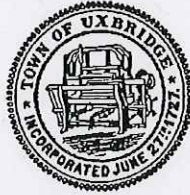


Rob Knapik, Chairperson
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, Associate Member



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Zoning Board of Appeals DECISION

ZBA Case #: FY23-11

Zone: Residential C Zoning District

Applicant: Blackstone Valley Realty LLC

Property Address: 160 Rivulet Street

Assessor's Reference Map: 11 Parcel: 2451

Worcester Registry of Deeds Book: 68816 Page: 238

SPECIAL PERMIT GRANTED

April 5, 2023

VOTING MEMBERS: Rob Knapik, Thomas McNulty, Tariq Fayyad

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee received March 14, 2023
- Certified Abutters List dated March 6, 2023
- Property Deed recorded in the Worcester Registry of Deeds Book 68816 Page 239
- Mortgage Inspection Plan for 160 Rivulet Street, Prepared by Reney, Moran, and Tivnan, Job No. 10—1659-22, Dated November 8, 2022
- Renovation Plans for 160 Rivulet Street, Prepared by D&D Home Improvements, Inc.
- Title 5 Official Inspection Form for 160 Rivulet Street, Certified November 2, 2022

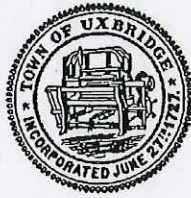
REQUEST: Blackstone Valley Realty LLC, is seeking a **SPECIAL PERMIT and/or a VARIANCE**, pursuant to the **Uxbridge Zoning Bylaw Section 400-12, Non-Conforming Structures**, to allow for the reconstruction of a single-family residential structure.

PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

A duly posted public hearing was opened & closed on April 5, 2023. Dennis Schadler, principal agent of Blackstone Valley Realty LLC (the "Appellant"), presented the application to the Uxbridge Zoning Board of Appeals (the "Board").

The Appellant stated he purchased the property with the intent to renovate the structure and resell the property. He explained that once he began the renovations of the interior it became apparent that it would be problematic and costly to bring the existing structure up to current building codes so he decided to demolish the existing structure and rebuild a new structure. The Appellant was issued a demolition permit but the Uxbridge Building Inspector required he apply for relief from the Board to reconstruct the new non-conforming structure. At the time of the hearing, the Appellant had not fully finalized the details of the proposed structure, he was considering

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Zoning Board of Appeals DECISION

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Worcester Registry of Deeds Book: **68816 Page: 238**

a ranch style dwelling but had not ruled out a two-story house. He estimated the new structure will be located approximately 15 feet from the edge of sidewalk.

The Property is situated on the westerly side of Rivulet, is shown as Uxbridge Assessor's Parcel ID 011.0-2451-0000.0 and comprises approximately .25 acres of land. According to the records of Worcester District Registry of Deeds (the "Registry"), the Property was acquired by Blackstone Valley Realty LLC by deed dated February 6, 2023 and recorded with the Registry in Deed Book 68816, Page 239. Situated on the Property is one single-family dwelling, related driveway, and utilities. The property is serviced by town water and a three-bedroom septic system. According to the Zoning Map of the Town of Uxbridge, the Property is situated within the Residential C Zoning District. The lot does not conform with existing minimum frontage and area requirements and the existing structure does not conform with the minimum front setback requirement. The lot is mostly flat and slopes down behind the rear property line.

The Board evaluated the standards and criteria for both the issuance of a Variance as set forth in MGL Chapter 40A Section 10 and the issuance of a Special Permit to reconstruct a non-conforming structure defined in the Uxbridge Zoning Bylaw Section 400-12 Non-Conforming Uses and Structures.

The Board agreed to apply the standards in the Uxbridge Zoning Bylaw Section 400-12 G (3) (c), which states "*any non-conforming structure may be reconstructed after demolition in accordance with the following provisions: in the event that the proposed reconstruction would cause the structure to be located other than on the original footprint, a special permit shall be required from the Board of Appeals*". Additionally, the Section states that the Board of Appeals may award the special permit in accordance with this Section only if it determines that such reconstruction, extension, alteration or change shall not be more detrimental than the existing non-conforming structure to the neighborhood. After deliberating, the Board found the reconstruction would not be more detrimental than the existing non-conforming structure and that it may be less detrimental if it is further from the street than the existing dwelling.

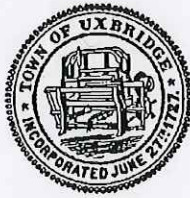
MOTIONS / VOTES:

Mr. McNulty made a **MOTION** to close the Public Hearing FY 23-11 for 160 Rivulet Street. **MOTION SECONDED** by Mr. Fayyad passed unanimously by **VOTE** of 3-0-0.

Mr. McNulty made a **MOTION** that the Zoning Board of Appeals **GRANT** a **SPECIAL PERMIT** to reconstruct the structure no closer than 10 feet from the front lot line on a finding that such reconstruction is not substantially more detrimental than the existing non-conforming structure to the neighborhood.

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

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Zoning Board of Appeals DECISION

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SIGNATURE PAGE

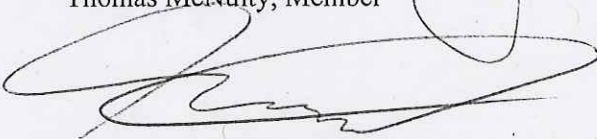


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Thomas McNulty, Member

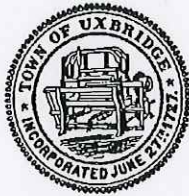
Jim Blackburn, Member



Tariq Fayyad, Associate Member

April 13, 2023
Date

Rob Knapik, Chairperson
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, 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 BE ISSUED UNTIL THE PERMIT IS RECORDED. ****