



**TOWN OF MENDON**  
**APPEAL OF BUILDING INSPECTOR'S DECISION**  
*In accordance with M.G.L. Ch. 40A, Sec. 7, 13, 14; Mendon Zoning By-Laws Sec. 1.05*

2023 SEP 5 AM 10:23:52  
 RECEIVED TOWN CLERK

*Appeals shall be filed within thirty days from the date of refusal of a permit from the building official or the date of the administrative order, ruling, decision, or determination being appealed.*

**SECTION 1: PROPERTY INFORMATION**

ADDRESS OF SUBJECT PROPERTY	20 BICKNELL DRIVE
ASSESSOR'S MAP/BLOCK/LOT	

**SECTION 2: PROPERTY OWNER INFORMATION**

OWNER NAME	SAMEH WISA
OWNER MAILING ADDRESS (IF DIFFERENT FROM SECTION 1)	
OWNER PHONE NUMBER	UNKNOWN
OWNER EMAIL	SAMEHWISA77@YAHOO.COM

**SECTION 3: PETITIONER INFORMATION**

SAME AS SECTION 2 ABOVE (OWNER IS PETITIONER)

PETITIONER NAME(S)	JAMES DUFFY
PETITIONER ADDRESS (IF DIFFERENT FROM SECTION 1)	19 BICKNELL DRIVE
PETITIONER PHONE NUMBER	774-737-3832
PETITIONER EMAIL	JimHDuffy@aol.com

OWNER  ABUTTER  OTHER:  
 I Live ACROSS STREET

**SECTION 4: REPRESENTATIVE INFORMATION**

CHECK HERE IF NOT APPLICABLE

REPRESENTATIVE NAME

REPRESENTATIVE ADDRESS

REPRESENTATIVE TELEPHONE

REPRESENTATIVE EMAIL

RELATIONSHIP TO PETITIONER:  LEGAL COUNSEL  OTHER:

I/we hereby authorize the above party to represent our interests before the Zoning Board of Appeals with regard to this Petition.

Petitioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Petitioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 5: NATURE OF RELIEF SOUGHT**

Please write a detailed explanation of the nature of relief sought:

*See ATTACHED ADDENDUM AND DOCUMENTS*

Continued on separate page (attached)

I/we hereby certify under the pains and penalties of perjury that the information contained in this Petition is true and complete and that I/we have received a copy of the *Rules, Regulations and Procedures* of the Mendon Zoning Board of Appeals.

Petitioner's Signature: *[Handwritten Signature]* Date: *9/5/23*

Petitioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Any communication, purporting to be an application, petition, or appeal shall be treated as mere notice of intention to seek relief, until such time as it is made on the official form.*

**THIS APPLICATION IS NOT CONSIDERED COMPLETE UNTIL ALL EXHIBITS HAVE BEEN SUBMITTED AND FEE(S) PAID. PLEASE REVIEW THE ZONING BOARD OF APPEALS RULES, REGULATIONS AND PROCEDURES FOR FURTHER INFORMATION.**

TOWN CLERK	OFFICE USE ONLY
<i>Please see the most recent version of the Zoning Board of Appeals "Rules, Regulations and Procedures" for documentation and fee requirements.</i>	
Fee(s): <input checked="" type="checkbox"/> Filing fee of \$ <u>50</u> paid on (date:) <u>9/5/23</u>	
Exhibits Submitted: <input checked="" type="checkbox"/> Completed application <input checked="" type="checkbox"/> <del>NA</del> (6) Copies of site plan <input checked="" type="checkbox"/> Certified abutters list from assessors' office <input type="checkbox"/> Copy of deed for subject property <input checked="" type="checkbox"/> Copy of building permit application and/or any pertinent correspondence <input checked="" type="checkbox"/> Electronic copy of whole application package	
<u>Ellen S Agio</u> Town Clerk	<u>9/5/23</u> Date

## **APPEAL OF BUILDING INSPECTOR'S DECISION – PETITIONER= JAMES DUFFY (ADDENDUM)**

### **Section 5: NATURE OF RELIEF SOUGHT**

#### Background:

Shortly after purchase of #20 Bicknell Drive, owner, Mr. Wisa, started to operate commercial vehicles from the property for his company, Macarious, llc. Building Commissioner was alerted and cease and desist order issued on 12/20/2022.

