

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: Hartford East Corp.

Address: P.O. Box 281 Mendon, MA 01756

Telephone #: Days: 508-889-5567 Evenings: \_\_\_\_\_

Petitioner is Owner  Tenant  Agent/Attorney

Purchaser on a purchase and sales agreement.

2. OWNER: if other than petitioner:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: Days: \_\_\_\_\_ Evenings: \_\_\_\_\_

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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: David L. Bertonazzi

Address of Representative: 189 Main Street, 3rd Floor, Milford, MA 01757

Telephone #: Days: 508-473-4811 Evenings: \_\_\_\_\_

Relationship of representative to owner or equitable owner Attorney

I /we hereby authorize David L. Bertonazzi to represent my /our interests before the Board of Appeals with regards to this Petition

 \_\_\_\_\_

Must be signed by Owner or Equitable Owner

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3. SUBJECT PROPERTY:

Street Address 44 Hartford Avenue East  
Assessor's Map: 18 Lot # 140-44 Zoning District GR & RR  
Registry of Deeds where deed, plan, or both are recorded:  
Worcester County (Worcester District) Registry of Deeds  
Deed Recording: Book 62019 Page 268  
This parcel was originally laid out and recorded on July 1, 2015

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4. NATURE OF RELIEF REQUESTED:

Variance from article/section 2.01 & 2.01(b) of the Mendon Zoning By-Laws,  
Which requires \_\_\_\_\_

Lots have frontage and lot width of 200 feet. Driveways be contained within the lot being serviced and the access be contained within the lot's frontage.

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

The Petitioner proposes to divide the subject property into two separate lots, each containing in excess of two acres and compliant with all dimensional regulations in the Zoning By-Laws except for minimum frontage and lot width, said lots to be available for single family development. The Petitioner further proposes that the lots so created be serviced by a common driveway with access contained within one of the lot's frontage and access within the frontage of one of the lots.

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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 subject property is a large (5.29 acres), narrow (approx. 205' x 760'), "hammer" shaped parcel. It is bisected by a gas pipeline easement running diagonally from the front of the parcel to the back. It is affected by a pond at the front of the parcel and by wetlands across the front of the parcel.

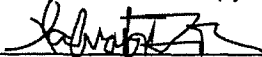
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B. Describe how you believe a hardship is caused by the unique/peculiar attributes of the soil conditions, shape, or topography of this subject property under a literal enforcement of the Zoning By-Laws? The hardship you describe must be related to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

The subject parcel contains more than four times the minimum area for a single lot, but would be limited to development as one lot. The upland, usable areas are split by the gas pipeline easement. The use of separate driveways within each lot would require multiple wetland crossings.

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.

 5/5/2020  
Signature of Applicant Date

\_\_\_\_\_  
Signature of Co-Applicant Date

\_\_\_\_\_  
Signature of Owner if other than Applicant Date

\_\_\_\_\_  
Signature of Equitable Owner Date

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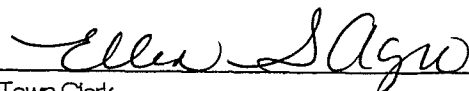
OFFICE OF TOWN CLERK

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.

  
Town Clerk

May 18, 2020  
Date

**ABUTTERS LIST**



**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)

*April 23, 2020*

*PROPERTY LOCATION(S): 44 Hartford Avenue East  
Mendon, Massachusetts  
Assessor's Map #18-140-44*

*PROPERTY OWNER(S): Hartford East Corp.*

*OWNER(S) ADDRESS: 60D North Avenue  
Mendon, MA 01756*

*RECORDED: Worcester Registry of Deeds  
March 10, 2020  
Book #62019  
Page #269*

