

Mark Wickstrom, Chair
Thomas Bentley, Alternate Member
Bruce Desilets, Alternate Member
Joseph Frisk, Alternate Member
Kevin Harn, Alternate Member



AUG 17 '16 PM 3:14

Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2013 p
508-278-0709 f

DECISION

SPECIAL PERMIT GRANTED

Received by
Uxbridge
Town Clerk

ZBA Case#: FY 16-13

Zone: Residential C Zone

Owner: Edward L. Thiebault & Deborah A. Thiebault

Property Address: 950 Millville Rd, Uxbridge, MA

Assessor's Reference: Map 46 Parcels: 2133 & 1395

Worcester District Registry of Deeds References: Books: 12060 & 52741 **Pages:** 88 & 305

BACKGROUND: The Applicant is seeking a **SPECIAL PERMIT/VARIANCE** for change of use from garage car repair to a landscaping contractor's yard and keeping/storing of equipment on the property.

VOTING MEMBERS PRESENT: Chairman Mark Wickstrom, Vice Chairman Stephen O'Connell, and Tom Bentley. Also present, Administrative Assistant Lynn Marchand

PRESENTATION / DELIBERATIONS / FINDINGS OF FACT

The Public Hearing was opened on June 1, 2016 and closed on August 3, 2016.

FY16-13: 950 Millville Road/Owners, Edward L. Thiebault and Deborah A. Thiebault and 0 Millville Road/Owner Edward L. Thiebault. Applicants are seeking a **SPECIAL PERMIT** pursuant to **Section 400-12** so that their son, **Joshua E. Thiebault**, may continue the non-conforming use that the owners began circa 1989, consisting of processing and selling firewood, which Joshua took over circa 2012. Property is shown on the Town of Uxbridge Assessor's Map 46 Parcels 2133 & 1395 and described in a deed recorded at the Worcester Registry of Deeds Books 12060 & 52741 Pages 88 & 305 and is located in Residential-C zone.

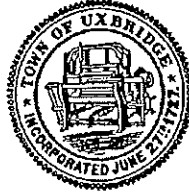
The Applicant submitted the following testimony and evidence: Application, supporting materials, site plan, and affidavits.

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was opened on June 1, 2016. Discussion was had regarding the property history, nature of use of the property, additional land purchased, volume/intensity of use both past and present.

Abutters expressed concerns regarding increase in intensity of use, traffic, noise, visual impact, lack of buffering, odors, dust, fire, safety, well water safety, and debris.

A site walk was performed by the Board on June 18, 2016. 10 pictures were taken and entered into record. Two abutters were present.

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The Public Hearing was continued to July 6, 2016. Due to a lack of quorum, the July 6th, public hearing was continued to the August 3rd meeting.

On August 3rd, the operator stated he had previously used professional chainsaws but would now be using a recently purchased processor which uses a diesel engine and saw blade, which was stated to be much quieter. Also stated was the operation would not be full time with the primary months of operation being from August to February. One abutter spoke was present and stated his support of the use of the property and that the owner/operator were "good neighbors."

The public hearing was closed on August 3, 2016.

Deliberations:

Discussion was had regarding the use, hours of operation, the Residential C zone, and restrictions/conditions.

MOTION: Mr. Frisk made a motion that the Zoning Board of Appeals approve a Special Permit for FY16-13, for 950 Millville Rd, to allow the non-conforming use of processing and selling firewood, that may continue, and that the authority for granting the Special Permit falls under the Uxbridge Zoning Bylaw 400-12 under sections B & F, the uses are allowed and not substantially detrimental to the neighborhood and uses shall not cause substantial detriment to the community with only the following conditions:

1. no operations on Sunday
2. no operations after 8pm on Monday thru Saturday

Motion was seconded by Mr. Bentley.

Motion carried by roll call vote 3-0-0. Mr. Bentley –aye, Mr. Desilets –aye, Mr. Frisk –aye.

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SIGNATURE PAGE

Absent

Mark Wickstrom, Chairman

Bruce Desilets, Alternate Member

Absent

Kevin Harn, Alternate Member

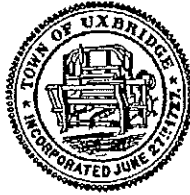
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8-17-16

Date

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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 PERMIT IS RECORDED.****