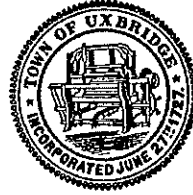


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Thomas Bentley, Associate Member
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Joseph Frisk, Alternate Member
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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: WEDNESDAY, SEPTEMBER 21, 2016

Minutes of the Uxbridge Zoning Board of Appeals meeting on **Wednesday September 7, 2016** in the **Board of Selectmen Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

Present: Member Thomas Bentley, Alternate Member Kevin Harn, Alternate Member Bruce Desilets, and Alternate Member Joseph Frisk via remote participation; Also present, Administrative Assistant Lynn Marchand

The Acting Chair, Mr. Bentley stated Member, Joseph Frisk, would be participating via remote access due to geographical distance. There was a physical quorum and all votes were taken by roll call vote in compliance with Mass. General Law.

*Mr. Bentley stated that some agenda items would be taken out of order to announce and vote on agenda items to be continued.

I. PUBLIC HEARINGS

1. FY16-15: 671 & 685 Quaker Highway, Cardinal Enterprise Realty, LLC, Owner. Applicant is seeking a **SPECIAL PERMIT** to construct a proposed gas service station and retail (convenient store) on a parcel of land within an Industrial Zoned area. In accordance with the Uxbridge Zoning Bylaws Appendix A D. Commercial Uses "Gasoline or Oil Filling Station" requires a Special Permit from the Zoning Board of Appeals in accordance with Article IX, Chapter 400, Section 50. Property is shown on the Town of Uxbridge Assessor's Map 45 Parcels 3895 & 4725 and described in a deed recorded at the Worcester Registry of Deeds Book 42585 Page 253 and is located in an industrial zone.

Representing the applicant, Paul Hutnak of Andrews Engineering spoke to the application describing that it was in an Industrial Zone, formerly an old, partially mined gravel pit, on a 9.1 acre parcel. He stated that they would still need to go before the Planning Board if they received a special permit from the ZBA.

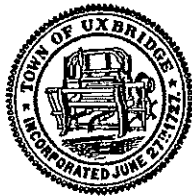
Mr. Bentley asked about safety; traffic coming from Ironstone St. He also asked concerns to private wells in that area and if there any plans to put questionable dirt in that area. Mr. Hutnak stated that was not something that would work nor is it part of the current plans. Mr. Desilets stated there were less issues with this site than some of the other proposed sits before the Board, that it was a better area, and that it might improve the property since they would clean it up. Discussion was had regarding the parcels and it was agreed that there would be no entrance or exit on Parcel 4725, 685 Quaker Hwy.

No abutters were present that spoke to the petition.

MOTION I: to close the public hearing made by Mr. Desilets.
Motion was seconded by Mr. Harn. Motion carried by roll call vote 3-0-0.
Mr. Desilets -aye. Mr. Harn -aye. Mr. Bentley -aye.

Mr. Desilets stated that the proposal does not hurt the social, economic, or community needs. It does not greatly affect the traffic flow and safety of the area, including parking and zoning. There is adequacy of utilities and public services, It does not negatively affect the neighborhood character and social structures; there is a gas station across the street. It does not have a negative impact on the natural environment and the potential fiscal impact, including impact on town services, tax base and employment is positive.

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MOTION II: to grant the Special Permit for 671 & 685 Quaker Highway to construct a proposed gas service station and retail (convenient store) on a parcel of land within an Industrial Zoned area, with no entrance/exit on parcel 4725, for safety reasons made by Mr. Desilets.

Motion was seconded by Mr. Harn. Motion carried by roll call vote 3-0-0.

Mr. Desilets -aye. Mr. Harn -aye. Mr. Bentley -aye.

685 Quaker Hwy

Continued from September 7, 2016

2. **FY17-02: 0 Old Elmdale Road, Aris Group LLC, Owner/Applicant.** Applicant is seeking a **SPECIAL PERMIT** to remove sand and gravel from the property in accordance with Chapter 181 of the Uxbridge Zoning Bylaws. Property is shown on the Town of Uxbridge Assessor's Map 25 Parcel 3979 and described in a deed recorded at the Worcester Registry of Deeds Book 55344 Page 172 and is located in a residential A zoning district.

