

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)

Name: Thomas M. Hackenson

Address: 32 Washington Street, Mendon, MA 01756

Phone: 508-473-7582 Alt phone: 508-498-5526

Email: kbhack13@hotmail.com

Petitioner is: (Check one) Tenant Agent Purchaser

2. OWNER: (If other than petitioner)

Name: Kathryn B Hackenson. Andrew & Katie Brueckner

Address: 32 Washington Street, Mendon, MA 01756

Phone: 508-473-7582 Alt phone: 508-498-5526

Email: kbhack13@hotmail.com

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: Aldo B. Consigli, Jr (Consigli and Brucato, P.C.)

Address: 189 Main Street, third Floor, Milford, MA 01757

Phone: 508-478-2054 Alt phone: 508-269-8678

Email: aldo@consigliandbrucato.com

Relationship of representative to owner or equitable owner:

Attorney

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

Thomas M. Hackman
Signature of Owner or Equitable Owner

4. SUBJECT PROPERTY

Street Address: 56 Uxbridge Road, Mendon, MA

Assessor's Map 11-236 Lot # 56

Zoning District (Check one) RR GR GB HB

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

Worcester District Registry of Deeds

Book 67213 Page 343

This parcel was originally laid out and recorded on _____

5. NATURE OF RELIEF REQUESTED

Article/Section Article II Tab1 of Mendon Zoning By-Laws

Which allows/requires :

The sideline set back requirement is 20' on each side line. The frontage set back is 50' and the rear set back is 20'. Minimum lot size is 60,000 square feet with 200" feet of frontage. Current building and Lot are pre-existing, non conforming.

The specific relief we/I request is as follows:

Petitioner is requesting to raze the current building and construct a new building that will be more centrally located on the lot. The new structure will comply with both rear and front setbacks but requires side line setbacks variances of 5 feet each to allow for 15 foot side setbacks in place of the required 20 foot side line setbacks. The lot size and frontage will be unaffected.

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.

The lot in question is situated on the shore of Lake Nipmuc and has a shape that is unique to this lot and not the zoning district generally. The width of the lot makes it impossible to construct a house without violating the side setback. Due to the soil conditions of the lot and its proximity to the Lake it also affects the depth of the basement and the possibility of a wet basement. There are sporadic ledge outcroppings of ledge and large boulders that are also unique to this lot.

- 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 inability to raze the existing building and relocate a new building that is more centrally located on the lot will create a substantial hardship to the owner of this property and not the zoning district generally because it persists no matter who the owner of the property may be. To not grant a variance in this case will effectively make the lot un-buildable and would result in an unfair and totally unnecessary situation where the owner of this property would have to continue to use an out dated building and not be able to take advantage a more efficient building on the lot.

I/we herby 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

Thomas M Hackerson 5/23/22
Signature of Applicant Date

Signature of Co-Applicant Date

Signature of Owner (if other than applicant) Date

Signature of Equitable Owner Date

Documents submitted

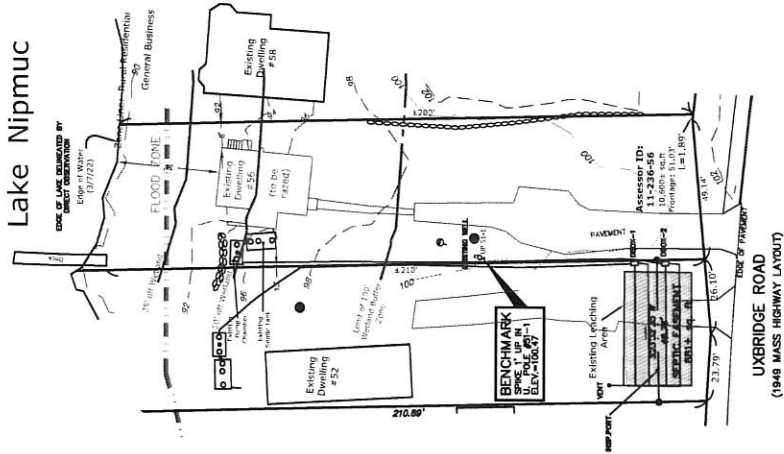
<input type="checkbox"/>	Completed variance application
<input type="checkbox"/>	Owner authorizations complete
<input type="checkbox"/>	Electronic copy of entire submission (via email or thumb drive)
<input type="checkbox"/>	6 collated copies of the entire submission and site plan(including uplands and abutters)
<input type="checkbox"/>	Certified abutters list from the Assessor's Office
<input type="checkbox"/>	4 sets of mailing labels
<input 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 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.

