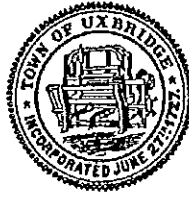


Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Bruce Desilets, Member
Joseph Alves, Alternate Member
Thomas Bentley, Alternate Member
Joseph Frisk, Alternate Member



JUN 15 '15 PM 4:50

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

DECISION
VARIANCE GRANTED

Received by
Uxbridge
Town Clerk

ZBA Case# FY 15-15

Zone: Agricultural

Property Location: 500 Hartford Ave West, Lot 3, 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

FY15-15: The Applicant is requesting a Variance for the minimum area, frontage, and front setback required to be a conforming building lot.

SUBMITTALS: The Application and materials included a site plan of the proposed lot.

VOTING MEMBERS PRESENT: Associate Member Thomas Bentley, Associate Member Joseph Alves, and Associate Member, Joseph Frisk via remote participation

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:

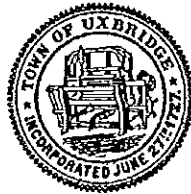
1. The hardship is due to the shape of the land directly resulting from the proximity of the existing principal structures. An additional hardship is the recent case of *Suzanne Palitz v. Zoning Board of Appeals of Tisbury* & another which held that a preexisting nonconforming structure that needs to 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.

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

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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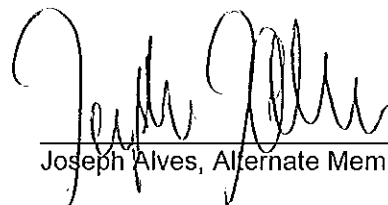
VOTE: VARIANCE GRANTED: Mr. Alves made a motion that the Board **APPROVE** the **VARIANCE** based on MGL 81L due to the shape and topography of the lot, lacking 46,522 square feet in area, 24.17' frontage, and 14.69' rear setback as shown on Andrews Survey & Engineering Project No. 2009-235 - Plan No. L-4007 dated July 18, 2012. 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.

SIGNATURE PAGE

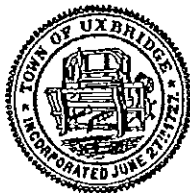

Thomas Bentley, Acting Chair/Alternate Member


Joseph Alves, Alternate Member

Joseph Frisk, Alternate Member

Date

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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DECISION
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ZBA Case# FY 15-15

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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.

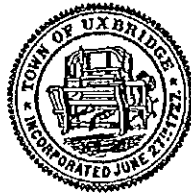
I hereby certify that twenty (20) days has elapsed from the file date and no appeal has been filed in this office.

A true copy: **ATTEST**

Town Clerk, Kelly Dumas or
Assistant Town Clerk

Town Seal

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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****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.****