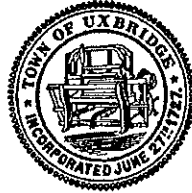


Mark Wickstrom, Chair
Bruce Desilets, Alternate Member
Joseph Frisk, Alternate Member
Kevin Harn, Alternate Member
Chris Currie, Alternate Member



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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: WEDNESDAY, November 2, 2016

Minutes of the Uxbridge Zoning Board of Appeals meeting on **Wednesday November 2, 2016** in the **Board of Selectmen Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

Present: Alternate Member Kevin Harn; Alternate Member Christopher Currie; Also present, Administrative Assistant Melissa Shelley

Absent: Bruce Desilets, Alternate Member, Joe Frisk, Alternate Member, Joe Alves Alternate Member

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.

I. PUBLIC HEARINGS

Continued from October 5, 2016 (Site visit October 8, 2016)

1. 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.

Discussion: The board received a written request from the applicant to continue the public hearing for the above referenced project to the next regular scheduled public hearing of the Uxbridge ZBA.

** Mr. Wickstrom is recused himself from this project & vote*

MOTION I: Mr. Currie made a motion to continue FY17-02, 0 Old Elmdale Rd to December 7th, 2016 at 6:00pm at Uxbridge Town Hall.

Motion was seconded by Mr. Harn. Motion carried 2-0-0.

Continued from October 5,, 2016

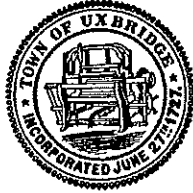
2. FY17-03: 0 Quaker Street, Richard Hurteau, Owner. Applicant is seeking a **VARIANCE** to construct a single family dwelling lacking the required frontage. The property has no frontage in the Town of Uxbridge. Property is shown on the Town of Uxbridge Assessor's Map 51 Parcel 2341 and 1438 and is shown 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.

Discussion: On October 26 Mr. Hurteau submitted a written request to withdraw his application, without prejudice, to build his single family home in the town of Uxbridge. He indicated will be building on one of his Millville lots that abuts his property in Uxbridge.

MOTION I: Mr. Wickstrom made a motion to accept Mr. Hurteau's withdraw request, without prejudice, for project FY17-03 0 Quaker Street.

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

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-Continued from October 5, 2016 (Site visit August 8, 2016)

3. 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.

Discussion: The board received a written request from the applicant to continue the public hearing for the above referenced project to the next regular scheduled public hearing of the Uxbridge ZBA.

** Mr. Wickstrom is recused himself from this project & vote*

MOTION I: Mr. Currie made a motion to continue FY17-04, 262 Millville Road until December 7th, 2016, 6:00pm at Town Hall.
Motion was seconded by Mr. Harn. Motion carried 2-0-0.

4. FY17-08: 187 West River Road Owner/Applicant. Owner/Applicant is seeking a **VARIANCE** to reduce the right side setback from 30' to 22' to construct an attached addition. Property is shown on the Town of Uxbridge Assessor's Map 13 Parcel 2453 and described in a deed recorded at the Worcester Registry of Deeds Book 50657 Page 162 and is located in Residential-C zone.

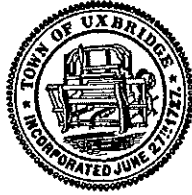
Discussion: Mr. Wickstrom opened the public hearing. Lance Anderson, Heritage Design Group, representing the applicant reviewed the project to build an addition to accommodate the applicant's mother. Mr. Anderson amended the application – the deed is just Sandra Anderson. There was a discussion regarding the choice to build the addition on the right side of the existing home instead of the left or rear where it wouldn't interfere with the setback. Mr. Anderson explained it would be impractical and costly due to the location of the side load garage and driveway (left), the existing utilities and sewer (right) and wetlands (rear). The house was built in 1999. Ms. Anderson, the homeowner, indicated that she discussed the proposed addition it with her neighbors and they did not have any objections.

