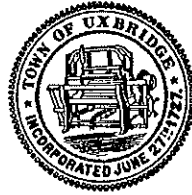


Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: Monday, August 20, 2018

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

I CALL TO ORDER

- It being approximately 5:00pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chair, who led the Pledge of Allegiance

II OTHER BUSINESS, which may lawfully come before the Board

- The Virginia Blanchard Memorial Housing Association, Inc., JNJUHL, and Associates, LLC, General Partners of the Blanchard School, LLC, owner of the Blanchard School Affordable Housing Project located at **65 Hartford Avenue East** has notified the Zoning Board of Appeals of a **requested change to the Comprehensive Permit**. Pursuant to 760 CMR 56.05(11)(a), the Board will meet to determine and notify the Applicant whether it deems the change substantial or insubstantial, with reference to the factors set forth at 760 CMR 56.07(4).

Discussion:

Harry Romasco and Mike Potaski, VBMHA, and John Juhl, of JNJUHL and Associates, attended on behalf of the petition. Board members agreed that Mr. Knapik, Mr. McNulty, and Mr. Gniadek would be the voting members for the request.

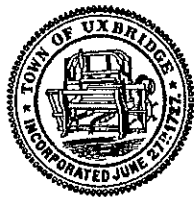
Specifically, a request was made to modify the permit by including a waiver 50% of a \$66,000 sewer connection fee equaling approximately \$33,000. Mr. Knapik explained the reason the request is before the ZBA is because in June of 2013, this project was issued a Comprehensive Permit. Comprehensive Permits may be applied for in any municipality where less than 10% of its housing qualifies as affordable and it allows a developer to override certain aspects of municipal zoning bylaws and other requirements if at least 20-25% of the new units have long-term affordability restrictions. Once a Comprehensive Permit is issued, the Zoning Board of Appeals sit as the authoritative board on all decisions related to the permit, including acting as sewer and water commissioners. The ZBA is authorized to issue waivers and doing so at this stage of the project would require a "modification" to the special permit.

Mr. Knapik further explained that pursuant 760 CMR 56.05(11)(a) the ZBA has to determine whether it deems the modification substantial or insubstantial in reference to the factors outlined in 760 CMR 56.07(4). If the change is determined to be insubstantial the Comprehensive Permit shall be deemed modified to incorporate the Change. If the change is determined to be substantial the Comprehensive Permit. If the change is determined to be substantial, the Board shall hold a public hearing within 30 days of its determination and issue a decision within 40 days of termination of the hearing, all as provided in M.G.L. c. 40B, § 21. He then reviewed the following examples with the other board members:

According to 760 CMR 56.07(4)(c), the following matters generally **will be substantial changes**:

- An increase of more than 10% in the height of the building(s);
- An increase of more than 10% in the number of housing units proposed;
- A reduction in the size of the site of more than 10% in excess of any decrease in the number of housing units proposed;
- A change in building type (e.g., garden apartments, townhouses, high-rises); or
- A change from one form of housing tenure to another.

Rob Knapik, Member
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According to 760 CMR 56.07(4)(d), the following matters generally will **not be substantial changes**:

- A reduction in the number of housing units proposed;
- A decrease of less than 10% in the floor area of individual units;
- A change in the number of bedrooms within individual units, if such changes do not alter the overall bedroom count of the proposed housing by more than 10%;
- A change in the color or style of materials used; or
- A change in the financing program under which the Applicant plans to receive a Subsidy, if the change affects no other aspect of the proposal.

Mr. Knapik also provided the following information obtained from the DPW Director Ben Sherman. The current cost to connect a single family home to the sewer system is \$3,000. This projects fees (\$66K) were determined by multiplying the fee by the # of units connected minus a credit given because the building was already connected to the sewer at one time. Sewer connection fees collected in 2016 = \$30,000; 2017 = \$123,000; 2018 = \$141,000

Mr. Romasco, president of the VBMHA, provided the Board with the following background information on the project and the request. Initially, he discussed the request with the DPW director and appeared before the Board of Selectmen (as the Water and Sewer Commissioners) on 7/23/18 with a second meeting planned for 8/27/18. This is the only waiver request submitted for the project and it is for relief of a one-time fee - the residents will pay quarterly sewer rates. The two primary factors leading to the request are the need for an emergency generator for backup power and the unforeseen structural and foundation issues rehabilitating this 100+ year old building. Mr. Romasco emphasized the well-being, health, & safety of the tenants is their priority, and they want to complete the project properly. Mr. Jhul, the project's developer also provided information regarding the project status, funding, and costs. He explained the limitations and regulations on securing financing for a Comprehensive Permit project and provided some examples of how all funding possibilities have been exhausted. Cost estimate amounts provided at the meeting are as follows: \$326K in change orders to date; \$209K for the generator; \$127K for potential future change orders.

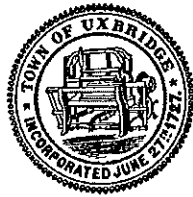
To conclude the discussion, all the members agreed that while this request does not easily fit into the examples provided to make a determination of substantial vs insubstantial, the impact to the town is substantial.

Motion: Mr. Gniadek moved to find that the request to waive 50% of the sewer connection fee constitutes as a substantial modification to the Comprehensive Permit. Mr. McNulty seconded, and the motion passed unanimously by vote of 3-0-0.

III ADJOURNMENT: NEXT ZBA MEETING, Wednesday, September 5, 2018

MOTION: Mr. McNulty moved to adjourn the August 20 meeting of the ZBA. Mr. Gniadek seconded and the motion passed by vote of 4-0-0.

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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: Monday, August 20, 2018

SIGNATURES:

Rob Knapik, Member

John Gniadek, Member

Thomas McNulty, Associate Member

Mark Kaferlein, Member

August 20, 2018

Date