

Subject Property:

*Clerk Copy*  
TOWN CLERK'S STAMP  
TOWN OF MENDON  
CLERK

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: Rte 85 Realty Corp  
Address: PO Box 444, Mendon, MA

Telephone #: Days: 508-974-9050 Evenings: 508-974-9300

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: Mayer, Antonellis, Jachowicz & Haranas; LLP

Address of Representative: 288 Main Street, Milford, MA

Telephone #: Days: 508 473 2203 Evenings: \_\_\_\_\_

Relationship of representative to owner or equitable owner Attorney

I/we hereby authorize Joseph M. Antonellis, Esq. to represent my /our interests before the Board of Appeals with regards to this Petition

*Joseph M. Antonellis P.O.A.*

Must be signed by Owner or Equitable Owner

**3. SUBJECT PROPERTY:**

Street Address 21 Bates Street

Assessor's Map: 19 Lot # 106-21 Zoning District Rural Residential (RR)

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

Worcester District Registry of Deeds

Deed Recording: Book 59163 Page 26

This parcel was originally laid out and recorded on \_\_\_\_\_

**4. NATURE OF RELIEF REQUESTED:**

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

Which requires \_\_\_\_\_

60,000 s.f. lot area, 200' of frontage, and 200' of lot width, among other criteria.

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

The Applicant requests the following variances from Section 2.01 of the By-laws in order to create two lots on the property:

Lot Frontage: Lot 1 from 200' to 162.10'; Lot 2 from 200' to 146.60'

Area: Lot 1 from 60,000 s.f. to 25,945 s.f.; Lot 2 from 60,000 s.f. to 27,862 s.f.

Lot Width: Lot 1 from 200' to 138.05'; Lot 2 from 200' to 159.67'

**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.*

The lot is significantly larger than most of the other existing lots in the neighborhood and could be divided to create two lots more in keeping with the size and shape of the neighbors without being more detrimental to the neighborhood.

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.

Should this variance not be granted, the lot area will be underutilized in comparison to the other properties in the neighborhood, thus creating the hardship.

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.

*[Signature]* under P.O.A. 1-29-2020  
Signature of Applicant Date

Signature of Co-Applicant Date

Signature of Owner if other than Applicant Date

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.

*[Signature]* Jan 29, 2020  
Town Clerk Date



**TOWN OF MENDON**  
*BOARD OF ASSESSORS*  
20 MAIN STREET  
MENDON, MA 01756  
508-473-2738  
508-478-8241 (Fax)  
e-mail: [iberthold@mendonma.gov](mailto:iberthold@mendonma.gov)

*January 8, 2020*

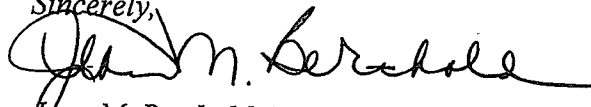
*PROPERTY LOCATION(S): 21 Bates Street  
Mendon, Massachusetts  
Assessor's Map #19-106-21*