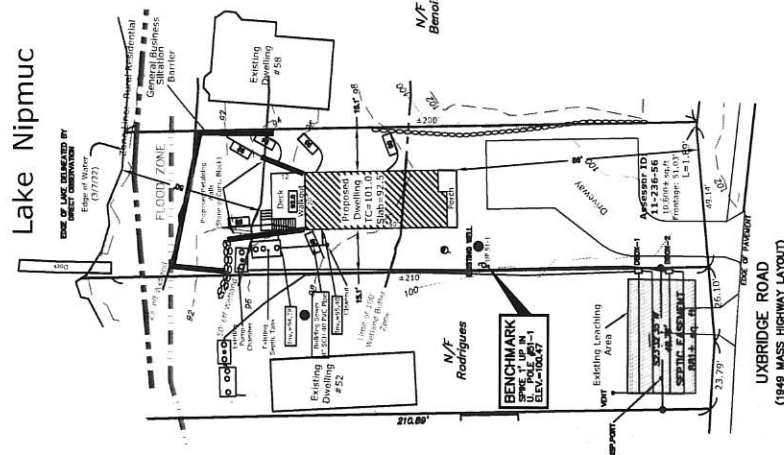
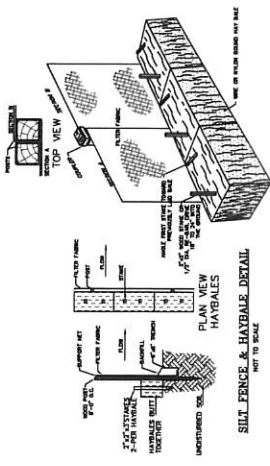
Town Clerk

Date

- Legend**
- Catch Basin
 - Drain Manhole
 - Sewer Manhole
 - Contour Proposed
 - Spot Grade Proposed
 - Contour Existing
 - Spot Grade Existing
 - Utility Pole
 - Water Gate Valve
 - Hydrant
 - Bound Found
 - Drill Hole Found
 - Iron Pin Found
 - Proposed Bound
 - Silt Test Pit



Existing Conditions



Site Plan

ZONING DATA
 ZONE: GENERAL BUSINESS
 (RESIDENTIAL USE)
 MINIMUM REQUIREMENTS
 AREA: 60,000 S.F.
 FRONTAGE: 200'
 FRONT YARD: 50'
 SIDE YARD: 20'
 REAR YARD: 20'



No.	Date	Description	Checked
1	5/23/22	WDH	NGH
2			
3			
4			
5			
6			



Land Planning, Inc.
 Civil Engineers • Land Surveyors
 Environmental Consultants

Rellingham
 1115 Main Street
 Rellingham, MA 02741
 508-995-4130

North Grafton
 214 Worcester St.
 N. Grafton, MA 01536
 508-433-9526

Hanson
 1115 Main Street
 Hanson, MA 02341
 781-254-1144

Drawn: **March 28, 2022**
 Sheet No. **1**
 B3715

Site Plan
 Located at
56 Uxbridge Road
Mendon, MA
 Owned by
Thomas M. Hackenson



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

May 24, 2022

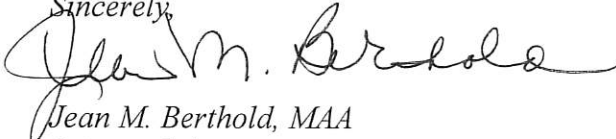
*PROPERTY LOCATION(S): 56 Uxbridge Road
Mendon, Massachusetts
Assessor's Map #11-236-56*

