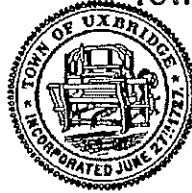


OCT 15 '18 AM 10:44

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2019 p
508-278-0709 f

DECISION

ZBA Case #: FY19-03
Zone: **Agricultural**
Owner: **Richard Hurteau**
Property Address: **0 Quaker Street**
Assessor's Reference Map: **51** Parcel: **2341**
Worcester District Registry of Deeds References: Book: **17112** Page: **108-110**

Variance Granted

Decision Date: October 3, 2018

BACKGROUND: **0 Quaker Street, Richard Hurteau**, Owner/Applicant, is seeking a **VARIANCE** to allow non-contiguous frontage to meet the 300 feet requirement in Uxbridge. The property is located in an **Agricultural Zone**, is shown on the Town of Uxbridge Assessor's **Map 51** and **Parcel 2341**, and described in a deed recorded at the Worcester Registry of Deeds **Book 17112** and **Page 323**.

VOTING MEMBERS PRESENT: Rob Knapik Chair, John Gniadek and Thomas McNulty

SUBMITTALS:

- Zoning Board of Appeals Application for Variance
- Perimeter Plan produced by Fuss & O'Neill signed 4/11/2018
- Millville Property Map produced in 1993 by Cartographic Assoc. Inc.
- Property Deed
- Certified Abutter List
- Uxbridge Planning Board Decision for Special Permit Application FY18-12
- 05/18/2018 Letter to Uxbridge Planning Board from Uxbridge Town Council
- Millville Planning Board Decision for Special Permit Approval for Solar Array Access 4 & 8 Ronden Road

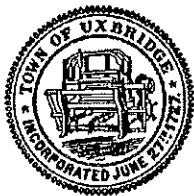
PRESENTATION / DELIBERATIONS / FINDINGS OF FACT:

A public hearing was opened and closed on October 3, 2018.

Mark Wickstrom, of Wickstrom Morse LLP, represented the applicant during the hearing. The property at 0 Quaker Street is large irregular shaped lot located on the boundary line and within the towns of both Millville and Uxbridge. The entire frontage for the lot is located in the Town of Millville: 200 feet of the frontage is on Ronden Road (#8) and 176 feet of the frontage is on Quaker Street, as depicted on plans submitted. Mr. Wickstrom stated the following reasons that the application met criteria to grant a Variance (i) the irregular shape of the lot; (ii) there are wetlands on the property and (iii) that the property is located within two towns and must meet the zoning requirements of each. The granting of the Variance would allow Mr. Hurteau to sell off a portion of the lot with an existing multi family home that would otherwise be unmarketable.

A Special Permit for a 3-megawatt solar array was issued for this property on August 8, 2018 by the Uxbridge Planning Board with the following condition related to frontage: *6. The Millville parcels shall not be sold if doing so would make the project out of compliance with Uxbridge's frontage requirements. If at any time there is inadequate frontage among the 3 parcels in the Town of Millville, Map 124 Lot 9.4, Map 125 Lot 13, Map 125 Lot 14, the Special Permit will be null and void. Frontage must be contiguous.* Mr. Knapik asked if the condition was the reason for the request and Mr. Wickstrom said it was and confirmed the access point to the solar field will be located on 8 Ronden Road. He also mentioned both Millville and Uxbridge Planning boards were involved in permitting this project.

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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DECISION

ZBA Case #: **FY19-03**

Zone: **Agricultural**

Owner: **Richard Hurteau**

Property Address: **0 Quaker Street**

Assessor's Reference Map: **51** Parcel: **2341**

Worcester District Registry of Deeds References: Book: **17112** Page: **108-110**

Larry Lench, Uxbridge Building Inspector, reported he had been to the property, that there is an existing antenna array and said did not have any objections to the request. Eli Lavidiere, Uxbridge Planning Board, also attended to answer questions. No abutters attended the hearing or provided comment.

The Board agreed with the Planning Board's review process, their consideration for access to the solar field and that they were unable to legally reduce the frontage requirements. They referred to page 70 of the Uxbridge Zoning Bylaw where Frontage is defined as "lot front of". Members also agreed that granting the Variance would not create a non-conformity in Millville because the frontage requirement is 200 ft. Finally, they agreed the Uxbridge frontage requirement of 300 feet is met with the combined amount on Ronden Road (200 ft.) and Quaker Street (176 ft.)

Members recommended the option of returning to the Uxbridge Planning Board to seek a modification that would either eliminate or modify condition number six (6).

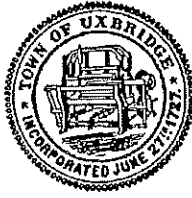
The Board found that the Application satisfied the conditions for the grant of a Variance set forth in G.L. c. 40A, §10.

MOTION / VOTE:

Mr. McNulty made a **MOTION** to close the Public Hearing FY 19-03 for 0 Quaker Street. **MOTION SECONDED** by Mr. Gniadek passed unanimously by vote of 3-0-0.

Mr. Gniadek made a **MOTION** that the Zoning Board of Appeals grant the relief as requested in the application FY19-03 for 0 Quaker Street based on the criteria set forth in the application and presentation. **MOTION SECONDED** by McNulty and the motion passed unanimously by vote of 3-0-0.

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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DECISION

ZBA Case #: FY19-03
Zone: **Agricultural**
Owner: **Richard Hurteau**
Property Address: **0 Quaker Street**
Assessor's Reference Map: **51** Parcel: **2341**
Worcester District Registry of Deeds References: Book: **17112** Page: **108-110**

SIGNATURE PAGE

Rob Knapik, Member

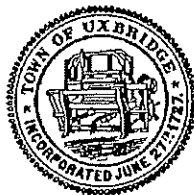
John Gniadek, Member

Thomas McNulty, Associate Member

October 3, 2018

Date

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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

DECISION

ZBA Case #: FY19-03
Zone: Agricultural
Owner: Richard Hurteau
Property Address: 0 Quaker Street
Assessor's Reference Map: 51 Parcel: 2341
Worcester District Registry of Deeds References: Book: 17112 Page: 108-110

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

Date

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. ****