*PROPERTY OWNER(S): Rte. 85 Realty Corp*

*OWNER(S) ADDRESS: P. O. Box 444  
Mendon, MA 01756-0444*

*RECORDED: Worcester Registry of Deeds  
July 27, 2018  
Book #59163  
Page #27*

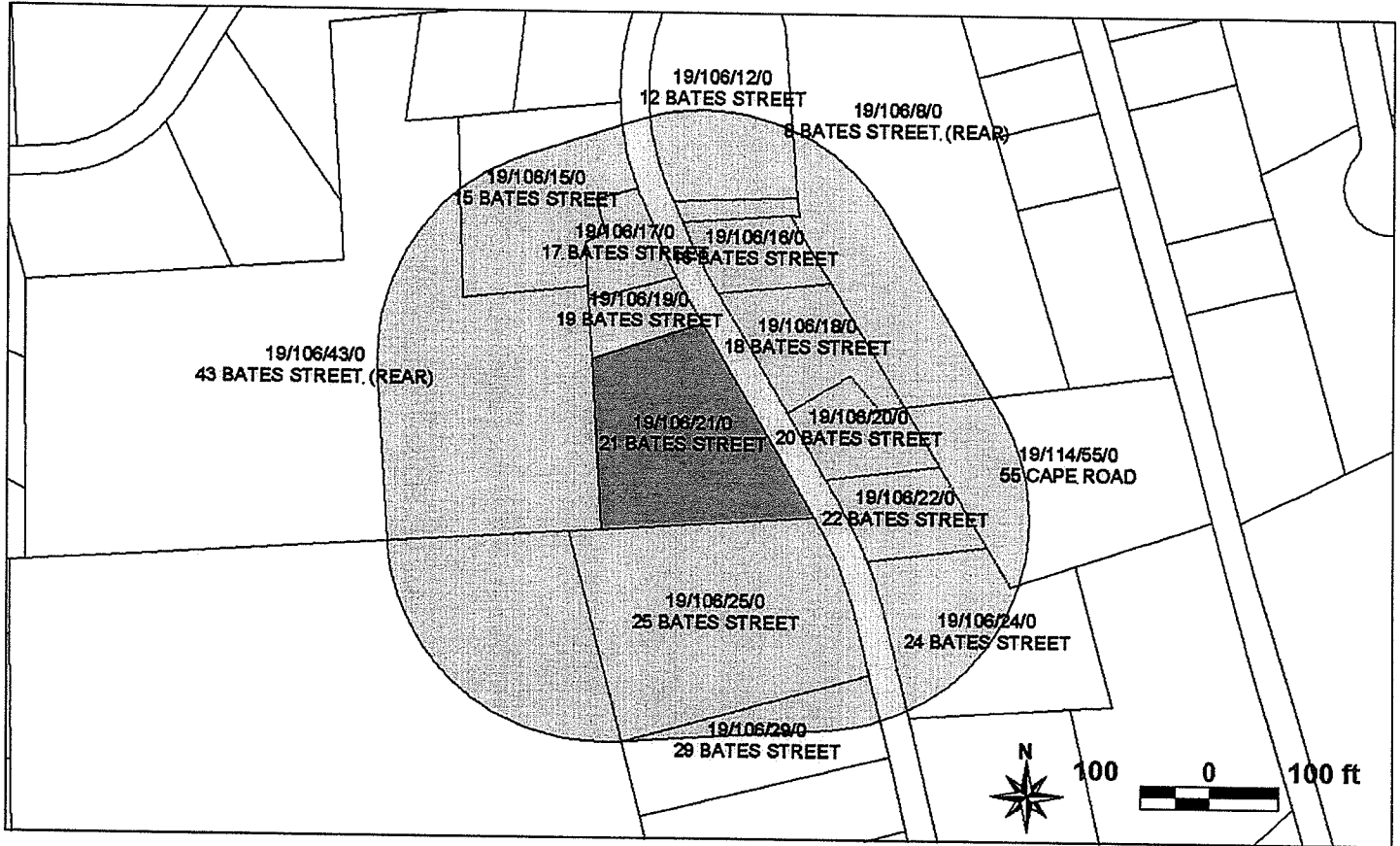
*The attached 300' abutter's list is true and accurate to the best of our knowledge.*

