



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

Page 1 of 3

Minutes of the **June 6, 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**

Others Present: **Floyd Forman, Dir. Of Planning & Economic Development, Cheryl Brodeur**

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

**PUBLIC HEARING(S) CONTINUED:**

**FY07-24: The applicants / owners of record, Northwind Partners MA, LLC, are seeking, in Residence C and Agricultural Zones, a Special Permit for Use in accordance with the Town of Uxbridge Zoning By-law S. XX Age Restricted Development Overlay District, s.s. B. Permitted Uses and s.s. N. Criteria for Review, on a lot located at Taft Hill Ln., Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 23, Parcel 4435, and recorded in the Worcester County District Registry of Deeds Bk. 34880, Pg. 294, in order to construct a 130-unit condominium development.** Mark Wickstrom recused himself and John Higgins replaced Mr. Wickstrom. The applicant, Kevin Comeau of Northwind Partners, and his representatives, Attorneys Mark Kablack and George Yankovich, were present. Atty. Kablack provided an overview. Atty. Kablack told the assembled that this project was originally approved in 2002 and the project was confirmed in April and August of 2004 and that the applicant was now before the Board to meet the provision of the new by-law to designate 15 of 130 units as affordable under DCHC. He went on to say that the project will be built in three phases and that the affordable units would be integrated into each phase and be priced in accordance with state guidelines and that the Town will receive credit toward our state housing inventory. He apologized to the Board for not showing up for the Board's last meeting, indicating that he misunderstood the date of same. Re: Subdivision roadway build-out: Atty. Kablack said that they'd had a series of meetings with the DPW and that the road will be built with an inspection program and the original site design. Re: the affordable units: Atty. Kablack told the assembled that those units will be built out over the three phases and that there would be assurance that they all will be built, and the Town will get credit for all 15 units. He spoke of building 1 affordable unit to every 5 market units and indicated that in the final phase, all five affordable units will have to be built before the last four market units. Chairman Esposito asked for clarification of the previous fact and got confirmation. Atty. Kablack indicated that he hoped to see the Public Hearing closed tonight and a vote taken. Affordable deed riders were discussed. There were no further Board questions and no abutters were present. Chairman Esposito confirmed that all three members were present for the entirety of the Public Hearing on this matter. **Carol Masiello** made a motion, seconded by **John Higgins**, to close the Public Hearing. The vote was **3-0-0 in favor** of the motion. **Carol Masiello** made a motion, seconded by **John Higgins**, to grant an amendment to a prior Special Permit, dated November 26, 2002 (recorded in the Worcester County District Registry of Deeds Bk. 28739, Pg. 222, as amended by Special Permit dated April 21, 2004 (recorded in said Registry of Deeds Bk. 34627, Pg. 47) pursuant to

M.G.L. 40A as amended and S. XX of the Uxbridge Zoning By-law – Age Restriction Overlay District. The vote was **3-0-0 in favor** of the motion. **(Action: CAB to fill in the decision and file with the TC)**  
**FY07-27: The applicant / owner of record, Ralph E. True, Jr., is seeking, in the Residence C Zone, a Frontage Variance of 150 ft. from the 200 ft. requirement, on a lot located at 91 Quaker Hgwy., Uxbridge, MA, shown on the Town of Uxbridge Assessor’s Map 30, Parcel 3382, and recorded in the Worcester County District Registry of Deeds Bk. 34739, Pg. 387, in order to construct a home meeting all required setbacks on the resultant lot. Mark Wickstrom made a motion, seconded by Carol Masiello, to continue the Public Hearing on this matter to the next meeting. The vote was 3-0-0 in favor of the motion. (Action: Cont. PH to 07/07 ZBA Mtg.)**

**PUBLIC HEARING(S) NEW:**

**FY07-31: The applicant, Laval Cote, is seeking, in the Business Zone, a Class II License to sell used vehicles, on a property located at 278 No. Main St., Uxbridge, MA, shown on the Town of Uxbridge Assessor’s Map 12C, Parcel 4334, and recorded in the Worcester County District Registry of Deeds Bk. 8716, Pg. 2. The owner of record is Marc Mann.** Chairman Esposito opened the Public Hearing on this matter. The applicant and the owner were present. The applicant is the owner’s tenant and explained to the assembled that his business used to be on Quaker Highway, operating as Rick’s Automotive and that he’d been in business for ten years and further explained that the property has historically housed such a business and has borne a Class II license. He presented a parking plan to the Board members and explained that he was mostly planning to repair vehicles and sell some. Carol Masiello questioned the applicant re: his request for twenty cards and he indicated that his old Class II license allowed for twenty cars. Mark Wickstrom asked the applicant to confirm that the parking would be on the northerly end of the side and that it would consist of 10 double deep spots. Parking lot access, hours of operation (7:00 A.M. to 7:00 P.M. Monday through Saturday), and the fact that this should not become a junk yard were discussed. No abutters were present. **Mark Wickstrom** made a motion, seconded by **Carol Masiello**, to grant a Special Permit for a Class II Auto Sales with restrictions: 1.) that the business be conducted on the northerly part of the property; 2.) that the number of cars maintained on the property be limited to 20 and 3.) that the hours of operation be limited to 7:00 A.M. to 7:00 P.M. Monday through Saturday; and that the Board make a FINDING that this is not injurious or detrimental to the neighborhood and further that the applicant obtain the necessary permits from the Board of Selectmen. The vote was **3-0-0 in favor** of the motion.

