

TOWN OF MENDON
ZONING BOARD OF APPEALS
20 MAIN ST.
MENDON, MA 01756



APPLICATION FOR (check one)

In accordance with Mendon Zoning By-Laws

SPECIAL PERMIT (M.G.L. Ch. 40, § 9)

VARIANCE (M.G.L. CH. 40, § 10)

This application must be completed, signed, and submitted with the filing fee by the petitioner or their representative in accordance with the Board's rules and regulations which can be found at www.mendonma.gov or in the Town Clerk's office.

1. PETITIONER: Includes Equitable Owner (purchaser on a purchase and sales agreement)
Nightview LLC. (Bedrosian)

Name: _____

12 Dudley Road, Mendon, MA 01756

Address: _____

508-726-5224

Phone: _____ Alt phone: _____

tbedros@gmail.com

Email: _____

Petitioner is: (Check one) Tenant Agent Purchaser

2. OWNER: (if other than petitioner)

Name: Shelly Doti and Dennis Doti _____

3 Appleseed Drive, Greenfield, RI 02628. (Shelly)

Address: _____

401-487-3620 Shelly

774-991-1203 Dennis

Phone: _____ Alt phone: _____

shellydoti@gmail.com.

dnso405@yahoo.com

Email: _____

3. REPRESENTATIVE AUTHORIZATION:

If someone other than the owner or equitable owner is the petitioner, the owner or equitable owner must designate such representative below.

Name: _____

Address: _____

Phone: _____ Alt phone: _____

Email: _____

Relationship of representative to owner or equitable owner:

I/we hereby authorize _____, to represent my/our interests before the Board of Appeals with regards to this petition.

Signature of Owner or Equitable Owner

4. SUBJECT PROPERTY

13A Asylum Street
Street Address: _____

20 13A
Assessor's Map _____ Lot # _____

Zoning District (Check one) RR GR GB HB

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

51150 4
Book _____ Page _____

This parcel was originally laid out and recorded on _____

5. NATURE OF RELIEF REQUESTED

Article II Section 2.01

Article/Section _____ of Mendon Zoning By-Laws

Which allows/requires :

Request relief from Article II section 2.01 (ii) which requires 200 feet at lot width building setback. Article II section 2.01 (v) which requires minimum lot width 200 feet.

The specific relief we/I request is as follows:

A lot width at building setback 25 feet frontage of 25.33 feet, lot width 25 feet.

6. EVIDENCE TO SUPPORT GRANT OF VARIANCE

(ref. M.G.L. Ch. 40, § 10)

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

This application is an attempt to renew original variance granted on September 17, 2012. In original decision the hardship was created by lot shape.

Documents submitted

<input checked="" type="checkbox"/>	Completed variance application
<input type="checkbox"/>	Owner authorizations complete
<input type="checkbox"/>	Electronic copy of entire submission (via email or thumb drive)
<input checked="" type="checkbox"/>	6 collated copies of the entire submission and site plan(including uplands and abutters)
<input checked="" type="checkbox"/>	Certified abutters list from the Assessor's Office
<input checked="" type="checkbox"/>	4 sets of mailing labels
<input checked="" type="checkbox"/>	Copy of the Deed for the subject property
<input type="checkbox"/>	Copy of building permit application and/or any correspondence from the building department
<input checked="" type="checkbox"/>	Copy of any previous decisions on Special Permits or Variances for the subject property
<input type="checkbox"/>	Soil/geological studies, topographical maps, other support documentation

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

Town Clerk

Date

- 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.