Owner discussed situation with Mr. Erickson, and it was determined there were no violations as Mr. Wisa was going to reside at #20 Bicknell Drive.

#20 Bicknell Drive, a two-family dwelling, is located in a Residential Rural Zoning area within Town of Mendon.

Mr. Wisa uses the garage and property to store commercial vehicles (dump trucks, bobcat, leaf collector, trailers, etc.) and DOES NOT reside here.

Mr. Wisa's address is 21 Beaver Pond Road, Milford, MA. This is the address of registration for Macarious, LLC, and the address used for the cease-and-desist letter.

Mr. Wisa uses this property as a staging area to take the equipment to job sites, then bring the equipment back. This avoids buying or renting commercial property in a commercial lot.

The nature of the use of this property, in a residential zoned district, is to store vehicles to operate a commercial business.

#### Relief Sought via ZBA:

Enforcement of Cease-and-Desist order from 12/20/2022 to cease and desist use of #20 Bicknell Drive for any commercial activity including contractor yard use. And to remove the commercial vehicles and all associated equipment immediately.





## TOWN OF MENDON

BUILDING DEPARTMENT

Mendon Town Hall

18 Main Street

Mendon, MA 01756

Telephone: (508) 473-2679 Fax: (508) 634-2909

December 20, 2022

Macarious LLC  
21 Beaver Pond Road  
Milford, MA 01757

RE: 20 Bicknell Dr. Parcel 9-102-20-0

Dear property owner,

Please be advised that you are in violation of the Town of Mendon Zoning ByLaw as you are using the property as a Contractor's Yard. This property is in a Residential zoning district, and a Contractor's yard is a prohibited use, even as accessory to a single or 2-family dwelling.

You are hereby ordered to cease and desist use of this property for any commercial activity immediately, including the current contractor yard use. You are ordered to remove the commercial vehicles and all associated equipment immediately. Failure to do so will result in substantial fines as well as an Application for Criminal Complaint at Milford District Court. Please realize the penalty for this violation includes a fine of up to \$100.00 per day in accordance with Section 1.04 of the zoning by-law.

Please be aware that you may appeal this decision in accordance with the Town of Mendon Zoning By-Law and MGL c.40A

Sincerely,

John Erickson  
Building Commissioner



TOWN OF MENDON  
BUILDING DEPARTMENT  
18 Main Street  
Mendon, Massachusetts 01756

July 25, 2023

Jim Duffy  
21 Bicknell Dr.  
Mendon, MA 01756

Dear Mr. Duffy,

As result of your complaint, I have inspected the property at 20 Bicknell on multiple occasions. I did not find there to be any violations of the Town of Mendon Zoning By-Law.

Sincerely,

John Erickson  
Building Commissioner, Zoning Enforcement Officer  
[jerickson@mendonma.gov](mailto:jerickson@mendonma.gov)

cc: Dylan Lindholm, Assistant Zoning Enforcement Officer

Re: #20 Bickenll Drive

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From: John Erickson (jerickson@mendonma.gov)  
To: jimhduffy@aol.com; mmerolli@mendonma.gov  
Cc: dlindholm@mendonma.gov  
Date: Tuesday, August 29, 2023 at 12:45 PM EDT

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Jim,

Please see attached.

