



Town of Uxbridge
Zoning Board of Appeals
21 So. Main St.
Uxbridge, MA 01569
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DRAFT

Minutes of the Uxbridge Zoning Board of Appeals held on **Wednesday, October 3, 2007**, at 7:00 P.M. in the Lower Town Hall, Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA:

Zoning Board of Appeals Members Present: **Chairman Mark Wickstrom, Thomas Bentley, Bruce Desilets and Associate Member Charles Lutton**

Zoning Board of Appeals Members Absent: **None**

Others Present: **Megan DiPrete, Director of Planning and Economic Development and Tracey Ante, Administrative Assistant**

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

FY08-20: The applicant /owner of record Flagg Realty, LLC is seeking a Special Permit from the Zoning By-Laws on property located on 867 Quaker Highway, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 50 and 51, Parcel 4024 and 2649 and recorded in the Worcester County District Registry of Deeds Book 41831, Page 218 in zoning district Industrial to construct and operate a new recreational vehicle facility (Class 1). The site is located primarily in the Industrial zoning district (and partially in the Agricultural zone) and will hold a 12,000 square foot building with showroom and repair facility.

The Chairman opened the public Hearing. Mark Anderson, from Heritage Design Group spoke on behalf of the applicant, Steven Flagg, who was also present. Mr. Anderson indicated that the proposal is to operate 12,000+ square foot sales and distribution facility off Route 146A (a portion of former Hood site) for the sale of approximately 100 recreational vehicles. The activity will be within the Industrial zoning district. There will be no disturbance to the Ironstone Reservoir or wetlands.

Following public input, **Motion** by Mr. Bentley to close the public hearing. Seconded by Bruce Desilets, the motion carried unanimously.

Motion by Mr. Bentley, in accordance with Section VII, Subsections E 1 and D 8a of the Uxbridge Zoning By-laws, to issue a finding that the use will not be injurious or offensive to the neighborhood. Seconded by Mr. Desilets, the motion carried unanimously.

Motion by Mr. Bentley to grant a Special Permit from the Zoning Board of Appeals subject to the required site plan review by the Planning Board and all other required permits. Seconded by Mr. Desilets, the motion carried unanimously.

FY08-12: Decision. Application for a Variance from the dimensional requirements of the Zoning By-Laws and a Special Permit, on property located at 133 Hecla Street, to allow 3 dwelling units on property that lacks frontage and area as required by the Zoning Bylaws.

Petitioner Corey Keefer was present. The public hearing was previously closed. Ms DiPrete reminded the Board and audience that Mr. Wickstrom and Mr. Bentley both indicated that they are abutters to abutters of notice; the Rule of Necessity was invoked. Upon inquiry, no member of the Board or audience questioned the ability of the members to act impartially nor objected to their participation. The members had filed appropriate disclosure forms as required by law.

Motion by Mr. Wickstrom that based on the application and testimony, there is no hardship evident as required by Mass General Laws Chapter 40A Section 10, and therefore the Board cannot approve the variance. Seconded by Mr. Lutton, the motion carried unanimously.

FY08-13: Public hearing, continued. **Motion** by Mr. Bentley to grant the applicant's request to continue the hearing without taking testimony to December 5, 2007. Seconded by Mr. Lutton, the motion carried unanimously.

FY08-017: The applicant/owner of record, Paul, Bill and Denise Boutot are seeking a Special Permit from Zoning By-Laws to allow a commercial garage for storage, maintenance of more than three (3) passenger type vehicles and to sell used vehicles on property located 107 S. Main Street, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 25, Parcel 2671 and recorded in the Worcester County District Registry of Deeds Book 36355, Page 199 in Business zone.

The Chairman opened the public Hearing. Applicant Paul Boutot was present with Mr. Stack, business operator. Mr. Boutot indicated that the proposal is to allow a used car lot of up to 6 vehicles. He will pave a section on the left side of the existing building to accommodate these vehicles as well as to provide additional parking spaces for employees. Per Mr. Stack, an existing used car dealer license from 616A Douglas St. would transfer to this location.

There was extensive public input. Areas of concern included depreciation of the property, noise, the potential for an auto body shop, environmental impacts, visual appearance and parking layout. The Board clarified that the property is shallow, about 115 feet deep from South Main Street, and does not include any portion of the rear property, owned and used by others (the rear property backs up toward Juniper Hills, the condominium development where many of the public hearing speakers live).

Following public input, **Motion** to close public hearing by Mr. Bentley. Seconded by Mr. Desilets, the motion carried unanimously.

