

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: Craig R. Sr. & Leslie A. Burnham

Address: 87 Millville Street, Mendon, MA 01756

Telephone #: Days: 774-573-9881 Evenings: Same

Petitioner is Owner ☒ Tenant ☐ Agent/Attorney ☐

☐ Purchaser on a purchase and sales agreement.

2. **OWNER:** if other than petitioner:

Name: Same as petitioner

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: Frederick Lapham, III

Address of Representative: 76 Uxbridge Road, Mendon, MA 01756

Telephone #: Days: 508-473-1163 Evenings: Same

Relationship of representative to owner or equitable owner Engineer

I/we hereby authorize Frederick Lapham, III to represent my /our interests before the Board of Appeals with regards to this Petition

X Craig R. Burnham

2-22-21

X Leslie A. Burnham 2-22-21

Must be signed by Owner or Equitable Owner

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**3. SUBJECT PROPERTY:**Street Address 87-1 & 91 Millville Street, Mendon, MA 01756Assessor's Map: 16 Lot # 87-1 & 91 Zoning District Rural Residential

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

Worcester County RegistryDeed Recording: Book 42291 Page 27This parcel was originally laid out and recorded on March 28, 1925

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**4. NATURE OF RELIEF REQUESTED:**Variance from article/section Article II, Sec 2.01 (a) & (b) of the Mendon Zoning By-Laws,

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

Article II, Sec. 2.01(a) Table 1 - Min. frontage of 200' and min. lot width of 200.

Article II, Sec. 2.01(b) - Driveway on lot, within lot's frontage &amp; 10' from lot lines.

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

To allow a min frontage of 40.03' for Parcel B.

To allow a min lot width of 40' for Parcel B.

To allow a common driveway, 18' in width, entering the property from Millville St.  
12' wide driveways branching off the common driveway to Parcels A, B and C,  
as shown on attached plan and the driveways will not be contained wholly on  
each lot and will be located less than 10' from side lot lines.

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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 occupied by a two-family dwelling that was built in 1900.  
The Worcester County Commissioners established a road layout for Millville Street in 1934, which widened the old road, leaving the two family dwelling with only 14 feet setback from Millville Street.

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The petitioner wishes to remove the existing two family dwelling and subdivide the property so as to create two new, single family building lots (parcels A & B). There is not enough frontage for two building lots, so, the petitioner is requesting variances that will allow Parcel B to have 40.03' of frontage and 40' of lot width. A common driveway is proposed that will provide safe access to Parcels A, B and C. The common driveway and the driveways going to each property will require variances in order to address traffic safety concerns. Millville St. is heavily traveled and the proposed layout offers a higher level of safety for access and egress. We believe that the petitioners hardships are a result of the shape and topography of the land, they are unique to the subject property and will not affect, generally, the zoning district as a whole. +

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 setback of the existing two-family house, being only 14 feet from Millville St, occurred prior to adoption of the Mendon Zoning By-Laws. This is a hardship due to shape of the subject property. The existing two-family house lacks privacy and is not safe, being so close to the street. The petitioner wishes to remove the house and reconfigure the subject property to create two new building lots, one for each of their two children (parcels A & B). The remaining land (parcel C) will be retained by the petitioner who lives at 87 Millville St. A strict interpretation of the Zoning By-Laws will allow only one building lot because of insufficient frontage (lot shape). A strict interpretation of the Zoning By-Laws would require 3 separate driveways for the three parcels, which would be unsafe on the particular section of Millville St (lot shape and topography). The petitioners' hardships will be relieved if the requested variances are granted. The removal of the existing two-family house will be a benefit to the residents of the Town and anyone driving on Millville St. The new house to be built on Parcel A will be fully compliant with minimum front setback requirements. The construction of a common driveway that serves two new single family houses (parcels A & B) and provides access to the petitioners remaining land (parcel C) will provide safe access to and from the properties without adding any new entrances on Millville St. We believe this proposal to be in the best interest of both the petitioner and the residents of Mendon. +

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.

Craig R. Burnham 2-18-21  
Signature of Applicant Date

Leslie A. Burnham 2-18-21  
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.

