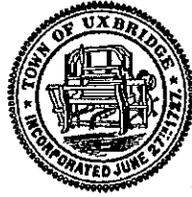


Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Joseph Alves, Alternate Member
Thomas Bentley, Alternate Member
Joseph Frisk, Alternate Member



Received by
Uxbridge
Town Clerk

Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2013 p
508-278-0709 f

ORIGINAL

TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS

FEB 4 '16 AM 8:34

MEETING MINUTES: WEDNESDAY, DECEMBER 2, 2015

Minutes of the Uxbridge Zoning Board of Appeals regularly scheduled meeting on **Wednesday December 2, 2015** in the **Board of Selectmen Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

Present: Chairman Mark Wickstrom, Vice Chair Stephen O'Connell, and Alternate Member Joseph Alves

Absent: Alternate Member Joseph Frisk and Alternate Member Thomas Bentley
Administrative Assistant Lynn Marchand

It being approximately 6:00 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chair, who led the Pledge of Allegiance. The Chairman reviewed meeting procedures with members of the Public that were present.

I. PUBLIC HEARINGS

1. FY16-08: 30 Susan Parkway, Owner Adam Rosenburg. Applicant is seeking a **SPECIAL PERMIT** to keep ducks and chickens. Property is shown on the Town of Uxbridge Assessor's Map 35 Parcel 0156 and described in a deed recorded at the Worcester Registry of Deeds Book 52244 Page 267 and is located in Residential-C zone.

Applicant was not present at the opening of the Public Hearing. Chairman reviewed the facts of the case; Public Hearing notice, application, ZEO letter, BOH letter, and abutter notification.

Mr. O'Connell made a motion to table application FY16-08. The Chair stated they would table the public hearing and move on to the Minutes. After the Board reviewed and voted on two sets of meeting minutes, with the applicant still not present in the audience, the Chairman opened the floor to the public for comments in order to allow the applicant extra time to arrive if she was running late.

Abutter comments:

Paula LeMay: next-door neighbor to the applicant stated she had provided food and water to the chickens, watching them grow up over the summer. She expressed concern about the applicants care of the chickens, specifically due to the cold weather, frozen water bowls, and lack of shelter. She further stated that after expressing her concerns to the applicant, the applicant had erected a shelter, however, she had continued concerns due to the lack of a heat source and the water being frozen. Re: the previously owned rooster, she stated the applicant had told her that he was given back to its owner.

Jim Hogan: across-the-street neighbor had an issue with the chickens being free-range as his dogs were bird dogs and other animals might try to chase them as well. He also stated the rooster woke his daughter throughout the summer.

Donald Lemay: Asked the Board if the Special Permit would allow anyone on the street to have chickens. Chair stated that it would not and noted that anyone has a right to petition for a Special Permit but that does not mean it will be granted as they would still have to follow correct procedures, BOH regulations, and meet any conditions the ZBA requires for that use on their property.

Philip Robins: stated he felt the applicant was not taking proper care of the chickens and the applicant's failure to appear at the Public Hearing.

Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Joseph Alves, Associate Member
Thomas Bentley, Associate Member
Joseph Frisk, Associate Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2013 p
508-278-0709 f

TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: WEDNESDAY, DECEMBER 2, 2015

Applicant's spouse/Kayleigh Rosenburg: At approximately 6:15, the applicant arrived to the meeting. She stated that next to the garage, she had built an indoor chicken coop with heat, which was too small to require a Building Permit, and that she would be shingling the roof of the coop; also it was connected to an outdoor pen. She commented that she had gotten the chickens when they were little and could not tell which were male and which were female and it took some time to find suitable homes for the males. She stated the reason for wanting the chickens and ducks was that she had grown up on a farm and wanted to share the experience with her children as well as having a source of eggs. Currently there are 4 ducks (1 female & 3 males) and 3 chicken hens.

The property sideline distance was stated to be 10' from the property line of the LeMays with the rear setback being "much more"; the rear abuts Town property. The applicant said the chickens and ducks would no longer be free-ranging, that she does not want roosters, and she would not be increasing the number of chickens and ducks.

The Chair reviewed the abutters concerns with Mrs. Rosenburg and then again opened the floor to comments from the Public.

Mr. Robins reiterated his concerns regarding the applicants' care of the pets and that it would fall on the neighbors more than the owners.

