



## TOWN OF NORTHBRIDGE

### ZONING BOARD OF APPEALS

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NORTHBRIDGE TOWN CLERK  
DORLEN A. GEORGE

Approved on 9/13/18

## ZONING BOARD OF APPEALS

### MINUTES OF MEETING

**August 9, 2018**

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This meeting was called to order at 7:00 P.M. by Chairman Thomas Hansson. Other members present were:

William Corkum

Kevin Quinlan

Randy Kibbe

Cyndi Donati

Doug Curving, Associate Member

Damian Planas- Merced, Associate Member

Also present was Deborah Rosebrooks, Administrative Assistant.

***A motion was made by Cindy Donati to approve of the minutes of July 12, 2018. The motion was seconded by Damian Planas-Merced and the vote was 5-0 in favor.***

#### **PUBLIC HEARING: (07-V-2018) Northbridge McQuade, LLC, APPLICANT**

This public hearing was held to consider the application of Northbridge McQuade, LLC. regarding land on McQuade's Lane, Northbridge, MA 01534 for a Variance (07-V-18) for the development of a solar power facility on both Industrial & Residential zoned piece of property that does not have the required frontage and only has access on a residential street known as McQuade's Lane, pursuant to Article V, Section 173-9, 10, 11, 12 and Article VI, section 173-19 of the Town of Northbridge Zoning By-laws, Table of Area Regulations. The property, shown on Assessor's Map 25 as Parcel 44 is located in the Residential -2 & Industrial -1 Zoning districts and is owned by Colleen M. Labelle.

## ZONING BOARD OF APPEALS – MINUTES – August 10, 2018

Kevin Quinlan read the public hearing notice. Assigned to the hearing were the five members present: Thomas Hanson, William Corkum, Kevin Quinlan, Randy Kibbe and Cyndi Donati.

Attorney Henry Lane Spoke on behalf of Northbridge McQuade LLC., also present was Steve O'Connell, the Engineer from Andrews Survey & Engineering, Inc. Mr. Lane explained that there was 60 acres available and that they were proposing to put a solar field in the far North East corner that is Industrial zoned, which is heavily wooded. The problem that exists is that the only access to this property is from McQuade Lane which only has 105' frontage, and they need 150' for the variance they are seeking. McQuade Lane is also a residential zone R-2. Mr. Lane feels that the Board has the power to grant the variance under chapter 40A Solar and that this is a reasonable request to get the project started.

Tom Hansson stated that there are two different zones involved and that the R-2 frontage on McQuade is a non-conforming use, it is also another 1600 feet to the I-1 zone where the project will be located, where the property is in two different zones, they must conform with each zone.

Attorney Eli Leino of Mayer, Antonellis, Jachowicz & Haranas, LLP, representing Walter and Sandra Warchol of 48 McQuade Lane spoke to the board and stated the Access use must account as a use access that goes through a residential R-2 use variance for an access road. Chapter 40A-Section-3. The town is very reasonable and solar is valuable, however, Mr. Leino is not in agreement with Mr. Lane and feels this is clearly prohibited by the law.

The applicant agreed that the proposed access point would constitute a prohibited use in a residential district, and further agreed that the Board is without authority to grant a use variance in a residential district, but suggested that – at least as applied in this case – the Town's zoning bylaws unduly burden or restrict solar installations in violation of G.L. c. 40A, s. 3, and that therefore the Board has the authority to, and should, grant the requested variances."

Bill Corkum made a motion to open up the meeting to the Public, seconded by Randy Kibbe. Cindy Cummiskey of 49 McQuades Lane, asked the board if this is to go forward and the project in five years is over what happens to the land then, does this go with future use?

Tom Hansson stated that the Zoning will not change and that any new use would require its own permitting. Her second question was can the remaining land be developed? Tom Hansson says yes it can in the R-2 section.

Nathan Gauthier of 46 McQuade Lane say this is not a good thing, please shut down now no more attorneys needed!

Randy made a motion to close the public hearing and continue this hearing until September 13, 2018 Meeting so Town Council can be consulted. Seconded, by Bill Corkum, Vote 5-0 in Favor.

**PUBLIC HEARING: (08-SP-2018) Gerald Violette APPLICANT**

## ZONING BOARD OF APPEALS – MINUTES – August 10, 2018

This public hearing was held to consider the application Gerald Violette, 376 Wyassup Rd., N. Stonington, CT 06359 for a Special Permit 08-SP-18 pursuant to Article V, Section 173-12, Table of Use Regulations, in order to allow the applicant to construct a two family home located on Providence Rd, Lot # 4, Northbridge, MA. The property, shown on Assessor's Map 21 as Parcel 270 is located in a Residential-3 zoning district and is owned by Gerald Violette. Kevin Quinlan read the public hearing notice. Assigned to this hearing were the five members present: Thomas Hansson, William Corkum, Kevin Quinlan, Randy Kibbe and Cyndi Donati.

Edward Renaud was present on behalf of Gerald Violette who could not attend. Mr. Renaud explained to the board that Mr. Violette is seeking a Special Permit to build a duplex. Tom Hansson asked if this is going to be a two family or a Condominium. Mr. Renaud stated it was a condominium.

The property does meet all the requirements, Kevin Quinlan went through all the "We Shall" concerns and all concerns were met.

A motion was made by Cyndi Donati to close the hearing and take it under advisement, seconded by Bill Corkum, vote 5-0 in favor.

After a brief discussion, Cyndi Donati made a motion to approve the special permit, Seconded by Randy Kibbe, Vote: 5-0 in favor The special permit was granted.

No abutters were present to speak in favor or against the proposal.

With no further business, the meeting was adjourned.

Attested by,

Deborah Rosebrooks  
Administrative Asst.

**THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE ZONING BOARD OF APPEALS (Approved on 9/13/18)**