

Town of Uxbridge
Zoning Board of Appeals
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Posted by
Uxbridge
Town Clerk

OCT 6 '11 PM 1:14

MINUTES

Wednesday, September 7, 2011

Minutes of the Uxbridge Zoning Board of Appeals meeting held on Wednesday, September 7, 2011 in the Board of Selectmen's Meeting Room of the Uxbridge Town Hall.

Zoning Board of Appeals Members Present: Chairman, Mark Wickstrom, Joseph Frisk, Christopher Walkiewicz. Not present – Stephen O'Connell

The Meeting being duly called, properly posted and a quorum being present, Chairman Mark Wickstrom convened the meeting at 7:00 PM with the Pledge of Allegiance.

PUBLIC HEARINGS

FY12-03 (continued from 8-3-11): GENAI Investments LLC. Applicants are seeking a Variance/Special Permit proposing a conforming Use (Business) Office/Retail Building 24' X 48' on an existing individual nonconforming lot that contains an abandoned home. The property located at 426 Douglas St, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 23 Parcel 3743 and recorded in the Worcester County District Registry of Deeds Book 46768 Page 260 & 261 located in Business zone.

The Board heard evidence of the following:

- 1) That the lot in question was held in common ownership with an abutting lot from August of 1996 to December of 2010, when the lot in question was deeded to the petitioner. While held in common ownership the two combined lots had the requisite frontage and acreage under current zoning. The lot in question, after it was separated from the adjacent lot, does not have the requisite frontage and acreage, thus the need for a variance.
- 2) That there is an abandoned structure on the lot in question that, according to evidence before the board, has not been used for any purpose for over fifty years. At one time prior to that it appears to have been a dwelling. It has no roof and is falling down.

There were abutters present who spoke to the application.

MOTION/VOTE:

Mr. Frisk made a **MOTION** to close the Public hearing. Mr. Walkiewicz **SECONDED** the motion all in favor (3-0-0).

Mr. Frisk made a **MOTION** on ZBA Case FY12-03 for a request for a **VARIANCE** based on Area & Frontage. My **MOTION** is to **DENY** the request for a Variance based on, lack of evidence for hardship and lack of evidence that would support the need to rebuild when there was not a use of the residence or any use of the property in a substantial time.

MOTION SECONDED by Mr. Walkiewicz, the **MOTION** to **DENY** the **VARIANCE** carried unanimously. VOTE (3-0-0)

FY12-05 – Douglas & Linda Nydam, Applicants are seeking a Variance/Special Permit in order to add a single family residence above existing garage to be used as living space. The properties located at 135 Hartford Ave. West, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 11, Parcels 3919, 3913 and recorded in the Worcester County District Registry of Deeds Book 15930, Page 090 located in Residence C zone.

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was **opened and closed on September 7, 2011.**

During the Zoning Board meeting Attorney Cove submitted a memorandum Titled: Enabling Law.

Mr. & Mrs. Nydam were present during the Public hearing.

There were no abutter's present for case FY12-05.

MOTION/VOTE:

Mr. Frisk made a **MOTION** to close the Public hearing. Mr. Walkiewicz **SECONDED** the motion all in favor. VOTE (3-0-0).

Mr. Wickstrom made a **MOTION** to grant a **SPECIAL PERMIT** on case FY12-05 based on Non-conforming Uses and Structures 400§12B and, to allow the Special Permit to extend the non-conforming use. To allow the petitioner to add a dwelling above the existing garage as put forth by the proposal. Further, that M.G.L. Chapter 40A § 6 applies to the application, and that the board finds there is no detrimental impact to the neighborhood.

The special permit is conditioned that the applicant shall only add necessary external modifications to the building that may be required by the Building Inspector, if any, otherwise the exterior configuration of the building should remain the same.

MOTION SECONDED by Mr. Frisk, the **MOTION** to grant the **SPECIAL PERMIT** carried unanimously. VOTE (3-0-0)

Handwritten signatures of Mr. Frisk and Mr. Wickstrom.

OLD/NEW BUSINESS

Reviewed & accepted Minutes for August 3, 2011

Mr. Frisk made a **MOTION** to Accept the meeting minutes for August 3, 2011. Mr. Walkiewicz **SECONDED**, All in favor. VOTE (3-0-0).

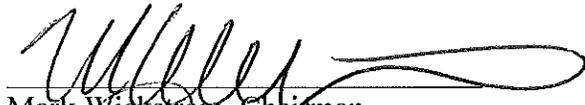
Mr. Wickstrom read the proposal Bylaw change, adding to the Appendix A, Table of Use regulations, under Section E, INDUSTRIAL USES. Manufacturing establishment. (see full text of proposal, attached to these minutes)

Mr. Frisk made a **MOTION** to place this change to add to Appendix A and the table of USE Regulations as well as add to Article X DEFINITIONS for Manufacturing establishment. Place this on the Warrant for the 2011 Fall Annual Town Meeting.

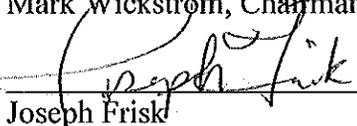
Mr. Walkiewicz **SECONDED** the MOTION. All in Favor. (3-0-0)

CLOSING

Mr. Walkiewicz made a **MOTION** to adjourn the meeting at approximately 8:10 pm. **Seconded** by Mr. Frisk, the MOTION carried unanimously. (3-0-0)



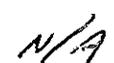
Mark Wickstrom, Chairman



Joseph Frisk



Stephen O'Connell, Vice Chairman



Chris Walkiewicz, Alternate

10-5-2011

Date

