



Town of Uxbridge  
**Zoning Board of Appeals**  
21 So. Main St.  
Uxbridge, MA 01569  
(508) 278.6487

Minutes of the Uxbridge Zoning Board of Appeals held on **Wednesday, October 1, 2008** at 7:00 P.M. in the Board of Selectmen's Office, Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA:

**Zoning Board of Appeals Members Present:** Mark Wickstrom, Charles Lutton and Stephen O'Connell. Associate Member Joseph Frisk was also present.

**Others Present:** Tracey Ante, Administrative Assistant

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

**FY 09-07:** The applicants/owners of record Brian and Karen Mages are seeking a Variance from the side setback requirements of the Zoning By-laws on property located at 91 Albee Road, Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 41 Parcel 2699 and recorded in the Worcester County District Registry of Deeds Book 24228, Page 136. The property is located in the Residence C zoning district, which requires a side setback of 30 ft. The applicant proposes to construct a deck approximately 14 ft x 11 feet in which would be 17.8 feet from the property line.

Mr. O'Connell recused himself due to conflict of interest. The Chairman opened the public hearing and designated Mr. Frisk as a fully participating member for the purposes of this application.

Mr. Eric Larsen was present and spoke on behalf of the applicant and discussed the proposed deck construction.

A memorandum from the Director of P&ED was discussed, which indicates that the proposed construction may constitute an expansion of the non-conforming structure/use and the lot is substandard. The deck is accessory to the house. Therefore, proposed construction could be allowed by special permit under Section 12 E of the Zoning Bylaws. The applicant verbally requested to amend the application to a request for special permit.

Following public input and discussion, **MOTION** by Mr. Lutton to close the public hearing. Seconded by Mr. Frisk, the motion carried unanimously.

**MOTION** by Mr. Lutton to grant the special permit under Section 12 E of the Zoning Bylaws. Seconded by Mr. Frisk, the motion carried unanimously.

**MOTION** by Mr. Wickstrom to amend the previous Motion to include the review of the special permit parameters as drafted and discussed, and that the construction is no more detrimental to the neighborhood. Seconded by Mr. Lutton, the motion carried unanimously.

Mr. O'Connell returned to the board.

**MINUTES. MOTION** by Mr. Lutton to approve the September 3, 2008 Meeting Minutes. Seconded by Mr. O'Connell, the motion carried unanimously.

**MINUTES. MOTION** by Mr. Lutton to approve the February 5, 2008 Meeting Minutes. Seconded by Mr. Wickstrom, the motion carried unanimously.

**Zoning Bylaws** – The Board will continue discussions of the Zoning Bylaws at future meetings.

**MOTION** by Mr. O'Connell to adjourn the meeting. Seconded by Mr. Lutton, the motion carried unanimously.

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Mark Wickstrom, Chairman

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Charles Lutton, Vice Chairman

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Stephen O'Connell, Clerk

\_\_\_\_\_  
Joseph Frisk, Associate

Date \_\_\_\_\_