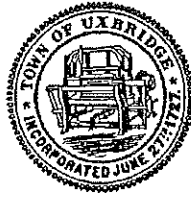


Rob Knapik, Member  
 John Gniadek, Member  
 Mark Kaferlein, Member  
 Thomas McNulty, Associate Member



Uxbridge Town Hall  
 21 South Main Street, Room 205  
 Uxbridge, MA 01569  
 508-278-8600 x2019 p  
 508-278-0709 f

## **DECISION**

ZBA Case #: FY19-01  
 Zone: Residential A  
 Owner: David Aires

Received by  
 Uxbridge  
 Town Clerk

Property Address: 44 Marywood Street  
 Assessor's Reference Map: 24A Parcel: 0669  
 Worcester District Registry of Deeds References: Book: 51829 Page: 108-110

## **Variance and Special Permit Granted**

Decision Date: September 5, 2018

**BACKGROUND:** David Aires, Owner/Applicant, is seeking two (2) dimensional Variances pertaining to set backs on accessory buildings and a Special Permit to construct a two-car garage at the end of the driveway.

**VOTING MEMBERS PRESENT:** Rob Knapik Chair, John Gniadek and Thomas McNulty

**SUBMITTALS:** Uxbridge ZBA Application, ZBA Plan for 44 Marywood Street prepared by Allen Engineering dated 7/9/18, photographs of the property, and a letter of support from direct abutter dated 7/19/18.

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

Mr. Aires represented himself at the hearing and described his request to construct a detached car 2-car garage to be used to store his automobiles and lawn and garden equipment indoors. Other location options were evaluated and it was determined that Mr. Aires would lose a significant portion of his backyard if placed within the allowed setbacks and the garage would be located away from the end of the driveway.

Larry Lench the Building Inspector attended and explained that this is pre-existing non-conforming lot, as are many in this neighborhood and most also have non-conforming detached garages. He stated he did not have any issues with the project. The abutter on the affected side attended and stated she and her husband are in favor of project and they had no concerns.

During discussions and deliberations, the Board members agreed that placement of the garage made sense and the applicant showed a hardship owing to the location of the existing driveway and the potential loss of the backyard. Members reviewed and discussed Section 400-50 (B) of the Uxbridge Zoning Bylaws as it relates to the proposed project and it was determined that there would be no adverse effects under any of the criteria.

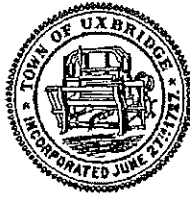
### **MOTION / VOTE:**

Mr. McNulty made a **MOTION** to close the Public Hearing FY 19-01 for 44 Marywood Street. **MOTION SECONDED** by Mr. Gniadek passed unanimously by vote of 3-0-0.

Mr. Gniadek made a **MOTION** that the Zoning Board of Appeals grant a variance to reduce the front accessory setback from the required sixty-five (65) feet to forty-five (45) feet and grant a variance to reduce the side accessory setback from the required five (5) feet to one (1) foot.

Mr. Gniadek made a **MOTION** that the Zoning Board of Appeals grant the special permit to construct a 24'x24' two-car, detached garage as proposed with a finding that the petition met criteria outlined in the Uxbridge Zoning bylaw Section 400-50 B. **MOTION SECONDED** by McNulty and the motion passed unanimously by vote of 3-0-0.

Rob Knapik, Member  
John Gniadek, Member  
Mark Kaferlein, Member  
Thomas McNulty, Associate Member



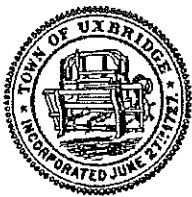
Uxbridge Town Hall  
21 South Main Street, Room 205  
Uxbridge, MA 01569  
508-278-8600 x2013 p  
508-278-0709 f

## **DECISION**

ZBA Case #: FY19-01  
Zone: **Residential A**  
Owner: **David Aires**  
Property Address: **44 Marywood Street**  
Assessor's Reference Map: **24A** Parcel: **0669**  
Worcester District Registry of Deeds References: Book: **51829** Page: **108-110**

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Rob Knapik, Member  
John Gniadek, Member  
Mark Kaferlein, Member  
Thomas McNulty, Associate Member

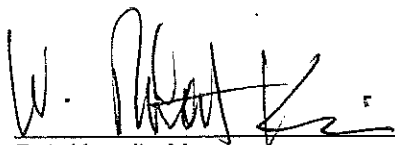


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## DECISION

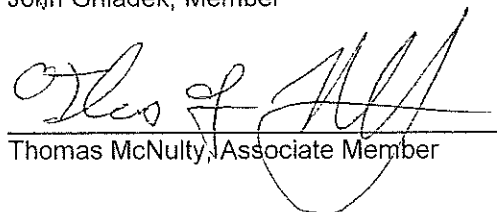
ZBA Case #: FY19-01  
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## SIGNATURE PAGE

  
\_\_\_\_\_  
Rob Knapik, Member

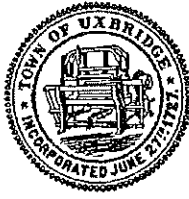
\_\_\_\_\_  
Mark Kaferlein, Member

  
\_\_\_\_\_  
John Gniadek, Member

  
\_\_\_\_\_  
Thomas McNulty, Associate Member

September 5, 2018  
Date

Rob Knapik, Member  
John Gniadek, Member  
Mark Kaferlein, Member  
Thomas McNulty, Associate Member



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## **DECISION**

ZBA Case #: FY19-01

Zone: **Residential A**

Owner: **David Aires**

Property Address: **44 Marywood Street**

Assessor's Reference Map: **24A** Parcel: **0669**

Worcester District Registry of Deeds References: Book: **51829** Page: **108-110**

**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. \*\***