

Subject Property:

TOWN CLERK'S STAMP

TOWN OF MENDON
BOARD OF APPEALS

P.O. Box 2
Mendon, MA 01756

Petition for Zoning Variance

under M.G.L. Ch. 40A, § 10 and Mendon Zoning By-Laws Section IX, item 2

This application form must be completed, signed and submitted with the filing fee by the petitioner or his/her representative in accordance with the Board's rules and regulations as supplied with this application by the Town Clerk.

1. PETITIONER: includes Equitable Owner (purchaser on a purchase and sales agreement)

Name: Keith Usher

Address: 179 Blackstone Street, Mendon, MA

Telephone #: Days: _____ Evenings: _____

Petitioner is Owner Tenant Agent/Attorney

Purchaser on a purchase and sales agreement.

2. OWNER: if other than petitioner:

Name: Same

Address: _____

Telephone #: Days: _____ Evenings: _____

3. REPRESENTATIVE AUTHORIZATION:

If someone other than owner or equitable owner (purchaser on a purchase and sales agreement) is the petitioner, the owner or equitable owner must designate such representative below:

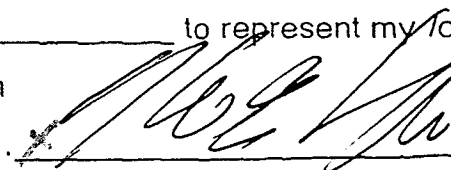
Name of Representative: A. Eli Leino -- Mayer, Antonellis, Jachowicz & Haranas, LLP

Address of Representative: 288 Main Street, Milford, MA 01757

Telephone #: Days: 508-473-2203 Evenings: _____

Relationship of representative to owner or equitable owner Attorney

I/we hereby authorize A. Eli Leino to represent my/our interests before the Board of Appeals with regards to this Petition



Must be signed by Owner or Equitable Owner

3. SUBJECT PROPERTY:

Street Address 179 Blackstone Street, Mendon, MA

Assessor's Map: 26 Lot # 108-179 Zoning District RR - Rural Residential

Registry of Deeds where deed, plan, or both are recorded:

Worcester

Deed Recording: Book 42379 Page 315

This parcel was originally laid out and recorded on _____

4. NATURE OF RELIEF REQUESTED:

Variance from article/section Section 2.01 of the Mendon Zoning By-Laws,

Which requires _____

200 feet of frontage; 200' lot width; 2.01(b) requires driveways be wholly within the lot being serviced and access to be contained within the frontage.

The specific relief I/we request is described as follows: _____

Applicant is proposing to divide the property into four lots, three of which will meet all By-Law dimensional requirements. Lot 3 on the attached proposed plan lacks 200' of frontage and therefore requires dimensional relief.

Furthermore, Applicant requests relief from the "shared driveway" provisions of Section 2.01(b). This would be to avoid further land and wet area disturbance by augmenting the access driveway currently servicing the existing house.

5. EVIDENCE TO SUPPORT GRANT OF VARIANCE

(ref: M.G.L. Chap. 40A, § 10):

A. Describe/demonstrate *unique /peculiar soil conditions, shape, or topography of subject property*. Describe how these unique/peculiar conditions *especially affect only the land or structure(s) in question, how they are unique to the subject property, and do not affect generally the zoning district in which it is located*.

This property could be subdivided under the Mendon Subdivision Rules and Regulations; however, this request for variance relief would allow Applicant to minimize further disturbance to the lowest, wettest points on the property closest to Blackstone Street. A shared private driveway as proposed will reduce cuts

and fill, and will not be as disruptive as installing a cul de sac constructed to public roadway standards. The shape of the lot allows for sufficient frontage under the zoning by-law for three conforming lots, but requires relief for a fourth. Each proposed lot has upland greater than the minimum required total lot area, but relief is needed for access.

B. Describe how you believe a hardship is caused by the unique/peculiar attributes of the soil conditions, shape, or topography of this subject property under a literal enforcement of the Zoning By-Laws ? The hardship you describe must be related to the unique or peculiar attributes you have described above.

This is a large property with significant dry upland, but access to the property approaches Hop Brook, thus creating soil conditions dissimilar to those existing in the "Rural Residential" district at large. Allowing all four lots access from one point on Blackstone Street will alleviate any potential traffic concerns on the public way, and will similarly mitigate wet soil concerns.

I /we hereby certify under the pains and penalty of perjury that the information contained in this Application is true and complete and that the Town of Mendon will be held harmless by the undersigned from any claims or judgements resulting from any misinformation given herein.

I/we have received a copy of the Rules and Regulations of Mendon Zoning Board of Appeals.

