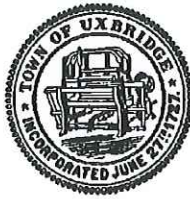


Jim Blackburn, Chair
Rob Knapik, Vice Chair
Thomas McNulty, Clerk
Tariq Fayyad, Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
(508) 278-8600, Ext. 2013

Zoning Board of Appeals DECISION

ZBA Case #: FY24-03

Zone: **Agricultural Zoning District**

Applicant: **Mark and Lynn Brundage**

Property Address: **95 Buffum Road**

Assessor's Reference Map: **32 Parcel: 4418**

Worcester Registry of Deeds Book: **33580 Page: 377**

VARIANCE GRANTED

August 2, 2023

REC'D UXB TOWN CLERK
2023 AUG 14 AM 8:11

VOTING MEMBERS: Jim Blackburn, Rob Knapik, Thomas McNulty, Tariq Fayyad

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee received July 6, 2023
- Certified Abutters List dated July 6, 2023
- Property Deed recorded in the Worcester Registry of Deeds Book 33580 Page 377
- Sewage Disposal System Plan for 95 Buffum Road, prepared by Seth L. Lajoie and Associates, Inc., Plan No. L372, Dated May 23, 2017, marked up to show location of proposed garage.

REQUEST: **Mark and Lynn Brundage**, the Applicants, are seeking a **VARIANCE** of thirty-eight feet (38') to the front setback requirement for an accessory structure per the Uxbridge Zoning Bylaw Table of Dimensional Requirements, to construct a detached garage at **95 Buffum Road**.

PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

A duly posted public hearing was opened & closed on August 2, 2023.

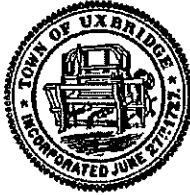
Mark and Lynn Brundage, the Applicants, presented their petition to the Board. They resided at the location and explained that when the house was built on the property approximately six years previously, a future detached garage was identified on the plans. They are now seeking a variance to build the detached garage, generally in the same location, but due to the proximity to the roadway require a variance to the setback.

The Applicants presented that the proposed location of the detached garage was necessary due to the need for the structure to be outside required buffers to significant wetlands along the north and east of the property, and an existing septic system directly east of the proposed location of the structure. No other location on the property would accommodate the structure due to these restrictions.

The property is situated on the easterly side of Buffum Road and is shown as 032.0-4418-0000.0 and comprises of approximately 3.27 acres of land. Situated on the property is one single-family dwelling. The parcel's utilities comprise of a septic system and a private well.

Members considered the standard set forth under M.G.L. c. 40A, §10 and agreed the construction of the proposed detached garage without the variance would create a hardship for the property owner due to the required setbacks from wetlands and the existing septic system, and that it was reasonable to conclude that the granting of the variance would not be a detriment to the public good or derogate from the intent of the bylaw.

Jim Blackburn, Chair
Rob Knapik, Vice Chair
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VARIANCE GRANTED

August 2, 2023

MOTIONS / VOTES:

Mr. Knapik made a **MOTION** to close the Public Hearing FY24-03 for 95 Buffum Road.

MOTION SECONDED by Mr. McNulty, passed unanimously by **VOTE** of 4-0-0.

Mr. Knapik made a **MOTION** that the Zoning Board of Appeals **GRANT** the Applicant's request, to modify the requested variance submitted within the Application, from 38 feet to a requested variance of 39 feet, allowing construction of the detached garage 36 feet from the front property line, parallel to the right of way.

MOTION SECONDED by Mr. Fayyad, passed unanimously by **VOTE** of 4-0-0.

Mr. Knapik made a **MOTION** that the Zoning Board of Appeals **GRANT** a **Variance** of 39 feet to the front setback, allowing construction of the detached garage 36 feet from the front property line, parallel to the right of way, on a finding that there is a hardship related to the topography of the land due to wetlands and other existing structures, and that the 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.

MOTION SECONDED by Mr. McNulty, passed unanimously by **VOTE** of 4-0-0.

Jim Blackburn, Chair
Rob Knapik, Vice Chair
Thomas McNulty, Clerk
Tariq Fayyad, Member



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Zoning Board of Appeals DECISION

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VARIANCE GRANTED

August 2, 2023

SIGNATURE PAGE



Jim Blackburn, Chairman



Rob Knapik, Vice Chairman



Thomas McNulty, Clerk



Tariq Fayyad, Member

Date

Jim Blackburn, Chair
Rob Knapik, Vice Chair
Thomas McNulty, Clerk
Tariq Fayyad, Member



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Zoning Board of Appeals DECISION

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VARIANCE GRANTED

August 2, 2023

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 Cote 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. ****