



Town of Uxbridge  
**Zoning Board of Appeals**  
21 So. Main St.  
Uxbridge, MA 01569  
(508) 278.6487

Minutes of the Uxbridge Zoning Board of Appeals held on **Wednesday, November 7, 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: **Vice Chairman Thomas Bentley, Bruce Desilets and Associate Member Charles Lutton**

Zoning Board of Appeals Members Absent: **Chairman Mark Wickstrom**

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, Vice Chairman Thomas Bentley convened the meeting at 7:00 PM and led the gathering in the Pledge of Allegiance.

**FY08-017: Decision.** The applicants 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. The public hearing was held on October 3<sup>rd</sup>. The board deliberated on the application and input received during the public hearing.

**Motion** by Mr. Desilets to grant a special permit from the Zoning Board of Appeals with the conditions that the use be limited to a maximum of 6 vehicles to be stored, that no maintenance shall be performed, and that hours of operation be limited to between 8 AM and 8 PM. Seconded by Mr. Lutton, the motion carried unanimously.

**FY 08-23:** The applicant/owner of record, Louis and Susan Desruisseaux are seeking a Special Permit under Section VII D 8b from the Zoning By-Laws on property located 486 Douglas Street, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 23, Lot 4424 and recorded in the Worcester County District Registry of Deeds Book 27722, Page 346 located in the Business zone to allow the use of a fuel service station with 4,800 sq. ft. of retail store and car wash. A full site plan review by the Planning Board will ultimately be required, but is not part of this application.

The Vice Chairman opened the public hearing. It was noted that there was a typographical error noted in the public hearing notice. The applicants request for a Special Permit is under Section VII D 8b from the Zoning By-laws (rather than Section VII A 8B as noted in the legal notice). The zoning district was correctly noted in the legal notice.

Mr. Steven O'Connell, from Andrews Survey & Engineering, and Attorney Aldo Consigli, spoke on behalf of the applicant. Mr. O'Connell indicated that the proposal is a request for a Special Permit for a 4,800 square foot convenience store with drive thru coffee/donut shop, a 16-pump fuel station with 4 aisles, and a 3-bay car wash with vacuums. Access to the site is via Douglas Street. Mr. O'Connell noted a Special Permit was granted in July 2006 to the same applicant at a property 300 feet west of this proposed location. The current proposed site is approximately 350 feet from the nearest dwelling unit at Summerfield, a relatively new condominium project.

Mr. O'Connell described the gas station provisions, and stated that all gas/oil spills will be captured on site with a closed piping system, catch basin, traps and other safeguard measures will be in effect. Fuel uses are highly regulated, he noted. The proposal includes a recycle wash center where water is routed through an extensive water treatment system and reused.

Attorney Henry Lane, who spoke on behalf of the residents at Summerfield at Taft Hill, requested detailed traffic impact, water quality, air quality and real estate impact studies. He and others identified a number of items of concern, including impact of lighting on the adjacent residential uses, adequate buffer from adjacent residential uses, concern about noise generated from a large gas station and from proposed vacuums, air quality from idling vehicles and from fuel fumes, potential impacts to water quality, and the impact on adjacent residential real estate values and hours of operation.

The board will tentatively schedule a site visit for November 17, 2007 and deliberate at their next meeting.

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

**FY08-21:** The applicant/owner of record, Tia and David Hetu/Howard and Elizabeth Frederickson are seeking a Special Permit for Use from Zoning By-Laws (Section VII paragraphs E 1 and D 6) on property located 237 River Road, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 46, Parcel 3318 and recorded in the Worcester County District Registry of Deeds Book 19635, Page 263 located in Industrial zone to allow the use of a gymnastics facility.

The Vice Chairman opened the public hearing. Ms. Tia Hetu spoke and stated she was formerly at the Bernat Mill and would like to continue operating a recreational gymnastics program at the proposed location.

Ms. DiPrete indicated that there have been extensive meetings and communication with the applicant and her representatives to facilitate the building permitting of the unit. At this time, fire protection and related plans must still be submitted to the Building Inspector and the applicant must adhere to all building inspection codes and fire regulations.

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

**Motion** by Mr. Desilets, in accordance with Section VII, paragraphs E 1 and D 6 of the Uxbridge Zoning By-laws, to issue a finding that the use will not be injurious or offensive to the neighborhood and to grant a special permit to operate the proposed recreational gymnastics studio. Seconded by Mr. Lutton, the motion carried unanimously.

