

Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
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

DECISION

VARIANCE GRANTED

ZBA Case# FY 16-05

Zone: Business Zone

Applicant: Town of Uxbridge Fire Department

Owner: Nancy E. Healy

Property Address: 31 South Main Street, Uxbridge, MA

Owner: Town of Uxbridge c/o Town Manager/David Genereux

Property Address: 37 South Main Street, Uxbridge, MA

Assessor's Reference: Map: 25 Parcels: 0941 & 0947

Worcester District Registry of Deeds References:

Books: 32190, 643 & 448 **Pages:** 37, Pages 41 & 42

Plan Reference- PB: 259 PL: 40

OCT 15 '15 PM 4:48

Received by
Uxbridge
Town Clerk

BACKGROUND: The Applicant is seeking a **VARIANCE** for relief against the front and rear set back requirements in order to construct a new Fire Station and (24) twenty-four municipal parking spaces.

VOTING MEMBERS PRESENT: Chairman Mark Wickstrom, Vice Chairman Stephen O'Connell, Alternate Member Thomas Bentley.

ABSENT: Clerk Bruce Desilets, Alternate Member Joseph Alves, and Alternate Member Joseph Frisk

PRESENTATION / DELIBERATIONS / FINDINGS OF FACT

The Public Hearing was opened and closed on October 7, 2015. The Applicant submitted the following testimony and evidence:

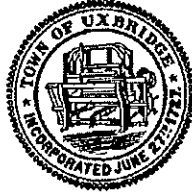
1. Application
2. Proposed Site Plan and architectural drawings.

ABUTTERS: No abutters were present

Mr. O'Connell read into record the standard for granting a variance based on MGL40A:
Owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and specifically affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the bylaw would involve substantial hardship, financial or otherwise and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purposes of such bylaw."

In order to grant a variance the ZBA must find that the reason for granting the variance must be the soil, shape, or topography of the land and that the condition results in a hardship; financial or otherwise.

Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
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

The Board heard evidence of the issues related to the shape and topography of the lot if the variance were not granted. The Town has determined that the current station has met the end of its useful life. The Town had a search committee review the available sites in Town to locate the new station, and this site met all the criteria, especially response time to the areas with the most call histories, given its central location. There were no other available sites that met these criteria. The Board found that the granting of the variance does not derogate from the public good or the intent of the Zoning Bylaws as the station serves a public safety need and is a unique building.

The Board also heard evidence that due to the combination of the shape and topography of the lot and the functionality of the station; that the building could not be turned to fit within the lot setbacks due to the necessary function of the two way exits out each side.

MOTION I: to close the public hearing made by Mr. Wickstrom. Motion was seconded by Mr. Bentley. Motion carried 3-0-0.

MOTION II: Mr. O'Connell made a motion that the Board GRANT the VARIANCE for application FY16-05, 31 South Main St/Owner Nancy Healy and 37 South Main St/Owner Town of Uxbridge/Applicant Town of Uxbridge Fire Department for a dimensional variance down to 3'3" and 10' 2" on the front and rear setbacks respectively with a finding that due to the shape and topography of the land, [the denial of the variance] would create a hardship for the optimal function of the building. Keeping in mind the intent of the bylaw, and the benefit to the town, that there is no derogation from the zoning bylaw and no detriment to the public good, and that this location in addition to the building size and orientation is intended to provide the maximum benefit to the public, the granting of the variance would not nullify or substantially derogate from the intent and purpose of the Uxbridge Zoning Bylaws.

Motion was seconded by Mr. Bentley.

The motion carried unanimously 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
Uxbridge, MA 01569
508-278-8600 x2013 p
508-278-0709 f

DECISION

VARIANCE GRANTED

ZBA Case# FY 16-05

Zone: Business Zone

Applicant: Town of Uxbridge Fire Department

Owner: Nancy E. Healy

Property Address: 31 South Main Street, Uxbridge, MA

Owner: Town of Uxbridge c/o Town Manager/David Genereux

Property Address: 37 South Main Street, Uxbridge, MA

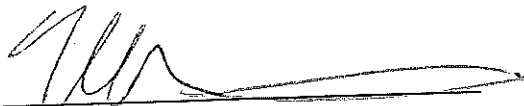
Assessor's Reference: Map: 25 Parcels: 0941 & 0947

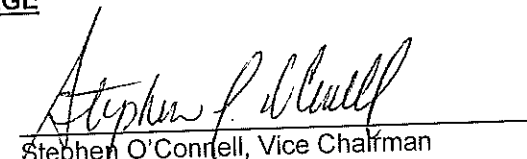
Worcester District Registry of Deeds References:

Books: 32190, 643 & 448 **Pages:** 37, Pages 41 & 42

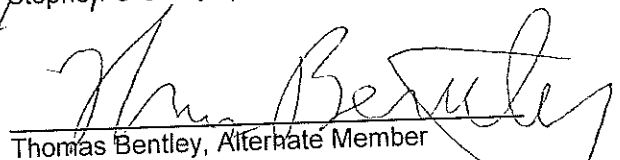
Plan Reference PB 259 PL 40

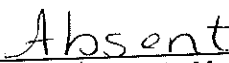
SIGNATURE PAGE


Mark Wickstrom, Chairman

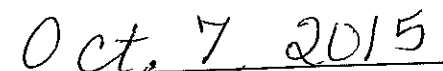

Stephen O'Connell, Vice Chairman


Bruce Desilets, Clerk


Thomas Bentley, Alternate Member


Joseph Alves, Alternate Member


Joseph Frisk, Alternate Member


Date

Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
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

VARIANCE GRANTED

ZBA Case# FY 16-05

Zone: Business Zone

Applicant: Town of Uxbridge Fire Department

Owner: Nancy E. Healy

Property Address: 31 South Main Street, Uxbridge, MA

Owner: Town of Uxbridge c/o Town Manager/David Genereux

Property Address: 37 South Main Street, Uxbridge, MA

Assessor's Reference: Map: 25 Parcels: 0941 & 0947

Worcester District Registry of Deeds References:

Books: 32190, 643 & 448 **Pages:** 37, Pages 41 & 42

Plan Reference- PB: 259 PL: 40

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 PERMIT IS RECORDED.****