**John Erickson**  
**Building Commissioner**  
**Town of Mendon**  
**18 Main St**  
**Mendon, MA 01756**  
(508) 203-7323  
Jerickson@mendonma.gov

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**From:** jimhduffy@aol.com <jimhduffy@aol.com>  
**Sent:** Tuesday, August 29, 2023 6:08 AM  
**To:** Mike Merolli <MMerolli@mendonma.gov>; John Erickson <JErickson@mendonma.gov>  
**Subject:** Re: #20 Bickenll Drive

John and Mike,  
please see attached.  
another business at #20 Bicknell.

Jim Duffy

On Monday, August 21, 2023 at 12:14:01 PM EDT, jimhduffy@aol.com <jimhduffy@aol.com> wrote:

Hi John,  
could I please request this decision be provided to me on Town of Mendon letter head?  
Thank You,  
Jim

On Tuesday, July 11, 2023 at 11:54:43 AM EDT, John Erickson <jerickson@mendonma.gov> wrote:

Jim the cease and desist was issued when Mr. Wisa did not live at Bicknell. It was lifted based on the fact that he moved into the residence. And if he were, for example, hypothetically, to reside half the year in his Cape Cod house and even register to vote in Cape Cod, he is still the owner-occupant at 20 Bicknell. I met him and his family there, I saw utility bills in his name. That is the finding. Nothing in the videos you shared provided any indication and certainly not proof of any violation.

Sincerely,

John

**John Erickson**  
**Building Commissioner**  
**Town of Mendon**  
**18 Main St**  
**Mendon, MA 01756**  
(508) 203-7323  
Jerickson@mendonma.gov

Home > U.S. > Massachusetts > Milford

### MACARIOUS LLC

Massachusetts Domestic Limited-Liability Company (Llc) · Updated 9/15/2022

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Join and register, then 1,500 bonus points on each and more.

T&Cs apply.

**NOW BONUS**

[Write Review](#) [Upgrade](#) [Claim](#)

**MACARIOUS LLC** is a Massachusetts Domestic Limited-Liability Company (Llc) filed on September 15, 2022. The company's File Number is listed as 001606798.

The Registered Agent on file for this company is Sameh Wisa and is located at 21 Beaver Pond Road, Milford, MA 01757. The company's principal address is 21 Beaver Pond Road, Milford, MA 01757.

The company has 2 contacts on record. The contacts are Abanoub Macarious from Framingham MA and Sameh Wisa from Milford MA.

Like 33K

#### Company Information

Company Name: **MACARIOUS LLC**

Entity Type: MASSACHUSETTS DOMESTIC LIMITED-LIABILITY COMPANY (LLC)

File Number: 001606798

Filing State: Massachusetts (MA)

Filing Status: Unknown

Filing Date: September 15, 2022

Company Age: 11 Months

Registered Agent: Sameh Wisa  
21 Beaver Pond Road  
Milford, MA 01757

Principal Address: 21 Beaver Pond Road  
Milford, MA 01757

Sponsored Links

**Earn Toward Free Nights Faster**

Join and register, then 1,500 bonus points on each and more.

T&Cs apply.

