



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 meeting held on **Wednesday, April 1, 2009** at 7:00 P.M. in the Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA:

Zoning Board of Appeals Members Present: Mark Wickstrom, Charles Lutton, Stephen O'Connell, Chris Walkiewicz and Joseph Frisk

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 7:00PM with the pledge of allegiance.

FY 09-10: Applicants Edward & Susan Danis have filed an Appeal from the Determination issued by the Building Inspector in his capacity as Zoning Enforcement Officer on property located at 27 Pudding Street, Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 7 Parcel 0643 and recorded in the Worcester County District Registry of Deeds Book 18538, Page 366. The applicant requests an Appeal from the Building Inspector's Determination that the operation of a contractor's yard is a permitted home occupation in the Agricultural Zoning District.

Mr. Wickstrom and Mr. Lutton recused themselves due to conflict of interest and did not participate in the review. Mr. O'Connell participated as Chair and opened the public hearing. Mr. Frisk and Mr. Walkiewicz were designated as fully participating members for the purposes of this application.

Atty. Henry Lane was present and spoke on behalf of the applicant. He noted there were four petitioners for this application. He advised the Board the applicants seek an Appeal from the Building Inspector's Determination that the operation of a contractors yard is a permitted home occupation. He noted that an operation of a contractor's yard is only permitted by special permit in the Industrial zone. The operations do not qualify as a home occupation as they are not incidental to the residential use of the premises and are not conducted in the home or accessory building. He further advised that the Building Inspector issued an enforcement order noting not a permitted use on the property. He distributed material and photographs to the Board. The Owner is currently housing a pickup truck, dumptruck, backhoe, tractor, utility trailer, flat bed trailer.

Mr. Glenn Hand, Building Inspector/Zoning Enforcement Officer was present and advised the Board as to his action of the complaint/inquiry as to the operation of a contractor's yard. He noted he has had discussions with both the Applicant and the Owner.

Areas of concern include, whether a contractor's yard is a permitted use in the Agricultural zoning district, storing and transporting of commercial equipment, noise, traffic, hours of operation, employee traffic, property damages and decreased property values.

Following public input, **MOTION** by Mr. Frisk to close the public hearing. Seconded by Mr. Walkiewicz, the motion carried unanimously.

Following deliberation, **MOTION** by Mr. Frisk that the Board grant the Appeal from the Building Inspector Determination to **not** allow this operation in the Agricultural Zone for property located at 27 Pudding Street, Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 7 Parcel 0643 and recorded in the Worcester County District Registry of Deeds Book 18538, Page 366. Seconded by Mr. Walkiewicz, the motion carried unanimously.

Mr. Wickstrom and Mr. Lutton returned to the Board.

FY 09-11: The applicant/owner of record Kevin Powers /Giguere Realty Inc. are seeking a Special Permit from the Zoning By-laws on property located at 160 Ironstone Street, Uxbridge, MA shown on Assessors Map 51, Parcel 0176 and recorded in the Worcester County District Registry of Deeds Book 36942, Page 281 located in the Industrial Zoning District. The applicant intends to utilize an existing commercial/industrial structure for the intended purpose of providing wholesale and retail supplies and services for the asphalt sealcoating industry.

Chairman Mark Wickstrom opened the public hearing. Atty. Daniel Doyle and Mr. Kevin Powers were present and discussed the application. Atty. Doyle advised the Board the applicant is seeking a Special Permit to utilize a portion of an existing commercial building located at 160 Ironstone Street for a proposed wholesale/retail supplies and services for the asphalt sealcoating industry. It was noted the structure was built in 1998 and constructed of concrete and steel. The asphalt is non hazardous/non flammable and a water based material. In addition, the applicant advised the Board confirmation has been received by the Building Inspector and the Fire Dept.

Following public input and discussion, **MOTION** by Lutton to close the public hearing. Seconded by Mr. O'Connell, the motion carried unanimously.

MOTION by Mr. Lutton to approve the Special Permit to allow the use of the existing commercial/industrial structure for wholesale/retail supplies and services for the asphalt sealcoating industry and that the Board finds the application meets the Special Permit criteria pursuant to Section 400-50 of the Zoning Bylaws on property located at 160

Ironstone Street, Uxbridge, MA shown on Assessors Map 51, Parcel 0176 and recorded in the Worcester County District Registry of Deeds Book 36942, Page 281 located in the Industrial Zoning District. Seconded by Mr. O'Connell, the motion carried unanimously.

MINUTES. MOTION by Mr. O'Connell to approve the March 4, 2009 Meeting Minutes. Seconded by Mr. Lutton, the motion carried unanimously.

MINUTES. MOTION by Mr. Lutton to approve the March 11, 2009 Meeting Minutes. Seconded by Mr. O'Connell, the motion carried unanimously.

Legal Notices – Advertising Costs. The Board will continue discussions at a future meeting.

Ongoing Discussion/Review of Bylaws and Regulations – The Board presented the Zoning Bylaw revisions to the Finance Committee. The Board is scheduled to present the revisions to the Planning Board on April 8th.

MOTION by Mr. Lutton to adjourn the meeting. Seconded by Mr. Wickstrom, the motion carried unanimously.

Mark Wickstrom, Chairman

Stephen O'Connell, Clerk

Charles Lutton, Vice Chairman

Joseph Frisk

Chris Walkiewicz

Date