

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

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

September 12, 2019

New Business:

8:10 PM Meeting opened by J. Vandersluis. P Guertin seconded the motion – motion passed unanimously. (General meeting that followed a hearing)

Thomas Merolli – correspondence email dated 9/4/2019
Re: 7 Nipmuc Drive and 146 Hartford Avenue East Decisions

Email contained below:

Hello,

I am concerned that two of the ZBA's recent decisions run afoul of the law and we will need to discuss rescinding them. I am specifically referring to 7 Nipmuc Dr and 147 Hartford Ave East. I think we should discuss this at either the meeting on the 12th or 19th. If this is the case, the sooner a decision is made the better for the applicants.

Thank you,

Thomas Merolli
Zoning Board of Appeals
Alternate Member

Chairman Carty stated that item is to be passed over and to be closed. The 30-day appeals process ended in June 2019 with no appeal. Tom Merolli asked if James Carty, Chairman, reviewed with Town Counsel, in which he stated, yes.

Cobbler's Knoll Consulting Fees:

J. Vandersluis made a motion to release \$634.92 plus interest from the Cobbler's Knoll consulting account to Cobbler's Knoll, LLC. P. Guertin seconded the motion - motion passed.

Meeting Minute Approval:

8/22 minutes presented will be approved at the 10/10/2019 meeting once the Board Members had time to read them over.

J. Vandersluis motioned to adjourn meeting, P. Guertin seconded - motion passed unanimously.

Minutes respectfully submitted by:
Sherry Grant

DRAFT

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Minutes
September 12, 2019
Michael Salvador
30 North Avenue

Present Members: James Carty, Patrick Guertin, John Vandersluis and Alternates Sherry Grant and Thomas Merolli. Also, present: Fred Lapham, Engineer, Shea Engineering and Surveying, Mike Salvatore, Owner/Applicant.

7: 00 PM J. Carty opened the public hearing and read the hearing notice.

Fred Lapham, Engineer demonstrated the plan previous designed by Guerriere and Halnon.

Fred stated that the owner purchased lot #2 in 2014 and would like to build a duplex on the back upland area of the lot. F. Lapham further demonstrated that the driveway would be 600 feet in length from street to home. Mr. Salvador would like to open the sale of the property to a larger real estate market with building a duplex. F. Lapham stated that the frontage does not comply for a duplex. Otherwise, everything else is in compliance with town zoning. F. Lapham reiterated that a duplex unit needs 300 ft of frontage. He also felt that the plan is in harmony with the intent of the zoning bylaw. F. Lapham stated that the driveway is partially constructed at this point.

J. Carty asked if there were any drainage issues. M. Salvador replied that he intends to fix the drainage issues and pave the entire Western Circle and volunteer to construct a turnaround for plow trucks etc. - hammerhead turnaround. M. Salvador stated that the turnaround is not demonstrated in the plan as the conversation with the Highway Surveyor, Alan Tetreault, had just transpired.

J. Carty Stated that he was concerned about a fire truck not being able to maneuver in the turnaround. M. Salvador stated that the with the width of the driveway he will construct, that there should not be a problem. Also stated, that he will build a 12 ft wide drive with a safe shoulder. F. Lapham added that 12 ft wide is the standard.

J. Carty opened the hearing to the audience.

Beverly Shaheen, 37 North Avenue, stated that she gets gravel on her driveway from across the street and is concerned over the wetlands. F. Lapham stated that the project will need Conservation approval.

J. Carty stated that he sees this plan as an improvement - speaking of the drainage situation.

Jane Belleville, 31 Washington Street, would like to see an improved septic design and is concerned over wetlands and water usage. She also asked if there would be any clearing between her property and this lot. M. Salvador replied, no. F. Lapham added that Title 5 protects the wetlands.

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

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

Minutes respectfully submitted by:
Sherry Grant

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Minutes
September 12, 2019
BWC Muddy Brook, LLC
c/o Blue Wave Solar
35 Cape Road

Present Members: James Carty, Patrick Guertin, John Vandersluis and Alternates Sherry Grant and Thomas Merolli. Also, present: Richard R. Riccio, III of Field Engineering Co, Inc. & Patrick Kay, BlueWave Representative.

