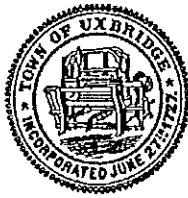


Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Bruce Desilets, Member
Joseph Alves, Alternate Member
Thomas Bentley, Alternate Member
Joseph Frisk, Alternate Member



COPY

Uxbridge Town Hall
21 South Main Street, Room 203
Uxbridge, MA 01569
508-278-8600 x2013 p
508-278-0709 f

DEC 4 '14 PM 12:52

DECISION

SPECIAL PERMIT GRANTED

Received by
Uxbridge
Town Clerk

December 3, 2014

ZBA Case# FY 15-03

Zone Residential C

Property Location 495 Blackstone Street, Uxbridge, MA

Assessor's Map 30 Parcel 4868

Worcester District Registry of Deeds Book 49921 Page 114

Owners Rogerio Ribeiro and Celeste Pombal

BACKGROUND

FY15-03: Owners Rogerio Ribeiro and Celeste Pombal/Representative Bonnie Blair. Representative on behalf of the Owners is requesting a Special Permit for the keeping of chickens. The property is located at **495 Blackstone Street, Uxbridge, MA**, as shown on the Town of Uxbridge Assessor's Map 30 Parcel 4868 and described in a deed recorded in the Worcester District Registry of Deeds Book 49921 Page 114; in Residential-C zone.

SUBMITTALS

Application form and materials were received September 16, 2014, including "Statement in Support of Application for Special Permit For Agricultural Use"; Town of Uxbridge Zoning Enforcement Officer enforcement letter dated August 20, 2014; a copy of the Application for Certified Abutters List, list, and labels; Quitclaim Deed; Mortgage Inspection Plot Plan dated September 30, 2012; Letter of Authorization dated September 7, 2014; assorted pictures; and, associated fee.

PRESENTATION / DELIBERATIONS

Present: Chair Mark Wickstrom, Vice Chair, Stephen O'Connell, and, Clerk Bruce Desilets.

Absent: Associate Members Joseph Alves, Thomas Bentley, and Joseph Frisk.

Bonnie Belaire of 92 A Wharf Street, Salem, MA on behalf of the Applicants spoke to the use of chickens for private consumption of eggs; no commercial selling of eggs; received letter from Zoning Enforcement Officer that chickens are not an allowable use in Residential-C zone. Ms. Belaire continued to address criteria for Special Permit including production of sustainable food source; stated dietary benefits of home raised eggs vs factory-farm produced eggs; humane treatment of animals; no community effect as a whole as eggs are for individual use; no traffic or safety impact; no utilities or public services required; no change in neighborhood character; structure was pre-existing and not viewable from the road; shared decibel level of chickens; enclosure is a secure area; no odor produced; cleaned every Saturday; feed is kept in a separate area; minimal impact on natural environment as chickens waste is beneficial; no impact on fiscal impact on Town services; closest property line is 38' feet; and, no evidence of negative impact on property values.

Mr. Desilets, having visited the site, asked if there was intention to keep roosters, given their noise. Ms. Belaire stated that they will not keep roosters. The Chair asked if the Board of Health had visited the site or had any hearings. Ms. Belaire stated that a BOH member visited in July 2013; Applicants were told rooster had to be removed; chickens were ok; and, no hearing was held. Mr. O'Connell asked about recent complaints of a rooster. Ms. Belaire stated two complaints were received, from the Building Inspector (Zoning Enforcement Officer);

rooster was removed in September 2014, based upon complaint; Applicants are fine with restriction of no roosters; looking to keep 10-12 chickens; chickens were loose when they were small, and did go off the property; and, now will stay in enclosure.

The Clerk opened the Public Hearing to public comment.

Mario and Susan DeMontigny of 483 Blackstone Street have no concern about chickens; eating healthy food; concern is the roosters, loose chickens scaring their grandchildren, and total number of chickens.

The Chair asked for further comment from the public. Being none, the Public Hearing was closed.

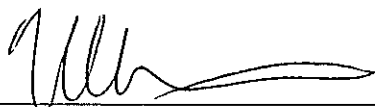
At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was opened and closed on November 5, 2014.

MOTIONS

I, Mr. O'Connell, move that the Board close the Public Hearing for 495 Blackstone Street. Seconded by Mr. Desilets, the motion carried 3-0-0.

I, Mr. O'Connell, in accordance with Town of Uxbridge Zoning Bylaws, move that the Board grant a Special Permit for FY15-03 Owners Rogerio Ribeiro and Celeste Pombal of 495 Blackstone Street to allow the keeping of chickens for personal use with the following special conditions: 1) the Applicants must comply with all Board of Health regulations; 2) the number of chickens on the property is limited to fifteen (15); 3) no roosters shall be kept on the property at any time; and, 4) the chickens will be kept in an enclosure unless attended to. Seconded by Mr. Desilets, the motion carried 3-0-0.

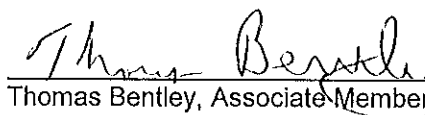
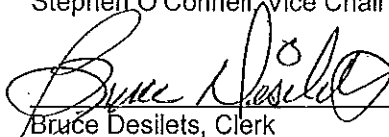
I, Mr. Wickstrom, move that the Board make favorable findings on the criteria under Zoning Bylaw 400-50 (Special Permit criteria) that there the social, economic, and community needs are met by the proposal; no impact on traffic flow and safety; no impact on utilities or public services; the neighborhood character and social structures are in keeping with the granting of the Special Permit; there are either no or positive impact on the natural environment; and, there is no fiscal impact to the Town or Town services. Seconded by Mr. Desilets, the motion carried 3-0-0.



Mark Wickstrom, Chair

Joseph Alves, Associate Member

Stephen O'Connell, Vice Chair


Thomas Bentley, Associate Member
Bruce Desilets, Clerk

Joseph Frisk, Associate Member

3 December 14

Date

*Certified Mail 4 December 14
7013 2250 0000 3029 1806*

SPECIAL PERMIT GRANTED

December 3, 2014

ZBA Case# FY 15-03

Zone Residential C

Property Location 495 Blackstone Street, Uxbridge, MA

Assessor's Map 30 Parcel 4868

Worcester District Registry of Deeds Book 49921 Page 114

Owners Rogerio Ribeiro and Celeste Pombal

Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40 A, Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk.

I hereby certify that twenty (20) days has elapsed from the file date and no appeal has been filed in this office.

A true copy: ATTEST

Town Clerk, Kelly Dumas or
Assistant Town Clerk

Town Seal

****THE APPLICANT IS REMINDED OF THEIR RESPONSIBILITY TO RECORD THIS
DECISION AT THE REGISTRY OF DEEDS PER THE CERTIFICATE OF GRANTING.
NO PERMITS SHALL ISSUE UNTIL THE SPECIAL PERMIT IS RECORDED.****