Ellen A. Algro 2/23/21  
Town Clerk Date



**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)

*February 18, 2021*

*PROPERTY LOCATION: 87-1 Millville Street, Mendon, Massachusetts  
Assessor's Map #16-178-87-1*

*PROPERTY OWNER(S): Craig R. Burnham, Sr.*

*OWNER(S) ADDRESS: 87 Millville Street  
Mendon, MA 01756*

*RECORDED: Worcester Registry of Deeds  
February 9, 2004  
Book #32801, Page #329*

*AND*

*PROPERTY LOCATION: 91 Millville Street, Mendon, Massachusetts  
Assessor's Map #16-178-91*

*PROPERTY OWNER(S): Craig R., Sr. & Leslie A. Burnham*

*RECORDED: Worcester Registry of Deeds  
January 10, 2008  
Book #42291, Page #27*

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

*Sincerely,*

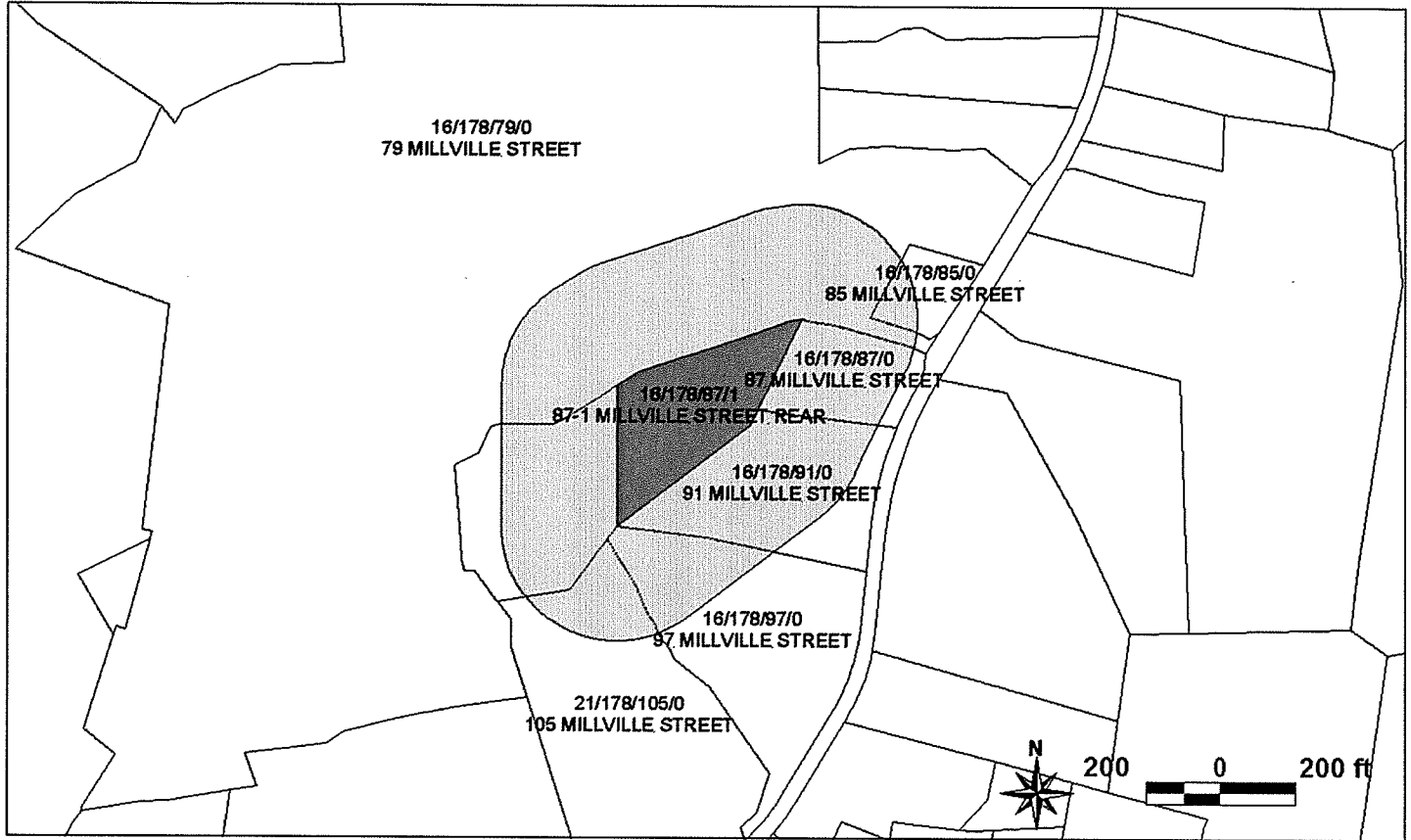
*Jean M. Berthold, MAA*

*Principal Assessor*

*Attachment*

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