I/we hereby certify under the pains and penalty of perjury that the information contained in this application is true and complete and 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 read the Rules and Regulations of the Mendon Zoning Board of Appeals

J.L.B., Manager
Signature of Applicant Date

Signature of Co-Applicant Date

Signature of Owner (if other than applicant) Date

Signature of Equitable Owner Date



TOWN OF MENDON
BOARD OF ASSESSORS
20 MAIN STREET
MENDON, MA 01756
508-473-2739
508-478-8241 (Fax)
e-mail: assessor@townofmendon.ma.gov

June 8, 2022

PROPERTY LOCATION(S): 13A Asylum Street
Mendon, Massachusetts
Assessor's Map #20-100-13A

PROPERTY OWNER(S): Dennis & Shelly Doti

OWNER(S) ADDRESS: 187 Chocolog Road
Uxbridge, MA 01569

RECORDED: Worcester Registry of Deeds
July 2, 2013
Book #51150
Page #1

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

Sincerely,

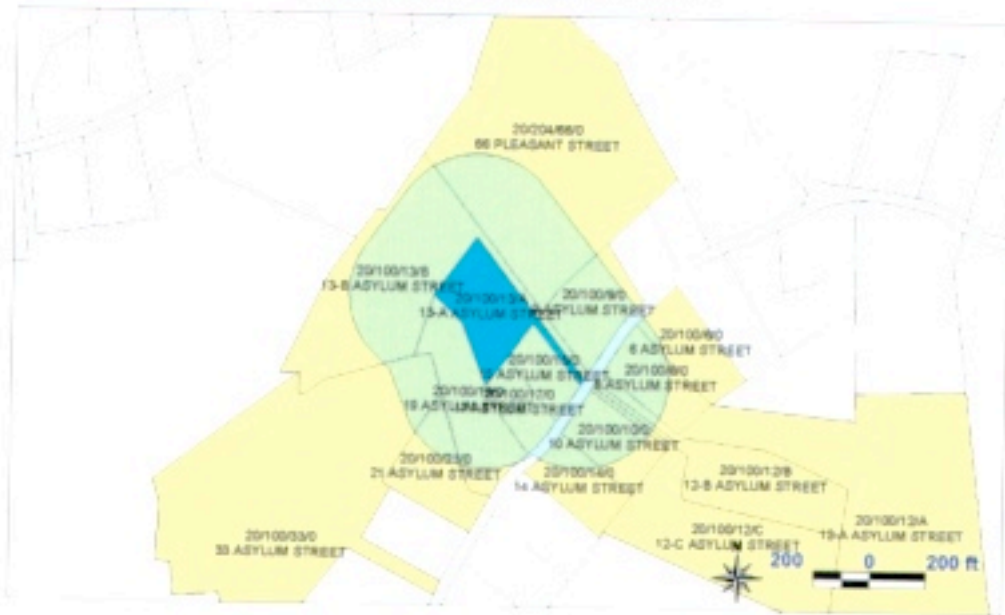
Jean M. Berthold, MAA
Principal Assessor

Attachment

**This list is valid for 30 days from the date of certification.*

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

Abutters List Within 300 feet of Parcel 20/100/13/A



File	Parcel ID	Owner	Address	Neighboring Street	Neighboring City	ST	Zoning/County
1838	20-100-4-0-0	HENDERSON KENNETH B & SHARON B	8 ASYLUM STREET	8 ASYLUM STREET	MENDON	MA	21756
1940	20-100-8-0-0	MURPHY SHAUN M & ALYSON B PO BOX 10000	8 ASYLUM STREET	8 ASYLUM STREET	MENDON	MA	21756
1941	20-100-9-0-0	DOS SANTOS CARL F & HOLLY A	9 ASYLUM STREET	9 ASYLUM STREET	MENDON	MA	01756
1942	20-100-10-0-0	GRACE EDWARD P JR FALLETTE W	10 ASYLUM STREET	10 ASYLUM STREET	MENDON	MA	01756
1943	20-100-11-0-0	HORN BRIST H	11-A ASYLUM STREET	11-A ASYLUM STREET	MENDON	MA	01756
1944	20-100-12-0-0	MATTAR DANA D & DAWN M	12-B ASYLUM STREET	12-B ASYLUM STREET	MENDON	MA	21756
1945	20-100-12-C-0	BEYER CURTIS R & SAMANTHA Z	12-C ASYLUM STREET	12-C ASYLUM STREET	MENDON	MA	21756
3008	20-100-13-A-0	DOT DENNIS & SHELLY	13-A ASYLUM STREET	187 CHOCOLOG ROAD	UNBROOK	MA	01756
3007	20-100-13-B-0	DOT DENNIS & SHELLY	13-B ASYLUM STREET	187 CHOCOLOG ROAD	UNBROOK	MA	01756
1946	20-100-14-0-0	BATES JOHN W & ALUM M BRUODS	14 ASYLUM STREET	12 DAN HILL ROAD	MENDON	MA	01756
1948	20-100-15-0-0	VILA JONATHAN MICHAEL & ALISON KAYE	15 ASYLUM STREET	15 ASYLUM STREET	MENDON	MA	21756
1949	20-100-17-0-0	VILA JONATHAN MICHAEL & ALISON KAYE	17 ASYLUM STREET	16 ASYLUM STREET	MENDON	MA	21756
1950	20-100-19-0-0	SCHWARTZ JUDITH MICHAEL & JUDITH WALLER	19 ASYLUM STREET	19 ASYLUM STREET	MENDON	MA	01756
1952	20-100-21-0-0	LOVY ALICE C & ANTONIO D	21 ASYLUM STREET	21 ASYLUM STREET	MENDON	MA	01756
1953	20-100-33-0-0	33 ASYLUM STREET LLC	33 ASYLUM STREET	30 NEWBURY STREET THIRD FLOOR	BOSTON	MA	02116

