

REC'D UXB TOWN CLERK
2023 FEB 15 AM 10:07

Rob Knapik, Chairperson
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, 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 #: FY23-09
Zone: **Residential C Zoning District**
Applicant: **Lisa M. Hefron**
Property Address: **191 Sutton Street**
Assessor's Reference Map: **11 Parcel: 1164**
Worcester Registry of Deeds Book: **60340 Page: 114**

VARIANCE GRANTED

February 1, 2023

VOTING MEMBERS: Rob Knapik, Thomas McNulty and Jim Blackburn

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee
- Certified Abutters List dated November 11, 2022
- Variance Plan of Land 191 Sutton Street prepared by Guerriere & Halnon, Inc., dated January 7, 2021
- Uxbridge Zoning Board of Appeals Decision dated February 3, 2021

REQUEST: The owners are seeking a **VARIANCE** of the front setback requirement for an accessory use to from 75 feet to 21 feet construct a detached garage at **191 SUTTON STREET**.

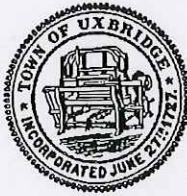
PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

A duly posted public hearing was opened on December 6, 2022 and closed on February 1, 2023. Lisa and Phil Hefron, (the "Appellants"), presented the application to the Uxbridge Zoning Board of Appeals (the "Board"). They explained that they were issued a Variance for the same relief in February 2021 but they inadvertently let the Variance lapse believing they had three years to act on the relief granted.

The Appellants said they plan to use the garage to park their automobiles indoors, store personal items and as a personal workshop. They said the structure will not be used for commercial purposes or be converted into living space. They explained that options to place the garage were limited because of the location of septic system, an in-ground pool and a portion of the parcel is covered in large boulders and rock.

The Property is situated the corner of Sutton Street and Sylvan Road, is shown as Uxbridge Assessor's Parcel ID 011.0-1164-0000.0 and comprises approximately 1.27 acres of land. According to the records of Worcester District Registry of Deeds (the "Registry"), the Property was acquired by Lisa Hefron by deed dated April 30, 2019 and recorded with the Registry in Deed Book 60340, Page 114. Situated on the Property is one single-family dwelling, an inground pool, a shed and related driveways and utilities. Access to the Property is from

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Sutton Street. According to the Zoning Map of the Town of Uxbridge, the Property is situated within the Residential C Zoning District.

The Board 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 because it is a corner lot and the presence of the existing features such as the septic system, and an inground pool. They also agreed that the topography is unique due to the presence of boulders and rock. The Board heard testimony from an abutter with concerns about the request. Conditions were discussed and agreed upon with the applicant. Through site inspection and testimony, members agreed the proposal would not nullify the intent of the bylaw or be a detriment to the public good.

MOTIONS / VOTES:

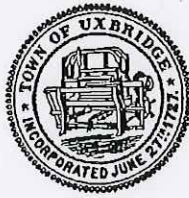
Mr. McNulty made a **MOTION** to close the Public Hearing FY 23-09 for 191 Sutton Street. **MOTION SECONDED** by Mr. Blackburn passed unanimously by **VOTE** of 3-0-0.

Mr. McNulty made a **MOTION** to grant the VARIANCE for 191 Sutton Street on a finding that the criteria has been met with the following **CONDITIONS**:

1. The detached garage may be no closer than twenty-one feet (21') to Sutton Street
2. The detached garage may be no larger than twenty-four feet wide by thirty-six feet long by twenty-two feet high (24'w x 36'l x 22'h)
3. The detached garage must comply with all state and local building codes
4. The detached garage may not be enlarged or added onto

MOTION SECONDED by Mr. Blackburn passed unanimously by **VOTE** of 3-0-0.

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SIGNATURE PAGE

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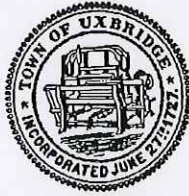
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February 15, 2023

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 BE ISSUED UNTIL THE PERMIT IS RECORDED. ****