*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 18/140/44/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
3259	13-144-9-B-R	COBBLER'S KNOLL SHARED SYS TRT C/O PETER GUIMOND TRUSTEE	9-B HAYWOOD CIRCLE	23 HAYWOOD CIRCLE	MENDON	MA	01756
3031	13-210-3-0-R	PORTCH MATT DANIEL & LINDA J	3 PUFFER DRIVE	3 PUFFER DRIVE	MENDON	MA	01756
3034	13-210-5-0-R	MELO FLAVIO P & ANA L	5 PUFFER DRIVE	5 PUFFER DRIVE	MENDON	MA	01756
3058	13-241-6-0-R	MCLAUGHLIN THOMAS M & JILL	6 WARFIELD ROAD	6 WARFIELD ROAD	MENDON	MA	01756
3060	13-241-8-0-R	KELLY MICHAEL J & MICHELLE M	8 WARFIELD ROAD	8 WARFIELD ROAD	MENDON	MA	01756
3061	13-241-10-0-R	MEADE KARA M	10 WARFIELD ROAD	10 WARFIELD ROAD	MENDON	MA	01756
2989	17-134-5-0-R	WEINTRAUB ERIC A & LISA S	5 AMMIDON ROAD	5 AMMIDON ROAD	MENDON	MA	01756
2991	17-134-7-0-R	BRENNAN DENNIS & BARBRA	7 AMMIDON ROAD	7 AMMIDON ROAD	MENDON	MA	01756
2993	17-134-9-0-R	PATEL RAMABHAI & GOMATIBEN	9 AMMIDON ROAD	9 AMMIDON ROAD	MENDON	MA	01756
2994	17-134-11-0-R	POWELL ROBERT A & KRISTYN L	11 AMMIDON ROAD	11 AMMIDON ROAD	MENDON	MA	01756
3110	18-107-3-0-R	MEADE JEFFREY M TRUSTEE 1/2 PRINCE HEATHER A TRUSTEE 1/2	3 BELLINGHAM STREET	3 BELLINGHAM STREET	MENDON	MA	01756
3111	18-107-5-0-R	BARROSO DAVID & NICOLE	5 BELLINGHAM STREET	5 BELLINGHAM STREET	MENDON	MA	01756
1696	18-140-34-0-R	HEALY TIMOTHY G & SHARON L	34 HARTFORD AVE EAST	34 HARTFORD AVE EAST	MENDON	MA	01756
1709	18-140-34-1-R	GUSTAFSON NANCY L	34-1 HARTFORD AVE EAST	32 HARTFORD AVE EAST	MENDON	MA	01756
1697	18-140-35-0-R	CAHILL SHIRLEY A	35 HARTFORD AVE EAST	38 HARTFORD AVENUE EAST	MENDON	MA	01756

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1696	18-140-36-0-R	CAHILL SHIRLEY A	36 HARTFORD AVE EAST	38 HARTFORD AVENUE EAST	MENDON	MA	01756
2966	18-140-40-0-R	BRENNEMAN KAREN LEE	40 HARTFORD AVE EAST	40 HARTFORD AVE EAST	MENDON	MA	01756
1701	18-140-43-0-R	BAY STATE GAS COMPANY D/B/A COLUMBIA GAS OF MASS	43 HARTFORD AVE EAST	ATTN: PAUL FRANCIOSE 4 TECHNOLOGY DR., SUITE 250	WESTBOROUGH	MA	01581
3448	18-140-44-0-R	SMART DEVELOPMENT LLC N/O HARTFORD EAST CORP	44 HARTFORD AVE EAST	60D NORTH AVENUE	MENDON	MA	01756
1710	18-140-47-A-R	KINNE MICHAEL J & CYNTHIA F	47-A HARTFORD AVE EAST	47-A HARTFORD AVE EAST	MENDON	MA	01756
1711	18-140-47-B-R	CHRISTIE RYAN	47-B HARTFORD AVE EAST	9 STATE STREET	OXFORD	MA	01537
1702	18-140-49-0-R	KANAK OLEKSII	49 HARTFORD AVE EAST	49 HARTFORD AVE EAST	MENDON	MA	01756
1703	18-140-50-0-R	BASSETT EDWARD E & SUZANNE	50 HARTFORD AVE EAST	50 HARTFORD AVE EAST	MENDON	MA	01756
1705	18-140-52-0-R	JOINER RICHARD SR & CAROL A (LIFE EST) & GM & N STORER	52 HARTFORD AVE EAST	52 HARTFORD AVE EAST	MENDON	MA	01756
3032	18-210-4-0-R	BENSON VICTOR T & REGAN WILMARTH	4 PUFFER DRIVE	4 PUFFER DRIVE	MENDON	MA	01756
3033	18-210-6-0-E	TOWN OF MENDON	6 PUFFER DRIVE	20 MAIN STREET	MENDON	MA	01756
3036	18-210-8-0-R	ALVES MARCELO	8 PUFFER DRIVE	1 CONSTITUTION COURT APT 201	HOPKINTON	MA	01748
3038	18-210-10-0-R	3 QUICK FARM ROAD LLC	10 PUFFER DRIVE	95 EAST MAIN STREET	WESTBOROUGH	MA	01581



