

Town of Uxbridge  
**Zoning Board of Appeals**  
21 So. Main St.  
Uxbridge, MA 01569  
(508) 278.8600 ext. 2013

January 14, 2015

To Whom It May Concern:

The Zoning Board of Appeals held a public hearing on the following application and made the determination checked off below.

RE: **Petition File No: FY15-08**

**Owner: Emile J. Montville and Theresa R. Montville 1991 Trust, Michael Montville, Trustee**  
**Applicant: Pro-Built Construction LLC.**  
**Address: 629 Hartford Avenue East, Uxbridge, MA**  
**Title Reference: Worcester District Registry of Deeds Book 32976, Page 269**

- ☐ SPECIAL PERMIT GRANTED
- ☒ VARIANCE GRANTED
- ☐ DETERMINATION UNDER MGL 40A SEC 6 GRANTED
- ☐ DENIED
- ☒ WITH CONDITIONS

The Decision was recorded with the Town Clerk's office on January 12, 2015. The Decision may be reviewed during regular business hours at the Zoning Board of Appeals office or Town clerk's office and is available on the town's website by visiting [www.uxbridge-ma.gov](http://www.uxbridge-ma.gov).

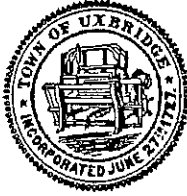
Appeals, if any, must be filed within 20 days after the date of the filing in the Office of the Town Clerk.

If you have any questions, please contact the Zoning Board of Appeals at 508-278-8600 ext. 2013

Sincerely,  
Mark Wickstrom, Chair  
Zoning Board of Appeals

**ZONING BOARD OF APPEALS**

Mark Wickstrom, Chair  
Stephen O'Connell, Vice Chair  
Bruce Desilets, Member  
Joseph Alves, Alternate Member  
Thomas Bentley, Alternate Member  
Joseph Frisk, Alternate Member



Uxbridge Town Hall  
21 South Main Street, Room 203  
Uxbridge, MA 01569  
508-278-8600 x2013 p  
508-278-0709 f

**DECISION**

**VARIANCE GRANTED**  
**Petition File No: FY15-08**

**JAN 12 '15 PM 3:45**  
**Received by**  
**Uxbridge**  
**Town Clerk**

**Owner: Emile J. Montville and Theresa R. Montville 1991 Trust, Michael Montville, Trustee**

**Applicant: Pro-Built Construction LLC.**

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The Applicant on behalf of the Owner is requesting a Variance for lack of frontage. The required frontage is 200 feet for a single family home in Residential C zone. The Applicant owns two adjacent lots shown on a plan submitted, with frontage of 200 feet for "Lot 1" and frontage of 158.28+/- feet for the "remaining land". The Variance requested is to enable the Applicant to use the "remaining land" lot for single family residential use. The property is shown on the Town of Uxbridge Assessor's Map 8, Parcel 3533.

**MEMBERS PRESENT/ VOTING:** Chair Mark Wickstrom, Joseph Alves, and Thomas Bentley.

**PRESENTATION / DELIBERATIONS:**

At a public hearing held January 7, 2015 which was duly noticed, the Board considered the Application and materials that were submitted, which included the Abutters List Report; copy of a letter from Doug Scott, Uxbridge Zoning Enforcement Officer, dated 12/16/14; and a plan of land drawn by Andrews Survey and Engineering, signed by the Planning Board on 8/13/14. The Board also considered the testimony of the applicant's representatives, Gerald Skeean and Byron Andrews. No abutters were present. The testimony included information that the premises had adequate land for a small subdivision comprising of a cul-de-sac and three buildable lots, but the petitioner desired only one residence on each of the two lots as shown on the plan, so as to reserve as much of the natural layout of the property, which in the past was the Town's "poor farm". The property is unique in its shape and topography in that the frontage is derived from measuring along the "County Road Layout" of East Hartford Avenue, however, the physical road as presently constructed does not use the entire layout and leaves a considerable amount of land between the road and the property. This presents a hardship to engineer a new road; the construction of a single family house with a driveway would be less burdensome. It is also questionable what the frontage would be should the unused road area ever be properly abandoned. The property is also bordered to the East by the West River. Should the applicant be forced to file a subdivision to obtain the required frontage to develop the lot, environmental concerns and costs would be exacerbated by the riverfront, causing a

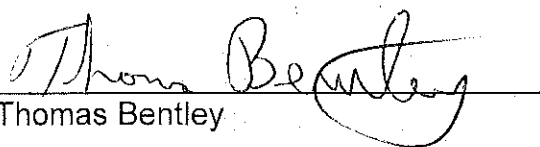
hardship. Should the variance be granted, one house with a driveway on the lot could be constructed without raising those environmental concerns. There was no evidence or testimony that the granting of the variance would be a substantial detriment to the public good, and the board discussed that the granting of the variance would not derogate from the intent or purpose of the Zoning Bylaw, due to the unique features mentioned above.

Mr. Bentley made a **MOTION** that the Board **APPROVE** the Variance application for the frontage requested, that there was a hardship related to the shape and topography of the land, and that the granting of the Variance does not cause a substantial detriment to the public good and does not derogate from the intent of the bylaw. The Variance is **CONDITIONED** upon no further division of the land. The motion was seconded by Mr. Alves and carried (3-0).



Mark Wickstrom, Chair

Joseph Alves



Thomas Bentley

**NOTICE: 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 Dumas or  
Assistant Town Clerk

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 ISSUE UNTIL THE SPECIAL PERMIT IS RECORDED\***