**NOW BONUS**

#### Company Contacts

**ABANOUB MACARIOUS**  
Manager  
 155 Bishop Drive  
Framingham, MA 01702

**SAMEH WISA**  
Manager  
 21 Beaver Pond Road  
Milford, MA 01757

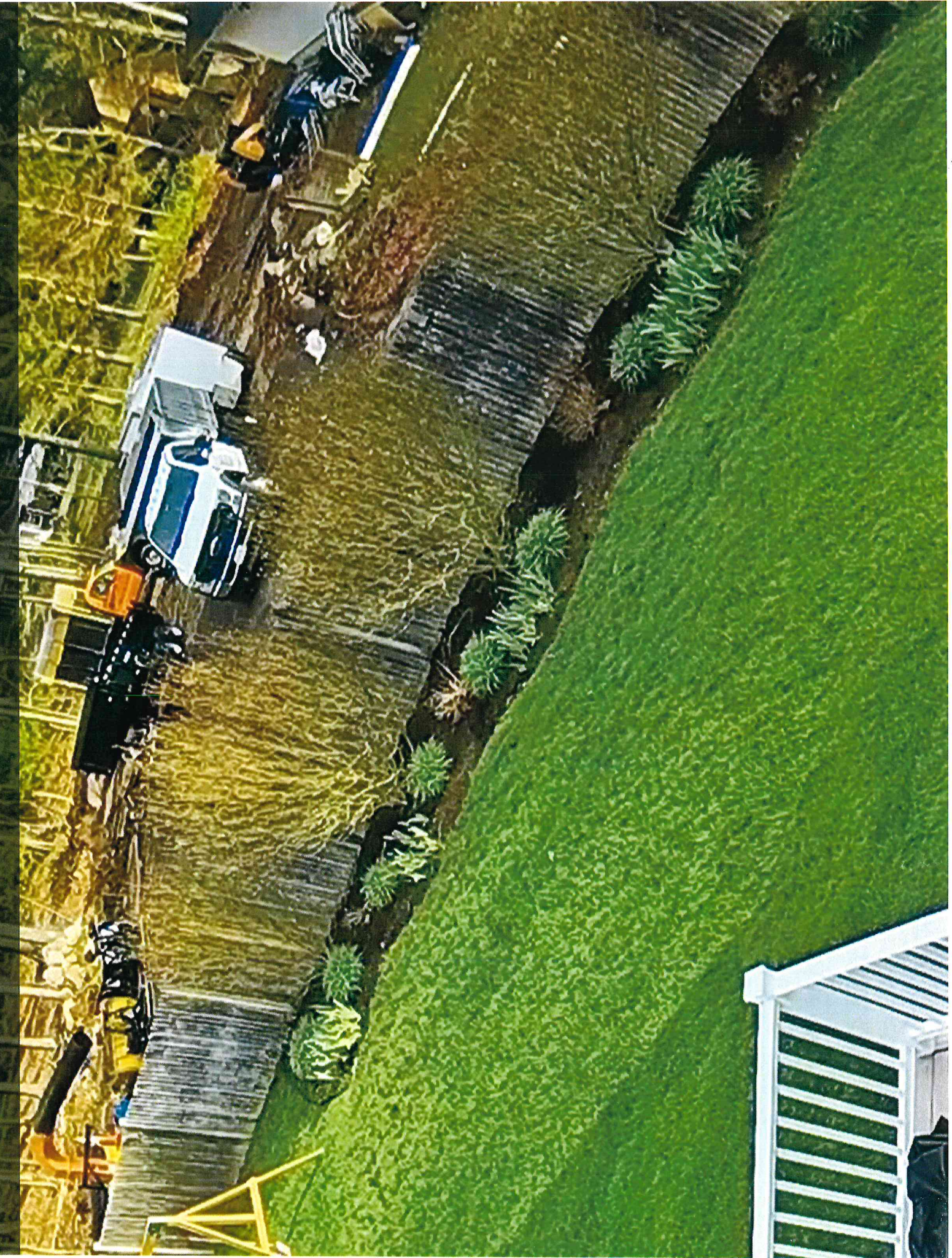
#### Reviews

[Write Review](#)