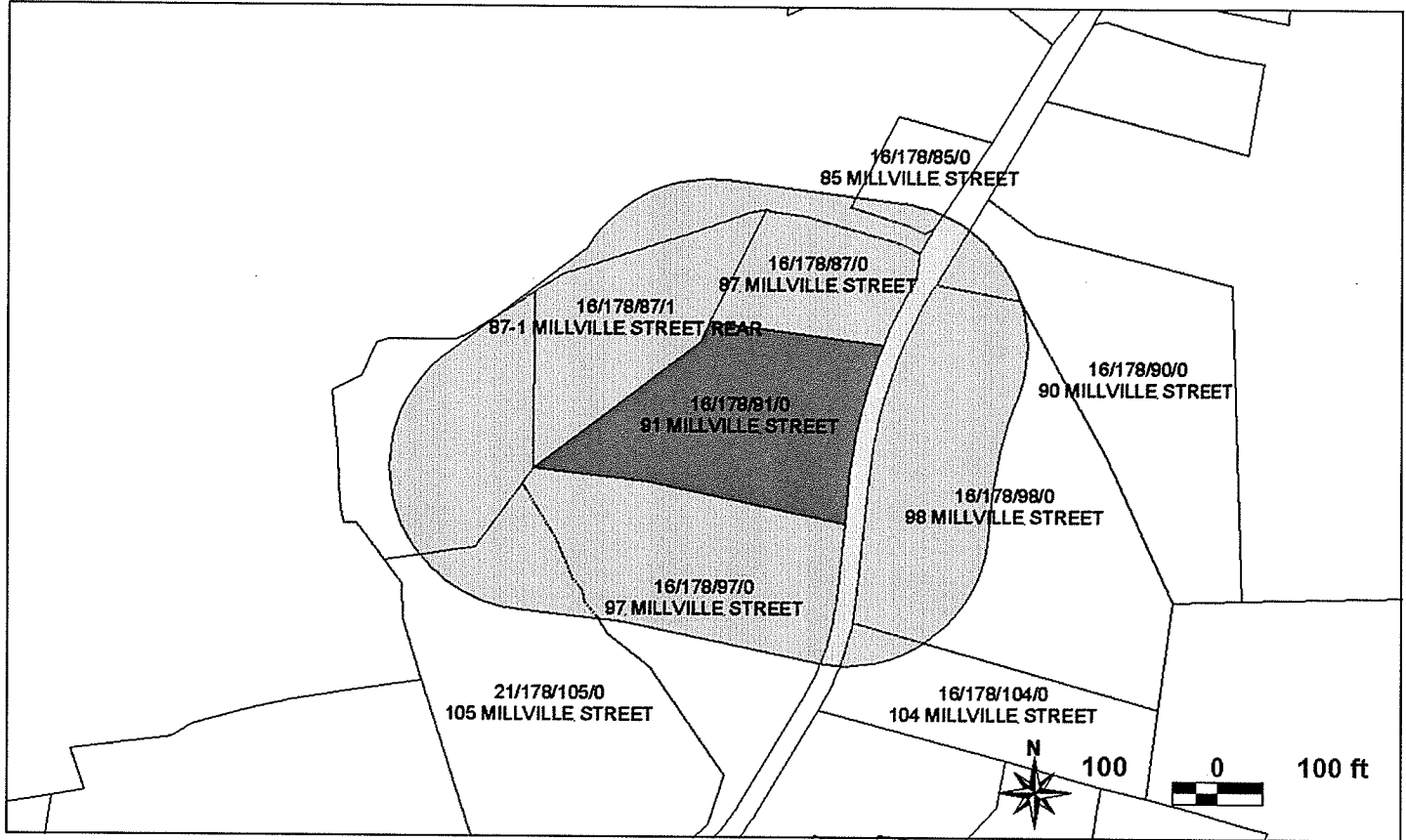
Abutters List Within 300 feet of Parcel 16/178/87/1



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1525	16-178-79-0-E	TOWN OF MENDON	79 MILLVILLE STREET	20 MAIN STREET	MENDON	MA	01756
1529	16-178-85-0-R	MEADE JOHN C & PHYLLIS J	85 MILLVILLE STREET	85 MILLVILLE STREET	MENDON	MA	01756
1530	16-178-87-0-R	BURNHAM CRAIG R & LESLIE A	87 MILLVILLE STREET	87 MILLVILLE STREET	MENDON	MA	01756
1541	16-178-87-1-R	BURNHAM CRAIG R SR	87-1 MILLVILLE STREET REAR	87 MILLVILLE STREET	MENDON	MA	01756
1533	16-178-91-0-R	BURNHAM CRAIG R SR & LESLIE A	91 MILLVILLE STREET	87 MILLVILLE STREET	MENDON	MA	01756
1534	16-178-97-0-R	ANTONELLIS DANIEL	97 MILLVILLE STREET	97 MILLVILLE STREET	MENDON	MA	01756
1981	21-178-105-0-R	LAMBIRTH ROBERT R & MARIA METS-LAMBIRTH	105 MILLVILLE STREET	105 MILLVILLE STREET	MENDON	MA	01756-1208