**FY07-32: The applicants / owners of record, Dennis R. and Joanne P. Lavallee, are seeking, in the Business Zone, a Left Side Setback Variance of 23 ft. from the 25 ft. Side Setback requirement, on a lot located at 120 So. Main St., Uxbridge, MA, shown on the Town of Uxbridge Assessor’s Map 25, Parcel 2685, and recorded in the Worcester County District Registry of Deeds Bk. 18289, Pg. 365, in order to construct a 35 ft. x 75 ft. addition to the rear of the existing building on the site.** The applicants and their engineering representative, Rick Hathaway of Andrews Survey & Engineering, were present. Mr. Hathaway explained that the applicant operates a body and repair shop and wants to construct an addition to the rear of the existing building. He explained that, owing to the configuration of the lot, it was impossible to maintain the required side setback and that parking on the southerly side of the property restricts the applicant from building there. Chairman Esposito asked what was the purpose of the proposed expansion. The applicant explained that this was an expansion to his business and that he needed to add a second state-of-the-art filtered spray booth and wanted to get into the work of old car restoration. One abutter, Peter Catch, asked to speak and explained to the Board members his multiple concerns including wetlands filling, stormwater run-off, lights on his property from the site, Newell St. restoration, and property devaluation. After much discussion and offers to compromise on the part of the applicants, **Mark Wickstrom** made a motion, seconded by **Carol Masiello**, to grant with conditions, under MGL C. 40A, S. 10, a Left Side Setback Variance of 23 ft. from the 25 ft. Side Setback requirement, based upon the following findings:

1. Due to the shape and topography of the lot as evidenced by the testimony given at the Public Hearing, including the sharp angle of the lot from the street line and the sloping of the lot to the rear of the present building, that these facts affect the proposed structure and represent a substantial hardship to the Applicant.

- 2. The desired relief to construct within the side setback does not nullify or substantially derogate from the purpose of the Zoning By-law in that there is an existing structure already within the setback and that the proposed structure does not affect the zoning district.

Conditions:

- 1. The Applicant shall mark the southerly boundary of his property along the property line with a yellow demarcation line.
- 2. The Applicant shall provide parking signage at the front of the property and appropriate signage indicating parking on subject property only.
- 3. This decision does not supersede the ZBA’s prior 1996 decision (attached). The vote was **3-0-0 in favor** of the motion.

**OLD / NEW BUSINESS, MINUTES, MAIL & MISCELLANEOUS**

**Vote to Accept and Endorse 05/02/07 ZBA Meeting Minutes:** Carol Masiello made a motion, seconded by Mark Wickstrom, to accept and endorse as amended (change date on page 2&3 to 05/02/07 from 04/04/07) the 05/02/07 ZBA Meeting Minutes. The vote was **3-0-0 in favor** of the motion.

**Variance for 8 Court Street from the last meeting and a Memo from Irving Priest (Exhibit “A” attached):** Mr. Priest pointed out in his memo that the sewer line for the Congregation Church goes through the property now known as “Parcel B” on the ZBA Plan for Property on Court St. / Douglas St. dated January 12, 2007 by Andrews Survey and Engineering. He added that a sewer easement for the benefit of the church will need to be added to “Parcel B” and registered with the Worcester County District Registry of Deeds. Mark Wickstrom made a motion, seconded by Carol Masiello, to authorize Cheryl Brodeur to pass the information onto Andrews Survey and Engineering so that they can relay the information to the church. The vote was **3-0-0 in favor** of the motion. **(Action: CAB to forward Irving Priest’s information to Andrews Survey & Engineering)**

**ZBA Rules & Regs Changes:** Carol Masiello asked that Comprehensive Permit Forms be placed as an agenda item on next month’s meeting.

**July ZBA Meeting Date Discussion:** Because the ZBA meets on the first Wednesday of every month, and because the first Wednesday of July is Independence Day, the Board discussed when it would hold its July meeting. Carol Masiello made a motion, seconded by Mark Wickstrom, to postpone the 07/04/07 meeting to 07/18/07. The vote was **3-0-0 in favor** of the motion.

**Set up Public Hearing at next meeting for Adoption / Modification of the ZBA Rules and Regs:** Carol Masiello made a motion, seconded by Mark Wickstrom, to authorize Cheryl Brodeur to post a Public Hearing on adoption of new Rules and Regs on 07/18/07. The vote was **3-0-0 in favor** of the motion. **(Action: CAB to set up Public Hearing on 07/18/07) NOTE: This never occurred.**

**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 9:00 P.M.

Approved by the Town of Uxbridge Zoning Board of Appeals:

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