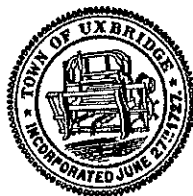


Rob Knapik, Chairman
John Gniadek, Vice Chairman
Mark Kaferlein, Clerk
Thomas McNulty, Associate Member
Jim Blackburn, Associate Member



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TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: Wednesday, October 6, 2021

Present: Rob Knapik, John Gniadek, Thomas McNulty, Jim Blackburn and Administrator Melissa Shelley

CALL TO ORDER:

It being approximately 6:00 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chairperson.

PUBLIC HEARINGS:

1. **FY22-02:** The owner Elizabeth Barry Crawford of **27 Pudding Street** is seeking to **APPEAL** a Notice of Violation issued by the Uxbridge Zoning Enforcement Officer dated August 17, 2021. The property is located in both the **Agricultural and Residential C Zoning District**. It is shown on the Town of Uxbridge Assessor's **Map 07, Parcel 643** and described in a deed recorded at the Worcester Registry of Deeds in **Book 57955 and Page 70**.

Members voting on the hearing include Rob Knapik, John Gniadek and Jim Blackburn

Presentation: Elizabeth Crawford Berry presented her petition to the Board as follows: "I reside at 27 Pudding Street in Uxbridge I am the property owner. I am here today to appeal the violation notice that was given on August, 17, this notice is, with regard to a trailer that is on my property, the trailer is registered. It is in an agricultural zone and it is being used for hay storage for my two horses.

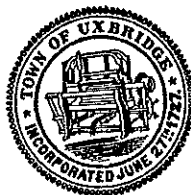
This is very common practice amongst the farming industry. Hay cannot be kept in an airtight building is a massive fire hazard. That's very important. Three-sided shelters trailers of that sort, where you can leave the door open and control the airflow better than in something like a hayloft is much safer for all parties involved.

The trailer arrived on August 16 we received a violation from Mr. Larry Lench on the 17th. I had called Mr. Lench to discuss the understanding of the bylaws. He delivered me the definition of a trailer, as defined by the bylaws, but has been unable to point me to the section of the bylaws, that pertains to trailers. In reading section 400-22 of the Uxbridge Zoning Bylaw pertains to tourist camps trailer parks and construction trailers. Tourist camps and trailer parks are defined in the bylaws, as two or more trailers. This is one trailer and does not pertain to house trailers or mobile homes, or construction trailers, this is none of those. If you look around the town. There are many farms that contain trailers and very similar use as the one that resides on my property. And as such, I'm asking the board today to overturn this decision."

Building Inspector Comments: Mr. Larry Lench requested the Board accept his findings. He reviewed Section 400-22 of the Zoning Bylaw (Trailers; Junk Cars) and read the definition of trailer. He concluded this type of trailer, as found this property is sort of more akin to a junk car, and therefore is prohibited by the section

Board Questions Comments: The Chairperson noted that it is part of the Zoning Enforcement Officer's job to interpret and apply the zoning bylaws in the first instance, which happened here, and if a person has a different interpretation they have a right of appealing.

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The members agreed the question they have to determine if the building inspector interpreted the bylaw in a way that's reasonable.

Information obtained during questions of the applicant: (i) The trailer was owned and registered by Ms. Crawford prior to August 16 and brought to the property to store hay due to a nationwide hay shortage; She has 2 horses that need appropriate forage and it is very difficult to obtain high quality hay; (ii) She hopes remove the trailer from the property after the shortage subsides; (iii) The location was chosen because it is the flattest spot closest to the barn, it is a hilly rocky property and she wasn't sure it would be stable in the back; (iv) there no other farm animals other than the 2 horses for personal use (v) approximately 200 bales of hay can fit into the trailer (vi) a horse eats approximately $\frac{3}{4}$ to 1 bale per day (vii) the hay is purchased in small quantities and brought to the trailer currently

Abutter Comments: Robert Finnegan, represented the abutters at 15 Pudding Street during the hearing. A letter was submitted to the Board detailing the abutter's concerns on 10/5/21. The primary concern being it's a nuisance to look at and there appear to be other options for storing the hay on the property (an existing 3 car garage & barn). Atty Finnegan said his he and clients have tried to contact the Applicant in hopes of resolving the issue amicably but did not receive a response.

The abutter at 28 Pudding Street spoke in favor of the Applicant. She said she's a great neighbor and has no problem with the trailer.

Discussion: The Chairman explained the general public, the land owner, abutters and effected neighbors have an interest in ensuring that the zoning regulations are implemented in a way that serves their intended effect of promoting health and welfare of the community. He reiterated that the building inspector is vested with initial responsibility for interpreting and enforcing the regulations, and that that interpretation is reflected in constitute the zoning law of the municipality. He further explained that this Board has some authority to allow land owners the opportunity to modify their existing structures uses or land to cure the zoning violation.

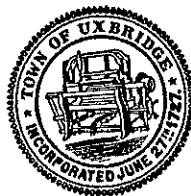
Members reviewed their authority and options relative to overturning or upholding a Zoning Enforcement Officer's determination.