The board reviewed their criteria for granting a variance. To grant a variance they need to make the findings that the reasons for the variance are because of the soil, shape or topography of the land that those things create a hardship financial or otherwise for the applicant. In addition the relief must not be detrimental to the public good and can't nullify or derogate from the purpose or intent of the zoning bylaw.

MOTION I: Mr. Harn made a motion to close the public hearing.
Motion was seconded Mr. Currie. Motion carried 3-0-0.

Deliberations: The board agreed there is a financial hardship is related to the current location of the driveway, utilities and sewer connections and the additional site work required to relocate them. Therefore, due to the current soil conditions, shape & topography in relation to the house that they would incur a financial hardship. No one felt it was detrimental to the public good it's a single family home

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accommodating a resident that needs accommodation. And they are not nullifying or derogating the purpose of the zoning bylaw by granting the variance.

-MOTION II: Mr. Currie made a motion to **grant a VARIANCE** to reduce the right setback from 30' to 22' to enable the owner construct a proposed addition as shown on the ZBA plan as submitted. The findings are owed to the soil, shape and topography of the land in relation to the present location of the house and the utility connections and the applicant would sustain a financial hardship if the variance were not granted. Additionally we find that granting of the variance would not be detrimental to the public good and would not nullify or derogate from the purpose of the zoning by law.
Mr. Harn seconded the motion. Motion carried 3-0-0.

5. **FY17-09: 12 Taft Street Owner/Applicant.** Owner /applicant is seeking a **SPECIAL PERMIT** to construct an addition to the existing structure. The proposed site currently contains a nonconforming single-family residential structure. Property is shown on the Town of Uxbridge Assessor's Map 18 Parcel 3882 and described in a deed recorded at the Worcester Registry of Deeds Book 14127, Page 234, and is located in a Residential A Zone.

Discussion:

Byron Andrews from Andrews Survey representing the owner applicant reviewed the plan. The existing house was built in approximately 1962. Frontage is 57.59 ft. (125 required in Res A.) Acreage is 8181sq ft (20,000 sq ft required). The existing house doesn't comply with existing front and side setbacks but does comply with the rear and the addition would also comply with existing setbacks in the rear. The house is a single family and will remain a single family. The addition will not be any higher than the existing roofline. Mr. Andrews confirmed that the proposed addition doesn't add to the non-conformity. Mr. Parker, owner, indicated that abutting neighbors have been notified had no objections or concerns. No abutters were present.

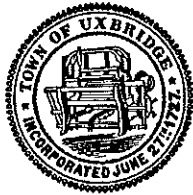
This request is covered under our existing bylaw 400-12 c 1. The standard under that section is that the board must make a finding that the extension shall not be substantially more detrimental than the existing non-conforming structure to the neighborhood.

MOTION I: Mr. Harn made a motion to close the public hearing.
Motion was seconded Mr. Currie. Motion carried 3-0-0.

Deliberations:

-MOTION II: Mr. Currie made a motion to **grant a SPECIAL PERMIT** and approve the proposed addition together with the proposed deck and proposed location of the bulkhead to the rear or right side of the house as shown on the ZBA plan by Andrews Survey and that we make a finding that the proposal conforms with section 400-12, c, 1 of the Uxbridge Zoning bylaws in that the extension of the house is not substantially more detrimental than the existing non-conforming structure to the neighborhood.
Mr. Harn seconded the motion. Motion carried 3-0-0.

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II. NEW BUSINESS

III. MINUTES/MAIL/INVOICES:

1. 9/7/16 Meeting Minutes – passed over
2. 10/05/16 Meeting Minutes

MOTION I: to approve the Meeting Minutes of October 5th made by Mr. Harn. Motion was seconded by Mr. Currie. Motion carried vote 2-0-1.
Mr. Harn – aye, Mr. Currie – aye, Mr. Wickstrom – abstained.