The Chair addressed the issue stating that the applicant would still be subject to Board of Health and Animal Control regulations and that the Zoning Enforcement Officer would still have jurisdiction to ensure if the Special Permit was granted that all conditions were met. He further stated that based on the applicants remarks that heat and shelter would be provided and that there was an enclosed pen so the animals would no longer be free-ranging.

Mrs. Lemay spoke again saying she enjoyed the chickens as well as feeding and watering them but her main concern was the well-being of the animals; that the applicants provide adequate food, water, and shelter.

MOTION I: to close the public hearing made by Mr. O'Connell.

Motion was seconded by Mr. Alves. Motion carried 3-0-0.

Deliberations: Mr. O'Connell stated it was an accessory use in a non-agricultural zone; Special Permit with Conditions and limitations. Abutters have valid concerns but they are outside the purview of the ZBA.

They are more private citizen to citizen issues and BOH issues.

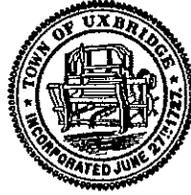
Chair reviewed abutter concerns: animal care in terms of shelter, that the chickens not be free-ranging, and that no roosters be kept.

Mr. O'Connell discussed conditions that should be set forth: proper shelter/coop with enclosed pen, no Roosters, and set a quantity of no more than 10.

Mr. Wickstrom reviewed the standards for 400-50 of the Zoning Bylaws:

1. Impact on social, economic, or community needs which are served by the proposal –does not apply
2. There is no impact on traffic flow and safety including parking and loading
3. There is no impact on utilities and public services

Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Joseph Alves, Associate Member
Thomas Bentley, Associate Member
Joseph Frisk, Associate Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2013 p
508-278-0709 f

TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: WEDNESDAY, DECEMBER 2, 2015

4. With conditions there is no impact on the neighborhood character and social structures as it is an existing building.
5. There is no impact on the natural environment.
6. There is no fiscal impact, including impact on town services, tax base, and employment.

MOTION II: Mr. Wickstrom made a motion that the Board **GRANT** the **SPECIAL PERMIT**, that the application does not adversely impact the neighborhood, there is no impact or positive impacts per the standards set forth in the Uxbridge Zoning Bylaw Chapter 400-50; further, that the Special Permit is conditioned upon the animals being kept in a proper shelter with an enclosed pen, that no roosters be kept, and no more than 10 animals shall be kept.

Motion was seconded by Mr. O'Connell. Motion carried 3-0-0.

II. NEW BUSINESS

III. MINUTES/MAIL/INVOICES:

06/03/15 Meeting Minutes:

MOTION I: to approve the meeting minutes of 06/03/15 as written made by Mr. Wickstrom.

Motion was seconded by Mr. Alves.

Motion carried 2-0-1. Mr. O'Connell abstained as he was not in attendance at the 6/3/15 meeting.

11/04/15 Meeting Minutes:

MOTION I: to approve the meeting minutes of 11/04/15 as written made by Mr. O'Connell.

Motion was seconded by Mr. Wickstrom.

Motion carried 2-0-1. Mr. Alves abstained as he was not in attendance at the 11/4/15 meeting.

IV. OTHER BUSINESS, which may lawfully come before the Board.

Mr. Wickstrom stated at the next ZBA meeting, the Board will review previously discussed bylaw revisions; Accessory Use.

V. ADJOURNMENT: NEXT ZBA MEETING: WEDNESDAY, January 6, 2016

At approximately 7:36 pm, Mr. O'Connell made a motion to adjourn the meeting.

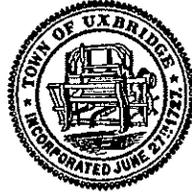
Motion was seconded by Mr. Alves.

Motion carried 3-0-0.

Respectfully submitted,

Lynn Marchand
Land Use Administrative Assistant

Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Joseph Alves, Associate Member
Thomas Bentley, Associate Member
Joseph Frisk, Associate Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2013 p
508-278-0709 f

**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: WEDNESDAY, DECEMBER 2, 2015

SIGNATURE PAGE

Mark Wickstrom, Chair

Joseph Alves, Associate Member

Absent

Stephen O'Connell, Vice Chair

Absent

Joseph Frisk, Associate Member

Thomas Bentley, Associate Member

2-3-16

Date