



Town of Uxbridge
Zoning Board of Appeals
21 So. Main St.
Uxbridge, MA 01569
(508) 278-8603

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Minutes of the **February 7, 2007** at 7:00 P.M. in the Board of Selectmen's Meeting Rm., Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA:

Member(s) Present: Chairman **Ernie Esposito, Carol Masiello, and Mark Wickstrom**
Associate Member(s) Present: **John Higgins**
Member(s) Absent: None

The meeting being duly called, properly posted and a quorum being present, Chairman Esposito convened the meeting at 7:00 P.M.

Chairman Esposito explained to the assembled that the Board was going to open the Public Hearings on each case, take testimony, close the Public Hearings on each (as appropriate), and deliberate after all the cases have been heard.

PUBLIC HEARING(S) NEW

FY07-19: The applicant / owner of record, Robert Marino, is seeking, in the Residence A Zone, a Frontage Variance of 35.4 ft. from the 125 ft. requirement, on a lot located at 48 Hecla St., Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 19, Parcel 4742, and recorded in the Worcester County District Registry of Deeds Bk. 33620, Pg. 182, in order to construct a 2nd floor 40 ft. x 14' ft. master bedroom addition over his existing 40 ft. x 14 ft. kitchen. Chairman Esposito opened the Public Hearing on this case. The applicant was present as was one abutter, Joe Kogut, who indicated to the Board members that he had no objection to the proposal. **Chairman Esposito declared the Public Hearing on this case closed.**

FY07-20: The applicant, Steven Flagg, is seeking, in the Business Zone, a Class 1 License to sell new motor homes, trailers and RVs, seven (7) days a week from 9:00 A.M. to 8 P.M. on a property located at A. 30 Monahan Dr. and B. 164 Providence St., Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 51, A. Parcel 2755 and B. Parcels 2841, 2768 and 2881, and recorded in the Worcester County District Registry of Deeds (A.) Bk. 06471, Pg. 349 and (B.) Bk. 17166 Pg. 274. The owner of record is David Besette. Chairman Esposito opened the Public Hearing on this case. A letter from the Director of Planning and Economic Development regarding this case was provided to the Board members (Exhibit "A" attached). Atty. Timothy Gilmore represented the applicant and he supplied the Board members with two documents to serve as an overview of the project (Exhibits "B" and "C" attached). Abutter Jim Byrnes expressed concerns over asphalt and stormwater runoff. Atty. Gilmore indicated that no engine work will be done on site. David Besette indicated that there will be an exit on Providence St. Steven Flagg stated he has approximately 100 RVs on his current 3-acre site in

North Smithfield and that he plans to have approximately 150 on the new site. Mr. Flagg indicated that he is not looking for a large building on the site, that he was probably seeking a 50 ft. x 100 ft. service garage and a 30 ft. x 40 ft. sales building --- he repeated that no engine work would be performed on site. He further indicated that the curb cut on Providence St. will be used. Atty. Gilmore indicated that he would be presenting a more comprehensive plan at the next meeting. **Carol Masiello** made a motion, seconded by **Mark Wickstrom**, to continue the Public Hearing on this matter to 03/07/07. The vote was **3-0-0 in favor** of the motion. Mark Wickstrom and Carol Masiello mentioned that the Director of Planning and Economic Development recommended that the Board be shown a Site Plan and that the applicant should meet with him to discuss the project. Ms. Masiello asked that Mr. Forman be invited to attend the next meeting. **(Action: Cont. PH to 03/07/07)**

FY07-21: The applicants / owners of record, Paul C. & Florence A. Phillips, are seeking, in the Residence A Zone, a Frontage Variance of 125 ft. from the 125 ft. Frontage requirement, a Left Side Setback Variance of 5 ft. and a Right Side Setback Variance of 6 ft. from the 25 ft. Side Setback requirement, on a lot located at 30 School St., Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 12B, Parcel 2962, and recorded in the Worcester County District Registry of Deeds Bk. 22442, Pg. 356, in order to raze the existing dwelling and re-build (on the site) a new 53 ft. x 76 ft. dwelling. Chairman Esposito opened the Public Hearing on this matter. The applicants were present as was their legal representative, Atty. David Bertonazzi, their engineering representative, Fred Lapham of Shea Engineering, and their builder, Mike Manzola. The representatives presented the Board members with a plot plan showing the existing home to be razed and the proposed home (**Exhibit "D" attached**). They explained that the proposed situation would be less non-conforming than the existing condition and indicated that someone lived in the existing home until May 2006. Ms. Masiello asked for an explanation on the existing sq. footage and the proposed and it was explained to her that the existing home is somewhat smaller than that proposed and that the proposal called for a single-story home. Abutter Richard Lavalley was present and raised concerns about infringing on the buffer. Mark Wickstrom asked the proponents if they had considered any other home design that would fit into the required setbacks and was told that owing to a disability of one of the owners that a 2-story home would not work for the applicants. Fred Lapham mentioned that the congestion caused by a driveway servicing three properties created a safety concern. **Chairman Esposito declared the Public Hearing on this case closed.**

