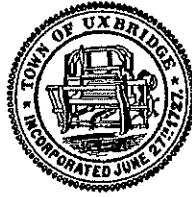


Rob Knapik, Chairman
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, Associate Member



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

RECD UXB TOWN CLERK
2023 JUN 3 AM 9:57

TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: Wednesday, May 3, 2023

Present: Jim Blackburn, Thomas McNulty, Tariq Fayyad and Administrator Melissa Shelley

PUBLIC HEARINGS:

1. **FY22-12: 56 Homeward Avenue** Brenda Manning and Mary Fournier, are seeking a **VARIANCE** of 8.64 inches from the 30-foot frontage requirement set forth in the Uxbridge Zoning Bylaw Section 400-32 Retreat Lots, Subsection I. Purpose, Item B. The property is located in the **Residential A Zoning District**, shown on the Town of Uxbridge Assessor's **Map 18A Parcel 1452** and described in a deed recorded at the Worcester Registry of Deeds in **Book 66013 on Page 393**.

Presentation: Sisters Brenda Manning and Mary Fournier, the Applicants, were represented by Attorney Mark Wickstrom, Wickstrom Morse, LLP. Attorney Wickstrom explained the Applicants, currently residing at 56 Homeward Avenue, would like to develop their property into three separate lots, two new lots and one retreat lot that would contain the existing dwelling and accessory structures. The parcel has enough frontage and acreage for two lots and a retreat lot except for 8.64 inches of frontage. The reason the retreat lot was chosen for the variance request was so Lot 1 and Lot 2 would comply with the dimensional requirements for the Residential A Zone of the Uxbridge Zoning Bylaw to support a retreat lot which requires the issuance of a special permit from the Uxbridge Planning Board.

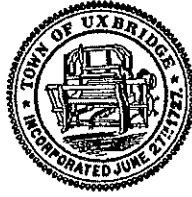
Situated on the Property is an existing two-family dwelling, two detached garages, a shed and related driveways and utilities. The Property is serviced by public water and sewer. Wetlands are present in the north westerly corner of the property. Mr. Wickstrom explained that the shape of the existing lot was created in 1986 when the Massachusetts State Highway DPW re-laid out Homeward Avenue and performed some takings of land, including a piece of land owned by the prior owner (the Applicants' mother). The new layout included two strait pieces of frontage connected by a zig-zag piece of frontage that is perpendicular to the road creating an odd shaped lot.

Attorney Wickstrom argued the proposed plan was the highest and best use for the property and most consistent with the neighborhood. He noted that in the Residential A Zone 4-unit apartment buildings are allowed by right with enough acreage and frontage. If the variance were not granted, in order to make up for the financial loss, the Applicants would have to create Lots 1 and 2 as a combined lot with development limited to one townhouse-style apartment building with four units.

Attorney Wickstrom referenced a mention in Massachusetts law called a "de minimis" a problem is so minimal that it shouldn't be a problem. He hoped that the Board would find that the relief requested (a variance of 8.64 inches) de minimis and therefore a strict adherence to the dimensional requirements is truly not warranted.

Discussion: Members took into consideration whether they had the authority to issue a variance for a lot that has not yet been created. They believed they could based on cases where this was done and it regularly occurs in the Commonwealth. Members confirmed that lots 1 and 2 would be conforming lots and confirmed that each would only have enough acreage for a duplex (not enough for a 4 family).

Rob Knapik, Chairman
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

TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: Wednesday, May 3, 2023

Abutter Comments: Joe Jacinto, 49 Homeward Ave, attended with questions about whether the lot could be recombined and how many units would be allowed. His concern is just with keeping the aesthetic of the neighborhood. Members explained the area and frontage requirements for the Residential A Zone and that the newly created lots would only have enough area for each to have a single family or if combined one 4-family.

Discussion/Deliberations: The Board evaluated the standards and criteria for the issuance of a Variance as set forth in MGL Chapter 40A Section 10. Members found the shape of the lot together with the presence of wetlands are circumstances that could lead to a financial hardship for the Applicants. Because the amount of relief was so small (approx. 8") they found it to be negligible. They agreed that proposal would not be detrimental to the neighborhood particularly because the proposed lots only have enough area for a single-family dwelling on each lot.

Motion: Mr. McNulty made a motion to close the Public Hearing FY 23-12 for 56 Homeward Avenue. Motion seconded by Mr. Fayyad passed unanimously by vote of 3-0-0.

Motion: Mr. McNulty made a motion that the Zoning Board of Appeals grant the variance as presented in FY23-12 56 Homeward Avenue on a finding that there is a hardship related to the shape of the lot due to the road layout, wetlands present and the location of utilities 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. Fayyad passed unanimously by vote of 3-0-0.

ADMINISTRATIVE:

1. Meeting Minutes Review: 3/1/23, 4/5/23, 4/17
 - Passed over 3/1/23 and 4/5/23

Motion: Mr. McNulty made a motion to approve the 4/17/23 meeting minutes as written. Mr. Fayyad seconded, and the motion passed by vote of 3-0-0.

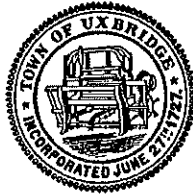
ANY OTHER BUSINESS, which may lawfully come before the Board:

ADJOURNMENT: Next Regularly Scheduled ZBA Meeting, Wednesday, June 7, 2023

Motion: Mr. McNulty made a motion to adjourn the May 3, 2023 meeting of the Zoning Board of Appeals. Mr. Fayyad seconded, and the motion passed unanimously by vote of 3-0-0.

Respectfully Submitted,
Melissa Shelley

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



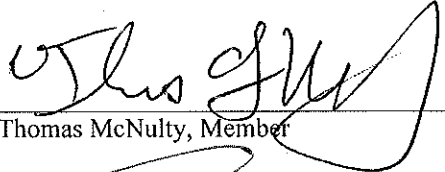
Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2019 p

**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**


MEETING MINUTES: Wednesday, May 3, 2023

SIGNATURES:

Rob Knapik, Member



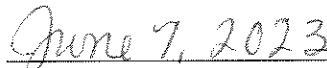
Thomas McNulty, Member



Jim Blackburn, Member



Tariq Fayyad, Associate Member



Date