



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, December 5, 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: **Tracey Ante, Administrative Assistant**

The meeting being duly called, properly posted and a quorum being present, Chairman Mark Wickstrom convened the meeting at 7:01 PM and led the gathering in the Pledge of Allegiance.

FY08-13, continued: Motion by Mr. Bentley to accept applicant's written request to withdraw without prejudice. Seconded by Mr. Desilets, the motion carried unanimously.

FY08-18, continued: Massachusetts Six Shooters, 84 Fisher Street.

The Chairman re-opened the public hearing. Areas of concern include the disposal of manure, the use and number of horses allotted per acre and if in compliance with the board of health regulations. The applicant indicated that she has permits from the Board of Health and a current state license. She indicated that she performs limited riding instructions for profit.

Motion by Mr. Bentley to continue the public hearing, pending review of the board of health regulations. Seconded by Mr. Desilets, the motion carried unanimously.

It was noted the application was submitted September 6, 2007. **Motion** by Mr. Bentley to rescind the motion to continue the public hearing. Seconded by Mr. Desilets, the motion carried unanimously.

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

The board deliberated and noted that the shooting club activities would require approval from the Board of Selectmen in obtaining a one day entertainment license. The board further discussed the stabling of horses, noted it was allowed in Residence C zone and the applicant has an existing stable permit. The board noted that it had held a site visit on November 17, 2007 and no action or votes were taken.

Motion by Mr. Bentley to deny the applicant's request to host club activities. Seconded by Mr. Desilets, the motion carried unanimously.

Motion by Mr. Bentley, the board finds the present number of horses (23) is not injurious or offensive to the neighborhood, the applicant may conduct riding lessons as the use is accessory ownership of horses, the number of lessons be limited to 5 per week, and otherwise not keep horses for sale, hire or other business purposes. Seconded by Mr. Desilets, the motion carried unanimously.

The Chairman noted the following for the record: The Board does not think the decision precludes the Board of Selectmen from hearing an application for entertainment license and the board has no decision either way.

FY 08-25, continued: Drexel / Racicot, 315 Hazel Street. 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.

The Chairman re-opened the public hearing. Mr. William Drexel spoke on behalf of the applicant. The applicant proposes to demolish an existing old abandoned house and replace it with a modular home. Mr. Drexel researched the deeds to the property and referenced the lot was conformed to zoning regulations in 1965.

Motion by Mr. Bentley finding that the proposed reconstruction is not substantially more detrimental to the existing structure and the demolition permit and building permit be issued as long as in compliance with the board of health regulations. Seconded by Mr. Desilets, the motion carried 3 AYES, 0 NAYS, 1 ABSTENTION. Mr. Wickstrom abstained as he was not present when the hearing opened in October.

FY 08-16: The applicant / owner of record Mr. Richard Hurteau is seeking a Variance from Zoning By-laws for frontage on property located at 0 Quaker Street, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 51, Parcel 1438 and recorded in the Worcester County District Registry of Deeds Book 17112 and 323, pages 29595 and 232 located in Agricultural zone. The applicant proposes to build a single family home, horse barn or possibly a kennel on property in Uxbridge. The property is located on the town line with Millville, and has no frontage in the Town of Uxbridge. Access to the property would be by way of frontage on a road in the Town of Millville.

Mr. Bentley recused himself due to conflict of interest. The Chairman opened the public hearing. Mr. Hurteau was present and informed the board of his intentions to develop land in the agricultural zone on a lot lacking frontage in Uxbridge. He has received subdivision approval in Millville to develop a bed and breakfast with three guest rooms and to construct a barn. Mr. Hurteau stated he had several conversations and exchanged correspondence with Ms. DiPrete relative to Mass General Laws in particular Chapter 128, Section 1A. Correspondence dated October 16, 2007 was provided to the board.

Areas of concern included a kennel operation, an equestrian center as well as a request for a detailed plan of the proposal on said property.

Mr. Wickstrom made note that Ms. DiPrete was absent and would like to consult with her prior to any decision on the application as relates to MGL Chapter 128, Section 1A, Farming, agriculture, farmer definitions.

Motion by Mr. Lutton to continue the public hearing to January 16, 2008. Seconded by Mr. Desilets, the motion carried unanimously.

Mr. Bentley returned to the board.

FY08-23: Desruisseaux, 486 Douglas Street.

The public hearing was held on November 7, 2007 and a site visit was conducted by the board on November 17, 2007 and no action or votes were taken at that time. The hearing is closed.

The board deliberated. It was suggested there were 3 things to consider. A donut shop, a gas station with isle pumps and a car wash. It was mentioned prior approval was granted in July 2006, three hundred feet to the west of the current proposed site. Areas of concern include the close proximity to the stream/wetlands, close proximity to residents at Summerfield at Taft Hill, lighting, noise and pollution.

Motion by Mr. Desilets to deny the applicants request as it would be detrimental to the area and neighborhood. Seconded by Mr. Lutton, the motion carried 3 AYES, 0 NAYS, 1 ABSTENTION. Mr. Wickstrom abstained as he was not present for the public hearing.

Meeting Schedule – Motion by Mr. Bentley to cancel the Zoning Board of Appeals Meeting Wednesday, January 2, 2008 and reschedule to Wednesday, January 16, 2008. Seconded by Mr. Desilets, the motion carried unanimously.

Meeting Minutes

Motion by Mr. Bentley to approve the November 7, 2007 Meeting Minutes. Seconded by Mr. Lutton, the motion carried unanimously.

Motion by Mr. Bentley to approve the November 17, 2007 site visit minutes at 84 Fisher Street (ZBA #08-18). Seconded by Mr. Wickstrom, the motion carried unanimously.

Motion by Mr. Bentley to approve the November 17, 2007 site visit minutes at Douglas Street (ZBA #08-23). Seconded by Mr. Lutton, the motion carried unanimously.

Motion by Mr. Desilets to approve the November 20, 2007 meeting minutes. Seconded by Mr. Lutton, the motion carried unanimously. Mr. Bentley abstained.

The Board signed bills.

The Board will revisit the Zoning By-laws at their next meeting.

Motion by Mr. Bentley to adjourn the meeting at 8:35 P.M. Seconded by Mr. Wickstrom, the motion carried unanimously.

Mark Wickstrom, Chairman

Thomas Bentley

Bruce Desilets

Charles Lutton, Associate Member

Date