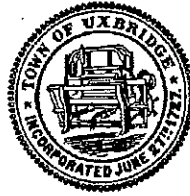


**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**
Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Bruce Desilets, Member
Joseph Alves, Alternate Member
Thomas Bentley, Alternate Member
Joseph Frisk, Alternate Member



**Received by
Uxbridge
Town Clerk**

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
Petition File No: FY15-12**

**Owner: Mark P. Wickstrom and Mary Patricia Wickstrom
Address: 6 Court Street, Uxbridge, MA 01569
Title Reference: Worcester District Registry of Deeds Book 52814 page 90.**

The Applicants petitioned for a Special Permit to use a portion of the property at 6 Court Street as business use for professional office. The property is within the Residence A zone. The property is shown on the Town of Uxbridge Assessor's Map 18B as parcel 4877. The property is in Residence A Zone.

MEMBERS PRESENT/ VOTING: Vice Chair Stephen O'Connell (acting Chair), 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 a plot plan of land drawn by HS&T Group, and a memorandum from the Applicant. The Board also considered the testimony of the Applicant. A representative of the Congregational Church (an abutter) was present and made inquiry about the Application. The Applicant requested that the Board consider the special permit under two sections of the Town of Uxbridge Zoning Bylaws which allowed for a Special Permit for office use, those being found in the Table of Uses, footnote 1, and also Section 400-12F.

The Board noted that under Footnote 1 of the Table of Uses in the Town of Uxbridge Zoning Bylaws, office use is permitted by Special Permit on a property in Residence A if the structure 1) has a total finished area of over 4,000 square feet; 2) it was built prior to 1930; 3) is listed on the national and state register of historic properties. The Applicant testified that the structure on the property meets those three requirements as follows:

- 1) There is approximately 4,200 square feet of finished area;
- 2) The property was built circa 1820;
- 3) The property is listed on the federal historic register by virtue of being in the "Town Common District" and the state register under "6 Court Street". The Applicant testified that the property is sometimes referred to as the "Robert Taft House" for its

former owner, and has been chronicled as a stop on the Underground Railroad when occupied by noted Uxbridge abolitionist Effingham Capron.

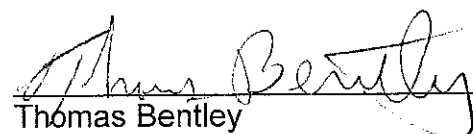
The Board also noted that the office use proposed is allowed by special permit under *Section 400-12F* as a portion of the property had been used in the past as an optometrist's office. The Applicant requested that the Board consider that the re-establishment of such office use does not cause "substantial detriment to the community" and thus complies with said *Section 400-12F*. There was no evidence or testimony that the office use proposed would cause a substantial detriment to the community. Although the Zone is Residence A, the Board noted that the property is located between an existing business (Jumbo Donuts) and a church, and the office use would be light in comparison.

The Board discussed whether the application met the special permit criteria set forth in Uxbridge Zoning Bylaws section 400-50, which were discussed.

Mr. Bentley made a **MOTION** that the Board **APPROVE** the Special Permit to allow office use as proposed, and that the Special Permit Criteria under Section 400-50 of the Zoning Bylaws have been met, namely that 1) the social, economic and community needs are met by the encouragement of local business and re-use of an historic building, 2) that traffic and safety are not impacted, 3) that utilities and public services are not impacted, 4) that the use fits with the character of the neighborhood, 5) that there is no impact on the natural environment, and 6) the fiscal impact will be positive. Also that the proposal does not cause a substantial detriment to the community. The motion was seconded by Mr. Alves and carried (3-0).


Stephen O'Connell, 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***