

Jim Blackburn, Chair
Rob Knapik, Vice Chair
Thomas McNulty, Clerk
Tariq Fayyad, Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
(508) 278-8600, Ext. 2013

Zoning Board of Appeals DECISION

ZBA Case #: FY24-04
Zone: Agricultural Zoning District
Applicant: ZPB 2020-027, LLC
Property Address: 374 Hazel Street
Assessor's Reference Map: 23 Parcel: 1137
Worcester Registry of Deeds Book: 49791 Page: 11

VARIANCE GRANTED October 4, 2023

REC'D UXB TOWN CLERK
2023 OCT 19 AM 8:49

VOTING MEMBERS: Jim Blackburn, Rob Knapik, Thomas McNulty, Tariq Fayyad

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee dated September 8, 2023
- Cover Letter, Zero-Point Development, Inc., dated September 11, 2023
- Certified Abutters List dated September 5, 2023
- Quitclaim Deed recorded in the Worcester Registry of Deeds Book 49791 Page 11
- Quitclaim Deed recorded in the Worcester Registry of Deeds Book 33010 Page 326
- Layout and Materials Plan for 374 Hazel Street, prepared by McCarty Engineering, Inc., Civil Engineers, File Name: 414P-CPB01, Dated August 28, 2023, showing proposed energy storage system.

REQUEST: ZPB 2020-027, LLC, the Applicant, is seeking a **VARIANCE** of forty-seven and fifty-one hundredths' feet (47.51') to the frontage requirement per the Uxbridge Zoning Bylaw Table of Dimensional Requirements, to construct an Energy Storage System at **374 Hazel Street**.

PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

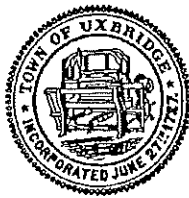
A duly posted public hearing was opened & closed on October 4, 2023.

Tom Corbett, representing the Applicant ZPB 2020-027, LLC (ZPB), presented the petition to the Board. ZPB is looking to construct an energy storage system on the property which will require a new driveway to provide access to the proposed equipment. Due to the property only having approximately two-hundred and fifty-two feet (252') of frontage, the Applicant is seeking a variance to the required frontage so they may build the necessary driveway and energy storage system.

The Applicant presented that the property was a pre-existing non-conforming lot that currently had a single-family residence on site. ZPB is proposing to lease the land and construct a second driveway to the east of the existing driveway and residence to serve the new equipment. The driveway will extend from the roadway towards the rear of the property, approximately 700 feet, where it will terminate at a fenced in area containing the proposed equipment.

The Applicant also requested that the Board provide a Zoning Determination, in order to guide the Applicant and the Special Permit Granting Authority, as to the Board's opinion if an Energy Storage System may be constructed as a use consistent with a "Solar Photovoltaic Ground Mounted Solar Farm", as identified within the Uxbridge Zoning Bylaw Table of Use Regulations. The Board considered this request and decided they would consider issuing a finding that the use could be allowed by Special Permit issued by the Planning Board.

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The property is situated on the southerly side of Hazel Street and is shown as 023.0-1137-0000.0 in the Town Assessor's database and comprises of approximately 26.61 acres of land. Situated on the property is one single-family dwelling.

Members considered the standard set forth under M.G.L. c. 40A, §10 and agreed the construction of the proposed driveway without the variance was not possible, and due to the shape of the land, no other means of access was available to provide the required frontage. Further it was discussed and concluded that the construction of the driveway and subsequent energy storage system would help promote the Commonwealth's goal of encouraging further development of solar and other clean energy systems, and that it was reasonable to conclude that the granting of the variance would not be a detriment to the public good or derogate from the intent of the bylaw.

MOTIONS / VOTES:

Mr. Knapik made a **MOTION** to close the Public Hearing FY24-04 for 374 Hazel Street.

MOTION SECONDED by Mr. McNulty, passed unanimously by **VOTE** of 4-0-0.

Mr. Knapik made a **MOTION** that the Zoning Board of Appeals **GRANT** a **Variance** of 47.51 feet to the frontage requirement, allowing construction of a driveway for an energy storage facility, on a finding that there are circumstances related to the soil conditions and shape of the land, and that literal enforcement of the bylaw would create substantial hardship, and that the variance may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the purposes and intent of the Uxbridge Zoning Bylaw.

MOTION SECONDED by Mr. Fayyad, passed unanimously by **VOTE** of 4-0-0.

Mr. Knapik made a **MOTION** that the Zoning Board of Appeals **Find** that Energy Storage Systems are within the definition of "Solar Photovoltaic Ground Mounted Solar Farms" as used within the Uxbridge Zoning Bylaw Table of Use Regulations, and therefore are allowed by Special Permit, issued by the Planning Board, in the Agricultural Zoning District.

MOTION SECONDED by Mr. McNulty, passed unanimously by **VOTE** of 4-0-0.

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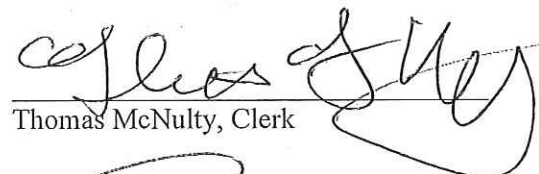
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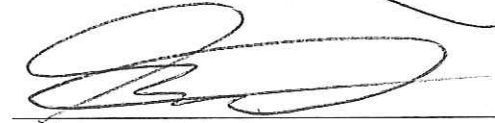
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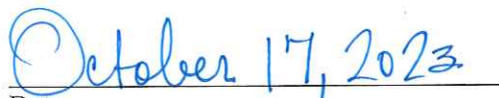
SIGNATURE PAGE


Jim Blackburn, Chairman

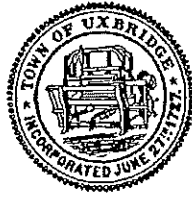

Thomas McNulty, Clerk


Rob Knapik, Vice Chairman


Tariq Fayyad, Member


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 Cote 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 BE ISSUED UNTIL THE PERMIT IS RECORDED. ****