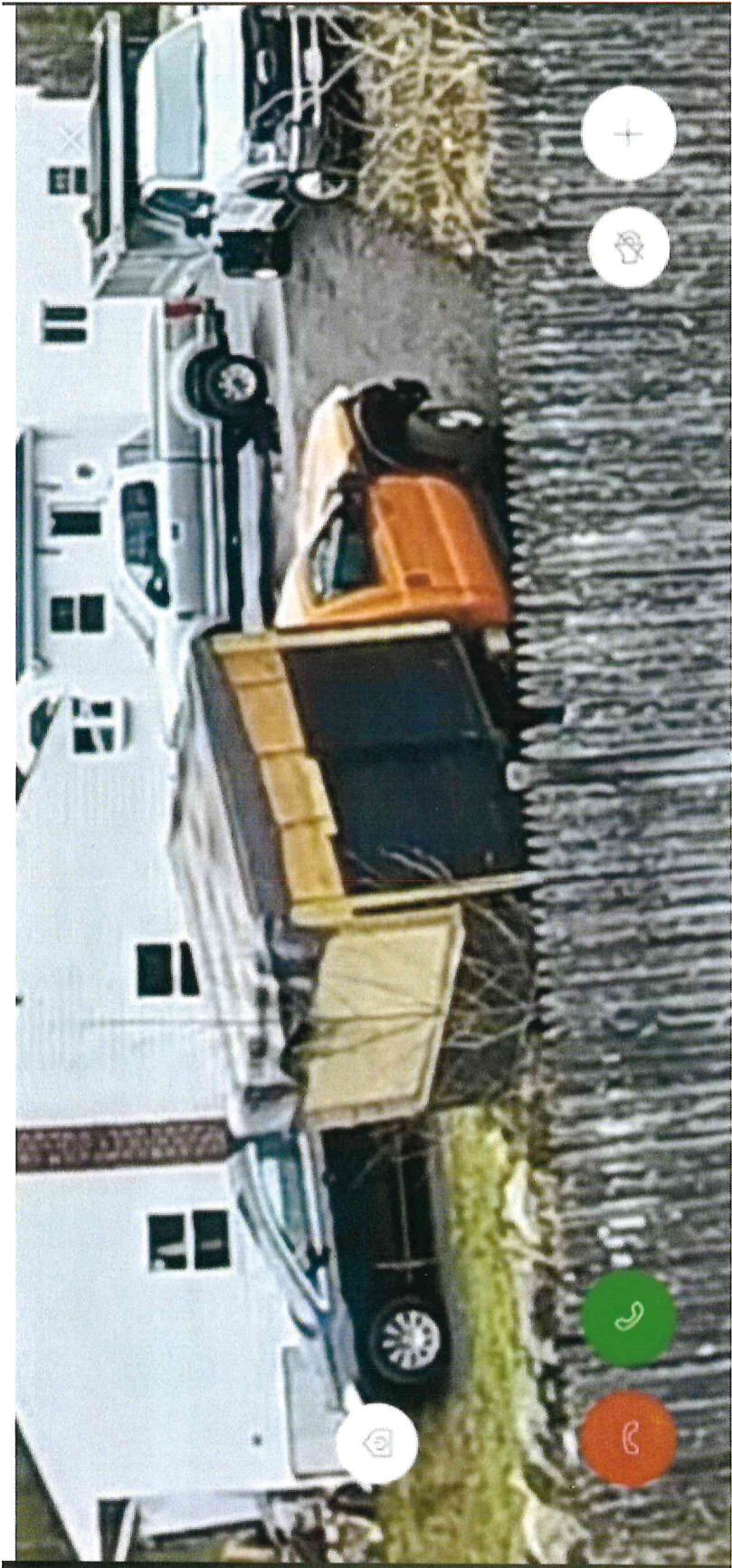
There are no reviews yet for this company.

#### Questions









#2



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

*September 6, 2023*

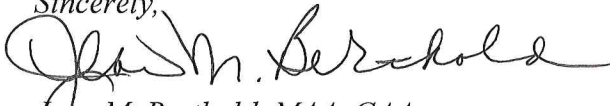
*PROPERTY LOCATION(S): 20 Bicknell Drive  
Mendon, Massachusetts  
Assessor's Map #9-102-20*

*PROPERTY OWNER(S): Macarious LLC*

*OWNER(S) ADDRESS: 20 Bicknell Drive  
Unit A  
Mendon, MA 01756*

*RECORDED: Worcester Registry of Deeds  
October 24, 2022  
Book #68390  
Page #180*