Mr. Bentley stated the applicant requested a continuance. Mr. Desilets stated he wanted a site visit to take place prior to making a decision on the petition.

MOTION I: to continue FY17-02, 0 Old Elmdale Rd to October 5th made by Mr. Desilets.

Motion was seconded by Mr. Harn. Motion carried by roll call vote 3-0-0.

Mr. Frisk-aye. Mr. Bentley -aye. Mr. Desilets -aye.

Continued from September 7, 2016

3. **FY17-03: 0 Quaker Street, Richard Hurteau, Owner.** Applicant is seeking a **VARIANCE** to construct a single family dwelling lacking the required frontage. The property has no frontage in the Town of Uxbridge. Property is shown on the Town of Uxbridge Assessor's Map 51 Parcel 2341 and 1438 and is shown on the Town of Millville Assessor's Map 124-9-14 and described in a deed recorded at the Worcester Registry of Deeds Book 39254 Page 67 and is located in an agricultural zoning district.

Mr. Bentley stated the applicant had asked for a continuance to the November meeting.

MOTION I: to continue FY17-03, 0 Quaker St to November 2nd made by Mr. Desilets.

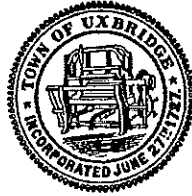
Motion was seconded by Mr. Frisk. Motion carried by roll call vote 3-0-0.

Mr. Frisk-aye. Mr. Harn -aye. Mr. Desilets -aye.

Continued from August 3, 2016 & September 7, 2016; Site Visit August 8, 2016

4. **FY17-04: 262 Millville Road, Uxbridge Center Crossing, LLC / Aris Group, LLC, Owner/Applicant.** Owner/applicant is seeking a **SPECIAL PERMIT** to construct a gas service station and retail (convenience store), on a parcel located within an industrial and business zoned area. In accordance with the Uxbridge Zoning Bylaw Appendix D, Commercial Uses "Gasoline or Oil Filling station" requires a special permit from the Zoning Board of Appeals in accordance with Article IX, Chapter 400, Section 50. Property is shown on the Town of Uxbridge Assessor's Map 30 Parcel 2077 and described in a deed recorded at the Worcester Registry of Deeds Book 51999 Page 210 and is located in a business zone and an industrial zone.

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Abutters spoke regarding the 3 continuances and the dangerous intersection and traffic in the area. It was stated that it was an inconvenience for abutters to have to continually come to the zba meetings to speak their piece. General discussion was had regarding the safety issues.

Representing the applicant, Paul Hutnak of Andrews Engineering, stated they were revising the plans to address some of the concerns.

Mr. Desilets asked if Mr. Hutnak could find out how they could use frontage for both the house and the gas station.

MOTION I: to continue FY17-04, 262 Millville Rd to the next ZBA meeting made by Mr. Frisk. Motion was seconded by Mr. Harn. Motion carried by roll call vote 2-0-1.
Mr. Frisk-aye. Mr. Harn –aye. Mr. Desilets –nay.

Continued from September 7, 2016

5. FY17-05: 38 N Main Street, Estate of Doris H. Temple/Leroy E Temple, personal representative/Wayne Davies, Esq. Owner/applicant is seeking a **VARIANCE** to allow an increase in the number of apartments to six (6), a **SPECIAL PERMIT** for an extension of a same non-conforming use, an **APPEAL OF A RULING** and a **REQUEST FOR A DETERMINATION** that the lot is protected lawfully pre-existing non-conforming lot and the six (6) unit apartment building use on the lot is a protected lawfully pre-existing non-conforming use. Property is shown on the Town of Uxbridge Assessor's Map 018.B Parcel 4727 and described in a deed recorded at the Worcester Registry of Deeds Book 6175 Page 309 and is located in a Residential A zone.

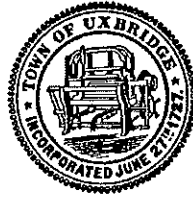
Mr. Bentley stated that he had reviewed the video of the meeting and would be participating on FY17-05. Attorney Davies, representing the applicant, spoke to the petition, reviewed the history of the property and historical zoning bylaw information.