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

Abutters List Within 300 feet of Parcel 16/178/91/0



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1525	16-178-79-0-E	TOWN OF MENDON	79 MILLVILLE STREET	20 MAIN STREET	MENDON	MA	01756
1529	16-178-85-0-R	MEADE JOHN C & PHYLLIS J	85 MILLVILLE STREET	85 MILLVILLE STREET	MENDON	MA	01756
1530	16-178-87-0-R	BURNHAM CRAIG R & LESLIE A	87 MILLVILLE STREET	87 MILLVILLE STREET	MENDON	MA	01756
1541	16-178-87-1-R	BURNHAM CRAIG R SR	87-1 MILLVILLE STREET REAR	87 MILLVILLE STREET	MENDON	MA	01756
1532	16-178-90-0-R	BOUCHER DANIEL L	90 MILLVILLE STREET	90 MILLVILLE STREET	MENDON	MA	01756
1533	16-178-91-0-R	BURNHAM CRAIG R SR & LESLIE A	91 MILLVILLE STREET	87 MILLVILLE STREET	MENDON	MA	01756
1534	16-178-97-0-R	ANTONELLIS DANIEL	97 MILLVILLE STREET	97 MILLVILLE STREET	MENDON	MA	01756
1535	16-178-98-0-R	TURNER MICHAEL S & TRUDY A BUTLER	98 MILLVILLE STREET	4 WASHINGTON STREET	MENDON	MA	01756
1536	16-178-104-0-R	GONCALVES JOHN S & LUCINDA TRUSTEES GONCALVES RT	104 MILLVILLE STREET	69 MILLVILLE STREET	MENDON	MA	01756
1981	21-178-105-0-R	LAMBIRTH ROBERT R & MARIA METS-LAMBIRTH	105 MILLVILLE STREET	105 MILLVILLE STREET	MENDON	MA	01756-1208

Parcels 87-1 & 91



2008 00003125

Bk: 42291 Pg: 27

Page: 1 of 2 01/10/2008 02:08 PM WD

## DEED

Craig R. Burnham, Sr., of 87 Millville Street, Mendon, Massachusetts

for consideration paid in the amount of One (\$1.00) Dollar

grants to Craig R. Burnham, Sr. and Leslie A. Burnham, of 87 Millville Street, Mendon, Massachusetts, husband and wife as tenants by the entirety,

with quitclaim covenants

A certain parcel of land, together with buildings thereon, situated in Mendon, Worcester County, Massachusetts and being a portion of the premises described in the deed from Francis P. Brady, Conservator of the property of Rosanna Bourassa to George R. Hoggarth and Jennie V. Hoggarth dated March 28, 1925 and recorded with the Worcester County (Worcester District) Registry of Deeds in Book 2365, Page 244, and described therein as follows:

"A certain parcel of land, together with buildings thereon, situated in Mendon, Worcester County, Massachusetts, containing twelve acres, more or less, and being the same premises described in the deed from Sarah Streach to said Rosanna Bourassa, dated April 15<sup>th</sup> 1919 and recorded with Worcester District Registry of Deeds, Book 2173, Page 561, and described therein as follows: "A certain parcel of land, with the buildings thereon, situated in said Mendon and described in the deed from Peter Reeves et al to said Alice Morris, dated June 1<sup>st</sup>, 1866 and recorded in Worcester District Registry of Deed, Book 728, Page 491.

Also other land in said Mendon described in the following deeds: Royal M. Wheelock to said Alice Morris, dated April 27<sup>th</sup> 1871, and recorded in Worcester District Registry of Deeds, Book 886, Page 407; Elijah Thayer to said Alice Morris, dated August 21<sup>st</sup> 1877, and recorded in Worcester District Registry of Deeds, B. 1015, Page 75; Alanson S.I Freeman, by Executor, to said Alice Morris, dated August 23<sup>rd</sup> 1875, and recorded in Said Worcester District Registry of Deeds, Book 1015 Page 76.

Property Address: 91 Millville Street, Mendon, MA



Meaning and intending to hereby convey all and singular the real estate situated in said Mendon owned by the said Alice Morris."