*Sincerely,*  
  
Jean M. Berthold, MAA  
Principal Assessor

*Attachment*

TOWN OF MENDON, MA  
 BOARD OF ASSESSORS  
 20 Main Street, Mendon, MA 01756

Abutters List Within 300 feet of Parcel 19/106/21/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1771	19-106-8-0-R	LEONE BENIGNA P	8 BATES STREET (REAR)	8 BATES STREET	MENDON	MA	01756
1774	19-106-12-0-R	SIMONEAU BETTINA L	12 BATES STREET	12 BATES STREET	MENDON	MA	01756
1776	19-106-14-0-R	LEONE BENIGNO P	14 BATES STREET	8 BATES STREET	MENDON	MA	01756
1777	19-106-15-0-R	WRIGHT STEPHEN & SUSAN	15 BATES STREET	15 BATES STREET	MENDON	MA	01756
1778	19-106-16-0-R	SOKOLOFF CHRISTINA B	16 BATES STREET	PO BOX 9102	PROVIDENCE	RI	02940
1779	19-106-17-0-R	FERNANDES DAVID	17 BATES STREET	17 BATES STREET	MENDON	MA	01756
1780	19-106-18-0-R	RIEL ROBERT F JR & ROBIN L	18 BATES STREET	18 BATES STREET	MENDON	MA	01756
1781	19-106-19-0-R	THE 19 BATES ST MENDON RT	19 BATES STREET	19 BATES STREET	MENDON	MA	01756
1782	19-106-20-0-R	UNRUH WALTER & CAROL ANN	20 BATES STREET	PO BOX 233	HOPEDALE	MA	01747
1783	19-106-21-0-R	RTE 85 REALTY CORP	21 BATES STREET	P O BOX 444	MENDON	MA	01756-0444
1784	19-106-22-0-R	VARGAS JUAN	22 BATES STREET	22 BATES STREET	MENDON	MA	01756
2918	19-106-24-0-R	HARRATI MUSTAFA & HIND DOUIKI	24 BATES STREET	24 BATES STREET	MENDON	MA	01756
1785	19-106-25-0-R	NEILAN ROBERT E & SANDRA L	25 BATES STREET	25 BATES STREET	MENDON	MA	01756
1787	19-106-29-0-R	CUTLER MARK A & ELIZABETH J	29 BATES STREET	29 BATES STREET	MENDON	MA	01756
1797	19-106-41-0-R	VARNEY BROS SAND & GRAVEL	41 BATES & BELLINGHAM STREETS	P O BOX 94	BELLINGHAM	MA	02019-0094

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1798	19-106-43-0-R	FERNANDES DAVID	43 BATES STREET (REAR)	17 BATES STREET	MENDON	MA	01756
1815	19-114-55-0-R	HEIDREA MENDON LLC	55 CAPE ROAD	1 WILLIAM WAY	BELLINGHAM	MA	02019

# Worcester South District Registry of Deeds Electronically Recorded Document

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## Recording Information

Document Number : 77141  
Document Type : DEED  
Recorded Date : July 27, 2018  
Recorded Time : 11:56:48 AM  
  
Recorded Book and Page : 59163 / 26  
Number of Pages(including cover sheet) : 4  
Receipt Number : 1089338  
Recording Fee (including excise) : \$1,151.00

\*\*\*\*\*  
MASSACHUSETTS EXCISE TAX  
Worcester District ROD #20 001  
Date: 07/27/2018 11:56 AM  
Ctrl# 185239 05033 Doc# 00077141  
Fee: \$1,026.00 Cons: \$225,000.00  
\*\*\*\*\*

Worcester South District Registry of Deeds  
Anthony J. Vigliotti, Register  
90 Front St  
Worcester, MA 01608  
(508) 798-7717



QUITCLAIM DEED

We, **John E. Lovely**, a non-married man of Milford, Massachusetts, **Leo A. Lovely**, a married man whose primary residence is 3451 Mackenzie Crossing, Cincinnati, Ohio 45245, **Keith N. Lovely** a non-married man of North Smithfield, Rhode Island 02896, **Ida Lovely**, a non-married woman of Blackstone, Massachusetts, **Jennifer A. Quinn**, a married woman whose primary residence is 53 Armsby Road, Sutton, Massachusetts 01590 and **Sharon E. Feccia** a married woman whose primary residence is 34 The Driftway, Hopedale, Massachusetts 01757

For consideration paid and in full consideration of less than TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000.00)

Grant to **RTE. 85 REALTY CORP.**, a Massachusetts corporation of 8 Uxbridge Road, P.O. Box 444, Mendon, MA 01756

WITH QUITCLAIM COVENANTS

A certain tract of land situated in said Mendon, bounded and described as follows:

Commencing at the Southeast corner of the granted premises, at land of one Cram; thence Northerly along the stone wall as it stands bounded Easterly by Bates Street, 312 feet more or less, to land of one Longton; thence Westerly and bounded Northerly by said Longton land along stone wall as it now stands, 163 feet to land of one Pettinelli land 250 feet, along the wall as it now stands to land of said Cram; thence Easterly and bounded Southerly by said Cram land along stone wall as it now stands, 288 feet to the point of beginning, all distances being more or less.

Together with any easements or rights received by deed of release of said Pettinelli, being the second parcel of land in deed of Thomas McTurk to me, said deed dated April 29, 1940, and recorded at Worcester District Deeds, Book 2774, Page 231.

**Grantors hereby state under the penalties of perjury that the premises is not their primary residence or the primary residence of any of the grantors' respective spouses, and that neither the grantors nor their respective spouses are entitled to claim a homestead in the premises being conveyed.**

For our title see deed of Grace L. Lovely dated February 8, 2002 and recorded in the Worcester District Registry of Deeds in Book 25945, Page 229.