7: 00 PM J. Carty opened the public hearing and read the hearing notice.

R. Riccio demonstrated the plan and explained the reasoning for the variance. He also stated that the solar array project had Planning Board approval and that the area is zoned highway business. BlueWave will be purchasing a portion of the property and needed the frontage requirement.

J. Carty opened the questioning period to the audience at the hearing.

Gerald Bullock, 9 Edward Road, stated that the project was to be a 20-year lease and now BlueWave is purchasing a portion of the lot. R. Riccio confirmed the statement that a portion of the lot will be purchased by BlueWave - 14 acres of the property/lot.

Sandra McSweeney, 6 Bates Street, stated that she would like a better look at the plan.

Eric Hodge, 3 Bates Street, asked about frontage and what the remaining parcel will have for frontage. R. Riccio stated that the remaining frontage will have 240 ft.

Sandra McSweeney asked about the buffer zone. R. Riccio demonstrated the buffer zone as shown on the plan.

Leonard Bond, 13 Edward Road, asked that if the variance were to be denied, would BlueWave still buy the lot? Will Mr. Wenger, the applicant, still break apart the land if the variance is granted or not? Patrick Kay, BlueWave Rep. stated that he cannot answer for Mr. Wenger.

Eric Hodge, 3 Bates Street, questioned the buffer zone and if the remaining lot would be buildable.

John Bromley, 20 Edward Road, stated that he feels that granting the variance, would be granting two buildable lots.

Leonard Bond, 13 Edward Road, stated that he does not want to see additional development.

Eric Hodge, 3 Bates Street, is concerned about granting variance and future subdivision.

Leonard Bond, 13 Edward Road, asked if the abutters concerns would be taken into consideration in which J. Vandersluis answered, yes.

Leonard Bond, 13 Edward Road, asked if the lot were currently one lot. R. Riccio replied that the lot is currently one lot and that it was never BlueWave's intention to purchase the whole lot.

Sandra McSweeney asked if the abutters have leverage to increase the buffer zone. J. Vandersluis replied that the buffer footage is in the Town Bylaws and can only be changed at a Town Meeting.

Sandra McSweeney, asked about the buffer on Edward Road. R. Riccio explained the buffer zone/setbacks to the resident.

Patrick Kay, BlueWave Rep., stated that Mr. Wenger can develop whatever is allowed on his property - whether BlueWave leases or purchases the lot.

Erik Hodge, 3 Bates Street, asked if there were anyone at the hearing tonight representing Mr. Wenger as Mr. Wenger was not present. Both Engineer and BlueWave Rep. stated that no one was at the hearing representing Mr. Wenger.

J. Carty asked if there would be any impacts on the abutter's lives whether there was one lot or two – abutters voiced, no.

Gerald Bullock, 9 Edward Road, asked if BlueWave proposed to purchase the whole lot? BlueWave Rep. replied that they did not propose to purchase the entire lot. BlueWave's purchase does not impact what Mr. Wenger does with the rest of his lot.

J. Carty asked whether it was one lot or two - the impact would be the same? R. Riccio replied, yes.

J. Carty asked the abutters if they were satisfied and if they had any other questions. The abutters replied that they were satisfied and did not have any further questions.

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

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

Minutes respectfully submitted by:
Sherry Grant

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September 12, 2019

D. Bruce Wheeler, Tr. of Sylvan Springs Realty
George Gallagher, Tr. of Miscoe Northbridge Realty Trust
93 Northbridge Street

Present Members: James Carty, Patrick Guertin, John Vandersluis and Alternates Sherry Grant and Thomas Merolli. Also, present: Fred Lapham, Engineer, Shea Engineering & Surveying.

7: 00 PM J. Carty opened the public hearing and read the hearing notice.

Fred Lapham demonstrated the plan. Mr. Lapham explained that due to the speed of the traffic on Northbridge Street and the location of the proposed driveway, that the driveway would be best located on Locust Hill Drive for safety reasons. Mr. Lapham stated that this would benefit the homeowners and the people travelling on Northbridge Street as well.

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

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

Minutes respectfully submitted by:
Sherry Grant