Discussion was had regarding the supplemental submissions, traffic safety, . Attorney Davies stated it has been a 6-family since 1981/1982.

MOTION I: to close the public hearing made by Mr. Frisk. Motion was seconded by Mr. Desilets. Motion carried by roll call vote 3-0-0.
Mr. Desilets –aye. Mr. Frisk –aye. Mr. Bentley –aye.

MOTION II: After consideration of the testimony and evidence for FY17-05, 38 North Main Street, presented to the zoning board through the public hearing the Board of Appeals enters a finding of facts and overturns and reverses the Zoning Enforcement Officer's decision and enters a determination that: The Lot at 38 North Main Street Uxbridge MA being created prior to the adoption of the zoning laws of 1957 having sufficient area to meet current zoning requirements but lacking any frontage on a public way is a lawfully pre-existing non-conforming lot protected from the enforcement of existing frontage requirements and that the current 6-unit apartment house being lawfully converted from a 3-unit apartment house use around 1980 to 1982 before the 1985 zoning by-law amendments prohibiting said 6 unit apartment house use, is a lawfully pre-existing

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nonconforming use protected from enforcement of the existing zoning bylaw use requirements made by Mr. Frisk. Motion was seconded by Mr. Desilets. Motion carried by roll call vote 3-0-0.
Mr. Desilets –aye. Mr. Frisk –aye. Mr. Bentley –aye.

II. NEW BUSINESS

III. MINUTES/MAIL/INVOICES:

1. 06/01/16 Meeting Minutes

MOTION I: to approve the meeting minutes of 06/01/16 as written made by Mr. Frisk.
Motion was seconded by Mr. Bentley. Motion carried by roll call vote 2-0-0.
Mr. Frisk-aye. Mr. Bentley –aye.

2. 07/06/16 Meeting Minutes

MOTION I: to approve the meeting minutes of 07/06/16 as written made by Mr. Frisk.
Motion was seconded by Mr. Bentley. Motion carried by roll call vote 2-0-0.
Mr. Frisk-aye. Mr. Bentley –aye.

3. 08/08/16 Meeting Minutes –B.O.S meeting/DEP presentation; No minutes/no present present

4. 08/03/16 Meeting Minutes

MOTION I: to approve the meeting minutes of 08/03/16 as written made by Mr. Frisk.
Motion was seconded by Mr. Desilets. Motion carried by roll call vote 3-0-0.
Mr. Frisk-aye. Mr. Desilets –aye. Mr. Bentley –aye.

5. 08/20/16 Meeting Minutes

MOTION I: to approve the meeting minutes of 08/20/16 as written made by Mr. Desilets.
Motion was seconded by Mr. Bentley. Motion carried by roll call vote 3-0-0.
Mr. Frisk-aye. Mr. Desilets –aye. Mr. Bentley –aye.

6. 09/07/16 Meeting Minutes –passed over

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

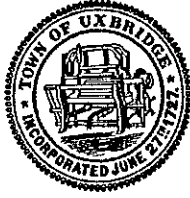
1. FY2017 –Reorganization: passed over
2. Review rules/regulations, application packet, and fee schedule: passed over.

V. ADJOURNMENT: NEXT ZBA MEETING: WEDNESDAY, OCTOBER 5, 2016 IN UXBRIDGE TOWN HALL

MOTION I: to adjourn the meeting made by Mr. Desilets. Motion was seconded by Mr. Harn. Motion carried by roll call vote 3-0-0. Mr. Desilets –aye. Mr. Harn –aye. Mr. Bentley aye.

Respectfully submitted,

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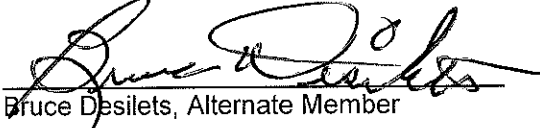
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MEETING MINUTES: WEDNESDAY, September 21, 2016


Lynn Marchand
Land Use Administrative Assistant

SIGNATURE PAGE

Mark Wickstrom, Chairman


Bruce Desilets, Alternate Member

Kevin Harn, Alternate Member


Thomas Bentley, Associate Member

Joseph Frisk, Alternate Member

Christopher Currie, Alternate Member



Date