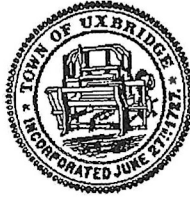


Jim Blackburn, Chair
Rob Knapik, Vice Chair
Thomas McNulty, Clerk
Tariq Fayyad, Member



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

Zoning Board of Appeals DECISION

ZBA Case #: **FY24-05**
Zone: **Business District**
Applicant: **Jason Berlinghof**
Property Address: **116 Providence Street**
Assessor's Reference Map: **51** Parcel: **3744**
Worcester Registry of Deeds Book: **62555** Page: **216**

REC'D UXB TOWN CLERK
2023 NOV 13 AM 9:14

SPECIAL PERMIT GRANTED November 1, 2023

VOTING MEMBERS: Jim Blackburn, Rob Knapik, Thomas McNulty, Tariq Fayyad

SUBMITTALS:

- Complete ZBA Application and Fee dated October 5, 2023, and received October 10, 2023
- Cover Letter from Wickstrom Morse LLP (Mark Wickstrom) dated October 6, 2023
- Certified Abutters List dated September 27, 2023
- Quitclaim Deed recorded in the Worcester Registry of Deeds Book 62555 Page 216
- Copy of Plan recorded in the Worcester Registry of Deeds Plan Book 894 Plan 124
- Memorandum to Uxbridge ZBA from Mark Wickstrom
- Copy of prior Decision dated March 1, 2017, in ZBA Case # FY17-15

REQUEST: **Jason Berlinghof**, the Applicant, is seeking a **SPECIAL PERMIT** to construct a single-family dwelling on the subject property in the Business Zone located at **116 Providence Street**.

PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

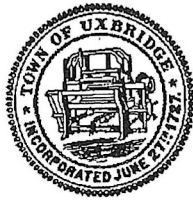
A duly posted public hearing was opened & closed on November 1, 2023.

Mark Wickstrom, representing the Applicant, Jason Berlinghof, presented the petition to the Board; the Applicant is seeking a Special Permit pursuant to Uxbridge Zoning Bylaw 400-12 (F) to reestablish in the Business Zone a residential use that was pre-existing, nonconforming. The prior residential use had been abandoned in approximately 2012 when the previous residential structure was knocked down, but not re-built. The Applicant noted that the standard for such a Special Permit to reestablish a prior use is by a finding that the proposal does "not cause substantial detriment to the community." The Applicant presented that the ZBA had issued a similar decision for the property in 2017, but that decision had never been acted on and has since expired.

The property is situated on the westerly side of Providence Street. There exists one residence to the south and one across the street. The other nearest use is for a solar field located adjacent to the north. The property has the required frontage (over 150 feet) and acreage (1.224 Acres) and the proposed residential structure will meet all required setbacks.

An abutter (Bruce Chartier) was present and inquired if the Special Permit was granted, would it change the zoning of the property. The Board responded that "no" it would not and explained that the granting of a Special Permit would allow the exception to the restricted use but would not change the underlying Business Zone. It was

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SPECIAL PERMIT GRANTED **November 1, 2023**

also noted that property could change back to an allowed business use but could not have both a residential and business as the primary use at the same time.

Members considered the standard set forth under the Uxbridge Zoning Bylaw and determined that the proposed use is not substantially detrimental to the community, nor are any conditions to the Special Permit necessary.

MOTIONS / VOTES:

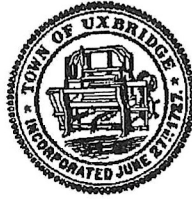
Mr. Knapik made a **MOTION** to close the Public Hearing FY24-05 for 116 Providence Street.

MOTION SECONDED by Mr. McNulty, passed unanimously by **VOTE** of 4-0-0.

Mr. McNulty made a **MOTION** that the Zoning Board of Appeals **GRANT** a **Special Permit** as applied for, to reestablish the property as a single-family residence, on a finding that the proposed use may be granted without being substantial more detrimental to the community.

MOTION SECONDED by Mr. Knapik, passed unanimously by **VOTE** of 4-0-0.

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



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Zoning Board of Appeals DECISION

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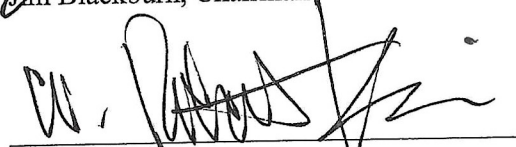
Worcester Registry of Deeds Book: **62555 Page: 216**


SPECIAL PERMIT GRANTED

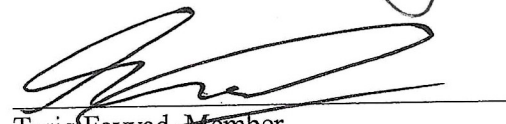
November 1, 2023


SIGNATURE PAGE


Jim Blackburn, Chairman


Rob Knapik, Vice Chairman


Thomas McNulty, Clerk


Tariq Fayyad, Member


Date

Jim Blackburn, Chair
Rob Knapik, Vice Chair
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SPECIAL PERMIT GRANTED

November 1, 2023

Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40 A, Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk.

I hereby certify that twenty (20) days has elapsed from the file date and no appeal has been filed in this office.

A true copy: **ATTEST**

Town Clerk, Kelly Cote or
Assistant Town Clerk

Date

Town Seal

****THE APPLICANT IS REMINDED OF THEIR RESPONSIBILITY TO RECORD THIS
DECISION AT THE REGISTRY OF DEEDS PER THE CERTIFICATE OF GRANTING.
NO PERMITS SHALL BE ISSUED UNTIL THIS PERMIT IS RECORDED. ****