[Handwritten Signature]
Signature of Applicant Date *6/9/20*

Signature of Co-Applicant Date

[Handwritten Signature]
Signature of Owner if other than Applicant Date *6/9/20*

Signature of Equitable Owner Date

OFFICE OF TOWN CLERK

MENDON, MASSACHUSETTS

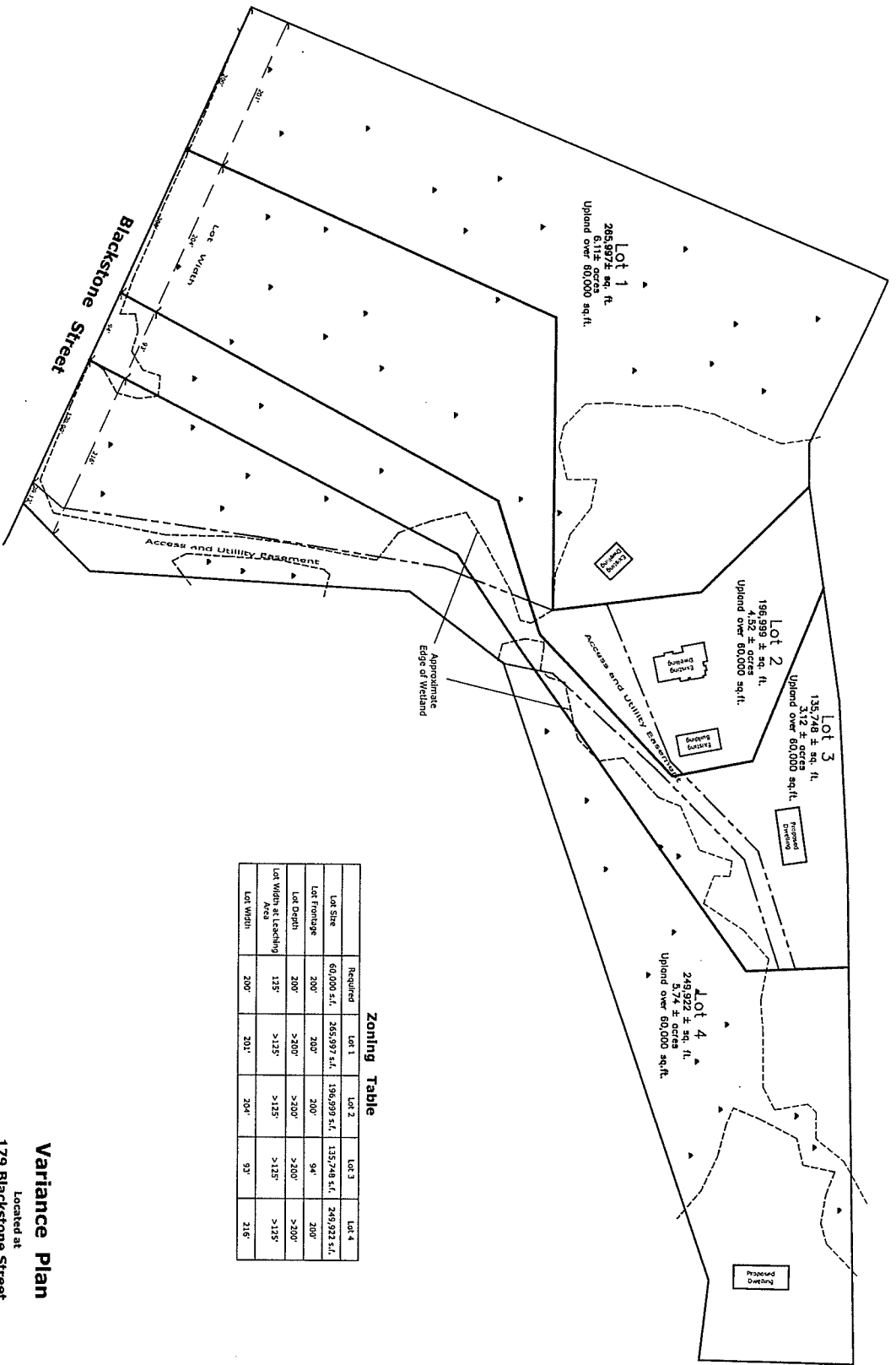
Exhibits submitted:

- Variance Application completed
- Owner authorizations completed.
- 11 Copies of Site Plan (per Board Rules & Regulations)
- Certified Abutters List from Assessors' Office(s)
- Copy of Deed for subject Property
- Copy of Building Permit Application and/or any correspondence from Building Dept.
- Copy of any previous decisions on Special Permits or Variances for the subject property
- Soil / geological studies, topographical maps, other documentation to support petition

Petition, Application, or Appeal herein, including required documents listed under the Rules and Regulations of the Mendon Zoning Board of Appeals, and filing fee of \$ 250 received this date.

