



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, January 7, 2009** 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, Stephen O'Connell were present, as well as Alternates Joseph Frisk and Chris Walkiewicz.

Zoning Board of Appeals Members Absent: None

Others Present: Megan T. DiPrete, Director of Planning & Economic Development

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

FY 09-08: The applicant/ owner of record Peter and Melissa Silvestro are seeking a Variance from the front setback requirements of the Zoning By-laws on property located at 7 Yankees Way, Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 39 Parcel 2392 and recorded in the Worcester County District Registry of Deeds Book 22615, Page 18. The applicant proposes to construct a detached garage (28' x 24') on a flat area to the right of the existing house. The property is a corner lot so the front setback of 75' applies to both streets. The garage would encroach on the required setback area, therefore, a variance is required.

Chairman Wickstrom and Mr. O'Connell both declared conflicts of interest with this project and recused themselves. Mr. Lutton participated as chair and opened the public hearing. Mr. Frisk and Mr. Walkiewicz were designated as fully participating members for the purposes of this application.

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

MOTION by Mr. Frisk to find that due to the topography of the lot, a substantial hardship exists. The parcel is a corner lot and therefore the front setbacks apply to both roads. However the proposed garage is intended merely for garage purposes typical of any dwelling unit. It is not a new or expanded use, but merely an accessory structure. The condition affects this property specifically, but does not affect generally the zoning district in which it is located. Seconded by Mr. Walkiewicz, the motion carried unanimously.

MOTION by Mr. Frisk to find that a literal enforcement of the provisions of the Bylaw would involve substantial hardship, that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purposes of the Zoning Bylaws, and that the relief will not be detrimental to the public good, and does not nullify or derogate from the purposes and intent of the ZBL. Seconded by Mr. Walkiewicz, the motion carried unanimously. Seconded by Mr. Walkiewicz, the motion carried unanimously.

The Board noted that no neighbors or interested parties were present or otherwise raised concerns.

MOTION by Mr. Frisk, based on the Findings, to approve a variance for property located at 7 Yankees Way and shown on Assessor's Map 39 Parcel 2392, authorizing encroachment into the setback area(s) by 35 feet, to be located at least 40 feet from Chockalog Road (and at least 76 feet from Yankees Way) with a condition that the structure shall in no way be used for dwelling purposes. Seconded by Mr. Walkiewicz, the motion carried unanimously.

Mr. O'Connell and Mr. Wickstrom returned to the Board.

Zoning Bylaw Revisions – ongoing review and discussion. The Board reviewed Section A of the Table of Use Regulations (6/23/08 version). No votes were taken.

By consensus, the Board scheduled a workshop on January 21, 2009, at 7 pm to continue the discussion.

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

MOTION by Mr. Lutton to adjourn the meeting at 8:45 pm. Seconded by Mr. O'Connell, the motion carried unanimously.

Mark Wickstrom, Chairman

Stephen O'Connell, Clerk

Charles Lutton, Vice Chairman

Joseph Frisk (Alternate)

Chris Walkiewicz (Alternate)

Date _____