**FY08-22:** The applicant/owner of record, John and Marianna Buteyn, are seeking a variance from the side setback required by the Zoning By-Laws on property located at 274 Sutton Street, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 11, Parcel 0178 and recorded in the Worcester County District Registry of Deeds Book 06963, Page 381 located in Agricultural zone, to construct a garage. The structure would encroach into the minimum required side setback area by approximately 1 foot.

The Vice Chairman opened the public hearing. The applicant described the hardship that would be encountered without the variance – the variance is essential due to the shape of the lot, which clearly limits the ability to meet the setback areas for a garage. The neighbor on the affected side spoke in favor of the application.

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

**Motion** by Mr. Lutton to approve the variance based on architectural and financial hardship. Seconded by Mr. Desilets, the motion carried unanimously.

**FY 08-24:** The applicant/owner of record, Tracy Sharkey/ Janine and Wayne Meunier and Marianne Wood are seeking a variance from the Zoning By-Laws on property located at 38 Beverly Avenue, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 12C, Lot 4115 and recorded in the Worcester County Registry of Deeds Book 31464 and 34139, Pages 188 and 387 located in Residence A Zone. The applicant seeks to divide a lot into two building lots. Both resulting lots will lack area and frontage as required by Section X of the Zoning By-Laws. Parcel 1 will also require a variance from the left side setback requirement, as the existing house is 8 ft. from the property line (25 ft. required). Parcel 2 will have 10,340 sq. ft. (20,000 sq. ft. required) and 94 ft. frontage (125 ft. required).

The Vice Chairman opened the public hearing. Tracy Sharkey of Guaranteed Builders, Inc. presented her proposal. Ms. Sharkey suggested this was an alternative to an in-law apartment or duplex. The property has town water and sewer. Public hearing input focused on ensuring compliance with existing bylaws.

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

**Motion** by Mr. Desilets, to **deny** applicant's request for variance due to lack of area and frontage based on a finding that the requested variances would be detrimental to the neighborhood and that the applicant did not submit evidence of any hardship. Seconded by Mr. Lutton, the motion carried unanimously.

**FY 08-25:** The applicant / owner of record, Wayne Racicot are seeking a Variance for the frontage and square footage from the Zoning By-Laws on property located at 315 Hazel Street, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 17, Parcel 4571 and recorded in the Worcester County Registry of Deeds Book 23834, Page 53 located in the Agricultural Zone. The applicant would like to demolish an existing old abandoned house and replace it with a modular 27.6' X 50'. The applicant has a shortage of 65,483 on square footage ( 87,120 sq. ft. required, plot plan map shows .49 acre (21,637 sq. ft.) and a shortage of 156.49' on frontage (300 ft. required, plot plan map shows 143.51 frontage).

The Vice Chairman opened the public hearing. Mr. William Drexel, and engineer, spoke on behalf of the applicant. The applicant proposes to demolish an existing old abandoned house and replace it with a modular home on a property which lacks the required square footage and frontage. He believes the lot is grandfathered.

Ms. DiPrete stated she had a copy of the deeds dated 1995 and 1992 but was not able get earlier deeds; there is not documentation of the deed creating the lot. Once that is received, we could verify the applicable zoning regulations at the time in order to determine whether the property is grandfathered.

The board deliberated and requested further research by Mr. Drexel as to the history of the property.

Mr. Drexel requested, on behalf of the applicant, to continue the public hearing to December 5, 2007 so that he could conduct further research verifying the zoning in effect when the lot was created.

**Motion** by Mr. Lutton to grant the applicant's request to continue the public hearing to December 5, 2007, as described. Seconded by Mr. Desilets, the motion carried unanimously.

**40B Comprehensive Permit Regulations.** After discussion, **Motion** by Mr. Desilets, to approve the Comprehensive Permit Rules of the Zoning Board of Appeals. Seconded by Mr. Lutton, the motion carried unanimously.

**Minutes.** **Motion** by Mr. Desilets to accept the Zoning Board of Appeals meeting minutes dated October 3, 2007. Seconded by Mr. Lutton, the motion carried unanimously.

**The board reviewed correspondence.**

**Site Visits -** The board is scheduled for a site visit at 84 Fisher Street, November 17, 2007 at 11am regarding FY 08-18, Eric and Aida Schrieber, Mass Six Shooters. A tentative site visit is also scheduled for November 17, 2007 regarding FY 08-23, Louis and Susan Desruisseaux, 486 Douglas Street.

**Motion** by Mr. Lutton to adjourn the meeting at 9:00 P.M. Seconded by Mr. Desilets, the motion carried unanimously.

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Mark Wickstrom, Chairman

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Thomas Bentley

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Bruce Desilets

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Charles Lutton, Associate Member

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Date