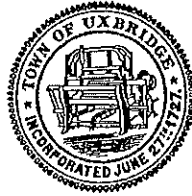


Jim Blackburn, Chair
Rob Knapik, Vice Chair
Thomas McNulty, Clerk
Tariq Fayyad, Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
(508) 278-8600, Ext. 2013

TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: Wednesday, August 2, 2023

REC'D UXB TOWN CLERK
2023 OCT 5 AM 10:39

Present: Jim Blackburn, Rob Knapik, Thomas McNulty, Tariq Fayyad

PUBLIC HEARINGS:

1. **FY24-03: 95 Buffum Road**, Mark and Lynn Brundage, the Applicants, are seeking a variance of thirty-eight feet (38') to the front setback requirement for an accessory structure per the Uxbridge Zoning Bylaw, Table of Dimensional Requirements. The property is located in the **Agricultural Zoning District**, shown on the Town of Uxbridge Assessor's **Map 32 Parcel 4418** and described in a deed recorded at the Worcester Registry of Deeds in **Book 33580 on Page 377**.

Presentation: Mark Brundage, the Applicant, explained that their property at 95 Buffum Road is approximately three and a quarter acres, however, most of it is wetlands. When the house was constructed, a garage was shown on the plot plan that was never built. In order to now build the garage/shop, he is requesting to utilize the proposed location which has been provided as a sketch on the original plot plan, between an existing septic field and wetlands. The location he explained meets the side setback and will utilize the existing driveway.

Discussion: Mr. Knapik clarified with the Applicant the requested variance, as there seemed to be some inconsistencies in the requested variance vs the required. Mr. Knapik discussed that the variance would be granted for a specific setback and suggested that the Applicant have the location confirmed by a surveyor prior to construction to avoid any future issues. The Applicant acknowledged the need to ensure the location.

There was discussion if building overhangs, such as a roof soffit, count as part of the required setback. The Board was uncertain as to how the bylaw treats the topic. Mr. Knapik suggested the applicant consult the Building Inspector. Mr. Blackburn questioned how critical the applicant's dimensions are, and if the Applicant should further clarify the necessary location, or perhaps request additional variance. He also asked the Applicant what type of construction would be used. The Applicant explained the building would be a 24'x24', stick built, with manufactured trusses, and rough sawn vertical board and baton exterior siding.

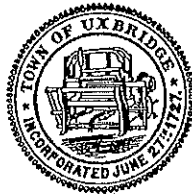
Mr. Fayyad asked the Applicant to clarify the required wetlands setbacks for the structure. The Applicant represented that the required setback was 50' for construction and that the proposed garage would be outside of that. Mr. Fayyad further clarified with the Applicant that the garage/ shop would be used for woodworking and other personal hobbies. The applicant confirmed that no business will be operated out of the structure, and it was only for his personal use.

The Board discussed the required variance and suggested that the application be modified to request slightly more variance, modifying the application from a 38' setback to a 36' setback. The Applicant agreed and made the request to modify the original application.

Abutter Comments: There were no comments from the public, either in the room or on Zoom.

Discussion/Deliberations: The Board evaluated the standards and criteria for the issuance of a Variance as set forth in MGL Chapter 40A Section 10. Members found there was a hardship owing to the shape of the lot together with the presence of wetlands, and the existing septic system's location. They agreed that the proposal

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MEETING MINUTES: Wednesday, August 2, 2023

would not be detrimental to the neighborhood. The Board also considered if any condition were necessary and deemed there was no need.

Motion: Mr. Knapik made a motion to close the Public Hearing of FY 24-03 for 95 Buffum Road. Motion seconded by Mr. McNulty, passed unanimously by vote of 4-0-0.

Motion: Mr. Knapik made a motion that the Zoning Board of Appeals grant the Applicant's request to modify the requested variance submitted within the Application, from 38 feet to a requested variance of 39 feet, allowing construction of the detached garage 36 feet from the front property line, parallel to the right of way. Motion seconded by Mr. Fayyad and passed unanimously by vote of 4-0-0.

Motion: Mr. Knapik made a motion that the Zoning Board of Appeals grant a variance of 39 feet to the front setback, allowing construction of the detached garage 36 feet from the front property line, parallel to the right of way, on a finding that there is a hardship related to the topography of the land due to wetlands and other existing structures, and that the variance may be granted without detriment to the public good and without nullifying or derogating from the purposes and intent of the Uxbridge Zoning Bylaw. Motion seconded by Mr. McNulty passed unanimously by vote of 4-0-0.

ADMINISTRATIVE:

- Meeting Minutes Review: 07/05/2023

Motion: Mr. McNulty made a motion to approve the 07/05/2023 meeting minutes as written. Mr. Fayyad seconded, and the motion passed by vote of 4-0-0.

ANY OTHER BUSINESS, which may lawfully come before the Board:

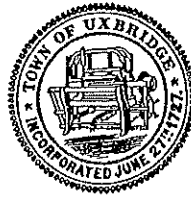
- Mr. Steve O'Connell of Turning Point Engineering, representing Pine Ridge Estates, requested that the Board sign copies of the approved mylar plans, which had previously been approved as part of FY23-07, which is a 40B project to be located at 354 Douglas Street. Board Member Knapik explained that due to the 40B process, the ZBA was acting in a way as the Planning Board, who would customarily sign the approved development's plans prior to submittal to the Worcester Registry of Deeds. Mr. O'Connell confirmed that there had been no changes to the plans since they were previously approved by the Board. The Board discussed and agreed that the three members of the Board who voted and approved FY23-07 would vote on this matter. Those members were Blackburn, Knapik and McNulty.

Motion: Mr. Knapik made a motion that the Board sign the approved plans for Pine Ridge Estates. Mr. Blackburn seconded, and the motion passed by vote of 3-0-0.

ADJOURNMENT: Next Regularly Scheduled ZBA Meeting.

Motion: Mr. McNulty made a motion to adjourn the August 2, 2023 meeting of the Zoning Board of Appeals. Mr. Knapik seconded, and the motion passed unanimously by vote of 4-0-0.

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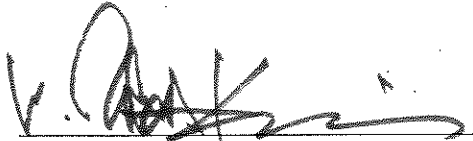


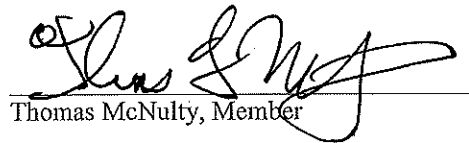
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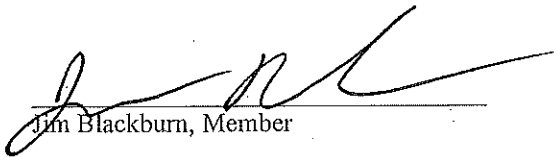
**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: Wednesday, August 2, 2023

SIGNATURES:


Rob Knapik, Member


Thomas McNulty, Member


Jim Blackburn, Member


Tariq Fayyad, Associate Member

Date _____

