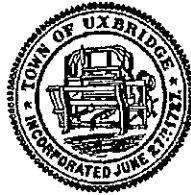


Mark Wickstrom, Chair  
Stephen O'Connell, Vice Chair  
Joseph Alves, Alternate Member  
Thomas Bentley, Alternate Member  
Joseph Frisk, Alternate Member



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

### **DECISION**

Received by  
Uxbridge  
Town Clerk

**ZBA Case#** FY 16-10  
**Zone:** Agricultural Zone  
**Owner:** Robert & Rhonda Bengiovanni  
**Property Address:** 145 Chestnut St, Uxbridge, MA  
**Assessor's Reference:** Map: 44 Parcel: 2212  
**Worcester District Registry of Deeds References:** Book: 5385 Page: 267

**BACKGROUND:** The Applicant is seeking a **VARIANCE** to build a house on their lot that does not meet current zoning area and frontage requirements.

**VOTING MEMBERS PRESENT:** Chairman Mark Wickstrom, Vice Chairman Stephen O'Connell, and Alternate Member Joseph Frisk. Also present, Administrative Assistant Lynn Marchand

### **PRESENTATION / DELIBERATIONS / FINDINGS OF FACT**

The Public Hearing was opened on March 2, 2016 and continued to March 7, 2016 due to quorum not being met. Public Hearing was conducted and closed on March 7, 2016.

The Applicant submitted the following testimony and evidence: Application, supporting materials, photos, letter stating summary and substantiation of request, and site plan.

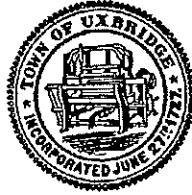
The Board reviewed the Uxbridge Zoning Bylaws (UZB) of 1962, UZB of 1969-1979, the UZB Appendix Table from 1979 & 1980. There were no abutters present.

### **Deliberations:**

The Chairman summarized the information stating the applicant did not own any adjacent properties and that the lot was legal at the time it was created which the Board was able to verify after some research, showing what the zoning bylaws were at the time; the zoning bylaws required 200 feet of frontage and 1 acre of land. The zoning laws have changed, however, the Chair stated within Mass. General Law 40A Section 6 there is a grandfathering provision, for which this property is eligible. Under this provision, a single family home may be built.

The Chairman and Vice Chairman concurred that this required neither a Special Permit nor Variance but rather a Decision that the lot qualifies for the protections of MGL 40A Section 6 and that a SF home could be built on the lot so long as it is within the setbacks and otherwise qualifies with building regulations.

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



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## **DECISION**

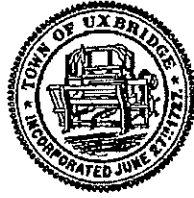
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**Zone: Agricultural Zone**  
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Motion made by Mr. O'Connell:

The Uxbridge Zoning Board of Appeals [hereby determines] that the Lot known as 145 Chestnut Street, with 200 feet of frontage and 1.27 acres of square footage qualifies for the grandfathering protections of Mass General Law Chapter 40A Section 6, and that the owners may construct a SF house on the Lot so long as the applicable setbacks and other health and building laws are complied with.

The Motion was seconded by Mr. Frisk. Motion carried by roll call vote 3-0-0.  
Mr. Frisk-aye. Mr. Wickstrom-aye. Mr. O'Connell-aye.

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



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**DECISION**

~~VARIANCE GRANTED~~ *(initials)*

ZBA Case# FY 16-10

Zone: Agricultural Zone

Owner: Robert & Rhonda Bengiovanni

Property Address: 145 Chestnut St, Uxbridge, MA

Assessor's Reference: Map: 44 Parcel: 2212

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**SIGNATURE PAGE**

Mark Wickstrom, Chairman

Recused/Absent

Thomas Bentley, Alternate Member

Joseph Frisk, Alternate Member

Stephen O'Connell, Vice Chairman

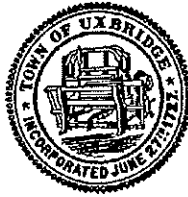
*Absent*

Joseph Alves, Alternate Member

*3-7-2016*

Date

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



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**DECISION**

**VARIANCE GRANTED**

**ZBA Case# FY 16-10**

**Zone: Agricultural Zone**

**Owner: Robert & Rhonda Bengiovanni**

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**Assessor's Reference: Map: 44 Parcel: 2212**

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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

**\*\*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.\*\***