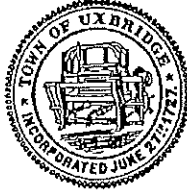


REC'D UXB TOWN CLERK
2021 JUL 26 AM 11:41

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 #: FY21-17

Zone: Agricultural

Applicant: **Scott F. Grehoski and Cheryl Ann Grehoski**

Property Address: **119 Aldrich Street**

Assessor's Reference Map: **45** Parcel: **1721**

Worcester Registry of Deeds Book: **15298** Page: **108**

VARIANCE GRANTED

Decision Date: July 7, 2021

VOTING MEMBERS: Rob Knapik, John Gniadek, Thomas McNulty

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee
- Certified Abutters List
- Plan of Land Survey registered with the Worcester Registry of Deeds Book 00637 Page 49

REQUEST:

Applicants **Scott F. Grehoski and Cheryl Ann Grehoski** are seeking a frontage **VARIANCE** of one hundred thirty-eight feet (138') from current frontage requirements for the property at **119 Aldrich Street**.

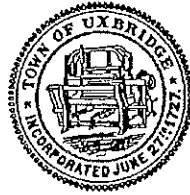
PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

A duly noted public hearing was opened and closed on July 7, 2021. The applicants were represented by Henry Lane of Lane and Hammer, P.C.

Mr. Lane explained this parcel of land was part of the Southern New England Railroad right-of-way that was never completed and left strips of land throughout Uxbridge. The property was acquired by the Grehoski family in 1952 before zoning was adopted. Once Zoning was adopted, the property became a pre-existing non-conforming lot because it did not meet the 200' frontage requirement of the agricultural district. When the property was acquired it was owned in common with another landlocked parcel that was sold to a neighbor in 1997. Although the lot still has conforming area, the sale of the adjoining landlocked parcel may technically have ended its "grandfather" status despite the fact that there was no increase in non-conformity. The applicants are requesting a variance of 138 feet from current frontage requirements in order to eliminate any ambiguity in its "grandfather" status.

There were no comments from members of the public or the Uxbridge Zoning Enforcement Officer.

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



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21 South Main Street, Room 205
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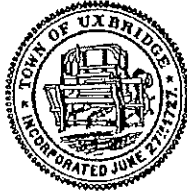
Board members reviewed the standard for the grant of a variance as outlined in M.G.L. Chapter 40A §10. There was consensus among members that the constraints brought on by the shape of the parcel, identified through the testimony of the applicant, represented a circumstance in which literal enforcement bylaw would cause a financial hardship. They also found granting the relief would not be detrimental to the public or derogate from the intent of the Uxbridge Zoning Bylaw. Members also reviewed M.G.L. Chapter 40A §6 Existing structures, uses or permits, for further understanding of the grandfathering status and how it applies to the petition.

MOTIONS / VOTES:

Mr. McNulty made a **MOTION** to close the Public Hearing for FY21-17 119 Aldrich Street. **MOTION SECONDED** by Mr. Gniadek passed unanimously by roll call **VOTE** of 3-0-0 (Gniadek – aye, Knapik – aye, McNulty – aye).

Mr. Gniadek made a **MOTION** that the Zoning Board of Appeals **GRANT** a **VARIANCE** to allow the frontage requirement to be reduced by 138' as requested in ZBA application package FY21-17. **MOTION SECONDED** by Mr. McNulty passed unanimously by roll call **VOTE** of 3-0-0 (Gniadek – aye, Knapik -aye, McNulty – aye).

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



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SIGNATURE PAGE 1 of 3

Rob Knapik, Chairman

John Gniadek, Vice Chairman

Mark Kaferlein, Clerk

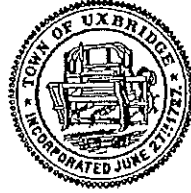
Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

7/14/2021

Date

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



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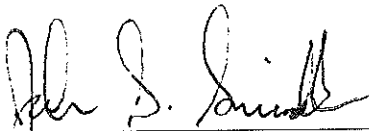
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Worcester Registry of Deeds Book: 15298 Page: 108

SIGNATURE PAGE 2 of 3

Rob Knapik, Chairman



John Gniadek, Vice Chairman

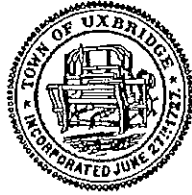
Mark Kaferlein, Clerk

Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

7/14/2021
Date

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

Rob Knapik, Chairman

John Gniadek, Vice Chairman

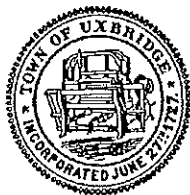
Mark Kaferlein, Clerk

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7/14/2021
Date

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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. ****