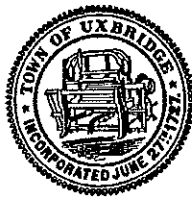


Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Joseph Alves, Alternate Member
Thomas Bentley, Alternate Member
Joseph Frisk, Alternate Member



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

JUN 8 '16 AM 11:50

MEETING MINUTES: WEDNESDAY, APRIL 6, 2016

**Received by
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Minutes of the Uxbridge Zoning Board of Appeals meeting on **Wednesday April 6, 2016** 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 Tom Bentley; Administrative Assistant Lynn Marchand

Absent: Alternate Member Joseph Alves and Alternate Member Joseph Frisk

It being approximately 6:25 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.

*agenda items were taken out of order to allow time for an applicant to arrive

I. PUBLIC HEARINGS

1. **FY16-11: 399 Hartford Ave East/Owner, Doug Beland.** Applicant is seeking a **SPECIAL PERMIT/VARIANCE** in order to change the use from garage car repair to a landscaping contractor's yard and keeping/storing of equipment on the property. Property is shown on the Town of Uxbridge Assessor's Map 7 Parcel 2967 and described in a deed recorded at the Worcester Registry of Deeds Book 54615 Page 76 and is located in Residential C zone.

Applicant owns the house but resides in another home in Uxbridge. He stated he has owned the property since 2015 and had been renting the property for his landscaping business for approximately two and half years. He stated the barn had been used for a small garage business for approximately 50-60 years and is currently being used to store and repair his own vehicles and equipment. He stated the property was also used for a small construction company prior to his renting the property for his landscaping company for approximately a year and a half. Work start time was stated as being at 6:30-7am and then returning in the evening at varying times. Six trucks, a few machines, trailers, and his vehicle are there at most times.

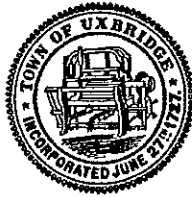
The Chair read UXBL chapter 400-12B into record.

Board asked about the complaint that was received. Applicant stated it was regarding dumpster which he shares with abutting apartment resides, and trash that blew out into neighbor's yard, wet/odorous grass. Applicant stated he works from property 6-7 days per week with Sundays being more a clean-up and maintenance day. Previous trees and brush had to be removed as they were dead or dying. He expressed his willingness to clean up the property, provide screening, and address abutter concerns.

Abutters: Robert & Sheril Nordstrom, next door neighbors that have lived at the property for over 23 years, expressed their opposition to the large increase of the scale of operation and cutting of trees. Complaints referenced noise, fumes/odors, trash, and compost piles and its effect on their property value and quality of life as well as impeding their view of the road when exiting their driveway. They submitted pictures of their view onto the abutting property before and after the applicant began using it showing the difference.

Mr. Nordstrom stated their was years of non-use in between the garage use of the property and the landscaping use and felt it was not a grandfathered use as it is a different owner and a completely different and more detrimental use than it was previously. He was opposed to the scale of the operation.

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He stated he had put money into the house but would have sold it had he known they would be living next door to this.

The Board asked additional questions to see what might be done to the abutter's satisfaction to resolve issues, to both parties benefit and satisfaction. Discussion was had between applicant and Board regarding how to improve upon the issues brought forth.

The applicant viewed the abutter's pictures. He discussed his business activities, plans to renovate the property and accommodate the abutters, planting fast-growing, larger evergreens.

The Chair stated in order for them to find in the applicant's favor, it had to meet the criteria of not being more detrimental to the neighborhood. He suggested the applicant work with the abutter, prepare some proposals, find middle ground and attempt to resolve the impeding issues.

Mr. Wickstrom suggested possibly doing a site visit and continuing the meeting to the following month in order to allow the applicant and abutter to attempt to work out the problems stated.

MOTION I: to continue the public hearing to May 4th at 7:00 pm made by Mr. O'Connell.
Motion was seconded by Mr. Bentley
Motion carried 3-0-0.

2. FY16-12: 814 Douglas St./Owners, Julian and Jennifer Martin. Applicant is seeking a **SPECIAL PERMIT/VARIANCE** in order to build a 14' x 21' open sided structure 20'-25' from roadway where required setback is 65' to set up a small roadside stand to sell fresh produce, free range eggs, sweet corn, and fresh baked goods with parking spaces for 15-20 cars. Property is shown on the Town of Uxbridge Assessor's Map 0320 Parcel 0573 and described in a deed recorded at the Worcester Registry of Deeds Book 52566 Page 318 and is located in an Agricultural zone.

Deliberations: The Board reviewed testimony from the applicant, Julian Martin. The applicant stated the business would be run year round, goods to be sold included eggs, baked goods, fruits, and vegetables, 50% would be grown/raised on the property, and that previously it was done informally and he now wanted the structure to make the area and goods more attractive and accommodating to customers.

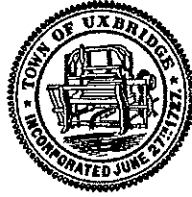
MOTION I: to close the public hearing made by Mr. O'Connell.
Motion was seconded by Mr. Bentley.
Motion carried 3-0-0.

MOTION II: Mr O'Connell made a motion that the Board issue a Determination finding the proposed agricultural use, including the 14 x 21 open sided structure, no less than 20 feet from the roadway, with parking for up to 30 vehicles, is allowed under the protection of MGL Chapter 40A Section 3 and therefore a building permit may issue. The Owner is to comply with all other applicable laws.

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

II. NEW BUSINESS

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Stephen O'Connell, Vice Chair
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1. 02/24/16 Planning Board Memo regarding footnote #4 of the Table of Dimensional Requirements

The Board discussed the request to draft a warrant article, striking footnote #4, "*said 300 feet of frontage is required on both streets of a corner lot in the Agricultural zoning district*" from the UZBL, Table of Dimensional Requirements. The Board stated they would work on the article for the 2016 FATM.

III. MINUTES/MAIL/INVOICES:

03/07/16 Meeting Minutes:

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

Motion was seconded by Mr. Wickstrom. Motion carried 3-0-1. Mr. Bentley abstained as he was not present at the 02/03/16 ZBA Meeting.

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

V. ADJOURNMENT: NEXT ZBA MEETING: WEDNESDAY, May 4, 2016

At approximately 7:20 pm, Mr. O'Connell made a motion to adjourn the meeting. Motion was seconded by Mr. Bentley. Motion carried 3-0-0.

Respectfully submitted,

Lynn Marchand
Land Use Administrative Assistant

SIGNATURE PAGE

Mark Wickstrom, Chair

Stephen O'Connell, Vice Chair

Absent

Joseph Frisk, Associate Member

Absent

Joseph Alves, Associate Member
Thomas Bentley, Associate Member

Date

6/1/16