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	Zip/City/County
1944	25-294-86-5-2	KENYON RUSSELL W & ANN JACOB MAYER	46 PLEASANT STREET	46 PLEASANT STREET	WENDELL	MA	01178

2013 000000312
Bk. 51150 Pg. 1
Page 1 of 5 07/02/2013 12:29 PM WD

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 501
Date: 07/02/2013 12:29 PM
Crt# 122038 07511 Doc# 00080912
Fee: \$635.40 Com: \$140,000.00

NELSON & O'CONNELL
TITLE COMPANY, INC.

23,073B

MASSACHUSETTS QUITCLAIM DEED

13A + 13B Asylum Street, Mendon, MA

We, John N. Altomare, as a Master (and not personally) appointed by the Worcester Probate Court, in Probate Court case No. W008D0139DR, of 71 Elm Street, Worcester, Massachusetts, and Russell W. Kempton, of Mendon, Massachusetts, and Carey C. Kempton, of Mendon, Massachusetts, for consideration paid, and in full consideration of **One Hundred Forty Thousand Dollars (\$140,000.00)** grant to Dennis Doti and Shelly Doti, husband and wife as tenants by the entirety, of 187 Chocolog Road, Uxbridge, Massachusetts, with quitclaim covenants:

Certain parcels of land situated on the northwesterly side of Asylum Street in Mendon, Massachusetts. Said parcels being shown as Parcel 13A & 13B on a plan entitled, "Plan of Land in Mendon, MA, Prepared For Russell & Carey Kempton", Dated November 19, 2012, prepared by Shea Engineering & Surveying, Inc., and recorded with the Worcester District Registry of Deeds in Plan Book B97, Plan 82.

SEE ATTACHED EXHIBIT "A" ATTACHED FOR THE LEGAL DESCRIPTION

We, Russell W. Kempton and Carey C. Kempton hereby release all our interest in any homestead rights we may have had regarding this property. *Be previous conveyance herein to vacant land*

Being a portion of the premises conveyed by deed dated *April 17, 2007* and recorded with the Worcester District Registry of Deeds in Book *41618*, Page *321*.

Witness our hands and seals this *23rd* day of *June*, 2013.

* Under the principal place of residence of the grantors.

John N. Altomare
John N. Altomare, Master
Russell W. Kempton
Russell W. Kempton
Carey C. Kempton
Carey C. Kempton

(5)

[Handwritten mark]

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 26th day of June, 2013, before me, the undersigned notary public, personally appeared, **John N. Altomare, Master**, proved to me through satisfactory evidence of identification which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name(s) is/are signed on the preceding or attached document(s), and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.


Notary Public: Teri F. Houston
My Commission Expires: 11/1/2013

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 28th day of June, 2013, before me, the undersigned notary public, personally appeared, **Russell W. Kempton**, proved to me through satisfactory evidence of identification which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name(s) is/are signed on the preceding or attached document(s), and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.


