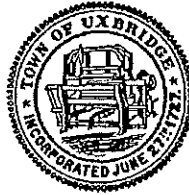


Mark Wickstrom, Chair
Thomas Bentley, Member
Bruce Desilets, Alternate Member
Joseph Frisk, Alternate Member
Kevin Harn, Alternate Member
Chris Currie, Alternate Member



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

DECISION

APPEAL OF A RULING DETERMINATION/FINDING OF FACTS

ZBA Case# FY17-05

Zone: Residential-A Zone

Owner: Estate of Doris H. Temple/Leroy E. Temple/Personal Representative, Wayne Davies, Esq.

Property Address: 38 North Main Street

Assessor's Reference: Map 018.B Parcel: 4727

Worcester District Registry of Deeds References: Book: 6175 Pages: 309

BACKGROUND: The Applicant is seeking a **VARIANCE** to allow an increase in the number of apartments to six (6), a **SPECIAL PERMIT** for an extension of a same non-conforming use, an **APPEAL OF A RULING** and a **REQUEST FOR A DETERMINATION** that the lot is protected lawfully pre-existing non-conforming lot and the six (6) unit apartment building use on the lot is a protected lawfully pre-existing non-conforming use..

VOTING MEMBERS PRESENT: Alternate Member, Tom Bentley; Alternate Member Bruce Desilets, Alternate Member, Joseph Frisk

PRESENTATION / DELIBERATIONS / FINDINGS OF FACT

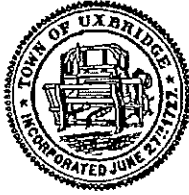
The Public Hearing was opened on September 7, 2016 and closed on September 21, 2016.

FY17-05: 38 N Main Street, Estate of Doris H. Temple/Leroy E Temple, personal representative/Wayne Davies, Esq. Owner/applicant is seeking a **VARIANCE** to allow an increase in the number of apartments to six (6), a **SPECIAL PERMIT** for an extension of a same non-conforming use, an **APPEAL OF A RULING** and a **REQUEST FOR A DETERMINATION** that the lot is protected lawfully pre-existing non-conforming lot and the six (6) unit apartment building use on the lot is a protected lawfully pre-existing non-conforming use. Property is shown on the Town of Uxbridge Assessor's Map 018.B Parcel 4727 and described in a deed recorded at the Worcester Registry of Deeds Book 6175 Page 309 and is located in a Residential A zone.

The Applicant submitted the following testimony and evidence: Application, supporting materials, supplemental submissions #1, #2, & #3, and affidavits.

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was opened on September 7, 2016, testimony was heard, the hearing was continued the next meeting date and closed on September 21, 2016. No abutters wished to speak to the application.

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



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DECISION

APPEAL OF A RULING **DETERMINATION/FINDING OF FACTS**

ZBA Case# FY17-05

Zone: Residential-A Zone

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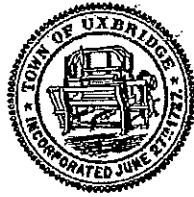
Worcester District Registry of Deeds References: Book: 6175 Pages: 309

MOTION II: After consideration of the testimony and evidence for FY17-05, 38 North Main Street, presented to the zoning board through the public hearing the Board of Appeals enters a finding of facts and overturns and reverses the Zoning Enforcement Officer's decision and enters a determination that: The Lot at 38 North Main Street Uxbridge MA being created prior to the adoption of the zoning laws of 1957 having sufficient area to meet current zoning requirements but lacking any frontage on a public way is a lawfully pre-existing non-conforming lot protected from the enforcement of existing frontage requirements and that the current 6-unit apartment house being lawfully converted from a 3-unit apartment house use around 1980 to 1982 before the 1985 zoning by-law amendments prohibiting said 6 unit apartment house use, is a lawfully pre-existing nonconforming use protected from enforcement of the existing zoning bylaw use requirements made by Mr. Frisk.

Motion was seconded by Mr. Desilets. Motion carried by roll call vote 3-0-0.
Mr. Desilets –aye. Mr. Frisk –aye. Mr. Bentley –aye.

Given the Decision, the Zoning Board of Appeals did not act upon the request for a Variance or Special Permit.

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



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DECISION

ZBA Case# FY17-05

Zone: Residential-A Zone

Owner: Estate of Doris H. Temple/Leroy E. Temple/Personal Representative, Wayne Davies, Esq.

Property Address: 38 North Main Street

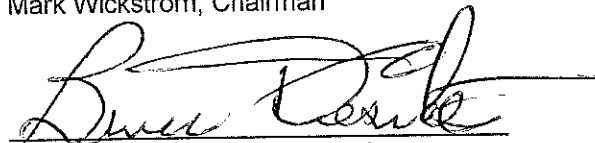
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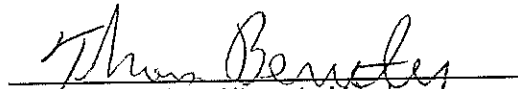
Worcester District Registry of Deeds References: Book: 6175 Pages: 309

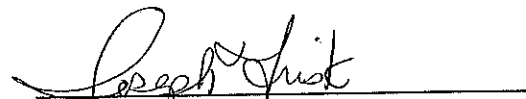
SIGNATURE PAGE

Recused

Mark Wickstrom, Chairman

+ 
Bruce Desilets, Alternate Member


Thomas Bentley, Alternate Member


Joseph Frisk, Alternate Member

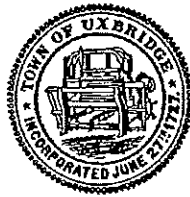
Kevin Harn, Alternate Member

Christopher Currie, Alternate Member

Joseph Alves, Alternate Member

9-21-16
Date

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



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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.****