21 BATES STREET, MILFORD, MA

IN WITNESS WHEREOF, we hereunto set our hands and seals this 10<sup>th</sup> day of July, 2018

John E. Lovely  
John E. Lovely

Sharon E. Feccia  
Sharon E. Feccia

Keith N. Lovely  
Keith N. Lovely

Ida Lovely  
Ida Lovely

Jennifer A. Quinn  
Jennifer A. Quinn

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

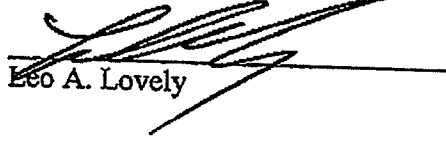
July 10, 2018

On this 10<sup>th</sup> day of July 2018, before me, the undersigned notary public, personally appeared **John E. Lovely, Sharon E. Feccia, Keith N. Lovely, Ida Lovely and Jennifer A. Quinn**, proved to me through satisfactory evidence of identification, which were photographic identifications, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Francis X. Small  
Notary Public: Francis X. Small  
My Commission Expires: June 6, 2019



IN WITNESS WHEREOF, I hereunto set my hand and seal this 12 day of July, 2018

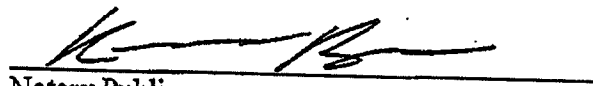
  
Leo A. Lovely

THE STATE OF OHIO

Hamilton, ss.

July , 2018

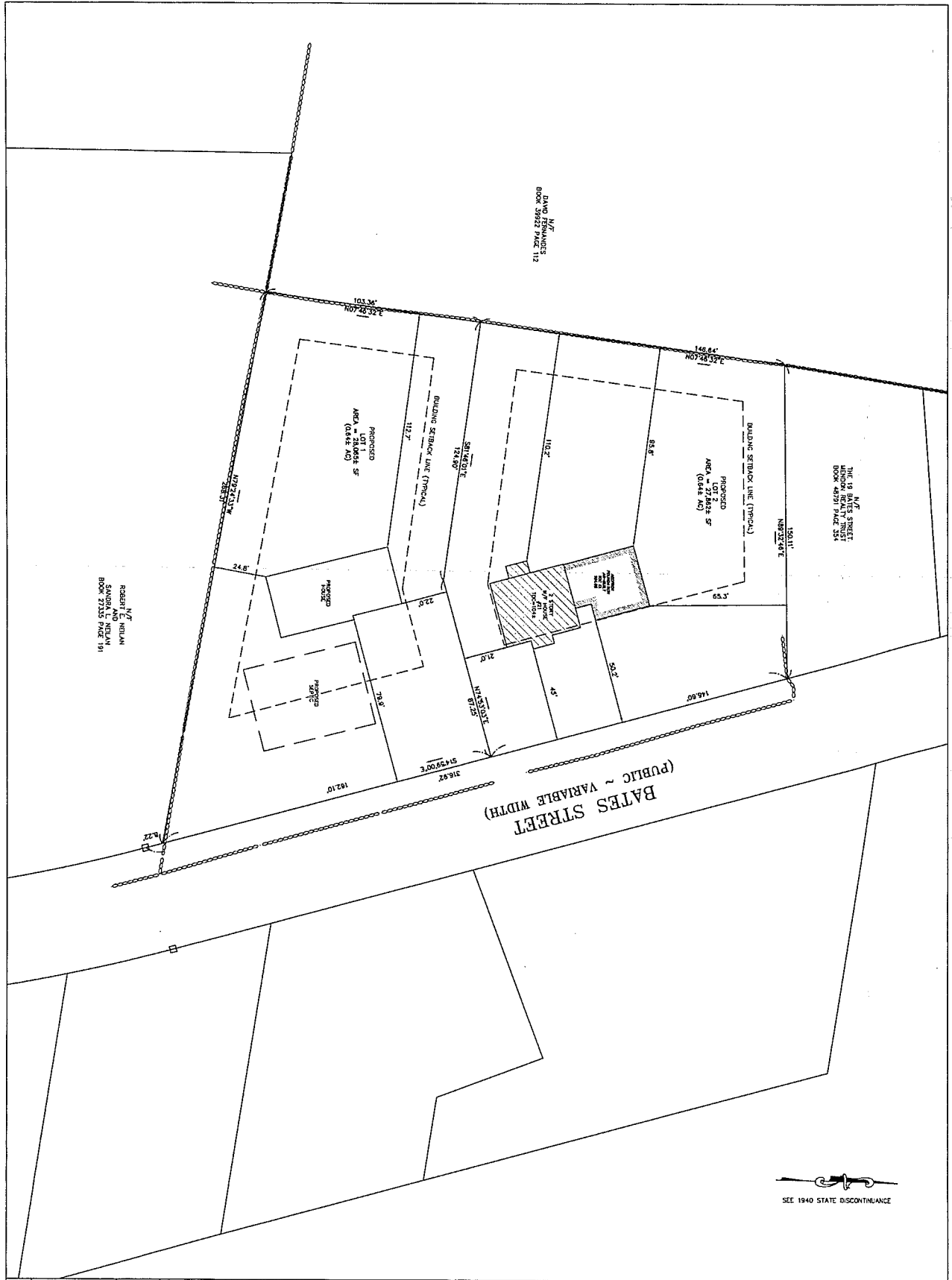
On this 12 day of July 2018, before me, the undersigned notary public, personally appeared Leo A. Lovely, proved to me through satisfactory evidence of identification, which was photographic identification, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

