

James P. Carty, Chairman
Patrick Guertin - Member
John Vandersluis - Member
Thomas Merolli - Alternate
Sherry Grant - Alternate

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

**Minutes
4 Morrison Drive/61 Providence Street
July 11, 2019**

Board member present James P. Carty, Jr., Patrick Guertin, John Vandersluis, and Sherry Grant were present at the hearing.

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

Joseph M. Antonellis, of Mayer, Antonellis, Jachowicz & Haranas, LLP, representing the petitioners, explained their desire to create a four lot commercial subdivision with minor variances to the Town's zoning bylaws. As the Petitioner wanted to maintain the existing house on Lot 2, it was necessary to reduce the lot width at the setback line, on Lot 1. In doing so, the side yard setback could be maintained. Accordingly, the requested variance from the provisions of Section 2.01 (table 1) of the Town's Zoning By-Law.

The Petitioner also asked for a variance from Section 2.01 (b), as neither Lot 3 or Lot 4 can utilize their frontage on Morrison Drive to access the Lots. John Nenart who is the Petitioner's engineer explained that the original Morrison Drive subdivision has the detention pond for the entire parcel located along the street frontage, thereby making access impractical without a significant wetland crossing.

Two abutters to the project spoke at the public hearing, Jeffery Gilbar of 69 Providence Street and Chris Sullivan of 69 Providence Street, raising concerns about screening their properties from the proposed new buildable lots.

1. The existing and proposed lots have more square footage and area than would be required to meet the by-law requirements. As proposed however, Lot 1 lacks sufficient width at the front setback line, and Lots 3 & 4 lack sufficient access through their own frontage.
2. The proposed commercial use of the land is allowed in this zone under the Mendon Zoning By-laws.
3. The existing lot shape and access issues are unusual, and the existence of wetlands creates difficult soil conditions for efficient use of the lots; however, all upland requirements under the zoning law are met.

4. The proposal of additional lots in the configuration proposed by the Petitioner is not substantially more detrimental to the neighborhood than if the lots were reconfigured.
5. The concern of the abutters has been previously addressed by the planning Board and can be insured by the terms of condition #1 below.

This area of Morrison Drive and Providence Road is sufficiently large to create multiple parcels of land for commercial buildings. Allowing the Applicant to create additional lots on the existing property will have no new detrimental effects to the abutters is in keeping with the goals of the zoning by-laws. The variance is granted by a vote of 3-0, and is conditioned on the following:

- 1) Construction of the 4' berm with 8' to 12' white pines shown on the plan entitled "Variance Plan of Land 4 Morrison Drive and 61 Providence Street" by Guerriere & Halnon, Inc., dated May 20, 2019 and submitted to the Zoning Board as part of this application, to be recorded with this Decision at the Worcester Registry of Deeds.

J. Vandersluis motioned to grant the application. P. Guertin seconded the motion, motion passed.

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

Hearing Adjourned.