3. 10/08/16 Meeting Minutes – Site Visit FY17-02 Old Elmdale

MOTION I: to approve the Meeting Minutes of October 8th site visit to Old Elmdale Road made by Mr. Currie. Motion was seconded by Mr. Harn. Motion carried vote 2-0-1.
Mr. Harn – aye, Mr. Currie – aye, Mr. Wickstrom – abstained.

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

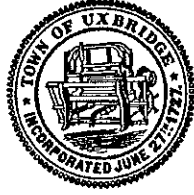
- FY2017 – Reorganization
 - Each fiscal year the ZBA is required to appoint a chairman and a clerk. There has been a vice-chair in the past but is not required.
 - After many years of service on the ZBA, on October 26th Tom Bentley resigned from the board. The board thanked him for his service on this and many other town boards.
 - Mr. Wickstrom also thanked Mr. Steve O'Connell for his services as well.

MOTION I: Mr. Wickstrom made a motion to appoint Mr. Currie to Clerk of the ZBA through the remainder of this fiscal year (June 2017). Mr. Harn seconded the motion. Motion carried 2-0-1

MOTION II: Mr. Harn made a motion to elect Mr. Wickstrom to Chairman of the ZBA through the remainder of this fiscal year (June 2017). Mr. Currie seconded the motion. Motion carried 2-0-1

- Review rules/regulations, application packet, and fee schedule
 - **Comprehensive Permit Regulations Under 40b MGL** which means the applicant has agreed to set aside a certain percentage of units to sell to low to moderate income families. A town can adopt comprehensive permit rules which Uxbridge ZBA did in 2007. The only recent 40b project to come before the ZBA was the Blanchard School project – which was a special type of 40b because it was for all units to be sold to low or moderate income families. Local and state (Mass Housing) are involved in determining the number of units that can be set aside. No rush to do a major review but worth it for board members to review.
 - **Fee Schedule Adopted in 2007.** Under some proposals that come through the ZBA does have the ability to for engineering review by the town engineer (Graves Engineering). Therefore, if they need an outside opinion they can do that and they have a fee schedule for this.

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- **Remote Participation Guidelines.** These identify the guidelines and must be closely followed if we have a board member participating via video conferencing.
- **Applications for Special Permits and Variances.** The board will review our current application and checklists to streamline and make it better this month and take comments next meeting.
- Mark reviewed voting rules Routine administrative matters such as meeting minutes and continuances only need a 2 members. Decisions need a super majority of 3.

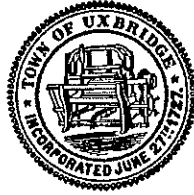
V. ADJOURNMENT: NEXT ZBA MEETING: WEDNESDAY, DECEMBER 7, 2016 IN UXBRIDGE TOWN HALL

MOTION I: to adjourn the meeting made by Mr. Currie. Motion was seconded by Mr. Harn. Motion carried 3-0-0.

Respectfully submitted,

Melissa Shelley
Land Use Administrative Assistant

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SIGNATURE PAGE

ABSENT

Mark Wickstrom, Chairman

Bruce Desilets, Alternate Member

Kevin Harn, Alternate Member

Christopher Currie, Alternate Member

ABSENT

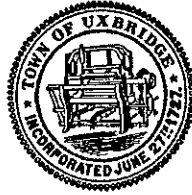
Joe Frisk, Alternate Member

Joe Alves, Alternate Member

November 2, 2016

Date

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**TOWN OF UXBRIDGE
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SIGNATURE PAGE

absent

Mark Wickstrom, Chairman

Kevin Harn

Kevin Harn, Alternate Member

ABSENT

Joe Frisk, Alternate Member

ABSENT

Bruce Desilets, Alternate Member

Christopher Currie

Christopher Currie, Alternate Member

absent

Joe Alves, Alternate Member

November 2, 2016

December 7, 2016

Date