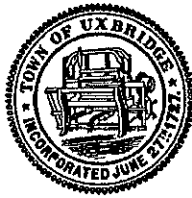


Rob Knapik, Chairman
John Gniadek, Vice Chairman
Thomas McNulty, Associate Member
Jim Blackburn, Associate Member



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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, February 2, 2022

Present: Rob Knapik, 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.

1. **FY22-06: 30 Talbot Terrace** The applicants Paulo and Helena Goncalves, are seeking a **VARIANCE** or a **SPECIAL PERMIT** to construct an attached garage to the principal structure on the property. The property is located in the **Residential B Zoning District**, shown on the Town of Uxbridge Assessor's **Map 18C Parcel 3644** and described in a deed recorded at the Worcester Registry of Deeds in **Book 63918 on Page 316**.

Presentation: Paulo and Helena Goncalves, the Applicants, presented their petition to the Board. They have resided at the location for 17 years. They explained water that drains onto the driveway area in the winter months freezes and because of this they've had several incidences where people have slipped and fallen in this area. They are hoping to remedy the situation, by constructing an attached garage on the property and restructuring the driveway so water does not accumulate in that area.

Discussion: Larry Lench, the Uxbridge Building Inspector, testified that per the location of the house, the location of the proposed attached garage, at the end of the driveway makes the most sense.

The Board determined that the existing structure complies with the Uxbridge Zoning Bylaw dimensional requirements and that the appropriate relief would be in the form of a Variance. The attached garage, per the proposed plans, will impede 7.2 feet into the required 25 feet left side setback.

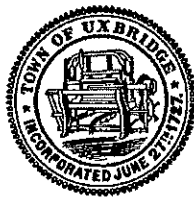
Members agreed it didn't seem reasonable to place the garage on the other side of the property due to the existing layout of the lot. They inquired whether a smaller or even one car garage had been considered to meet the requirement. The Applicant's explained there is a fairly steep slope on the other side of the house and they were hoping to take advantage of the property they have and still be able to create some sort of run off to the side of the top of the driveway.

Kristie Medeiros, 81 Hazel Street, an abutter requested details as to the look of the additional garage. The applicant responded that they were waiting for approval before meeting w/ an architect but they are hoping to get the best layout to suit their water situation. They said the plan for the garage to be similar to their existing structure and just blend into the house (not overtake the house). The garage doors will be facing the street.

Members inquired whether the Applicant was considering a second story - and they replied they are not and do not intend to incorporate living space into the attached garage. The Applicant was amenable to a condition stating such. Stormwater runoff was also discussed in more detail and members and the Applicant agreed to direct any runoff from the proposed structure towards the street and away from the neighboring property.

After discussion, members agreed that the construction of the proposed attached garage without the variance would create a hardship due to the topography of the lot combined with the current location of the house, and

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that the plan is not detrimental to the public good nor does it nullify or derogate from the purpose and intent of the zoning bylaw.

Motion: Mr. McNulty made a motion to close the Public Hearing FY 22-06 for 30 Talbot Terrace. Motion seconded Mr. Blackburn passed unanimously by roll call VOTE of 3-0-0 (Blackburn – aye, McNulty – aye, Knapik – aye).

Motion: Mr. McNulty made a motion that the Zoning Board of Appeals grant a Variance of 7.2 feet to the left side setback to construct an attached garage on a finding that there is a hardship related to the topography of the lot. The approval is only allowable under the following Conditions:

1. No living space is permitted above the garage
2. Stormwater runoff shall not be directed towards the abutting property

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

2. **FY22-05: 16 Capron Street** The applicant Monica Nofi, is seeking a **VARIANCE or a SPECIAL PERMIT** to construct an attached garage to the principal structure on the property. The property is located in the **Residential A Zoning District**, shown on the Town of Uxbridge Assessor's **Map 19 Parcel 3389** and described in a deed recorded at the Worcester Registry of Deeds in **Book 54973 on Page 354**.

Presentation: Ms. Nofi presented the petition to the Zoning Board members. According to Ms. Nofi, the primary reason for the request is to increase living space in her home to accommodate her 3 children and parents who visit often. The proposed addition is 18-feet wide and 25-feet long and two-stories and will be 5.6 feet from the north property line. It will comprise of a multi-use room with a one-car garage underneath.

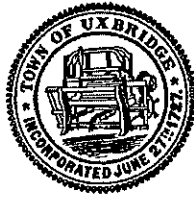
Discussion: The Property comprises approximately .131 acres (±5700 sq. ft.) of land. Located on the Property is one single family dwelling. The current structure is positioned 24 feet from the front property line and 23 feet from the rear property line. The Board agreed this is a pre-existing, non-conforming structure on a pre-existing, non-conforming lot. Section 400-12 of the Uxbridge Zoning Bylaws states the Board may award a special permit to reconstruct, extend, alter or change a non-conforming structure only if it determines that such reconstruction shall not be substantially more detrimental than the existing non-conforming structure to the neighborhood.

The Uxbridge Building Inspector confirmed the non-conformity of the existing structure and lot. One abutter spoke in favor of the petition.

Kevin Donaldson, 35 Oak Street, spoke in favor of the application.

After further consideration of the proposal, the existing conditions, and the neighborhood, the Board found the addition would not be substantially more detrimental to the neighborhood than the existing non-conforming structure.

