

Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Bruce Desilets, Member
Joseph Alves, Associate Member
Thomas Bentley, Associate Member
Joseph Frisk, Associate Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2013 p
508-278-0709 f

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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: WEDNESDAY, APRIL 1, 2015

Minutes of the Uxbridge Zoning Board of Appeals regularly scheduled meeting on **Wednesday April 1, 2015** in the **Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

Present: Chair Mark Wickstrom, Vice Chair Stephen O'Connell, Member Bruce Desilets, Member Joseph Alves & Administrative Assistant Lynn Marchand

Absent: Members, Joseph Frisk & Thomas Bentley.

Note: Agenda items were taken out of order.

It being approximately 6:00 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chair.

I. PUBLIC HEARINGS

1. FY15-13: Matthew Keane & Jennie Keane. Applicants are requesting a Variance/Special Permit for construction of an addition to the left side of the house. The lot is nonconforming and the property lacks side yard setback and frontage. The property is located at **220 Sutton Street, Uxbridge, MA** as shown on the Town of Uxbridge Assessor's Map 11, Parcel 1068 and described in a deed recorded in the Worcester Registry of Deeds Book 45620 Page 350; in agricultural zone.

The Public Hearing was opened and closed on April 1, 2015. The Applicant submitted the following testimony and evidence:

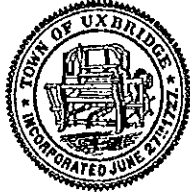
The proposed addition would encroach approximately eighteen (18') feet into the left side setback. Without substantial financial hardship, the proposed addition cannot be located anywhere else on the property given the topography of the land and the location of the well and septic. The proposal would be beneficial to the neighborhood as it would garage two automobiles presently stored outside. The proposal would not abrogate from the intent of the Zoning Bylaw.

There were no abutters present, there was testimony that one abutter was in support of the project.

MOTION 1 made by Mr. Desilets, made to close the Public Hearing. It was seconded by Mr. O'Connell. The motion carried 3-0-0.

MOTION 1 made by Mr. O'Connell to APPROVE the VARIANCE of Eighteen (18') Feet into the side setback with finding that there is a financial hardship due to the topography of the land, there is no derogation of the public good and intent of the Zoning Bylaws and no impact on the neighborhood. Motion was seconded by Mr. Desilets. The motion carried 3-0-0.

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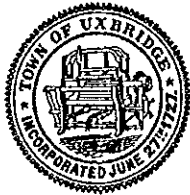
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2. Continued from March 11, 2015, FY15-09: Uxville, LLC/Antonio DeMelo Jr. Applicants are requesting a Variance/Special Permit for construction of multiple residential units. The property is located at **32 South Main Street, Uxbridge, MA** as shown on the Town of Uxbridge Assessor's Map 25, 918 and described in a deed recorded in the Worcester Registry of Deeds Book 33724 Page 8; located in the business zone.

Mr. O'Connell recused himself. The Applicant submitted the following testimony and evidence:

- The property is located at 32 South Main Street, Uxbridge, Massachusetts (the "Property").
- Situated on the Property was a three-story building constructed circa 1895 (the "Building").
- The Building was destroyed by fire on or about July 18, 2013.
- The Building included three (3) commercial retail units located on the first floor and a total of seven (7) residential units located on the second and third floors.
- Property is a pre-existing nonconforming structure and use.
- The Applicant purchased the Property on May 27, 2004. At the time of purchase, the Building included three (3) commercial retail units located on the first floor and a total of seven (7) residential units located on the second and third floors.
- During the period that the Applicant owned the Property (2004- 2013), the Applicant made only normal repairs and maintenance to the building. The Applicant made no structural changes and did not reconfigure any of the seven (7) residential units.
- The Building was razed in 2013 under the order of the Uxbridge Fire Chief.
- The Applicant owner intends to construct a two-story building on substantially the same footprint as the Building, to include six (6) residential units.
- The proposed structure to be built will not be substantially more detrimental than the previous existing nonconforming use to the neighborhood.
- The Providence and Worcester Railroad Company is agreeable to execute a lease agreement relating to the parcel of land located adjacent to the Property to be utilized as a parking area, if necessary, consisting of approximately 2,800 square feet.

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After testimony, the Chair opened the Public Hearing to comment from abutters/residents. The only abutter present was the Town of Uxbridge. The Town Manager Mr. Genereux spoke on behalf of the Town. At the first meeting date the Town had concerns about parking along South Main Street. At the second meeting it was presented by the applicant that an agreement in principal had been reached with the Providence and Worcester Railroad regarding additional parking, and a letter stating such was presented, at which time the town was satisfied.

MOTION 1 made by Mr. Desilets to close the Public Hearing. It was seconded by Mr. Alves. The motion carried 3-0-0.

MOTION 1 made by Mr. Wickstrom to adopt findings of fact 1-11, and that a Special Permit should issue under section 400-12G of the Town of Uxbridge Zoning Bylaws, and furthermore that the special permit criteria of Section 400-50 of the bylaws have been met, namely that the rebuilding of the structure adds to the social and economic needs of the town, that the traffic flow, safety and parking will not be impacted, that the utilities and public services will not be impacted, the neighborhood character will remain the same or be improved, that there will be no impact on the neighborhood, and the fiscal impact to the town will be positive, will additional tax revenue. The Special Permit is CONDITIONED upon building the structure substantially according to the plans submitted with no more than 6 (six) units, and that the applicant comply with the Historic District Commission recommendations. Motion was seconded by Mr. Desilets. The motion carried 3-0-0.

II. NEW BUSINESS

III. MINUTES/MAIL/INVOICES

1. 03/11/15 Workshop Meeting Minutes; 03/11/15 Meeting Minutes: to be approved at the next ZBA meeting after the Board has a chance to review.

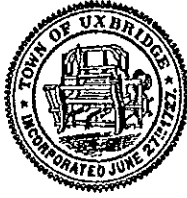
IV. ANY OTHER BUSINESS, which may lawfully come before the Board.

1. Grammatical error/Typo on submittal of Warrant Article. The Chair stated a vote should be taken to confirm the Warrant Article as it is written now.

MOTION 1 made by Mr. Desilets to approve the Warrant Article as written, pertaining to the Accessory Use Bylaw. Joseph Alves seconded the motion. The motion carried 3-0-0

V. ADJOURNMENT: NEXT ZBA MEETING: WEDNESDAY, MAY 6, 2015.

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At approximately 6:46 pm, Mr. Desilets made a motion to adjourn the meeting. Motion was seconded by Mr. Alves. Motion carried 3-0-0.

Respectfully submitted,

Lynn Marchand
Land Use Administrative Assistant

SIGNATURES

Mark Wickstrom, Chair

Joseph Alves, Associate Member

Stephen O'Connell, Vice Chair

Thomas Bentley, Associate Member

Bruce Desilets, Member

Joseph Frisk, Associate Member

Date