

Rob Knapik, Chairman
John Gniadek, Vice Chairman
Mark Kaferlein, Clerk
Thomas McNulty, Associate Member
Jim Blackburn, Associate Member



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

Zoning Board of Appeals Decision

ZBA Case #: FY20-10
Zone: Residential B Zone
Owner/Applicant: Veronica Zaitoun
Property Address: 455 Douglas Street
Assessor's Reference Map: 23 Parcel: 3634
Worcester District Registry of Deeds References: Book: 54010 Page: 234

REC'D UXB TOWN CLERK
2020 MAY 20 PM2:21

Special Permit GRANTED with Conditions

Decision Date: May 6, 2020

BACKGROUND: The property owner/applicant Veronica Zaitoun is seeking a Special Permit to keep five (5) chickens outside, in a coop at her the property.

SUBMITTALS:

- Complete Zoning Board of Appeals Application including Property Deed, Certified Abutters List, and Application Fee.
- Sketch of the property including existing structures and proposed location of the chicken coop
- Specifications for the proposed coop (Petmate Superior Construction Chicken Coop Model 70401D)

VOTING MEMBERS: Robert Knapik, John Gniadek and Jim Blackburn

PRESENTATION / FINDINGS / DISCUSSION:

A public hearing was open and closed on May 6, 2020. The hearing was conducted via remote participation pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place due in response to Covid-19. Additionally, permitting timelines have been extended and outlined in Section 14 of House Bill 4598.

Ms. Zaitoun presented her application to the Board. She is requesting a special permit to keep five (5) Black Australorp chickens in a coop in her back yard. She lives on a ½ acre property with a large fenced in back yard. The feed and supplies will be stored in a garage and protected by a housecat. Manure from cleaning the coop will be used to fertilize and mulch her garden and plants. Ms. Zaitoun has experience raising chickens as indicated in her thorough application.

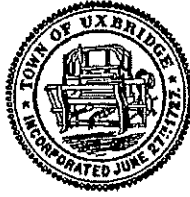
Larry Lench, Uxbridge Building Inspector, attended the hearing and had no comment on the application. One abutter from Summerfield Drive expressed a concern that chicken feed may attract rodents to the area. After discussion, she agreed her concerns were addressed by the applicant's preparation and plan of care.

Members agreed they have the authority to issue the special permit per the Uxbridge Zoning Bylaw Appendix A Section C. Agricultural Uses. There was a brief discussion and agreement with the applicant on potential conditions.

During deliberations, members of the Board applied the request to the Special Permit criteria outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws:

1. Social, economic or community needs – *members agreed it meets these criteria*
2. Traffic flow and safety, including parking – *members agreed there would be no impact*
3. Adequacy of utilities and other public services – *members agreed there would be no impact*

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4. Neighborhood character and social structures – *members agreed there would be no negative impact*
5. Impact on natural environment – *members agreed there would be no negative impact*
6. Fiscal impact including impact on town services, tax base and employment – *members agreed there is no negative impact*

MOTION / VOTE:

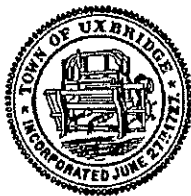
Mr. Gniadek made a **MOTION** to close the Public Hearing for FY 20-10 for 455 Douglas Street. **MOTION SECONDED** by Mr. Blackburn passed unanimously by roll call **VOTE** of 3-0-0 (Blackburn – aye, Gniadek – aye, and Knapik – aye).

Mr. Blackburn made a **MOTION** that the Zoning Board of Appeals **APPROVE** the **SPECIAL PERMIT** as requested in the application FY20-10, subject to the following **CONDITIONS**:

1. The number of chickens allowed is limited to 5 hens and may not contain a rooster
2. The chickens are kept on the property in a manner consistent with what was described in the application.
3. The applicant follows Best Management Practices for the keeping of chickens and the storage of their food.

MOTION SECONDED by Mr. Gniadek passed unanimously by roll call **VOTE** of 3-0-0 (Blackburn – aye, Gniadek – aye, and Knapik – aye).

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SIGNATURE PAGE 1 of 3

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John Gniadek, Vice Chairman

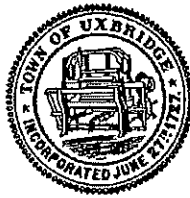
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May 20, 2020
Date

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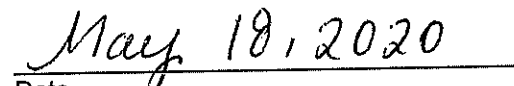
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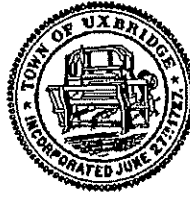


Jim Blackburn, Associate Member



Date

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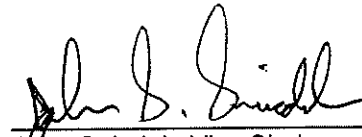
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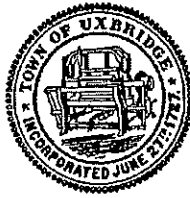
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5/11/2020

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

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. ****