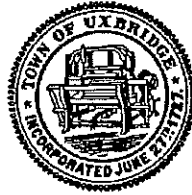


MAY 3 '17 AM 9:18

Mark Wickstrom, Chair
Bruce Desilets, Member
Kevin Harn, Member
Chris Currie, Alternate Member
Joseph Frisk, Alternate Member
Joseph Alves, Alternate Member



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

DECISION

Received by
Uxbridge
Town Clerk

ZBA Case# FY 17-17
Zone: Residential A Zone
Owners: Timothy Bonci
Property Address: 16 Hazel Street
Assessor's Reference Map: 18 Parcel: 2984
Worcester District Registry of Deeds References: Book: 53693 Page: 157

APPEAL OF DECISION FROM THE BUILDING INSPECTOR DENIED

APRIL 19, 2017

BACKGROUND: The applicant / owner of record, Timothy Bonci has filed an **APPEAL** from the Town of Uxbridge Building Inspector's determination in violation letters dated January 10, 2017 and February 14, 2017 that the addition of a shed and alpacas at 16 Hazel Street are in violation of the Uxbridge General and Zoning Bylaws.

VOTING MEMBERS: Chair Mark Wickstrom, Member Kevin Harn & Alternate Member Chris Currie

SUBMITTALS: Complete Zoning Board of Appeals application including a certified abutter list; Letters from the Building Inspector to Mr. Bonci dated 12/29/2016, 1/10/2017 and 2/14/2017; a Property plan; a Non-commercial Animal Affidavit, and a formal request to waive the application fee.

PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

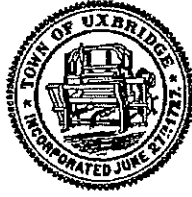
The public hearing was opened on April 5, 2017 and closed on April 19, 2017.

The applicant presented testimony and requested the Board reverse the decision of Building Inspector for the following reasons: (i) the shed is a 6' x 12' portable unit on bricks and is not a structure per Zoning bylaw 400-4 and Article X: definition, of a "structure" (ii) the three alpaca's are family pets and are not involved in any course of business or commercial activity, or raising or breeding, nor have they been since coming to the property and residing with the family and therefore do not constitute agricultural use as defined in MGL Chapter 61A Section 1. During the public hearings, abutters spoke in favor and in opposition to overturning the Building Inspector's decision.

The Board agreed the question presented was whether the keeping of 3 alpacas in the current manner was an agricultural use or was it incidental to the Residential use.

The Uxbridge Zoning Bylaws Table of Use Regulations, Section C Agricultural Uses was reviewed and options discussed were the Board to find that this is an agricultural use in Residential A Zone. The Board members agreed the Board has the authority and discretion to issue a Special Permit to allow the use under the "non-exempt agricultural use" provision of the Table of Uses. The applicant specified he was not making that argument and does not believe a Special Permit is required, per his arguments, and it puts an added burden on his family to maintain this permit.

Mark Wickstrom, Chair
Bruce Desilets, Member
Kevin Harn, Member
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The applicant argued the alpaca's are pets and that they are kept in a reasonable fashion for the neighborhood in the way they have them penned and maintained them and complied with the Uxbridge Board of Health regulations.

During deliberations, Mr. Wickstrom stated his personal feeling is that there are residential pets that are of the typical residential landowner such as cats, dogs, birds, fish, and terrarium animals and that this is borderline because alpaca's are herd animals that are used to produce fiber and are usually thought of in an agricultural setting. Board members also expressed concerns for setting a precedence for keeping animals that are agricultural in nature to be as pets, especially in a Residential A Zone where lots size requirements are less than other zones. Mr. Wickstrom emphasized the landowners are doing a great job caring for the animals and any decision doesn't preclude them from applying for a special permit to keep the animals.

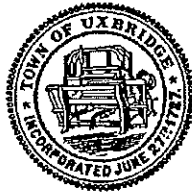
MOTION / VOTE:

Mr. Currie made a **MOTION** to close public hearing FY17-17 16 Hazel Street.; **MOTION SECONDED** by Mr. Harn; **MOTION CARRIED** unanimously by VOTE (3-0-0).

Mr. Wickstrom made a **MOTION** that the Board makes a finding that the keeping of three alpaca's at 16 Hazel Street in Uxbridge, MA is not an agricultural in use so long as the current fencing remain in place and no more alpacas than 3 be kept at the site and that the land owner remove the refuse offsite in the manner that they have done up until now and that they otherwise complies with all Board of Health regulations and orders and any other applicable regulations of the town of Uxbridge; **MOTION SECONDED** by Mr. Currie; **MOTION FAILED** by VOTE (2-1-0). **The appeal is denied the Board upholds the building inspector's notice of violation, cease and desist.**

Mr. Wickstrom made a **MOTION** to deny the applicant's request to waive the application fees. **MOTION SECONDED** by Mr. Harn; **MOTION CARRIED** by VOTE (2-1-0).

Mark Wickstrom, Chair
Bruce Desilets, Member
Kevin Harn, Member
Chris Currie, Alternate Member
Joseph Frisk, Alternate Member
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SIGNATURE PAGE

Mark Wickstrom, Chair

Christopher Currie, Clerk

Kevin Harn, Member

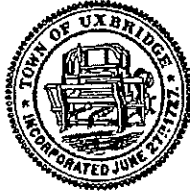
Bruce Desilets, Member

Joe Frisk, Alternate Member

Joseph Alves, Alternate Member

May 2, 2017 Date

Mark Wickstrom, Chair
Bruce Desilets, Member
Kevin Harn, Member
Chris Currie, Alternate Member
Joseph Frisk, Alternate Member
Joseph Alves, Alternate Member



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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. ****