FY07-19: Deliberation: Carol Masiello queried as to whether this case should be a finding under Sec. 6 and asked if the application should be withdrawn and resubmitted asking for a finding. Discussion amongst the Board members regarding making a Finding under MGL C. 40A Sec. 6 and how to convert a Variance application to make such a determination. Ms. Masiello suggested that the issue of Variance vs. Finding needed to be rectified for the Building Inspector by making a ZBA Rules and Regulations change. **Mark Wickstrom** made a motion, seconded by **Carol Masiello**, to make a FINDING under MGL C. 40A S. 6 that there is a pre-existing structure on a non-conforming lot and that the applicant wishes to extend and or alter the structure according to the submitted hand drawn plan showing a new addition above the kitchen (40 ft. x 14 ft.) to be used as a bedroom and that the intended extension or alteration is not substantially more detrimental to the neighborhood than the existing non-conformity and that the Building Inspector shall issue a permit for the work. The vote was **3-0-0 in favor** of the motion. **(Action: Finding Granted)**

FY07-21: Deliberation: Chairman Esposito indicated that he saw 0 ft. frontage on the parcel. Atty. Bertozzi argued that it was his opinion that the parcel had 68 ft. of frontage. Hardships were discussed by the Board members including: 1.) the fact that it is an odd-shaped lot with a “jog”; 2.) the fact that the existing fieldstone foundation leaves a lot to be desired (not readily able to build upon it); 3.) the fact that the disability of one of the occupants requires a ranch style (1-story) home; 4.) the fact that the existing structure does not meet setbacks; and 5.) the fact that they can’t build the home any closer to the river (needs Conservation Commission approval). Mark Wickstrom made a motion, seconded by Carol Masiello, to grant, under MGL C. 40A S. 10, a Frontage Variance of 125 ft. from the 125 ft. Frontage requirement, a Left Side Setback Variance of 5 ft., and a Right Side Setback Variance of 6 ft. from the 25 ft. Side Setback requirement, in order to raze the existing dwelling and re-build a new 53 ft. x 76 ft. ranch-style dwelling on the site, with the following conditions:

1. That the applicant seek Conservation Commission approval;
2. That both existing sheds on the property also be razed;
3. That the propane tank be removed from the site.

The vote was **3-0-0 in favor** of the motion. The Board found the following facts to support a hardship in accordance with S. 10:

- 1.) The shape of the lot is odd in that it is long, narrow and has a “jog” in it;
- 2.) The fieldstone foundation of the existing home is such that the existing home could not be expanded upon;
- 3.) One of the applicants suffers from a disability that requires the accommodation of single-floor living in a ranch-style home;
- 4.) The topography of the lot is such that the 100 ft. buffer zone of a neighboring river reduces the available buildable area.

The Board found the above facts were unique to the parcel in question and do not affect the Zoning District in general and that the Variances could be granted without substantial detriment to public good. The Board also noted that the existing dwelling does not meet the setbacks and that the proposed new dwelling would be no more non-conforming than the existing dwelling is. **(Action: Variances Granted)**

CONTINUED / NEW / OTHER BUSINESS

Brief Continued Discussion of Changes to the ZBA Process and Procedures: Carol Masiello suggested that the Board continue working with Bill Scanlon from CMRPC, maybe attending the Citizens / Planner Training Collaborative, at a cost of about \$200.00 (for four members). Chairman Esposito volunteered to follow up on this. Carol Masiello further suggested that the Board start working on creating separate application packages for Findings, Variances, Special Permits, et al. She also recommended that the Board begin working on a Bylaw change for the June STM re: Determinations / Findings. Ms. Masiello recommended that the Board hold their Public Hearing for potential ZBA Rules and Regs changes on Tuesday, 03/27/07, such that Cheryl could advertise for the Public Hearing on 03/13/07 and 03/20/07. Ms. Masiello also asked that Floyd Forman forward whatever information Bill Scanlon provided to him after the Board’s meeting with Bill. The agenda for the 03/27/07 meeting should read: Changes to ZBA Rules and Regs and potential Bylaw Change. **(Action: Re-visit & confirm idea of holding a Public Hearing on 03/27/07 re: changes to ZBA Rules and Regs and a potential bylaw change for June STM)**

Vote to Accept and Endorse 12/06/06 ZBA Meeting Minutes: Carol Masiello made a motion, seconded by Mark Wickstrom, to approve as written and endorse the 12/06/06 ZBA Meeting Minutes. The vote was **3-0-0 in favor** of the motion.

Vote to Accept and Endorse 01/03/07 ZBA Meeting Minutes: **Mark Wickstrom** made a motion, seconded by **Ernie Esposito**, to approve as written and endorse the 01/03/07 ZBA Meeting Minutes. The vote was **2-1-0 in favor** of the motion.

Reviewed and Signed Invoices

Adjournment: **Carol Masiello** made a motion, seconded by **Mark Wickstrom**, to adjourn. The vote was **3-0-0 in favor** of the motion. The meeting adjourned at 8:37 P.M.

Approved by the Town of Uxbridge Zoning Board of Appeals:

Ernie Esposito, Chairman

Carol Masiello, Member

Mark Wickstrom, Member