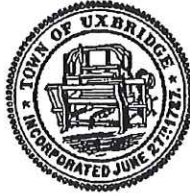


REC'D UXB TOWN CLERK
2021 APR 26 AM 8:55

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



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

Zoning Board of Appeals DECISION

ZBA Case #: FY21-12

Zone: **Business**

Applicant: **MFZ Realty Trust**

Property Address: **46 South Main Street**

Assessor's Reference Map: **25** Parcel: **0981**

Worcester Registry of Deeds Book: **62892** Page: **196**

SPECIAL PERMIT GRANTED

Decision Date: **April 7, 2021**

VOTING MEMBERS: Rob Knapik, Jim Blackburn and John Gniadek

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee
- Certified Abutters List
- Property Photographs
- A memorandum and proposed decision provided by Joseph C. Cove, Esq. dated 3/29/2021

REQUEST: This matter came before the Uxbridge Zoning Board of Appeals on the petition of Samuel J. Giard and later amended to the petition of the owner, MFZ Realty Trust, John P. Brennan, Trustee. Notice of the Zoning Board's hearing was duly posted according to law and certified mailings were sent to abutters and other parties in interest.

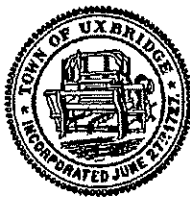
John P. Brennan, Trustee of the MFZ Realty Trust, owner and now the applicant is seeking a special permit for the extension of an existing, nonconforming structure pursuant to Uxbridge Zoning Bylaw Section 400-12 (C) Nonconforming Structures and 400-50 (B) Special Permit Criteria.

PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

A public hearing was opened on March 3, 2021, and continued to April 7, 2021. The applicant was represented by Joseph C. Cove, Esq.

- The site is located at 46 South Main Street, Uxbridge, MA and is in the business zone.
- The site contains approximately 13,068 square feet of land, more or less on which a two-family house and attached commercial law office is situated. The two-family house was constructed in 1880 and the attached law office, previously an attached barn to the two-family residence, was converted to a law office in 1988.

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

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- The existing nonconforming two-family residential structure covers approximately 2,300 square feet. The extended nonconformity requested will be changing 1,360 square feet of business use to 1,360 square feet of residential use or extending the existing nonconformity by approximately 37 percent.
- There will be no change in the existing footprint of the building and there will be no outside alterations.
- All parking will be off road.
- The general character of the neighborhood on both sides of South Main Street is residential (single family and multifamily) and the neighborhood has been residential long before the adoption of zoning bylaws in the Town of Uxbridge.

The Members of the Zoning Board conclude with reference to Section 400-12 (C) extension of nonconforming uses that the zoning board has authority to grant the requested relief and that the proposed extension will not be substantially more detrimental than the existing nonconforming use to the neighborhood. The board finds as follows:

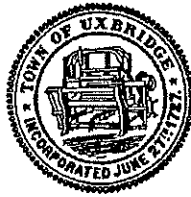
1. Extending the residential use to the proposed third unit will have a positive impact on social, economic and community needs as the proposed residential use is entirely consistent with the current use of all buildings in the immediate neighborhood.
2. All parking will be off road and there will be minimal to no impact on traffic flow; a residential use will produce less traffic than the previous professional use.
3. Utilities and other public services are more than adequate to accommodate the extension of residential use; the proposed use does not place a high demand on utilities or public services.
4. This use is suitable for the neighborhood character and social structures. It is consistent with the surrounding uses.
5. The use will have little to no impact on the natural environment.
6. A positive fiscal impact on town services tax base and employment will follow by the addition of an income producing residential unit as proposed

MOTIONS / VOTES:

Mr. Gniadek made a **MOTION** to close the Public Hearing FY 21-12 46 South Main Street. **MOTION SECONDED** by Mr. Blackburn passed unanimously by roll call **VOTE** of 3-0-0 (Blackburn – aye, Gniadek -aye, Knapik – aye).

Mr. Gniadek made a **MOTION** that the Zoning Board of Appeals **GRANT** the **SPECIAL PERMIT** as requested in the application FY21-12, 46 South Main Street, and extend the pre-existing residential use to the portion of the building previously used for business (law office) and adopt the findings recited above, concluding that the extension of the pre-existing use is not substantially more detrimental than the current non-conformity. **MOTION SECONDED** by Mr. Blackburn passed unanimously by roll call **VOTE** of 3-0-0 (Blackburn – aye, Gniadek -aye, Knapik – aye).

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
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SIGNATURE PAGE 1 of 3

Rob Knapik, Chairman

John Gniadek, Vice Chairman

Mark Kaferlein, Clerk

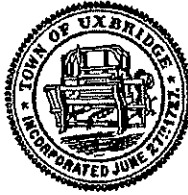
Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

April 14, 2021

Date

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



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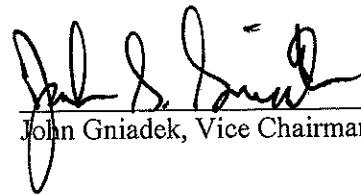
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Worcester Registry of Deeds Book: 62892 Page: 196

SIGNATURE PAGE 2 of 3

Rob Knapik, Chairman



John Gniadek, Vice Chairman

Mark Kaferlein, Clerk

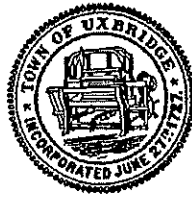
Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

April 14, 2021

Date

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
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SIGNATURE PAGE 3 of 3

Rob Knapik, Chairman

John Gniadek, Vice Chairman

Mark Kaferlein, Clerk

Thomas McNulty, Associate Member

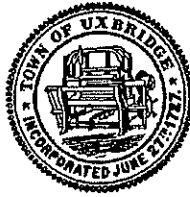


Jim Blackburn, Associate Member

04/12/2021

Date

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