**DEED**

# Worcester South District Registry of Deeds Electronically Recorded Document

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## Recording Information

Document Number : 25204  
Document Type : DEED  
Recorded Date : March 10, 2020  
Recorded Time : 10:46:02 AM  
  
Recorded Book and Page : 62019 / 268  
Number of Pages(including cover sheet) : 3  
Receipt Number : 1211366  
Recording Fee (including excise) : \$668.00

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MASSACHUSETTS EXCISE TAX  
Worcester District ROD #20 001  
Date: 03/10/2020 10:46 AM  
Ctrl# 207090 15111 Doc# 00025204  
Fee: \$513.00 Cons: \$112,500.00  
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Worcester South District Registry of Deeds  
Kathryn A. Toomey, Register  
90 Front St  
Worcester, MA 01608  
(508) 798-7717

**QUITCLAIM DEED**

Smart Development LLC, a Massachusetts Limited Liability Company with a principal address of 1 Walker Drive, Upton, Massachusetts 01568

For consideration of ONE HUNDRED TWELVE THOUSAND FIVE HUNDRED AND NO/100 (\$112,500.00) DOLLARS PAID

Grants to HARTFORD EAST CORP., a Massachusetts corporation with a principal address of 60D North Avenue, Mendon, MA 01756

***With Quitclaim Covenants***

A certain parcel of land off Hartford Avenue East, in the Town of Mendon, Worcester County, Massachusetts, said parcel of land being shown as Parcel 44 on a plan of land entitled, "Plan of Land in Mendon, Mass., Prepared for Owner David Cahill Scale 1" = 40' Dated April 9, 2015, Shea Engineering & Surveying Inc.", said plan being filed with Worcester District Registry of Deeds in Plan Book 914, Plan 7, to which plan reference may be made for a more particular description of said Parcel 44.

Said Parcel 44 contains an area of 5.29 acres, more or less, according to said plan.

Subject to easement granted to now or formerly Tennessee Gas Pipeline Company as described in instrument recorded with said Deeds in Book 13967, Page 320.


This transaction is not all or substantially all of the assets of the grantor limited liability company and is in the ordinary course of business in the Commonwealth of Massachusetts.

For title see Deed dated September 9, 2019 recorded with Worcester District Registry of Deeds in Book 61027, Page 99.

PROPERTY ADDRESS: 60D HARTFORD AVENUE EAST, MENDON, MA

EXECUTED as a sealed instrument this 9<sup>th</sup> day of March, 2020.

Smart Development LLC



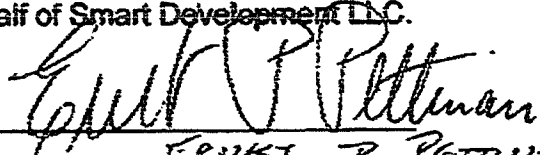
Thomas R. Smart, duly authorized signatory

COMMONWEALTH OF MASSACHUSETTS

County of Worcester, SS.