Notary Public: Nancy A. Lavalley
My Commission Expires: 8/12/16

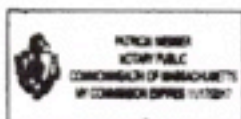


COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 28th day of June, 2013, before me, the undersigned notary public, personally appeared, Carey C. Kempton, proved to me through satisfactory evidence of identification which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name(s) is/are signed on the preceding or attached document(s), and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.


Notary Public: Patricia Webber
My Commission Expires: 11-17-17



2: (Carey C. Kempton), Deeds to Doc. 1.docx

PARCEL 13A

A certain parcel of land situated on the northwesterly side of Asylum Street in Mendon, Massachusetts. Said parcel being shown as Parcel 13A on a plan entitled, "Plan of Land in Mendon, MA, Prepared For Russell & Carey Kempton". Dated November 19, 2012, prepared by Shea Engineering & Surveying, Inc., and recorded with the Worcester District Registry of Deeds in Plan Book 897, Plan 82, being bounded and described as follows;

Beginning at the southeasterly most coener at a point in a stone wall on the northwesterly sideline of Asylum Street in Mendon, Massachusetts, said point being the southerly most point of Parcel 13B.

Thence: S49-13-07 W 25.69 feet along the stone wall and the northwest sideline of Asylum Street to a drill hole at land of Lipsky, said Lipsky land being shown as Parcel 15 and 17 on said plan.

Thence: N 28-20-20 W 277.70 feet to a point.

Thence: S 52-16-22 W 276.08 feet to a point at Parcel 13C, the last two courses being along land of Lipsky.

Thence: N 01-19-43 W 234.89 feet to a point.

Thence: N 41-21-57 W 148.63 feet to a point at Parcel 13B, the last two courses being along Parcel 13C.

Thence: N 50-31-04 E 255.50 feet to a point.

Thence: S 24-03-36 E 355.42 feet to a point.

Thence: S 28-22-05 E 276.15 feet to the point of beginning, the last three courses being along Parcel 13B.

Said Parcel 13A containing 90,296 square feet more or less.

Said Parcel 13A is subject to a Variance granted by the Mendon Zoning Board of Appeals as described in Decision recorded in the Worcester County Registry of Deeds, Book 49759 Page 368.

PARCEL 13B

A certain parcel of land situated on the northwesterly side of Asylum Street in Mendon, Massachusetts. Said parcel being shown as Parcel 13B on a plan entitled, "Plan of Land in Mendon, MA, Prepared For Russell & Carey Kempton", Dated November 19, 2012, prepared by Shea Engineering & Surveying, Inc., and recorded with the Worcester District Registry of Deeds in Plan Book 897, Plan 82, being bounded and described as follows;

Beginning at the southeasterly most corner at a drill hole found in a stone wall on the northwesterly sideline of Asylum Street in Mendon, Massachusetts, said point being the southeasterly most point of Parcel 13B.

Thence: S 49-13-07 W 25.69 feet along a stone wall and the northwesterly sideline of Asylum Street to a point at Parcel 13A.

Thence: N 28-22-05 W 276.15 feet to a point.

Thence: N 24-03-36 W 355.42 feet to a point.

Thence: S 50-31-04 W 255.50 feet to a point at Parcel 13C, the last three courses being along Parcel 13A.

Thence: S 29-51-24 W 172.65 feet along Parcel 13C to a point on a stone wall at land of Svenson.

Thence: N 80-21-11 W 252.16 feet to a drill hole found in the stone wall.

Thence: N 78-17-04 W 73.59 feet to a drill hole found in the stone wall.

Thence: S 68-18-27 W 84.36 feet to a drill hole found in the stone wall.

Thence: N 85-46-54 W 19.86 feet to the center, base of a 2" diameter iron pipe at land Of the Town of Mendon Conservation Commission, The last four courses being along land of Svenson.

Thence: Northeasterly 660 feet more or less, along a ditch and land of the Town of Mendon and land of Pond to the end of a stone wall.

Thence: S 43-03-44 E 50.10 feet to a corner of stone walls.