  
Notary Public:  
My Commission Expires 3/05/2022



KRISTEN BROOKS  
Notary Public, State of Ohio  
My Commission Expires  
March 5, 2022

ATTEST: WORC Anthony J. Vigliotti, Register



**DATE:** 9/27/19 **DATE:** 9/27/19

**SCALE:** 1" = 20'

**DATE:** SEPTEMBER 26, 2019

**GRAPHIC SCALE:** 1" = 20'

**Guerriere & Hahn, Inc.**  
 ENGINEERING & LAND SURVEYING  
 113 WEST STREET, PH. (508) 471-8830  
 WILMINGTON, MA 01975, FX. (508) 471-8843  
 www.gch-engineers.com

**VARIANCE PLAN OF LAND**  
 21 BATES STREET  
 MENDON, MASS.  
 SCALE: 1" = 20'  
 DATE: SEPTEMBER 26, 2019

**OWNER:**  
 RTE. 65 REALTY CORP.  
 BOOK 99163 PAGE 28  
 WORCESTER DISTRICT REGISTRY  
 OF DEEDS

**NOTES:**

1. THIS PLAN REFERS TO THE MENDON ASSESSORS' 21 BATES STREET PARCEL 60 (PARCEL 60-19-06-21-0).
2. SEE DEED BOOK 2848 PAGE 221 RECORDED AT THE WORCESTER DISTRICT REGISTRY OF DEEDS.
3. SEE THE ZONING PLANS RECORDED AT THE WORCESTER DISTRICT REGISTRY OF DEEDS: PLAN BOOK 714 PLAN 99 PLAN BOOK 151 PLAN 22
4. ZONING CLASSIFICATION: RURAL RESIDENTIAL (RR) ONE FAMILIAL LOT SIZE PARCEL: 60,000 SF FRONT YARD: 20' MIN SIDE YARD: 22' MIN LOT WIDTH: 200' MIN LOT DEPTH: 200' MIN LOT WIDTH AT LEADING AREA: 125' MIN
5. THE FOLLOWING DIMENSIONAL VARIANCES ZONING REGULATIONS FOR THE TOWN OF MENDON ZONING AMENDMENT THROUGH JUNE 24, 2019:
  - a) LOT FRONTAGE: LOT 1 FROM 200' TO 142.10' LOT 2 FROM 200' TO 146.80'
  - b) AREA: LOT 1 FROM 60,000 SF TO 25,915 SF LOT 2 FROM 60,000 SF TO 27,663 SF
  - c) LOT WIDTH: LOT 1 FROM 200' TO 136.05' LOT 2 FROM 200' TO 159.87'

**DIG SAFE NOTE:**  
 THIS PLAN IS A PRELIMINARY DESIGN AND DOES NOT CONSTITUTE A CONTRACT. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREIN. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREIN.

**SEE 1940 STATE DISCONTINUANCE**