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Motion: Mr. McNulty made a motion to close the Public Hearing FY 22-05 for 16 Capron Street. Motion seconded by Mr. Blackburn passed unanimously by roll call vote of 3-0-0 (Blackburn – aye, McNulty – aye, Knapik – aye).

Motion: Mr. McNulty made a motion that the Zoning Board of Appeals grant a special permit for the relief as requested, on a finding that it's not substantially more detrimental than the existing non-conforming use. Motion seconded by Mr. Blackburn passed unanimously by roll call vote of 3-0-0 (Blackburn – aye, McNulty – aye, Knapik – aye).

3. **FY22-07: 810 Quaker Highway** The applicant John Bazinet is seeking a **SPECIAL PERMIT** pursuant to a Class II Dealer License to sell and store campers on consignment at the property. The property is located in the **Business Zoning District**, shown on the Town of Uxbridge Assessor's **Map 51 Parcel 1085** and described in a deed recorded at the Worcester Registry of Deeds in **Book 61749 on Page 361**.

John Bazinet, the Applicant, presented his application to the Zoning Board Members.

The Property situated on the corner of Quaker Highway and Adams Street, and comprises approximately 1.02 acres of land. Situated on the Property is one commercial structure, the Uxbridge Plaza, comprised of separate businesses that lease space from the Applicant. Customer parking is located in the front of the structure facing Quaker Highway. The Applicant purchased the property in January 2020 after leasing space at the location for a consignment shop for approximately 10 years. He would like to have the ability to store and/or sell recreational vehicles such as motorhomes and campers on consignment at the location. The Applicant explained, this business will operate from the office on the backside of the structure primarily by appointment.

Discussion: Members reviewed aerial images of the site. It was mentioned that the abutting property to the south is owned by Camper's World and also contains motorhomes and campers. There was discussion with the Applicant about the number of vehicles that can reasonably fit and the expected layout. They also discussed the need for the ability for public safety vehicles to maneuver around the lot if necessary. Hours of operation were also discussed.

Members referred 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 Business 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.

The Board applied the six criteria set forth in the standard to be considered upon the issuance of a Special Permit as defined in Section 400-50 of the Uxbridge Zoning Bylaws. Members agreed they could find the criteria has been favorably met.

No members of the public spoke in favor or opposition to the proposal.

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Motion: Mr. McNulty made a motion to close the Public Hearing FY 22-07 for 810 Quaker Highway. Motion seconded by Mr. Blackburn passed unanimously by roll call vote of 3-0-0 (Blackburn – aye, McNulty – aye, Knapik – aye).

Motion: Mr. McNulty made a motion that the Zoning Board of Appeals GRANT the SPECIAL PERMIT as requested on a finding that the criteria set forth under Section 400-12 of the Uxbridge Zoning Bylaw has been met. The approval is subject to the following conditions:

1. Hours of operation allowed are Monday through Saturday from 8:00am-6:00pm.
2. The maximum number of vehicles allowed for storage and consignment on the property at any given time is 35.
3. The existing accessway through the property is to be maintained.
4. There may be no storage of vehicles within 15 feet of the building.

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

ADMINISTRATIVE:

1. Meeting Minutes Review: 1/5/2022

Motion: Mr. Knapik made a motion to approve the January 5, 2022 meeting minutes as edited. Mr. Blackburn seconded, and the motion passed by vote of 2-0-1 (Knapik – aye, Blackburn – aye, McNulty – abstain).

2. Zoning Bylaw Amendments

- Three items members are considering include the addition of a sign bylaw, the addition of an accessory structures/in-law apartment bylaw and a way to eliminate making 2 structures into 1 with a frost wall.
- Members agreed to pass along the sign bylaw Mr. Blackburn drafted and the Board approved, to the Planning Board for consideration and input. They also agreed to further review the working draft of the Accessory Structure bylaw and ask for Town Counsel's input on the 2 attaching structures issue.

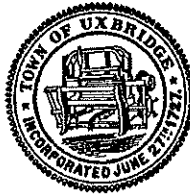
ANY OTHER BUSINESS, which may lawfully come before the Board:

ADJOURNMENT: Next Regularly Scheduled ZBA Meeting, Wednesday, March 2, 2022

Motion: Mr. McNulty made a motion to adjourn the February 2, 2022 meeting of the Zoning Board of Appeals. Mr. Blackburn seconded, and the motion passed unanimously by vote of 3-0-0.

Respectfully Submitted,
Melissa Shelley

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**TOWN OF UXBRIDGE
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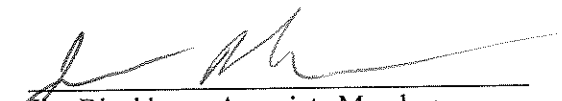
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SIGNATURES:

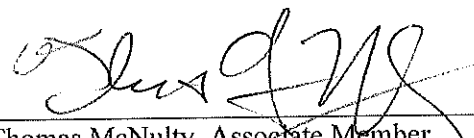


Rob Knapik, Member

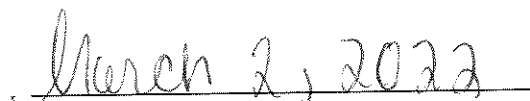
John Gniadek, Member



Jim Blackburn, Associate Member



Thomas McNulty, Associate Member



Date