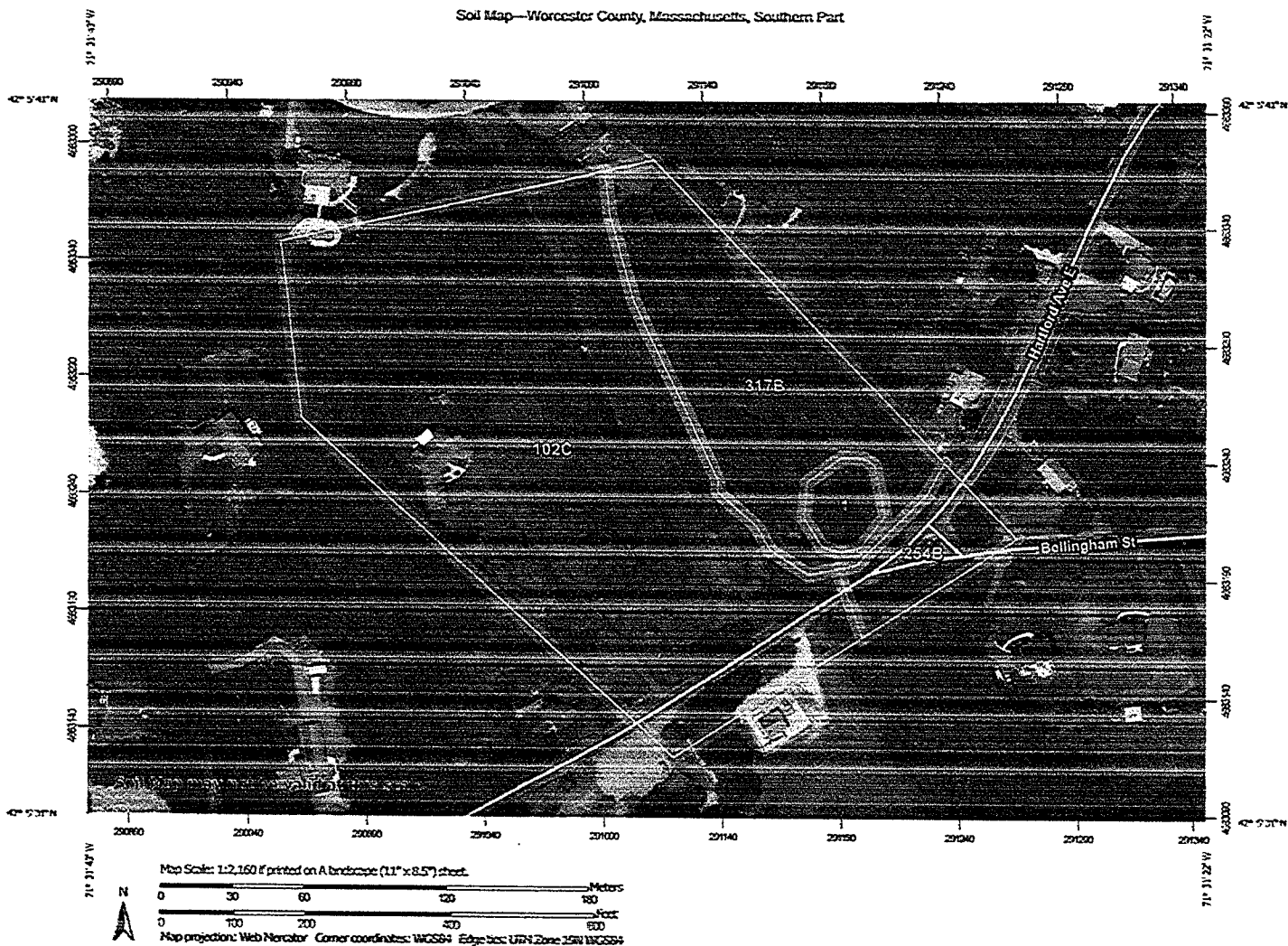
On this the 9<sup>th</sup> day of March, 2020, before me, the undersigned Notary Public, personally appeared Thomas R. Smart, Manager, aforesaid and proved to me through satisfactory evidence of identity, which was a driver's license to be the person(s) whose name(s) is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Smart Development LLC.



  
ERNEST P. PETTINARI  
Notary Public  
My Comm. Exp.: JAN 1, 2021







































**SOILS**

Soil Map—Worcester County, Massachusetts, Southern Part



Soil Map—Worcester County, Massachusetts, Southern Part

**MAP LEGEND**

 Area of Interest (AOI)	 Spoil Area
 Area of Interest (AOI)	 Stony Spot
 Soils	 Very Stony Spot
 Soil Map Unit Polygons	 Wet Spot
 Soil Map Unit Lines	 Other
 Soil Map Unit Points	 Special Line Features
<b>Special Point Features</b>	<b>Water Features</b>
 Blowout	 Streams and Canals
 Borrow Pit	<b>Transportation</b>
 Clay Spot	 Rails
 Closed Depression	 Interstate Highways
 Cravel Pit	 US Routes
 Gravelly Spot	 Major Roads
 Landfill	 Local Roads
 Lava Flow	<b>Background</b>
 Marsh or swamp	 Aerial Photography
 Mine or Quarry	
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

**MAP INFORMATION**

The soil surveys that comprise your AOI were mapped at 1:25,000.

**Warning:** Soil Map may not be valid at this scale. Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Worcester County, Massachusetts, Southern Part

Survey Area Data: Version 12, Sep 12, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 5, 2019—Jul 8, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1	Water	0.3	2.4%
102C	Chatfield-Hollis-Rock outcrop complex, 0 to 15 percent slopes	7.6	69.0%
254B	Merrimac fine sandy loam, 3 to 8 percent slopes	0.6	5.3%
317B	Scituate fine sandy loam, 3 to 8 percent slopes, extremely stony	2.6	23.3%
<b>Totals for Area of Interest</b>		<b>11.0</b>	<b>100.0%</b>