*PROPERTY OWNER(S): Hackenson, Thomas M. & Kathryn &
Andrew & Katie Brueckner*

*OWNER(S) ADDRESS: 56 Uxbridge Road
Mendon, MA 01756*

*RECORDED: Worcester Registry of Deeds
March 4, 2022
Book #67213
Page #343*

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

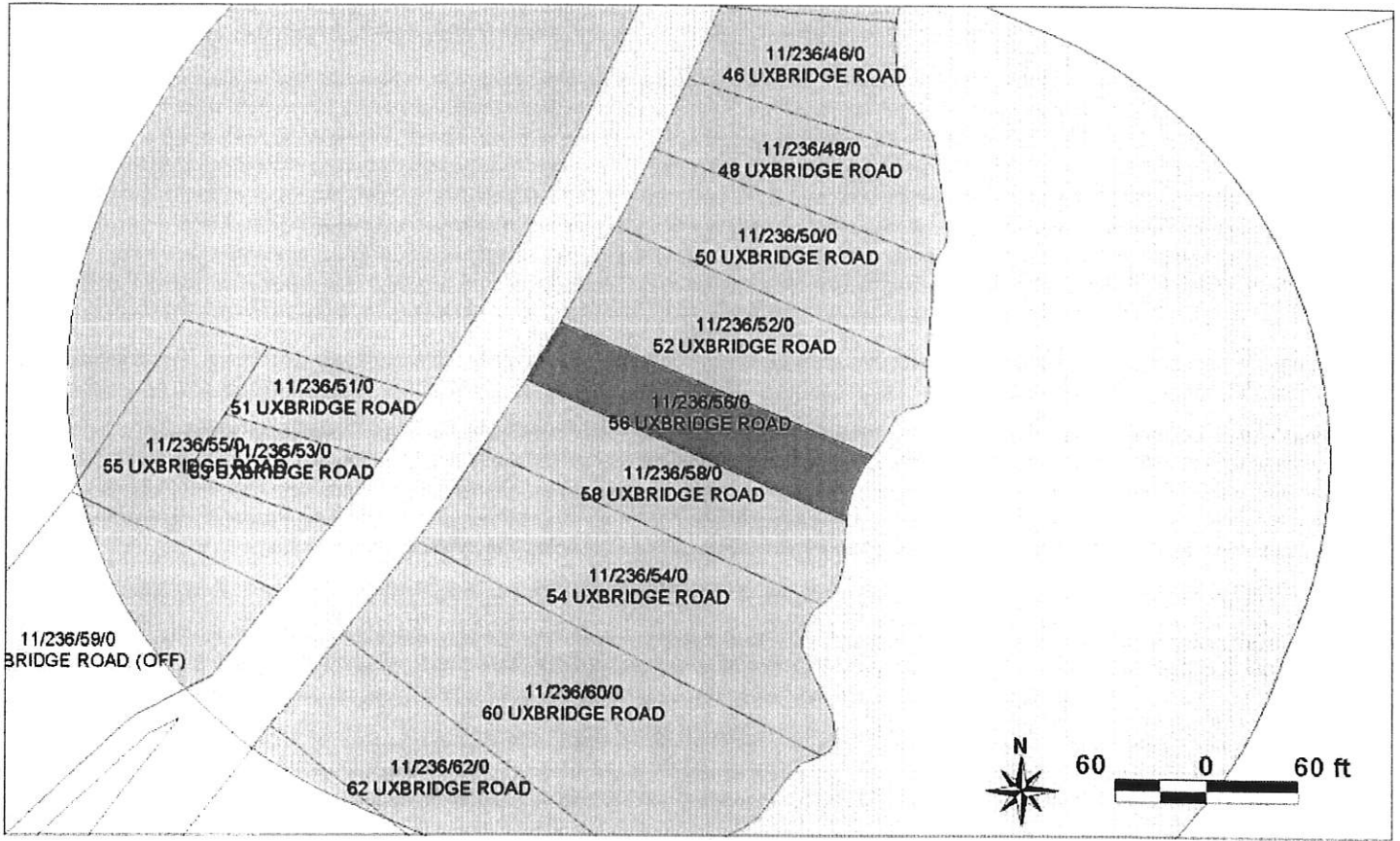
Sincerely,

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 11/236/56/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
963	11-236-44-0-R	RTE 85 REALTY CORP	44 UXBRIDGE ROAD	8 UXBRIDGE ROAD	MENDON	MA	01756
964	11-236-45-0-R	RTE 85 REALTY CORP	45 UXBRIDGE ROAD	P O BOX 444	MENDON	MA	01756-0444
965	11-236-46-0-R	MENDEZ JULIE & FREDERICK DALY	46 UXBRIDGE ROAD	46 UXBRIDGE ROAD	MENDON	MA	01756
966	11-236-48-0-R	LILLIAN M LUBY-NIPMUC TRUST C/O MAUREEN DEPALMA CONNOLE	48 UXBRIDGE ROAD	131 JON CIRCLE	WHITINSVILLE	MA	01588
967	11-236-50-0-R	VALLEE VALERIE	50 UXBRIDGE ROAD	165 PROVIDENCE ROAD	LINWOOD	MA	01588
968	11-236-51-0-R	GRADY THOMAS M & ROSE MARIE	51 UXBRIDGE ROAD	57 UXBRIDGE RD	MENDON	MA	01756