Members asked the Applicant whether there was any opportunity for the trailer to be located in a way that is responsive to the direct abutters request that it not be located on or near the property line but serves the purpose of safely storing hay, in something other than an enclosed structure. The Applicant responded that she thought there was. She said she the letter submitted was the first she'd heard from the Abutters. She requested the Board continue the public hearing with the purpose of conferring with the abutter to see if there's some mutually satisfactory resolution.

Motion: Mr. Gniadek made a motion to continue the public hearing to the November 3, 2021 meeting of the ZBA. Mr. McNulty seconded, and the motion passed by vote of 3-0-0.

- FY22-03:** The owners of **20 Megan Court**, Emile Giguere and Scott Vargus, are seeking **SPECIAL PERMIT** in order to obtain a Class II Auto Dealer License to conduct the sales of used tractors and trailers at the site. The property is located in the **Industrial B Zoning District**, shown on the Town of Uxbridge

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Assessor's Map 45, Parcel 4058 and described in a deed recorded at the Worcester Registry of Deeds in Book 55788 on Page 155.

Members voting on the hearing include Rob Knapik, John Gniadek and Tom McNulty

Presentation: Scott Vargas, representing River's Edge Truck and Trailer Repair presented the petition to the Board. He explained that he would like to have the ability to sell the types of vehicles they repair if the opportunity arises. Mr. Vargas said he only anticipates selling only few per month at the most. He described the property - 2.5 acres, situated on the northwest corner of Megan Court with is one structure that is used for the operation of a trucking company and for the repair of truck and tractor trailer type vehicles.

Comments: Mr. Lench, Uxbridge Building Inspector did not have any comments to add to the petition. No members of the public spoke in favor or opposition to the proposal.

Member Discussion: Members reviewed their authority to issue a special permit in this matter - according to the Table of Use Regulations of the Uxbridge Zoning Bylaw, "Garaging and Maintaining more than 3 vehicles" is a use allowed by Special Permit in the Industrial B Zoning District. Additionally, a Special Permit granted by the Zoning Board of Appeals is also a requirement to obtain a Class II Dealer Licenses from the Uxbridge Board of Selectmen.

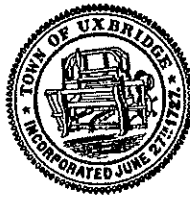
Members discussed the site and the business with the applicant. There was also discussion about conditioning the number of vehicles and maintaining access for safety vehicles.

Members agreed the application, as proposed, was an appropriate use of the property. The Board found the following impacts during review of the criteria outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws:

1. Positive impact on social, economic or community needs
2. Little to no impact on traffic flow and safety, including parking, and loading due to the location and size of the business
3. The utilities and other public services are adequate
4. This business is suitable for neighborhood character and social structures and the expansion will not result in any negative impacts
5. There should be no impact on natural environment
6. The fiscal impact including impact on town services, tax base and employment appears to be a net benefit

Motion: Mr. McNulty made a motion to close the Public Hearing FY 22-03 for 20 Megan Court. Motion seconded by Mr. Gniadek passed unanimously by roll call vote of 3-0-0 (McNulty -aye, Gniadek - aye, Knapik - aye).

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Motion: Mr. McNulty made a motion that the Zoning Board of Appeals grant the special permit for matter FY22-03, 20 Megan Court, on a finding that the Special Permit Criteria are satisfied. The approval is subject to the following CONDITIONS:

1. The number of trailers permitted on the site at any given time is limited to twenty-five (25) including those under repair and for sale.
2. The accessway be kept open for fire protection and fire access purposes.

Motion seconded by Mr. Gniadek passed unanimously by roll call vote of 3-0-0 (McNulty -aye, Gniadek – aye, Knapik – aye).

ADMINISTRATIVE:

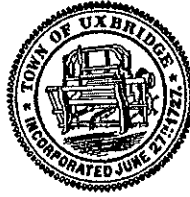
1. Meeting Minutes Review: 9/1/21
 - Passed over
2. Membership
 - Members agreed to ask the Town Manager to include Zoning Board of Appeals in the call for volunteers in efforts to obtain a member to replace Mark Kaferlein.
3. Round Table Discussion Summary
 - Mr. Knapik provided a brief review of the Planning and Development Roundtable meeting.

ANY OTHER BUSINESS, which may lawfully come before the Board:

ADJOURNMENT: Next Regularly Scheduled ZBA Meeting, -Wednesday, November 3, 2021

Motion: Mr. McNulty made a motion to adjourn the 10/6/21 meeting of the Zoning Board of Appeals. Mr. Gniadek seconded, and the motion passed unanimously by vote of 4-0-0.

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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: Wednesday, October 6, 2021

Respectfully Submitted,
Melissa Shelley

SIGNATURES:

Rob Knapik, Member

John Gniadek, Member

Mark Kaferlein, Member

Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

November 3, 2021
Date