

*Roger Marquis, Chairman  
Donald Keller - Member  
James Carty - Member  
Patrick Guertin - Alternate  
Brian Lord - Alternate*



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

December 6, 2007

**Attending ZBA Members:**

Roger Marquis  
Don Keller  
Jim Carty  
Patrick Guertin  
Brian Lord

**Petitioner for Variance:**

Elaine Rua  
61 Milford Street

7:36 PM Roger Marquis opens continued hearing from November 29, 2007. Roger also explains reason for hearing along with the results of the site walk. He also states that the ZBA is ready for a decision.

Jim Carty makes a motion to grant variance on the reasons below:

1. Legal document stating property can not be subdivided.
2. Shape of property is unique.
3. Hardship comes into play.
4. It is the towns best interest in the long run. It will reduce housing/school issues.

Roger Marquis reads Padgett Berthiaume's proposed restrictions and how these restrictions must be recorded with the registry of deeds.

**Proposed Deed Restrictions**

61 Milford Street Mendon

We would withdraw our objection to the requested variance so long as the following restrictions were contained in the Board's decision.

- 1) The non conforming lot which is the subject of this variance shown as PARCEL "B" on the plan submitted to the Zoning Board shall only be used for the purpose of building a single family residential structure;
- 2) There shall be no future development or subdivision of the remaining land shown as LOT 1 on said plan beyond 200 feet from the southerly line of Milford Street;

- 3) Prior to this variance taking effect, the owners of record will record a restriction on LOT 1 to prohibit any future development of LOT 1 beyond 200 feet from the Southerly line of Milford Street;
- 4) Land within 200 feet of the southerly boundary of LOT 1 shall remain undisturbed.

Elaine Rua asks for explanation on #4 of Padgett's restrictions on the wording "remain undisturbed". She would like to be able to plant more apple trees.

Roger answers that it means nothing can be built upon it.

Jim Carty agrees that undisturbed is not a good word to use and motions to scratch #4.

Don Keller would like some input as to nothing to be disturbed to increase drainage but then withdraws suggestion and seconds Jim's motion

Motion passes unanimously.

Roger explains to the petitioner the decision process with the deed restrictions to make sure all is clearly understood.

7:54 Meeting adjourned.

Don Keller to write decision.

Minutes by:  
Sherry Grant  
Administrative Secretary