969	11-236-52-0-R	RODRIGUES DAVID & PATRICIA	52 UXBRIDGE ROAD	52 UXBRIDGE ROAD	MENDON	MA	01756
970	11-236-53-0-R	GRADY THOMAS M & ROSE MARIE	53 UXBRIDGE ROAD	57 UXBRIDGE RD	MENDON	MA	01756
971	11-236-54-0-R	BENOIT MARK & PATRICIA	54 UXBRIDGE ROAD	60 UXBRIDGE ROAD	MENDON	MA	01756
972	11-236-55-0-R	GRADY THOMAS M & ROSE MARIE	55 UXBRIDGE ROAD	57 UXBRIDGE ROAD	MENDON	MA	01756
973	11-236-56-0-R	HACKENSON THOMAS M N/O HACKENSON THOMAS M & KATHR	56 UXBRIDGE ROAD	56 UXBRIDGE ROAD	MENDON	MA	01756
974	11-236-58-0-R	BENOIT MARK & PATRICIA	58 UXBRIDGE ROAD	60 UXBRIDGE ROAD	MENDON	MA	01756
975	11-236-59-0-R	RUSSELL OWEN J	59 UXBRIDGE ROAD (OFF)	59 OLD UXBRIDGE ROAD	MENDON	MA	01756
976	11-236-60-0-R	BENOIT MARK L & PATRICIA E	60 UXBRIDGE ROAD	60 UXBRIDGE ROAD	MENDON	MA	01756
978	11-236-62-0-R	BALIAN KAREN M	62 UXBRIDGE ROAD	64 UXBRIDGE ROAD	MENDON	MA	01756

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
981	11-236-66-0-R	CARNOVALE CAROLE & PETER S LYMAN TRUSTEES	66 UXBRIDGE ROAD	66 UXBRIDGE ROAD	MENDON	MA	01756

