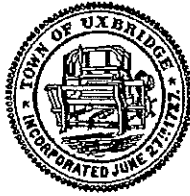


JUN 21 '17 PM 5:57

Mark Wickstrom, Chair  
Bruce Desilets, Member  
Kevin Harn, Member  
Chris Currie, 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 17-27  
**Zone:** Agricultural Zone  
**Owner:** Brian G. Luttge  
**Property Address:** 355 Hazel Street  
**Assessor's Reference Map:** 23 Parcel: 366  
**Worcester District Registry of Deeds References:** Book: 45271 Page: 227

## **VARIANCE APPROVED with Conditions**

**DECISION DATE** June 7, 2017

**BACKGROUND:** Brian Luttge, Owner/Applicant, is seeking a 20' **VARIANCE** to the right side setback to construct an attached garage. Property is shown on the Town of Uxbridge Assessor's Map 23 Parcel 366 and described in a deed recorded at the Worcester Registry of Deeds Book 45271 Page 227 and is located in Agricultural Zone.

The board unanimously voted to approve the variance as proposed with the condition that the garage is for vehicle parking and storage and not for separate residential occupancy.

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

**SUBMITTALS:** Application form and materials were received May 16, 2017, including a copy of the certified abutter's list, a plot plan showing lot lines and a plan for the garage.

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

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was **opened and closed on June 7, 2017.**

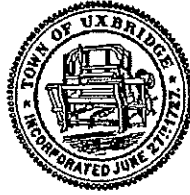
The applicant was represented by Byron Andrews, of Andrew's Survey and Engineering who described the proposal to construct a 23' x 26' attached garage to the existing dwelling. At its closet point it will be 10' from the setback. The location was chosen due to the following factors (i) the existing dwelling was constructed toward the easterly property boundary (ii) there is a wetland in the southwest portion of the property and (iii) the septic system is located at the rear and the well at the front of the existing dwelling. The existing driveway is in front of where the garage would be placed. While the proposed location doesn't meet the side setback for an attached garage it is within the setback requirements of a detached garage. There are no plans to add living space at this time. No abutters attended the public hearing to speak to the application.

Mr. Desilets visited the site and confirmed the soil and topography of the lot affects where the garage can be located. The board reviewed the testimony about the wetlands and utilities and discussed the purpose of the garage and the hardship not to have one. They did not hear any evidence that it derogates from the intent of the bylaw – particularly because a detached garaged is allowed 10' from the setback. Mr. Wickstrom asked if the applicant would entertain a condition that limits the use to vehicle storage and no additional living space to which he stated he would.

### **MOTION / VOTE:**

Mr. Harn made a **MOTION** to close Public Hearing FY 17-27 355 Hazel Street. **MOTION SECONDED** by Mr. Desilets passed unanimously by VOTE (3-0-0).

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



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## **DECISION**

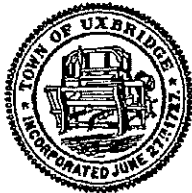
**ZBA Case#** FY 17-27  
**Zone:** Agricultural Zone  
**Owner:** Brian G. Luttge  
**Property Address:** 355 Hazel Street  
**Assessor's Reference Map:** 23 **Parcel:** 366  
**Worcester District Registry of Deeds References:** **Book:** 45271 **Page:** 227

### **MOTION / VOTE:**

Mr. Harn made a **MOTION** that the Board **APPROVE** the proposal and grant the Variance for FY17-27 355 Hazel Street and that they make the required findings under a hardship under MGL 40A Section 10 and they find that it does not derogate from the Uxbridge Zoning Bylaws or the neighborhood with the condition that the construction be for a vehicle and other storage and not additional living space. **MOTION SECONDED** by Mr. Desilets passed unanimously by **VOTE** (3-0-0).

The **VARIANCE** is granted with the **CONDITION** that the garage is used for vehicle parking and storage and not for separate residential occupancy.

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



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## DECISION

ZBA Case# FY 17-27  
Zone: Agricultural Zone  
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## SIGNATURE PAGE

Mark Wickstrom, Chair

Bruce Desilets, Member

Joe Frisk, Alternate Member

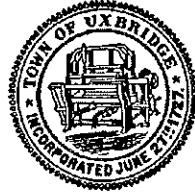
June 7, 2017  
Date

Christopher Currie, Clerk

Kevin Harn, Member



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



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## **DECISION**

**ZBA Case#** FY 17-27  
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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

\_\_\_\_\_  
Date

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. \*\***