

Mark Wickstrom, Chair
Bruce Desilets, Alternate Member
Thomas Bentley, Alternate Member
Joseph Frisk, Alternate Member
Kevin Harn, Alternate Member



JUL 21 '16 AM 9:18

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

DECISION

SPECIAL PERMIT GRANTED

ZBA Case# FY 16-14

Zone: Residential C Zone

Owners: Michael & Katie Vautrain

Property Address: 162 Rockmeadow Rd., Uxbridge, MA

Assessor's Reference: Map 8 Parcel: 3017

Worcester District Registry of Deeds References: Book: 47826 Page: 300

BACKGROUND: The Applicant is seeking a **VARIANCE/SPECIAL PERMIT** to construct a garage on a corner lot that lacks the appropriate setback requirements.

VOTING MEMBERS PRESENT: Chairman Mark Wickstrom and Tom Bentley, Alternate Member. Participating remotely, Joseph Frisk, Alternate Member. Also present, Administrative Assistant Lynn Marchand

PRESENTATION / DELIBERATIONS / FINDINGS OF FACT

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was opened on July 6, 2016. The Public Hearing was closed on July 6, 2016.

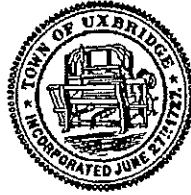
FY16-14: 162 Rockmeadow Road, Michael Vautrain and Katie Vautrain, Owner/Applicant. Applicant is seeking relief from the zoning bylaws for an encroachment on the frontage setback. Applicant was issued a building permit to construct a garage on a corner lot and the new garage does not meet the setback requirements in accordance with the Uxbridge Zoning Bylaws, Appendix B, Table of Dimensional Requirements. Property is shown on the Town of Uxbridge Assessor's Map 8 Parcel 3017 and described in a deed recorded at the Worcester Registry of Deeds Book 47826 Page 300.

The Applicant submitted the following testimony and evidence: Application, supporting materials, photos, and mortgage inspection plan were submitted.

Mike and Katie Vautrain stated that they built their house based on the permit given to them by a former building inspector. They were told, after the garage was built, that it was too close to the road for their zone. The applicants stated that the closest point of the garage to the street was approximately 60 feet. The closest distance from the property line was 13 feet 10 inches and that the setback requirement was 75 feet.

There were no abutters present.

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Deliberations:

The Chair noted that the house, which pre-existed the zoning bylaw was closer to Rockmeadow Road (and further into the setback area) than the garage was to Hartford Ave.
The Board reviewed the zoning violation letter and the letter of support from the Building Inspector/Zoning Enforcement Officer. The Board acknowledged the financial hardship, and that the structure was not detrimental to the neighborhood.

MOTION I: to close the Public Hearing made by Mr. Frisk.

Motion was seconded by Mr. Bentley.

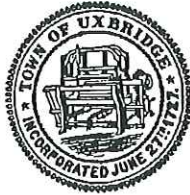
Motion carried by roll call vote 3-0-0. Mr. Frisk-aye. Mr. Bentley-aye. Mr. Wickstrom-aye.

MOTION II: to approve FY16-14, 162 Rockmeadow Road for a special permit, based on MGL 40A Section 6, where extension of the non-conforming use of the property by the garage location in the setback is not substantially more detrimental to the neighborhood, and does not increase the non-conforming nature of said use, so that the existing garage may remain in its present location on Parcel 3017, which is described in a deed recorded at the Worcester Registry of Deeds Book 47826 Page 300, in that the garage is approximately 50 feet from Hartford Avenue.

Motion was seconded by Mr. Bentley.

Motion carried by roll call vote 3-0-0. Mr. Frisk -aye. Mr. Bentley -aye. Mr. Wickstrom -aye.

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Stephen O'Connell, Vice Chair
Bruce Desilets, Alternate Member
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Joseph Frisk, Alternate Member



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SIGNATURE PAGE

Mark Wickstrom, Chairman

Absent

Stephen O'Connell, Vice Chairman

Thomas Bentley, Alternate Member

Absent

Bruce Desilets, Alternate Member

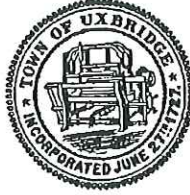
Joseph Frisk, Alternate Member

7-6-16

Date

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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.****