There is excepted therefrom the parcel being shown as Lot 1 on a plan of land entitled "Plan of Land in Mendon, Massachusetts Surveyed for Craig Burnham Scale 1" = 40' Sept. 14, 1984, Shea Engineering and Surveying Co. Mendon, Massachusetts" and filed with the Worcester County (Worcester District) Registry of Deeds in Plan Book 535, Plan 4, and conveyed by Eleanor Burnham to Craig R. Burnham and Leslie A. Burnham by deed dated May 8, 1985 and recorded with the Worcester County (Worcester District) Registry of Deeds in Book 8712, Page 95.

Meaning and intending to hereby convey all of the premises conveyed to Craig R. Burnham, Sr. by deed dated February 5, 2004 and recorded with the Worcester County (Worcester District) Registry of Deeds in Book 32801, Page 329.

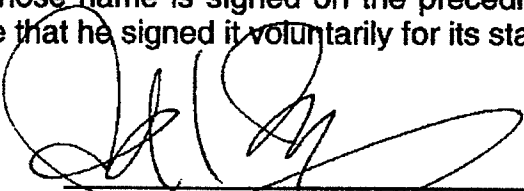
Witness my hand and seal this 9<sup>th</sup> day of January, 2008.

  
Craig R. Burnham, Sr.

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 9<sup>th</sup> day of January, 2008, before me, the undersigned notary public, personally appeared Craig R. Burnham, Sr., proved to me through satisfactory evidence of 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.

  
David L. Bertozzi, Notary Public  
My Commission Expires: 06/18/2010

ATTEST: WORC. Anthony J. Vigliotti, Register

87 Millville St.

I, Eleanor Burnham,

of Mendon

Worcester

County, Massachusetts,

in consideration of less than one hundred dollars (\$100)

grant to Craig R. Burnham and Leslie A. Burnham, husband and wife,  
as tenants by the entirety

of 91 Millville Street

MENDON

with quitclaim covenants

~~the land~~

A certain tract or parcel of land situated on the Northwestern side of Millville Road in Mendon, Worcester County, Massachusetts and being shown as Lot 1 on a plan of land entitled "Plan of Land in Mendon, Massachusetts Surveyed for Craig Burnham Scale 1" = 40', Sept. 14, 1984, Shea Engineering and Surveying Co. Mendon, Massachusetts" said plan to be filed herewith in Plan Book 536 Plan 4, said Lot 1 being bounded and described as shown on said plan as follows:

SOUTHEASTERLY: by Millville Road, 200.00 feet, as shown on said plan;  
NORTHEASTERLY: by land of Henry Corcoran et al, 344.88 feet, as shown on said plan;  
NORTHWESTERLY: by land of Henry Corcoran et al, 200.00 feet, as shown on said plan;  
SOUTHWESTERLY: by land of Eleanor Burnham, 358.91 feet; as shown on said plan.

Containing 69,900 square feet according to said plan.

For my title see Probate of Estate of George Hogarth, Worcester County Probate No. 208400.

Property Address: 91 Millville St.  
Mendon

Executed as a sealed instrument this

day of May 8, 19 85

*Eleanor Burnham*  
Eleanor Burnham

The Commonwealth of Massachusetts

WORCESTER ss.

May 8 19 85

Then personally appeared the above named Eleanor Burnham

and acknowledged the foregoing instrument to be her free act and deed,

Before me, *Clara L. Selent*

Notary Public — *MASSACHUSETTS*

My commission expires

My Commission Expires January 27, 1987



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 PAGE 111

APPROVAL UNDER THE SUBDIVISION  
 CONTROL LAW NOT REQUIRED.

**MENDON PLANNING BOARD**

*B. I. D. I.*  
*James E. Tuban*  
*Robert Smith*  
*Norman L. Rogers*

DATE  
 11/1/84

I certify that this plan conforms to  
 the rules and regulations of the  
 Registers of



*Edward C. Shea*

Date  
 Oct 22 1984

WORCESTER DISTRICT REGISTRY  
 OF DEEDS-WORCESTER, MA

PLAN BOOK 535 PLAN 4  
 Received MAY 20 1985

Sheet 1 of 1

ATTEST: *Anthony J. [Signature]*  
 Register

PLAN OF LAND

IN

MENDON, MASSACHUSETTS

SURVEYED FOR

CRAIG BURNHAM

SCALE 1" = 40' SEPT. 14, 1984



SHEA ENGINEERING & SURVEYING CO.  
 MENDON, MASSACHUSETTS