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

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

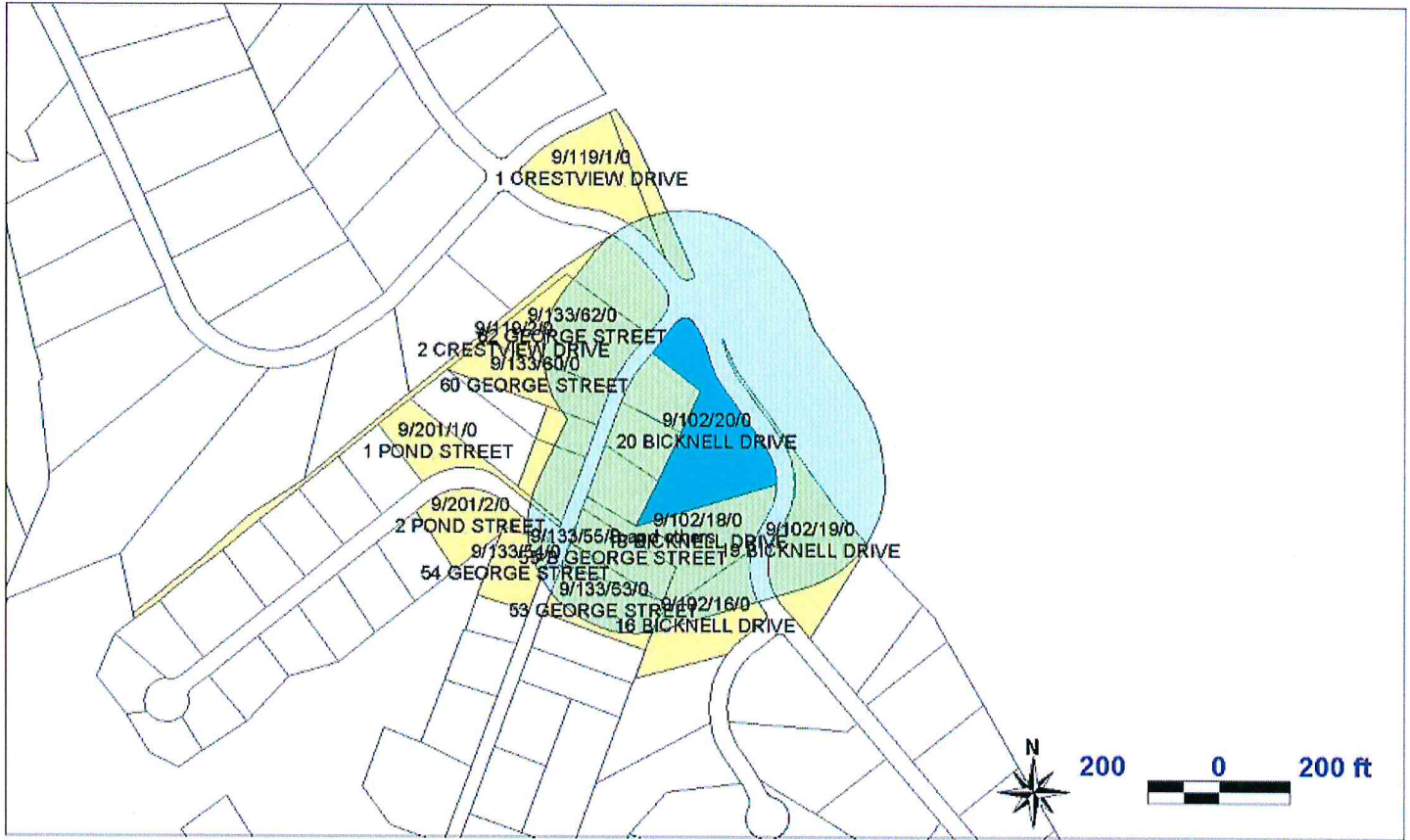
*Attachment*

*\*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 9/102/20/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
467	9-102-16-0-R	ROUSSEAU JOSEPH & EMILY	16 BICKNELL DRIVE	16 BICKNELL DRIVE	MENDON	MA	01756
469	9-102-18-0-R	MCGANN DAWN & KENNETH PAUL	18 BICKNELL DRIVE	18 BICKNELL DRIVE	MENDON	MA	01756
470	9-102-19-0-R	DUFFY JAMES H & DONNA CONSIGLI DUFFY	19 BICKNELL DRIVE	19 BICKNELL DRIVE	MENDON	MA	01756
471	9-102-20-0-R	MACARIOUS LLC	20 BICKNELL DRIVE	20 BICKNELL DRIVE UNIT A	MENDON	MA	01756
472	9-119-1-0-R	MININGHAM ELISABETH F TRUSTEE ELISABETH F MININGHAM REV TRST	1 CRESTVIEW DRIVE	1 CRESTVIEW DRIVE	MENDON	MA	01756
473	9-119-2-0-R	ASTEPHEN FRANCIS D & NANCY E (LIFE EST) & A ALMEIDA ET AL	2 CRESTVIEW DRIVE	2 CRESTVIEW DRIVE	MENDON	MA	01756
525	9-133-53-0-R	ALLARD CODY A & NICELLE N	53 GEORGE STREET	53 GEORGE STREET	MENDON	MA	01756
526	9-133-54-0-R	CLIFTON BRUCE L & THERESA A TRSTEE THERESA A CLIFTON LT	54 GEORGE STREET	54 GEORGE STREET	MENDON	MA	01756
538	9-133-55-1-R	ALLARD CODY A & NICELLE N	55-1 GEORGE STREET	53 GEORGE STREET	MENDON	MA	01756