11-236-44-0

RTE 85 REALTY CORP
8 UXBRIDGE ROAD
MENDON, MA 01756

11-236-50-0

VALLEE VALERIE
165 PROVIDENCE ROAD
LINWOOD, MA 01588

11-236-54-0

BENOIT MARK & PATRICIA
60 UXBRIDGE ROAD
MENDON, MA 01756

11-236-62-0

BALIAN KAREN M
64 UXBRIDGE ROAD
MENDON, MA 01756

11-236-46-0

MENDEZ JULIE &
FREDERICK DALY
46 UXBRIDGE ROAD
MENDON, MA 01756

11-236-51-0

GRADY THOMAS M
& ROSE MARIE
57 UXBRIDGE RD
MENDON, MA 01756

11-236-56-0

HACKENSON THOMAS M & KATHRYN
ANDREW & KATIE BRUECKNER
56 UXBRIDGE ROAD
MENDON, MA 01756

11-236-66-0

CARNOVALE CAROLE &
PETER S LYMAN TRUSTEES
66 UXBRIDGE ROAD
MENDON, MA 01756

11-236-48-0

LILLIAN M LUBY-NIPMUC TRUST
C/O MAUREEN DEPALMA CONNOLE
131 JON CIRCLE
WHITINSVILLE, MA 01588

11-236-52-0

RODRIGUES DAVID & PATRICIA
52 UXBRIDGE ROAD
MENDON, MA 01756

11-236-59-0

RUSSELL OWEN J
59 OLD UXBRIDGE ROAD
MENDON, MA 01756

MENDON, MA 01756
66 UXBRIDGE ROAD
PETER S LYMAN TRUSTEES
&
CARNOVALE CAROLE

11-236-66-0

MENDON, MA 01756
59 OLD UXBRIDGE ROAD
RUSSELL OWEN J

11-236-59-0

MENDON, MA 01756
60 UXBRIDGE ROAD
BENOIT MARK & PATRICIA

11-236-54-0

MENDON, MA 01756
52 UXBRIDGE ROAD
RODRIGUES DAVID & PATRICIA

11-236-52-0

MENDON, MA 01756
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& ROSE MARIE
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11-236-51-0

WHITINSVILLE, MA 01588
131 JON CIRCLE
C/O MAUREEN DEPALMA CONNOLE
LILLIAN M LUBY-NIPMUC TRUST

11-236-48-0

MENDON, MA 01756
46 UXBRIDGE ROAD
FREDERICK DALY
&
MENDEZ JULIE

11-236-46-0

11-236-44-0

11-236-44-0	11-236-46-0	11-236-48-0
RTE 85 REALTY CORP 8 UXBRIDGE ROAD MENDON, MA 01756	MENDEZ JULIE & FREDERICK DALY 46 UXBRIDGE ROAD MENDON, MA 01756	LILLIAN M LUBY-NIPMUC TRUST C/O MAUREEN DEPALMA CONNOLE 131 JON CIRCLE WHITINSVILLE, MA 01588
11-236-50-0	11-236-51-0	11-236-52-0
VALLEE VALERIE 165 PROVIDENCE ROAD LINWOOD, MA 01588	GRADY THOMAS M & ROSE MARIE 57 UXBRIDGE RD MENDON, MA 01756	RODRIGUES DAVID & PATRICIA 52 UXBRIDGE ROAD MENDON, MA 01756
11-236-54-0	11-236-56-0	11-236-59-0
BENOIT MARK & PATRICIA 60 UXBRIDGE ROAD MENDON, MA 01756	HACKENSON THOMAS M & KATHRYN ANDREW & KATIE BRUECKNER 56 UXBRIDGE ROAD MENDON, MA 01756	RUSSELL OWEN J 59 OLD UXBRIDGE ROAD MENDON, MA 01756
11-236-62-0	11-236-66-0	
BALIAN KAREN M 64 UXBRIDGE ROAD MENDON, MA 01756	CARNOVALE CAROLE & PETER S LYMAN TRUSTEES 66 UXBRIDGE ROAD MENDON, MA 01756	

11-236-44-0	11-236-46-0	11-236-48-0
RTE 85 REALTY CORP 8 UXBRIDGE ROAD MENDON, MA 01756	MENDEZ JULIE & FREDERICK DALY 46 UXBRIDGE ROAD MENDON, MA 01756	LILLIAN M LUBY-NIPMUC TRUST C/O MAUREEN DEPALMA CONNOLE 131 JON CIRCLE WHITINSVILLE, MA 01588
11-236-50-0	11-236-51-0	11-236-52-0
VALLEE VALERIE 165 PROVIDENCE ROAD LINWOOD, MA 01588	GRADY THOMAS M & ROSE MARIE 57 UXBRIDGE RD MENDON, MA 01756	RODRIGUES DAVID & PATRICIA 52 UXBRIDGE ROAD MENDON, MA 01756
11-236-54-0	11-236-56-0	11-236-59-0
BENOIT MARK & PATRICIA 60 UXBRIDGE ROAD MENDON, MA 01756	HACKENSON THOMAS M & KATHRYN ANDREW & KATIE BRUECKNER 56 UXBRIDGE ROAD MENDON, MA 01756	RUSSELL OWEN J 59 OLD UXBRIDGE ROAD MENDON, MA 01756
11-236-62-0	11-236-66-0	
BALIAN KAREN M 64 UXBRIDGE ROAD MENDON, MA 01756	CARNOVALE CAROLE & PETER S LYMAN TRUSTEES 66 UXBRIDGE ROAD MENDON, MA 01756	