Ellen Agre
Town Clerk Date *6/11/2020*

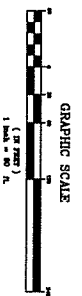
This plan was compiled from other maps, record research or other sources of information. It is not to be construed as a survey and is subject to such change as an accurate field survey may disclose.



Approximate Edge of Wetland

Zoning Table

	Required	Lot 1	Lot 2	Lot 3	Lot 4
Lot Size	60,000 s.f.	283,972 s.f.	196,999 s.f.	135,748 s.f.	249,922 s.f.
Lot Frontage	200'	200'	200'	94'	200'
Lot Depth	200'	>200'	>200'	>200'	>200'
Lot Width at Leading Area	125'	>125'	>125'	>125'	>125'
Lot Width	200'	201'	204'	93'	216'



Variance Plan
 Located at:
 179 Blackstone Street
 Mendon, MA
 Owned by:
 Keith Usher
 179 Blackstone Street
 Mendon, MA

REVISIONS

No.	Date	By	Description
1			Created
2			
3			
4			
5			
6			

Land Planning, Inc.
 Chief Engineers & Land Planners
 Environmental Consultants

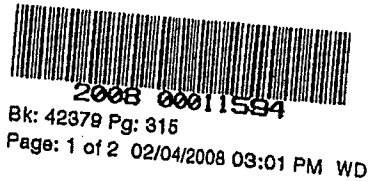
Bellingham
 167 Hartford Ave.
 Bellingham, MA 02619
 508-986-4132

North Grafton
 1115 Main Street
 North Grafton, MA 01536
 508-439-9258

Hanson
 1115 Main Street
 Hanson, MA 02341
 781-284-1444

Drawn By: WBI 3/20
 Checked By: WBI 3/20
 Date: 03/23/20

02a
 12/21/21 21.2020
 12/21/21
 01582



Return to:
Barry J. Astukewicz, Esq.
288 Main Street
Milford, MA 01757

Quitclaim Deed

PROPERTY ADDRESS: Lot 179 Blackstone Street, Mendon Massachusetts 01756

I, **ANDREW NOYES, TRUSTEE OF WINE CELLAR REALTY TRUST**, of Mendon, MA u/d/t dated January 18, 2006 and recorded in Worcester District Registry of Deeds in Book 38287, Page 1,

in consideration of ONE and 00/100 (\$1.00) DOLLAR

grant to **KEITH E. USHER** of 179 Blackstone Street, Mendon, MA

with **quitclaim covenants**

A certain tract or parcel of land on the westerly side of Blackstone Street in the Town of Mendon, Worcester County, Massachusetts consisting of approximately 9.14 acres and being shown as Lot 179 on a plan entitled "Plan of Land in Mendon, MA prepared for Keith Usher, 179 Blackstone Street, Mendon, MA 01756, Scale 1"=60' date January 6, 2005, Shea Engineering & Surveying, Inc., 76 Uxbridge Road, Mendon, MA 01756, Tel. (508) 473-1163", recorded at the Worcester District Registry of Deeds in Plan Book 836, Plan 115, to which reference may be made for a more particular description.

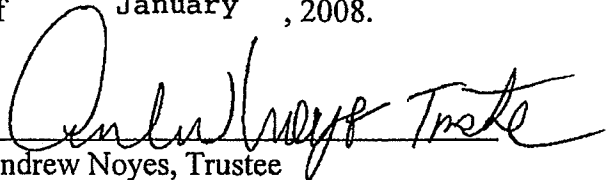
Said Lot 179 is conveyed subject to and with the benefit of the Septic System Easement located on Lot 181 as shown in said plan.

Being the same premises conveyed to Grantor by deed from Keith E. Usher dated August 20, 2007 and recorded at the Worcester District Registry of Deeds in Book 41648, Page 233.

2

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Executed as a sealed instrument this 31st day of January, 2008.


Andrew Noyes, Trustee
Wine Cellar Realty Trust

Commonwealth of Massachusetts

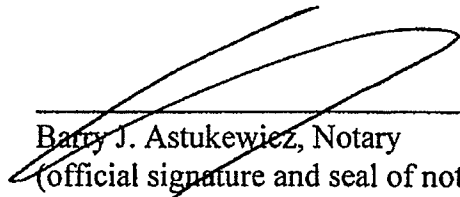
WORCESTER, ss.

Dated: January 31, 2008

Before me, the undersigned notary public, personally appeared Andrew Noyes, Trustee, who is personally known to me X or proved to me through satisfactory evidence of identification, which was _____ (license, passport, etc.), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose,



BARRY J. ASTUKEWICZ
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 3, 2014



Barry J. Astukewicz, Notary
(official signature and seal of notary)
My commission expires: 01/03/14