They will deliberate at their next meeting, on November 7, 2007.

FY08-18: The applicant/owner of record, Aida and Eric Schreiber, are seeking a Special Permit from the Zoning By-Laws on property located on 84 Fisher Street, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 31, Parcel 4751 and recorded in the Worcester County District Registry of Deeds Book 23122, Page 282 in Residence C zone. The applicant was referred by the Building/Zoning Inspector relative to a mounted shooting club (Massachusetts Six Shooters) and stables

The Chairman opened the public Hearing. The applicant was present with Cindy Karp, Vice President, Mass Six Shooters. The proposal is to allow a shooting club hosting three events per year in Residence C zone. The property consists of two pieces which share a 3-foot boundary; one is 22 acres in size and the other is approximately 4 acres in size. The applicant indicated that she has permits from the Board of Health for her 23 horses and a kennel license for 39 dogs on the property. She indicated that she performs limited riding instruction. She also indicated that all of this activity occurs on the 4 acre portion of the property. Also, there is a Foresting permit on the property.

There was extensive public input. Many areas of concern identified, including significant and frequent noise from gun-shots and from dogs, public safety, public nuisance, environmental impacts of the forestry work, traffic safety regarding a club-type event, impact on property values of having organized shooting events in a residential zone, the applicability of the Zoning Bylaws, the apparent lack of frontage of the property (50 feet shown), the intensity of uses, and the public health issues relating to manure of dogs and horses plus Club participant horses.

Motion by Mr. Bentley to continue the public hearing for the purpose of gathering additional information regarding existing permitted activities on the property. At the applicant's request the hearing will be resumed on December 5, 2007. Seconded by Mr. Desilets, the motion carried unanimously.

FY08-19: The applicant/owner of record Robert Hadley of Rendezvous Leather/Elaine & Alan Brunelle seek a Special Permit from the Zoning By-Laws on property located on 690 Quaker Highway, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 45, Parcel 3995 and record in the Worcester County District Registry of Deeds Book 14087, Page 125 in zoning district Industrial to allow the sale of Roadmaster motorcycle trailers.

The Chairman opened the public Hearing. The applicant was present and described the application. Up to 15 trailers will be for sale (some carrying one motorcycle, some carrying two). The property currently conducts retail sales of apparel, and season DJ entertainment, and seasonal ice cream/sandwiches/light food. Trailer sales would occur during regular business hours, no earlier than 10 am and no later than 9 pm.

Following public input, **Motion** by Mr. Desilets to close the public hearing. Seconded by Mr. Bentley, the motion carried unanimously.

Motion by Mr. Bentley to grant the Special Permit on a finding that the proposal is not injurious or offensive to the neighborhood with the stipulation that the business is limited to having no

more than 16 motorcycle trailers for sale on the property at any given time, and that the hours of operation be limited to 10:00 A.M. – 9:00 P.M. Seconded by Mr. Desilets, the motion carried unanimously.

Determination of Completeness. Mr. Richard Hurteau, 70 Quaker Street. Mr. Bentley recused himself as he is an abutter of notice to the property.

The applicant is seeking a Determination of Completeness for his application, seeking permission to develop property that has frontage in another town. The board suggested resubmitting a new application with a map showing all the property he owns (in both Uxbridge and the adjacent town) and including information as to the hardship, as required by state law. If all material is submitted this week, there would be time to schedule it for the November 7, 2007 meeting.

Review By-Laws and Operating Procedures and fee structures.

Motion by Mr. Bentley to adopt the Zoning Board of Appeals Regulations Governing Fees and Fees Schedules as proposed. Seconded by Mr. Desilets, the motion carried unanimously.

40B Proposed Rules and Regulations. Chairman Mark Wickstrom suggested review of the rules and regulations and procedures for the November 7, 2007 agenda.

Minutes. Motion by Mr. Lutton to accept the Zoning Board of Appeals meeting minutes dated September 12, 2007. Seconded by Mr. Desilets, the motion carried unanimously.

Minutes. Motion by Mr. Lutton to accept the Zoning Board of Appeals meeting minutes dated September 17, 2007. Seconded by Mr. Bentley, the motion carried unanimously.

The board reviewed correspondence and signed bills.

Motion by Mr. Bentley to adjourn the meeting at 9:50 P.M. Seconded by Mr. Desilets, the motion carried unanimously.

Mark Wickstrom, Chairman

Thomas Bentley

Bruce Desilets

Charles Lutton, Associate Member

Date