

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
June 16, 2022

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

Appeal 106 Millville St. (con’t)

The continued hearing was opened at 7:00pm. Mr. Carty read the hearing notice and a report written by the Board of Health.

Attorney Jay Talerman was present for the appellants Mark and Kathy Alexander. There were no representatives for the property owner.

Mr. Talerman stated there appears to have been no site work done or any other activity. He suggested that he reach out to Attorney Horn again to make sure he is still counsel for the owner. He suggested we continue the hearing until the owner and his representative can be present.

On a motion from Mr. Vandersluis, seconded by Mr. Guertin, the motion to continue until July 21st at 7pm passed unanimously. 7:12pm

56 Uxbridge Rd.

Mr. Carty opened the hearing at 7:12 and read the hearing notice. Attorney Aldo Consigli and Bill Halsing of Land Planning, Inc. were representing the applicant, Thomas Hackenson.

Mr. Consigli began by listing the requirements the applicant must show for granting a variance and how the applicant has met those standards: 1) show hardship 2) No detriment to public good 3) no derogation from the intent of the zoning law. The applicant would like to demolish the existing, non-conforming structure and build a similar structure more centered on the property. This would make the new structure more conforming than it currently is. They would like to move it further away from the shoreline of Lake Nipmuc because they constantly have a wet

basement. The new structure will meet all other zoning requirements except the 20' side setback. They are requesting a variance for 15' setbacks.

Mr. Merolli asked about the basement flooding and whether there was a demo permit. Mr. Consigli replied the basement is wet and there is a permit pending for demo.

Mr. Carty noted that the applicant is involved with an appeal of an abutter's variance. He indicated that this was a similar situation. Mr. Consigli said he had no knowledge of that appeal and it has no bearing on this application.

Abutter Mark Benoit, 60 Uxbridge Rd., stated he also has a problem with water in his basement. He wants assurances that the new structure will not increase that. Mr. Consigli noted that they would be putting a swale in near the lot line to divert water away from Mr. Benoit's property. It will be written into the decision. Mr. Benoit questioned the height of the new house. Mr. Consigli said it will comply with zoning requirements.

There was no further discussion. On a motion from Mr. Vandersluis to approve the variance with the stipulation that a swale be installed on the property line with Mr. Benoit, seconded by Mr. Guertin. The variance passed unanimously. 7:28pm

44 Milford St.

The hearing was opened at 7:31, Mr. Carty read the hearing notice. Attorney Aldo Consigli and Bill Halsing of Land Planning Inc. were representing the applicants Laurie and Robert Sweet.

Mr. Consigli stated the applicants would like to give a piece of their land to their daughter to be a single-family home and would like to use a 30' easement to access the property. He stated a hardship exists because they cannot access the land were the frontage is because they would be crossing wetlands.

Abutter Margaret Vincent is concerned that they will not have access to the right of way where they park. Mr. Consigli assured her that the right of way is in her deed and she will always have access to it. However, you cannot park on a right of way.

Abutter Todd Hackenson questioned why other fire roads couldn't be used. The maps are old and none of these access points are actually viable.

Mr. Carty was concerned about fire apparatus being able to access the property. He requested that the applicant build a turn around so that fire trucks do not have to back onto the main road. It will be included in the variance.

Mr. Hackenson was also concerned about the easement being used to create a development. He was assured by Mr. Vandersluis that there isn't enough frontage for a road. The variance will indicate it is for a single-family home.

Additional concerns were brought up about runoff. Mr. Vandersluis stated they will have to go to the Conservation Commission for that.

Mrs. Vincent read a statement asking the board to reject the proposal. There was no further discussion.

On a motion from Mr. Vandersluis, seconded by Mr. Guertin, the variance was unanimously approved with the stipulation that it was for a single-family home, and a turn-around for the fire department be constructed, and that the right of way could not be obstructed. 8:20p

Mr. Vandersluis made a motion to adjourn, P. Guertin seconded. The meeting was adjourned at 8:22pm.

Accepted July 21, 2022