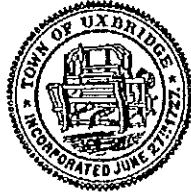


Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Bruce Desilets, Member
Joseph Alves, Alternate Member
Thomas Bentley, Alternate Member
Joseph Frisk, Alternate Member



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

DECISION
SPECIAL PERMIT GRANTED

ZBA Case# FY 15-09
Zone Business
Property Location 32 South Main Street, Uxbridge, MA
Assessor's Map 25 Parcel 918
Worcester District Registry of Deeds Book 33724 Page 8
Owner / Applicant: Uxville, LLC

APR 14 '15 AM 11:33

Received by
Uxbridge
Town Clerk

BACKGROUND

FY15-09: The Applicant is requesting a Special Permit for a proposed structure as shown on the plans submitted, to use the property for a six-family residential apartment house. The prior structure, which pre-dated the zoning bylaw, was the historic "bank building" that had a combination of business and residential use, was destroyed by fire in the summer of 2013. The petitioner proposes to change that use to only residential, with six dwelling units.

SUBMITTALS: The Application and materials included a site plan and architectural drawings. Prior approvals for the project had been obtained from the Conservation Commission and the Historic District Commission.

VOTING MEMBERS PRESENT: Chair Mark Wickstrom, Associate Member Bruce Desilets, Alternate Member Joseph Alves

PRESENTATION / DELIBERATIONS / PROPOSED FINDINGS OF FACT

The Public Hearing was opened on March 4, 2015 and was continued to April 1, 2015. The Applicant submitted the following testimony and evidence:

1. The property is located at 32 South Main Street, Uxbridge, Massachusetts (the "Property").
2. Situated on the Property was a three-story building constructed circa 1895 (the "Building").
3. The Building was destroyed by fire on or about July 18, 2013.
4. The Building included three (3) commercial retail units located on the first floor and a total of seven (7) residential units located on the second and third floors.
5. Property is a pre-existing nonconforming structure and use.
6. The Applicant purchased the Property on May 27, 2004. At the time of purchase, the Building included three (3) commercial retail units located on the first floor and a total of seven (7) residential units located on the second and third floors.
7. During the period that the Applicant owned the Property (2004- 2013), the Applicant made only normal repairs and maintenance to the building. The Applicant made no structural changes and did not reconfigure any of the seven (7) residential units.
8. The Building was razed in 2013 under the order of the Uxbridge Fire Chief.
9. The Applicant owner intends to construct a two-story building on substantially the same footprint as the Building, to include six (6) residential units.
10. The proposed structure to be built will not be substantially more detrimental than the previous existing nonconforming use to the neighborhood.
11. The Providence and Worcester Railroad Company is agreeable to execute a lease agreement relating to the parcel of land located adjacent to the Property to be utilized as a parking area, if necessary, consisting of approximately 2,800 square feet.

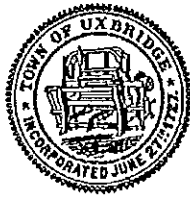
After testimony, the Chair opened the Public Hearing to comment from abutters/residents. The only abutter present was the Town of Uxbridge. The Town Manager Mr. Generoux spoke on behalf of the Town. At the first meeting date the Town had concerns about parking along South Main Street. At the second meeting it was presented by the applicant that an agreement in principal had been reached with the Providence and Worcester Railroad regarding additional parking, and a letter stating such was presented, at which time the town was satisfied.

MOTIONS/VOTE

Mr. Desilets, made a motion that the Board close the Public Hearing. Seconded by Mr. Alves, the motion carried 3-0-0.

SPECIAL PERMIT GRANTED: Mr. Wickstrom made a motion that the Board adopt findings of fact 1-11, and that a Special Permit should issue under section 400-12G of the Town of Uxbridge Zoning Bylaws, and furthermore that the special permit criteria of Section 400-50 of the bylaws have been met, namely that the rebuilding of the structure adds to the social and economic needs of the town, that the traffic flow, safety and parking will not be impacted, that the utilities and public services will not be impacted, the neighborhood character will remain the same or be improved, that there will be no impact on the neighborhood, and the fiscal impact to the town will be positive, will additional tax revenue. The Special Permit is **CONDITIONED** upon building the structure substantially according to the plans submitted with no more than 6 (six) units, and that the applicant comply with the Historic District Commission recommendations. Seconded by Mr. Desilets, the motion carried 3-0-0.

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 205
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DECISION

SPECIAL PERMIT GRANTED

April 1, 2015

ZBA Case# FY15-09

Zone: Business

Property Location 32 South Main Street, Uxbridge, MA

Assessor's Map 25 Parcel 918

Worcester District Registry of Deeds Book 33724 Page 8

Owners: Uxville, LLC/Nick and Lydia Kotsianas

Representative: Antonio DeMelo

SIGNATURE PAGE

Mark Wickstrom, Chair

Joseph Alves, Alternate Member

Bruce Desilets, Associate Member

4/14/15

Date

SPECIAL PERMIT GRANTED

April 1, 2015

ZBA Case# FY15-09

Zone: Business

Property Location 32 South Main Street, Uxbridge, MA

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Worcester District Registry of Deeds Book 33724 Page 8

Owners: Uxville, LLC/Nick and Lydia Kotsianas

Representative: Antonio DeMelo

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.****