Worcester South District Registry of Deeds Electronically Recorded Document

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Recording Information

Document Number : 24957
Document Type : DEED
Recorded Date : March 04, 2022
Recorded Time : 11:32:21 AM

Recorded Book and Page : 67213 / 343
Number of Pages(including cover sheet) : 4
Receipt Number : 1427157
Recording Fee (including excise) : \$155.00

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 001
Date: 03/04/2022 11:32 AM
Ctrl# Doc# 00024957
Fee: \$.00 Cons: \$100.00

Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 798-7717

Quitclaim Deed

I, **THOMAS M. HACKENSON**, being married, of, Mendon, County of Worcester,
Commonwealth of Massachusetts

Property Address: 56 Uxbridge Road, Mendon, MA 01756

For full consideration paid of Less Than **ONE HUNDRED and 00/100 (\$100.00) DOLLARS**

Grant to **THOMAS M. HACKENSON, KATHRYN B. HACKENSON, ANDREW J. BRUECKNER and KATIE M. BRUECKNER**, all to hold as joint tenants and not as tenants in common and having a mailing address of 56 Uxbridge Road, Mendon, MA 01756

With Quitclaim Covenants

The land in Mendon, Worcester County, Commonwealth of Massachusetts, on the southerly side of the road leading from Mendon to Uxbridge (now known as Uxbridge Road) and bounding on Nipmuck Pond, so called, with the buildings and improvements thereon, bounded and described as follows:

- BEGINNING** at the northeasterly corner of the granted premises at land, now or formerly, of Henry T. Gaskill, and at the southerly line of said road at a point measured fifty feet westerly on said line from a drill hole in a stone;
- THENCE** Westerly fifty feet with line of road to a point;
- THENCE** Running South 54° E., 164 feet with land of one Willard formerly of Jesse L. Quimby, to said Pond;
- THENCE** Easterly with said Pond to said Gaskill land;
- THENCE** With said Gaskill land North 54° W. 190 feet, more or less, to the point of beginning.

Said premises are conveyed subject to conditions, restrictions and easements of record so far as the same are now in force and applicable.

EXCEPTING from the above-described premises so much thereof as has been taken by the Commonwealth of Massachusetts for highway location, said document dated December 20, 1949 and recorded with Worcester District Registry of Deeds, Book 3230, Page 238, and conveyed by George N. Spillman et ux, to the Commonwealth of Massachusetts by deed dated July 20, 1950, Book 3291, Page 121.

I, **THOMAS M. HACKENSON**, being married, hereby waive and release any and all Rights of Homestead that I may have in the above-described property and hereby state and certify under the pains and penalties of perjury that this property was not my primary residence and that neither I, my spouse nor any other person are entitled to the protection of the Homestead Act on this Property.

Being the same and all the same premises as were conveyed to Thomas M. Hackenson by Deed of Thomas Stevens et ux dated April 14, 1988 recorded with Worcester District Registry of Deeds, Book 11255 Page 152.

Thomas Stevens died a resident of Mendon on November 16, 1991. See Death Certificate recorded in said Deeds herewith.

Marion G. Stevens died a resident of Mendon on April 28, 2002. See Death Certificate recorded in said Deeds herewith.

EXECUTED AS A SEALED INSTRUMENT THIS 4TH DAY OF MARCH, 2022.

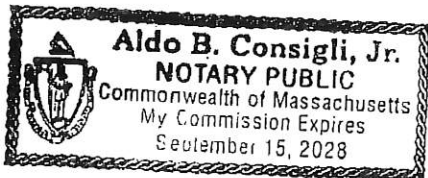



THOMAS M. HACKENSON

Commonwealth of Massachusetts

Worcester, ss

On this 4th day of March, 2022, before me, the undersigned Notary Public, personally appeared **THOMAS M. HACKENSON** and proved to me through satisfactory evidence of identification, which were Commonwealth of Massachusetts driver's license photo identification and personal knowledge 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, and that the statements made herein are true and accurate to the best of his knowledge and belief.





ALDO B. CONSIGLI, JR.
Notary Public
My commission expires: 9-15-2028

TNE