Thence: N 48-48-40 E 216.43 feet to a point in the stone wall at remaining land of Kempton, the last two courses being along land Of Pond.

Thence: S 21-34-59 E 691.25 feet along land of Kempton to a point at land of Dos Santos.

Thence: S 28-23-51 E 274.60 feet along land of Dos Santos to a drill hole at the point of beginning.

Said Parcel 13B containing 239,620 square feet more or less.

Said Parcel 13B is subject to a Variance granted by the Mendon Zoning Board of Appeals as described in Decision recorded in the Worcester County Registry of Deeds, Book 49759 Page 368.

2012 SEP 17 PM 2:10

Town of Mendon

ZONING BOARD OF APPEALS

Mendon Town Hall
20 Main Street
Mendon, Massachusetts 01756

NOTICE OF DECISION

Carey & Russell Kempton
56 Pleasant Street
Mendon, MA 01756

Petition:

Request relief from Article I Section 1.02 (h) which requires 200 feet at lot width building set back. Article II Section 2.01 (b) (ii) minimum 200 foot frontage. Article II Section 2.01 (c) (x) minimum lot width 100 feet.

The applicant request: A lot width at building set back 25 feet frontage of 25.33 feet, lot width 25 feet.

Hearing:

A public hearing was held on April 21, 2011. But due to the original decision never being filed by the Applicant with the Registry of Deeds and a lapse of over (1) year, a new public hearing was held on August 29, 2012 with a request to renew the variance with no changes. The applicant through his engineer Fred Lapham presented plans showing a 21.3 acre lot with one existing home on a 13.53 acre parcel fed from a 50 foot driveway off Pleasant Street and two new homes, one on Lot #1 with 2.07 acres and Lot #2 with 5.5 acres each fed from another existing 50 foot wide driveway off Aylum Street.

The second driveway would be separated into two 25 foot segments each feeding Lot #1 and Lot #2.

There is also a third 50 foot wide drive off Pleasant Street. (Not used)

The driveways and lot were created prior to zoning.

Fred pointed out that the applicant could do a 12 house sub-division but preferred just two homes.

Fred also noted that the property is within a priority habitat of rare and endangered species and wetlands.

Decision:

Due to the hardship created by the lot shape, priority habitat, and wetlands and specifically to the fact that two homes would be better than twelve, the board unanimously voted to renew the previously granted variance as shown on plans dated March 10, 2011 subject to the following conditions.

Conditions:

The lots are forever restricted to three homes, the existing plus Lot #1 and Lot #2. No building permit is to be issued until the decision is recorded with the Registry of Deeds. Copies of this decision with relevant plans are filed with the Planning Board and Town Clerk as provided by Massachusetts General Laws.

APPEALS:

Any person aggrieved by this decision may file an appeal with the court pursuant to M.G.L. Chapter 40A, Section 17 within (20) days after decision filed with the Town Clerk.

Certified By:
Town of Mendon, MA
Zoning Board of Appeals


James F. Carty, Jr.
Chairman

Margaret Bondresko



TOWN OF MENDON

TOWN CLERK

Mendon Town Hall

29 Main Street

Mendon, Massachusetts 01756

Telephone: (508)473-1085 Fax: (508)478-8241



2012 0917 0017
Bk. 49159 Pg. 368
Page 1 of 1 10/16/2012 12:36 PM EDT

CERTIFICATE OF NO APPEAL

Personer: Carey C. Kampan & Russell W. Kampan
56 Pleasant St.
Mendon, MA 01756

Property Owner: Carey C. Kampan & Russell W. Kampan
56 Pleasant St.
Mendon, MA 01756

Property Location: 13 Ayrham St.
Mendon, MA 01756

Recorded: Worcester Registry of Deeds
April 19, 2007
Book #41010, Page 321

This is to certify that the decision dated Aug. 29, 2012 granting a Variance was duly recorded in the Office of the Town Clerk on Sept. 17, 2012 at 2:10pm.

No Notice of Appeal of such approval was filed within twenty (20) days next which ended on Oct. 7, 2012.

A true copy. Attest.

Margaret Bondresko
Town Clerk
Oct. 9, 2012

3

M