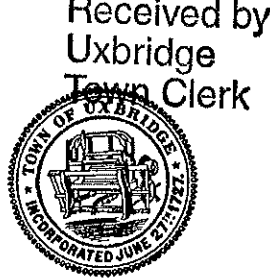


Rob Knapik, Member  
John Gniadek, Member  
Mark Kaferlein, Member  
Thomas McNulty, Associate Member



OCT 4 '18 AM 8:32  
Uxbridge Town Hall  
21 South Main Street, Room 205  
Uxbridge, MA 01569  
508-278-8600 x2019 p

**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS  
MEETING MINUTES: Wednesday, September 5, 2018**

**Present:** Rob Knapik, Chair, Members John Gniadek, Mark Kaferlein, and Thomas McNulty and Administrator Melissa Shelley

**I CALL TO ORDER**

The time being 6:00pm, the meeting duly posted and a quorum present the Chair called the meeting to order and led the pledge of allegiance.

**II PUBLIC HEARINGS**

1. **FY19-01: 44 Marywood Street, David Aires, Owner/Applicant**, is seeking **two (2) dimensional Variances** pertaining to set backs on accessory buildings and a **Special Permit** to construct a two-car garage at the end of the driveway. Property is shown on the Town of Uxbridge Assessor's **Map 24A Parcel 0669** and described in a deed recorded at the Worcester Registry of Deeds **Book 51829 Pages 108-110** and is located in **Residential-A Zone**.

**Discussion:** Mr. Aires represented himself at the hearing and described his request to construct a detached car 2-car garage to be used to store his automobiles and lawn and garden equipment indoors. Other location options were evaluated and it was determined that Mr. Aires would lose a significant portion of his backyard if placed within the allowed setbacks and the garage would be located away from the end of the driveway.

Larry Lench the Building Inspector attended and explained that this is pre-existing non-conforming lot, as are many in this neighborhood and most also have non-conforming detached garages. He stated he did not have any issues with the project. The abutter on the affected side attended and stated she and her husband are in favor of project and they had no concerns.

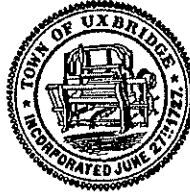
During discussions and deliberations, the Board members agreed that placement of the garage made sense and the applicant showed a hardship owing to the location of the existing driveway and the potential loss of the backyard. Members reviewed and discussed Section 400-50 (B) of the Uxbridge Zoning Bylaws as it relates to the proposed project and it was determined that there would be no adverse effects under any of the criteria.

**MOTION / VOTE:**

Mr. McNulty made a **MOTION** to close the Public Hearing FY 19-01 for 44 Marywood 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 a variance to reduce the front accessory setback from the required sixty-five (65) feet to forty-five (45) feet and grant a variance to reduce the side accessory setback from the required five (5) feet to one (1) foot.

Mr. Gniadek made a **MOTION** that the Zoning Board of Appeals grant the special permit to construct a 24'x24' two-car, detached garage as proposed with a finding that the petition met criteria outlined in the Uxbridge Zoning bylaw Section 400-50 B. **MOTION SECONDED** by McNulty and the motion passed unanimously by vote of 3-0-0.



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2. **FY19-02: 65 Hartford Avenue East**, The Virginia Blanchard Memorial Housing Association, Inc., JNJUHL and Associates, LLC and General Partners of the Blanchard School, LLC, owners of the Blanchard School Affordable Housing Project located at 65 Hartford Avenue East, **request a Modification of a Comprehensive Permit** to waive all or a portion of the sewer connection fee. The property is shown on the Town of Uxbridge Assessor's Map 12A as Parcel 1644 and is located in the Residential-A Zoning District. The Comprehensive Permit is recorded with Worcester District Registry of Deeds in Deed Book 51267, Page 181