527	9-133-55-A-R	KOTSIANAS NICKOLAOS & LYDIA	55-A GEORGE STREET	10 ALBEE ROAD	MILLVILLE	MA	01529
3102	9-133-55-B-R	KOTSIANAS NICKOLAOS	55-B GEORGE STREET	10 ALBEE ROAD	MILLVILLE	MA	01529
528	9-133-56-0-R	WHITMAN MALCOLM L & PATRICIA H (LIFE EST) & M BONTEMPO ET AL	56 GEORGE STREET	56 GEORGE STREET	MENDON	MA	01756
529	9-133-57-0-R	GAIN DANIELLE L	57 GEORGE STREET	57 GEORGE STREET	MENDON	MA	01756
530	9-133-58-0-R	DEIANA RUDOLPH L & SULLIVAN MARIE THERESA	58 GEORGE STREET	60 GEORGE STREET	MENDON	MA	01756
531	9-133-59-0-R	PETTI LAURIE	59 GEORGE STREET	59 GEORGE STREET	MENDON	MA	01756



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
532	9-133-60-0-R	SULLIVAN MARIE THERESA (L E) & STRAPIONI CM ET AL	60 GEORGE STREET	60 GEORGE STREET	MENDON	MA	01756
533	9-133-61-0-R	BYRNE MICHAEL V & KATHLEEN C	61 GEORGE STREET	61 GEORGE STREET	MENDON	MA	01756
534	9-133-62-0-R	FLEMING MARK L	62 GEORGE STREET	62 GEORGE STREET	MENDON	MA	01756
546	9-172-7-0-R	RUSSELL CRAIG J	7 MANTONI DRIVE	4 MANTONI DRIVE	HOPEDALE	MA	01747
3394	9-201-1-0-R	WESTHAVER CHIPMAN R III & LISA M WOOD-WESTHAVER	1 POND STREET	1 POND STREET	MENDON	MA	01756
3395	9-201-2-0-R	RAVAL NITANT & BHAKTI	2 POND STREET	2 POND STREET	MENDON	MA	01756