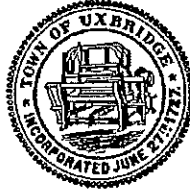


Mark Wickstrom, Chair
Chris Currie, Clerk
Bruce Desilets, Member
Kevin Harn, Member
Joseph Frisk, Alternate Member
Joseph Alves, Alternate Member



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 17-20
Zone: Residential B Zone
Owner: Merit Management LLC
Property Address: 271 Hartford Avenue East
Assessor's Reference Map: 7 **Parcel:** 4289
Worcester District Registry of Deeds References: Book: 55721 Page: 147

SPECIAL PERMIT GRANTED

MARCH 1, 2017

BACKGROUND: The applicant is seeking a SPECIAL PERMIT to construct an addition to the existing non-conforming single-family structure.

VOTING MEMBERS PRESENT: Chair, Mark Wickstrom; Member, Bruce Desilets and Member, Kevin Harn

PRESENTATION / DELIBERATIONS / FINDINGS OF FACT:

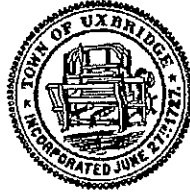
The public hearing was opened and closed on March 1, 2017.

271 Hartford Avenue East, Merit Management LLC, Owner/Applicant, represented by Steven O'Connell, Andrews Survey and Engineering. Pursuant to Section 400-12 (E), the applicant is **seeking a SPECIAL PERMIT** to construct an addition to the existing non-conforming single family structure. Property is shown on the Town of Uxbridge Assessor's Map 7 Parcel 4289, and described in a deed recorded at the Worcester Registry of Deeds Book 55721 Page 147. The property is located in a **Residential B Zone**.

The applicant submitted the following testimony and evidence: Application and supporting materials.

Steve O'Connell with Andrews Survey and Engineering, on behalf of the applicant, described the property and project to the Board. The single-family structure sits on a lot with non-conforming dimensions to the setbacks. Pursuant to Section 400-12 (E) of the Uxbridge Zoning Bylaws, the applicant proposes to remove the existing bulkhead and construct an addition to the structure that will fill in the corners. The addition on the lower corner creates a bigger non-conformity to the front setback – the new corner will be approximately 5.8' feet from the setback. The existing bulkhead is exempt from zoning but appears closer to the setback than the proposed addition. The house is approximately 70 years old. Mr. O'Connell stated that the property was somewhat in disrepair and was purchased for rehabilitation and that there is a fairly new septic system that is sized to accommodate all the bedrooms proposed. He sees the proposed changes as significant improvement to the property's appearance and overall value. With the exception of Tri-River Health Care, abutting properties are single-family homes.

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



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Mr. Wickstrom reviewed the standard within Section 400-12 (E) of the Uxbridge Zoning Bylaws. In short, it states that if it is determined that the nonconforming nature of such structure would be increased by the proposed alteration, the ZBA may by special permit allow for such alteration where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

Mr. Wickstrom asked whether the applicant would consider a condition to maintain the structure as a single family to which they agreed. No abutters attended to speak to the application.

The board considered the following criteria outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws:

1. Social, economic or community needs
2. Traffic flow and safety, including parking, and loading
3. Adequacy of utilities and other public services
4. Neighborhood character and social structures
5. Impacts on natural environment
6. Potential fiscal impact including impact on town services, tax base and employment

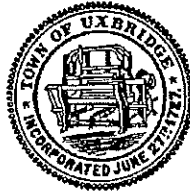
During deliberations, the Board found the following: construction should not affect traffic or safety because the existing driveway will be used; the property is utilizing a new septic system and town water and town resources are adequate; there is a positive impact on the tax base; and the improvement of the property will help the character.

MOTION I: Mr. Wickstrom moved to close Public Hearing FY17-20 271 Hartford Avenue East. Mr. Desilets seconded and the motion passed 3-0-0.

MOTION II: Mr. Wickstrom moved to grant the proposed additions as shown on the ZBA plan for 271 Hartford Ave East drawn by Andrew's Survey and Engineering and furthermore the Board find that all of the conditions of Section 400-50 of the Zoning Bylaws have been met and that under Section 400-12 (E) that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood with the condition that the construction be limited to single-family use and not multifamily. Mr. Desilets seconded and the motion passed 3-0-0.

Condition 1: Special Permit is conditioned so that the construction be limited to single family use and not multi-family.

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

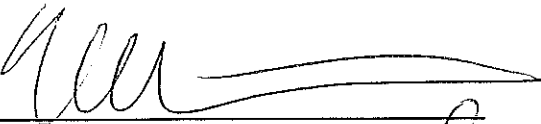


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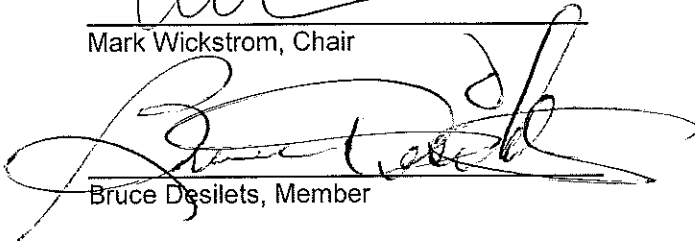
DECISION

ZBA Case# FY 17-20
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SIGNATURE PAGE

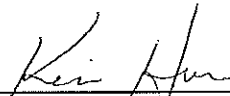


Mark Wickstrom, Chair



Bruce Desilets, Member

Christopher Currie, Clerk



Kevin Harn, Member

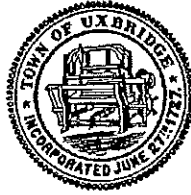
Joe Frisk, Alternate Member

Joseph Alves, Alternate Member

March 1, 2017

Date

Mark Wickstrom, Chair
Chris Currie, Clerk
Bruce Desilets, Member
Kevin Harn, Member
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Joseph Alves, 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. ****