

NOV 20 '18 AM 9:36

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

DECISION

ZBA Case #: FY19-06
Zone: **Residential B Zone**
Owner: **Estate of Stanley A Zygmuntowicz**
Property Address: **83 Douglas Street**
Assessor's Reference Map: **18B** Parcel: **4618**
Worcester District Registry of Deeds References: Book: **46984** Page: **324**

Special Permit Granted with Conditions

Decision Date: November 7, 2018

BACKGROUND: FY19-06: 83 Douglas Street, Cora Lane Group, Applicant is seeking a **SPECIAL PERMIT** pursuant to Sections 400-12 (E) & 400-12 (F) for the reconstruction of a single-family home that was a pre-existing, non-conforming structure prior to its demolition circa 2014. The exact setback non-conformities are unknown and the reconstruction may cause an increase to one or more setbacks. In addition, the existing lot area and frontage are also non-conforming as its total area is 12,969 sq. ft. where 20,000 sq. ft. is required and total frontage is 88.53 ft. where 125 ft. is required.

VOTING MEMBERS PRESENT: Rob Knapik Chair, John Gniadek and Mark Kaferlein

SUBMITTALS:

- Zoning Board of Appeals Application for a Special Permit
- Zoning Board of Appeals Plan, dated 10/2/18 Prepared by Andrews Survey and Engineering Inc., Uxbridge, MA
- Property Deed
- Certified Abutter List

PRESENTATION / DELIBERATIONS / FINDINGS OF FACT:

A public hearing was opened and closed on November 7, 2018.

Byron Andrews, Andrews Survey and Engineering, represented the Applicant during the hearing. He described his client's request for a Special Permit to re-construct a single-family residence on the property. Based on information obtained from GIS data, Mr. Andrews estimated the proposed building will either be the same or less non-conforming in terms dimensional requirements as the prior structure. He also stated that the dimensions of the proposed structure are approximately 36' wide x 70' long. Stephen Benoit, the property developer, also attended the meeting and said the proposed residence will be a single family, single story, ranch style house.

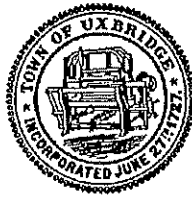
Larry Lench, Uxbridge Building Inspector explained he would have been able to issue a building permit had it been within a two-year timeframe of the demolition that occurred around 2014.

Mr. Knapik referred to the Uxbridge Zoning Bylaw Section 400-12 E & F which outlines the Board's authority and standards to be met:

E. (Nonconforming Single and Two-Family Residential Structures)

Nonconforming single-family residential structures may be reconstructed, extended, altered or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension,

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alteration or change does not increase the nonconforming nature of said structure.

In the event that the Building Inspector determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

F. (Abandonment or Non-Use)

A nonconforming use or structure which has been abandoned or not used for a period of two (2) years shall lose its protected status and be subject to all of the provisions of these Bylaws; provided, however, that, by issuance of a special permit, the Board of Appeals may reestablish such nonconforming use or structure where such reestablishment shall not cause substantial detriment to the community.

During discussions, Members reviewed aerial photographs of the Property and surrounding area and discussed conditions of the prior house on the Property that may have led to the demolition and time frame lapse. No members of the public commented on the hearing.

During deliberations there was consensus among the Board that they had the authority to issue a Special Permit and that the proposed structure was not substantially more detrimental than the existing structure was to the neighborhood. Board members also said they saw the proposed change as an improvement over past and current condition of the lot.

MOTION / VOTE:

Mr. Kaferlein made a **MOTION** to close the Public Hearing FY 19-06 for 83 Douglas Street. **MOTION SECONDED** by Mr. Gniadek and passed unanimously by vote of 3-0-0.

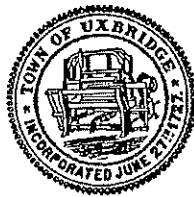
Mr. Gniadek made a **MOTION** that the Zoning Board of Appeals grant a Special Permit to reconstruct a single-family dwelling, with the following conditions, upon the finding that the proposed dwelling is not substantially more detrimental to the neighborhood than the previous structure:

CONDITIONS

1. Construction related to the project shall only occur Weekdays from 7:00am – 5:00pm and Saturday from 7:00am – 2:00pm. Construction is not allowed to occur on Sundays or Holidays
2. The building shall be a single-family dwelling constructed as outlined in the submitted application and plans

MOTION SECONDED by Kaferlein and passed unanimously by vote of 3-0-0.

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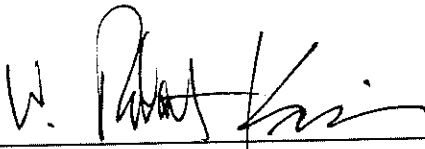


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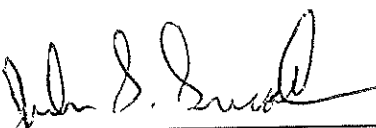
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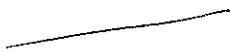
Rob Knapik, Member



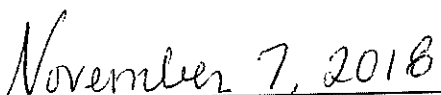
Mark Kaferlein, Member



John Gniadek, Member

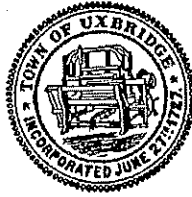


Thomas McNulty, Associate Member



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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

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. ****