

MCD 9/19/22
AMA 9/19/22



TOWN OF CHARLTON
Minutes of Zoning Board of Appeals
Tuesday, August 9, 2022, 7:00pm
Senior Center
Town Hall, 37 Main St., Charlton, MA

Present: Frank Lombardi, Eric Falcone and Ryan Avery. Absent: Shane Woodson, Jason Bibeau and Robert McGrath.

1. Call to Order

Chairman Lombardi opened the meeting for August 9, 2022 at 7:30pm.

2. New Business

- a. Continued Eneida Alvarado, petitioner for the property located at 66 A. F. Putnam Road, Charlton, MA, Assessors Map 72, Lot 4.12, Block B, has applied to the Zoning Board of Appeals for an appeal of the Building Commissioners order dated April 11, 2022 for a retaining wall. Chairman Lombardi stated that unfortunately, the Zoning Board of Appeals still doesn't have a quorum under the statute for this appeal. There is a quorum for the meeting but not for this appeal. The last day for a decision is August 13th. This is unchartered territory. Curt Meskus, Zoning Enforcement Officer said as it's been discussed, the hearing was opened and under mutual agreement it was agreed to continue the hearing that was already opened, at this point he would suggest that the Board ask the applicant if they would be agreeable to continuing it again with the hopes that we have 48 hours to get a quorum. Chairman Lombardi asked the applicant's attorney and he stated that they cannot agree to that. Mr. Meskus stated that the Board can take no action and adjourn the hearing. Mr. Avery asked if anyone had any questions in the audience. One of the members asked to explain. Mr. Meskus stated that this is an unusual situation. He said the law requires that once an application is filed, the board has to open the hearing within 65 days which they did but for various reasons they were unable to conduct the meeting several times and mutually the parties agreed to continue the hearing. The other key date is that the board has to make a decision within 101 days of the filing which is the 13th of this month. The attorney and client have said they would not agree to another continuance. This now becomes constructive approval. The Zoning Board has to file a paper with the Town Clerk stating that they didn't reach a decision and within 14 days, the town clerk can issue an affirmative constructive approval and then the 21 day appeal period would start. The attorney stated that in the interim, he has to send a notice out to interested parties advising them that they have the right to appeal. Mr. Meskus said that appeal would be to the Worcester Superior Court or another court of competent jurisdiction. The neighbor to the applicant said there is nothing she can do now since this is encroaching on her property but to hire a lawyer. Mr. Avery said that isn't a zoning issue. Chairman Lombardi said that even if the Zoning Board could make a decision, that wouldn't be something that they would necessarily look at. We are here because someone filed a complaint with the Zoning Enforcement Officer. Mr. Meskus explained the process to her again. As of now, they moved the wall off of her property. The trespass issue is a civil issue. Mr. Avery said the issue before the Board is the setback of the wall.

3. Old Business

4. Adjourn – Motion by Mr. Avery to adjourn at 7:38pm, seconded by Mr. Falcone, unanimous.

Submitted by:
Mary C. Devlin
Executive Assistant

Accepted by:



Frank Lombardi, Chairman



Eric Falcone

Shane Woodson (absent)

Robert McGrath (absent)

Jason Bibeau (absent)



Ryan Avery