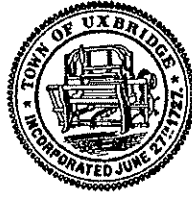
There was a review of the request and the prior discussion during by the Chair. He explained a request to reduce the sewer connection fee was submitted to the ZBA on August 6, 2018. The Zoning Board of Appeals met on August 20, 2018 and determined the request was substantial in nature in part due to the criteria and part because the amount was significant to the taxpayers of the town. Additionally, a substantial determination gave the Board the opportunity to obtain input from other town Boards and Committees to be taken into consideration. During a meeting on August 27, 2018 the Board of Selectman, in their role as Sewer and Water Commissioners, discussed and voted favorably (3 to 1) to recommend support for the waiver (a one-time reduction of \$33,000, or 50 percent of the project's sewer connection fee) to the ZBA. Key points from the prior testimony include (i) the project is for the renovation of a 130 year old building which will provide 25 units for persons of low or moderate income with a preference for Uxbridge residents and veterans (ii) the project has been fraught with unanticipated conditions and costs related to substantial overruns (iii) they have a need to use the savings by financing the purchase of a generator which they consider important due to the age of potential residents and 2 of the units are handicap accessible (iv) when they applied for the comprehensive permit no waiver of fees were requested although they could have. Mr. Knapik also provided some basic information regarding the town sewer system and associated costs to users such as quarterly rates and connection fees. The one time 66K connection fee for the Blanchard School project was calculated by the DPW by taking into account the number of units and then reduced the fee 3 units that were there when the building was a school.

Mr. Romasco, VBMHA, on behalf of the applicants, concurred with Mr. Knapik's summation of the request and reiterated the Sewer and Water Commissioners recommendation.

Several abutters attended and spoke the meeting with questions and input for the board to consider. The primary concern mentioned by everyone was the possibility of the sewer ratepayers having to absorb the cost of the reduction if fees are waived, particularly at a time when the sewer rates are very high to pay for the recent wastewater treatment facility upgrades. There were questions about the necessity of the emergency generator if all federal, state and local building codes are already being met. Additionally, residents expressed concerns of the ZBA favoring the needs of the "multimillion dollar company" and project over the needs of the residents of the town. Mr. Knapik also read three abutter concerns received by email into the record – all echoed similar concerns to the abutters in attendance.

To respond to the concerns related to cost, Mr. Knapik relayed information received from the DPW director, Ben Sherman, emphasizing that abutters to the project and users of the sewer system will not see any type of change in rates as a result of their decision. Connection fee funds are variable from year to year and used for capital expenditures such as planning and engineering projects (fees collected in FY18 = \$141K, FY17 = \$123K, and FY16 = \$30K). He also clarified that the applicant and owner of the

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building is a 501(c) (3) non-profit corporation and if the request was coming from an applicant from a for profit 40B project it would not be considered.

Mr. Romasco and John Jhul, of JNJUHL and Associates, LLC, the managing partner of the project also addressed the abutters' concerns and questions. They re-visited their need for the emergency generator and what that means to the tenants of the building as well, as how it specifically ties this request to help fund the financing for it. They also provided further information regarding ownership and how they obtained financing for the project.

During deliberations, all members acknowledged the difficulty in the decision before them to balance the interest of the ratepayers against the statutory mandate that the town due its part to provide affordable housing.

**MOTION / VOTE:** Mr. McNulty made a **MOTION** to grant the request of the applicant for the reduction of the \$33,000 of the one-time sewer connection fee. **MOTION SECONDED** by Mr. Gniadek and passed by vote of 2-1-0.

**III MINUTES/MAIL/INVOICES**

- **Review July 9, 2018 and August 20, 2018 Meeting Minutes**

Motion: Mr. McNulty moved to approve the July 9<sup>th</sup> meeting minutes of the Zoning Board as written. Mr. Gniadek seconded, and the motion passed by vote of 3-0-0.

Motion: Mr. McNulty moved to approve the August 20<sup>th</sup> meeting minutes of the Zoning Board as written. Mr. Gniadek seconded, and the motion passed by vote of 3-0-0.

**IV ANY OTHER BUSINESS, which may lawfully come before the Board**

**V ADJOURNMENT: NEXT ZBA MEETING, Wednesday, October 3, 2018**

**MOTION:** Mr. Gniadek moved to adjourn the September 5<sup>th</sup> meeting of the ZBA. Mr. McNulty seconded and the motion passed by vote of 3-0-0.

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**SIGNATURES:**

  
\_\_\_\_\_  
Rob Knapik, Member

  
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John Gniadek, Member

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Mark Kaferlein, Member

  
\_\_\_\_\_  
Thomas McNulty, Associate Member

  
\_\_\_\_\_  
Date