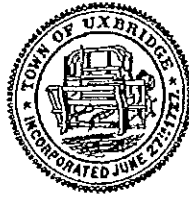


Mark Wickstrom, Chair  
Stephen O'Connell, Vice Chair  
Bruce Desilets, Member  
Joseph Alves, Alternate Member  
Thomas Bentley, Alternate Member  
Joseph Frisk, Alternate Member



Uxbridge Town Hall  
21 South Main Street, Room 205  
Uxbridge, MA 01569  
508-278-8600 x2013 p  
508-278-0709 f

JUL 29 '15 PM 6:37

Received by  
Uxbridge  
Town Clerk

**DECISION -REVISED**  
**VARIANCE GRANTED**

**ZBA Case# FY 15-14**

**Zone: Agricultural**

**Property Location: 500 Hartford Ave West, Lot 2, Uxbridge, MA**

**Assessor's Reference: Map 16 Parcel 3881**

**Worcester District Registry of Deeds: Book 44999 Page 242**

**Owner / Applicant: West Hartford Properties, LLC/Thomas J. Wickstrom**

**BACKGROUND**

**FY15-14:** The Applicant is requesting a Variance for the minimum area, frontage, and front setback required to be a conforming building lot. The subject property was once part of a large dairy farm in which family members constructed homes. The farm is no longer in operation and in order to separate the three (3) existing principal structures on the property, a variance is being requested.

**SUBMITTALS:** The Application and materials included a site plan of the proposed lot. Also submitted: Affidavit of Gladys Bangma, a copy of MGL Chapter 41 Section 81L, copy of *Palitz v Zoning Bd. Of Appeals of Tisbury*, and a printout from the Uxbridge Assessor's Office of the Property Record Card

**VOTING MEMBERS PRESENT:** Acting Chair-Thomas Bentley, Alternate Member-Joseph Alves, and Alternate Member-Joseph Frisk via remote audio & video participation in accordance with MGL and AG regulations.

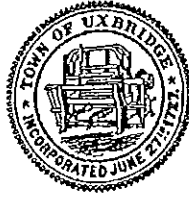
**PRESENTATION / DELIBERATIONS / PROPOSED FINDINGS OF FACT**

The Public Hearing was opened on May 6, 2015. Due to quorum not being met it was continued to June 3, 2015 and closed on June 3, 2015. The Applicant, represented by Attorney Joseph M. Antonellis, submitted the following testimony and evidence:

1. The hardship is due to the shape of the land directly resulting from the proximity of the existing principal structures. An additional hardship is the recent case of *Suzanne Palitz v. Zoning Board of Appeals of Tisbury* & another which held that a preexisting nonconforming structure that needs to be reconstructed may not do so without Variance to protect said nonconformity. If this structure needed to be reconstructed due to a future catastrophic event, it may not be allowed unless this variance is approved.
2. Affidavit of Gladys Bangma, former owner of the property, outlining the history of 500 West Street
3. MGL Chapter 41 Section 81L
4. Assessor's Office Property Record Card for 500 West Street
5. Property has a private septic and a private-public shared water system, which will change upon sale of the houses; each house will have its own water and septic system.
6. Road access will remain the same; each house has its own driveway access to Hartford Avenue

Questions and testimony were heard from an abutter, Helder Garcia regarding what can be built on the lots and shared water use.

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



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#### MOTIONS/VOTE

Mr. Alves, made a motion that the Board close the Public Hearing. Seconded by Mr. Frisk. The motion carried by roll call vote 3-0-0; Mr. Alves-aye, Mr. Frisk-aye, Mr. Bentley-aye

**VOTE: VARIANCE GRANTED:** Mr. Alves made a motion that the Board GRANT the VARIANCE based on 81L due to the shape and topography of the application and a variance in area of 48,574 square feet in area, 55' front setback, and right side setback 13.55'. There is no derogation of the public good and it does not derogate from the purposes and intent of the Zoning Bylaws."

Motion was seconded by Mr. Frisk.

The motion carried a by roll call vote 3-0-0; Mr. Frisk-aye, Mr. Alves-aye Mr. Bentley-aye.

\*\*\*Original Decision was on 06/03/15 and filed with the Clerk's office on 06/15/15.

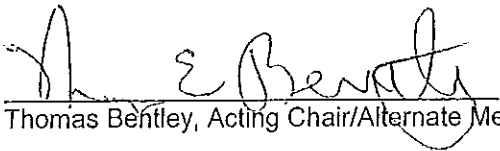
\*\*\*Corrected Decision Date: 7/29/15

**Original language:** "VOTE: VARIANCE GRANTED: Mr. Alves made a motion that the board APPROVE the VARIANCE based on MGL due to the shape and topography of the lacking 48,574 square feet in area, 55' frontage, and 13.55' rear setback as shown on Andrews Survey & Engineering Project No. 2009-235 -Plan No. L-4007 dated July 18, 2012. There is no derogation from the public good and it does not derogate from the purposes and intent of the Zoning Bylaws."

**Corrected language:** "VOTE: VARIANCE GRANTED: Mr. Alves made a motion that the Board GRANT the VARIANCE based on 81L due to the shape and topography of the application and a variance in area of 48,574 square feet in area, 55' front setback, and on right side setback 13.55'. There is no derogation of the public good and it does not derogate from the purposes and intent of the Zoning Bylaws."

This corrected Decision supersedes any other approval/Decisions.

SIGNATURE PAGE

  
Thomas Bentley, Acting Chair/Alternate Member

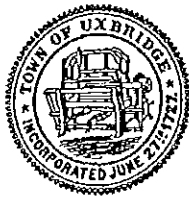
  
Joseph Alves, Alternate Member

*Remote Participation*

\_\_\_\_\_  
Joseph Frisk, Alternate Member

7/29/15  
\_\_\_\_\_  
Date

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  
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**DECISION**  
**VARIANCE GRANTED**

**ZBA Case# FY 15-14**  
**Zone: Agricultural**  
**Property Location: 500 Hartford Ave West, Lot 2, Uxbridge, MA**  
**Assessor's Reference: Map 16 Parcel 3881**  
**Worcester District Registry of Deeds: Book 44999 Page 242**  
**Owner / Applicant: West Hartford Properties, LLC/Thomas J. Wickstrom**

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 VARIANCE IS RECORDED.\*\***