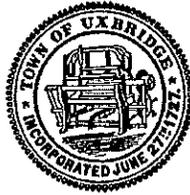


APR 7 '16 AM 8:11

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



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

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MEETING MINUTES: WEDNESDAY, MARCH 7, 2016

Minutes of the Uxbridge Zoning Board of Appeals meeting on **Wednesday March 7, 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 Frisk via remote participation; Administrative Assistant Lynn Marchand

Absent: Alternate Member Joseph Alves and Alternate Member Thomas Bentley

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. Chair stated Member, Joseph Frisk, would be participating via remote access due to geographical distance. There were no other members available for the ZBA meeting.. The Chair noted that a physical quorum was met and stated that all votes must be by roll call vote in compliance with Mass. General Law.

I. PUBLIC HEARINGS

Continued from March 2, 2016

1. **FY16-10: 145 Chestnut Street/Owners, Robert and Rhonda Bengiovanni.** Applicants are seeking a **VARIANCE** in order to build a house on a lot lacking sufficient frontage and area. Property is shown on the Town of Uxbridge Assessor's Map 44 Parcel 2212 and described in a deed recorded at the Worcester Registry of Deeds Book 5385 Page 267 and is located in an agricultural zone.

Mrs. Bengiovanni stated she had owned the property for a very long time, had never owned any of the adjacent properties, had bought it with the intention of building a house but did not have the money for it. Chair stated the frontage and acreage of the property which Mrs. Bengiovanni also confirmed. No abutters were present.

Deliberations:

The Chairman summarized the information stating the lot was legal at the time it was created which the Board was able to verify after some research, showing what the zoning bylaws were at the time; the zoning bylaws required 200 feet of frontage and 1 acre of land. The zoning laws have changed, however, the Chair stated within Mass. General Law 40A Section 6 there is a grandfathering provision, for which this property is eligible. Under this provision, a single family home may be built.

The Chairman and Vice Chairman concurred that this required neither a Special Permit nor Variance but rather a Decision which would be recordable in order to facilitate a clear chain of title. The Chair stated the lot qualifies for the protections of MGL 40A Section 6 and that a SF home could be built on the lot as it stands as long as it's within the setbacks and otherwise qualifies with building regulations.

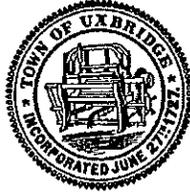
MOTION I: to close the public hearing made by Mr. O'Connell.

Motion was seconded by Mr. Frisk.

Motion carried by roll call vote 3-0-0. Mr. Frisk-aye. Mr. Wickstrom-aye. Mr. O'Connell-aye.

MOTION II: Mr. O'Connell made a motion that the Board issue a Decision, that it has determined the Lot known as 145 Chestnut Street with 200 feet of frontage and 1.27 acres of square footage qualifies for the

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TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: WEDNESDAY, MARCH 2, 2016

grandfathering protections of Mass General Law Chapter 40A Section 6, and that the owners may construct a SF house on the Lot so long as the applicable setbacks and other health and building laws are complied with.

Motion was seconded by Mr. Frisk. Motion carried by roll call vote 3-0-0.
Mr. Frisk-aye. Mr. Wickstrom-aye. Mr. O'Connell-aye.

II. NEW BUSINESS

III. MINUTES/MAIL/INVOICES:

02/03/16 Meeting Minutes:

MOTION I: to approve the meeting minutes of 02/03/16 as written made by Mr. Frisk.

Motion was seconded by Mr. Wickstrom. Motion carried by roll call vote 2-0-1. Mr. Wickstrom-aye. Mr. Frisk-aye. Mr. O'Connell-abstain. Mr. O'Connell was not present at the 02/03/16 ZBA meeting.

03/02/16 Meeting Minutes:

MOTION I: to approve the meeting minutes of 03/02/16 as written made by Mr. O'Connell.

Motion was seconded by Mr. Wickstrom. Motion carried by roll call vote 2-0-1. Mr. O'Connell-aye. Mr. Wickstrom-aye. Mr. Frisk-abstain. Mr. Frisk was not present at the 03/02/16 ZBA meeting.

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

1. Proposed changes to Accessory Bylaw: The Chairman touched on the history of the revisions to this section and read 400-11 of the existing zoning bylaw into the record. Discussed were the mixed uses crammed into single paragraphs and the need to clean up the language. The proposed change would break the paragraphs up into three clearer sections. The Chair read the proposed revisions into record. After general discussion was had, three additional changes were made. In 400-11B Home Occupations, the word "secondary" was changed to "accessory". In 400-11B-2, the words "employee" and "customer" were changed to the plural form. The first sentence of 400-C1 was moved to 400-11C, Outdoor advertising.

MOTION I: to put forward to the upcoming Spring Annual Town Warrant that Town Meeting consider changing the Uxbridge Zoning Bylaws by striking out 400-11 and replacing it with the proposed 400-11 Accessory Uses and Structures as revised made by Mr. O'Connell.

Motion was seconded by Mr. Frisk. Motion carried by roll call vote 3-0-0. Mr. Frisk-aye. Mr. Wickstrom-aye. Mr. O'Connell-aye.

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

At approximately 7:45 pm, Mr. O'Connell made a motion to adjourn the meeting. Motion was seconded by Mr. Frisk. Motion carried by roll call vote 3-0-0. Mr. Frisk-aye. Mr. Wickstrom-aye. Mr. O'Connell-aye.

Respectfully submitted,

Lynn Marchand
Land Use Administrative Assistant

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



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**TOWN OF UXBRIDGE
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MEETING MINUTES: MONDAY, MARCH 7, 2016

SIGNATURE PAGE

Mark Wickstrom, Chair

Absent

Joseph Alves, Associate Member

Absent

Thomas Bentley, Associate Member

Stephen O'Connell, Vice Chair

Date

4/6/16

Joseph Frisk, Associate Member