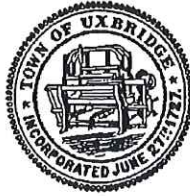


Rob Knapik, Member  
John Gniadek, Member  
Mark Kaferlein, Member  
Thomas McNulty, Associate Member  
Jim Blackburn, Associate Member



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Uxbridge, MA 01569  
508-278-8600 x2019 p

## **Zoning Board of Appeals DECISION**

ZBA Case #: FY21-07

Zone: Residential C

Applicant: **Lisa M. Hefron Ind**

Property Address: **191 Sutton Street**

Assessor's Reference Map: **11** Parcel: **1164**

Worcester District Registry of Deeds References: Book: **60340** Page: **114**

### **VARIANCE GRANTED with Conditions**

Decision Date: February 3, 2020

**VOTING MEMBERS:** Rob Knapik, Mark Kaferlein and Tom McNulty

#### **SUBMITTALS:**

- Complete Zoning Board of Appeals Application and Fee
- Variance Plan of Land for 191 Sutton Street produced by Guerrier and Halnon, Inc., with an initial submittal date of 10/8/2020 and revised date of 1/7/2021.
- Property Deed
- Certified Abutter List and Assessor's Map of the Property
- Abutter comments

**REQUEST:** 191 Sutton Street, Lisa M. Hefron, Owner/Applicant, is seeking a **VARIANCE** of the front yard setback requirement for accessory uses from seventy-five feet (75') to ten feet (10') to construct a detached garage.

**PRESENTATION / DELIBERATIONS / FINDINGS OF FACT:** A public hearing was opened and continued on December 2, 2020 and closed on February 3, 2021. Phil and Lisa Hefron presented information during the public hearings along with their representative John Federico, with Guerrier and Halnon, Inc.

- The owners said they plan to use the garage to park their automobiles indoors, store personal items and as a personal workshop space. The structure will not be used for commercial purposes or be converted into living space.
- Options for a location to place the garage were limited because of the location of septic system and a portion of the site contains rock ledge and boulders.
- Zoning Board of Appeals Members conducted a site visit on 1/23/21 with the purpose of viewing the property.
- The applicant reduced the size of the proposed structure and revised the original proposed placement after consideration of abutter and board member comments.

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



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## **Zoning Board of Appeals DECISION**

ZBA Case #: FY21-07

Zone: **Residential C**

Applicant: **Lisa M. Hefron Ind**

Property Address: **191 Sutton Street**

Assessor's Reference Map: **11** Parcel: **1164**

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Board members reviewed the variance standard, Chapter 40A section 10 of the Mass General Laws (MGL 40A §10), and agreed that the shape of the lot is unique due to the presence of the existing features including the septic system and the topography is unique due to the presence of ledge and boulders. Conditions were discussed and agreed upon with the applicant. Through the site inspection and testimony, members agreed the proposal would not nullify the intent of the bylaw or be a detriment to the public good.

### **MOTION / VOTE:**

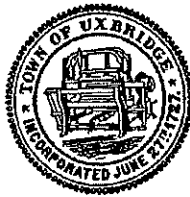
Mr. McNulty made a **MOTION** to close the Public Hearing FY 21-07 for 191 Sutton Street. **MOTION SECONDED** by Mr. Kaferlein passed unanimously by roll call **VOTE** of 3-0-0 (McNulty -aye, Kaferlein – aye, Knapik – aye).

Mr. McNulty made a **MOTION** that the Zoning Board of Appeals **GRANT** the **VARIANCE** request FY21-07, 191 Sutton Street, to construct a detached garage no closer than 20.1' from Sutton Street on a finding that unique circumstances related to the shape and topography create a hardship and that a Variance may be granted without detriment to the public good and without nullifying or derogating from the purposes and intent of the Uxbridge Zoning Bylaw as long as it is constructed with the following **CONDITION**:

1. The garage height may not exceed 22' from the slab to the peak of the structure.

**MOTION SECONDED** by Mr. Kaferlein passed unanimously by roll call **VOTE** of 3-0-0 (McNulty -aye, Kaferlein – aye, Knapik – aye).

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



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## **Zoning Board of Appeals DECISION**

ZBA Case #: FY21-07

Zone: Residential C

Applicant: Lisa M. Hebron Ind

Property Address: 191 Sutton Street

Assessor's Reference Map: 11 Parcel: 1164

Worcester District Registry of Deeds References: Book: 60340 Page: 114

### **SIGNATURE PAGE 1 of 3**

\_\_\_\_\_  
Rob Knapik, Chairman

\_\_\_\_\_  
John Gniadek, Vice Chairman

\_\_\_\_\_  
Mark Kaferlein, Clerk

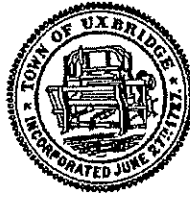
\_\_\_\_\_  
Thomas McNulty, Associate Member

\_\_\_\_\_  
Jim Blackburn, Associate Member

\_\_\_\_\_  
Date

February 8, 2021

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



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## Zoning Board of Appeals DECISION

ZBA Case #: FY21-07

Zone: Residential C

Applicant: Lisa M. Hefron Ind

Property Address: 191 Sutton Street

Assessor's Reference Map: 11 Parcel: 1164

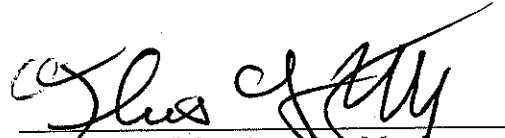
Worcester District Registry of Deeds References: Book: 60340 Page: 114

### SIGNATURE PAGE 2 of 3

\_\_\_\_\_  
Rob Knapik, Chairman

\_\_\_\_\_  
John Gniadek, Vice Chairman

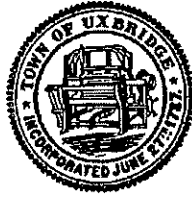
\_\_\_\_\_  
Mark Kaferlein, Clerk

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

\_\_\_\_\_  
Jim Blackburn, Associate Member

February 8, 2021  
\_\_\_\_\_  
Date

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



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## **Zoning Board of Appeals DECISION**

ZBA Case #: FY21-07

Zone: Residential C

Applicant: Lisa M. Hefron Ind

Property Address: 191 Sutton Street

Assessor's Reference Map: 11 Parcel: 1164

Worcester District Registry of Deeds References: Book: 60340 Page: 114

### **SIGNATURE PAGE 3 of 3**

Rob Knapik, Chairman

John Gniadek, Vice Chairman

Mark Kaferlein, Clerk

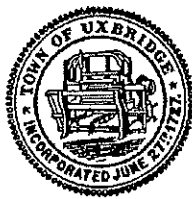
Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

*Selma 8, 2021*

Date

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



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## **Zoning Board of Appeals DECISION**

ZBA Case #: FY21-07

Zone: Residential C

Applicant: Lisa M. Hefron Ind

Property Address: 191 Sutton Street

Assessor's Reference Map: 11 Parcel: 1164

Worcester District Registry of Deeds References: Book: 60340 Page: 114

**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. \*\***