not, in the fall of 2021, running a commercial operation. Mr. Talerman submitted a cease and desist letter written by the Zoning enforcer, which stated there indeed was a commercial operation which the owner was not zoned for.

The abutters feel they are aggrieved because the tenant brought in large amounts of fill, to further his illegal commercial business, which has changed the topography and slope/grade of the lot. Mr. Talerman feels this should have triggered Site Plan review.

Mr. Horn stated that the tenant has left the state and can't be located. The owner wants to remedy the situation but they are having trouble getting an engineering firm out. Mr. Talerman stated he would supply Mr. Horn some firms if he wishes.

Mr. Carty visited the site and agreed the topography has changed. He wants pictures of the area before. Mrs. Alexander said she could provide those.

Mr. Carty asked E. Agro to get reports from all departments who had investigated the property in the fall of 2021.

All parties agreed that the hearing should be continued until June 16th, 2022 at 7:00pm

On a motion by J. Vandersluis, seconded by P. Guertin the board voted unanimously to continue the hearing. 7:54pm

Other Business

On a motion from Mr. Vandersluis, seconded by Mr. Guertin, the minutes from 11.4.21 were approved 7:57pm

Mr. Vandersluis made a motion to adjourn, P. Guertin seconded. The meeting was adjourned at 7:58pm.

Accepted July 21, 2022