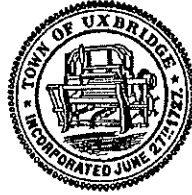


Rob Knapik, Chairman
John Gniadek, Vice Chairman
Thomas McNulty, Member
Jim Blackburn, Associate Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
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REC'D UXB TOWN CLERK
2022 OCT 6 PM 12:05

TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: Wednesday, August 3, 2022

Present: Rob Knapik, John Gniadek, Thomas McNulty 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. **FY22-09: 56 Industrial Drive** The applicant Ronald Parsons, Trustee of 56 Industrial Drive, is seeking a **VARIANCE**

Eli Leino, Bernstein Shur Law Firm, represented the Applicant during the public hearing. Scott Foster, legal counsel for TSC RE, LLC owners of the property as of July 26, 2022 also attended the public hearing.

Mr. Leino, explained the applicant is coming before the board seeking relief from the siting accessory "structures" as defined in Article X Definitions within the building setback area. The applicant had previously received a building permit based on plans depicting HVAC and other utilities installations submitted based on the understanding that these utility items and concrete pads were not considered structures. A hardship exists because the lot shape and building placement do not provide adequate compliant location for the required utilities without demolishing portions of the existing building and construction and installation has already been completed.

Mr. Leino explained that dumpsters were not considered upon submitting the application and requested the Board make a finding that the dumpsters and their existing concrete pads are not considered structures as they are not affixed to the ground.

Members reviewed the definition of structure as written in Section X of the Uxbridge Zoning Bylaws and agreed that the definition is very broad. There was also discussion about the dumpsters and Members agreed the concrete pads needed to support non-permanent items such as a rolling dumpster are not considered structures.

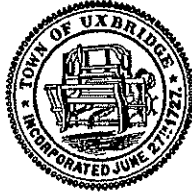
Members considered the standard set forth under M.G.L. c. 40A, §10 agreed the shape of the lot and existing structure present a circumstance that created a hardship for the property owner and that it was reasonable to conclude that the granting of the variance would not be a detriment to the public good or derogate from the intent of the bylaw.

There were no comments from members of the public.

Motion: Mr. McNulty made a motion to close the Public Hearing FY 23-01 for 56 Industrial Drive. Motion seconded by Mr. Gniadek passed unanimously by vote of 3-0-0.

Motion: Mr. Gniadek made a motion that the Zoning Board of Appeals grant a variance as requested to construct the improvements within the setback, shown on the plan submitted, including a generator, transformer, & CO₂ tank on a finding that said variance may be granted without detriment to the public good and without

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MEETING MINUTES: Wednesday, August 3, 2022

nullifying or derogating from the purposes and intent of the Uxbridge Zoning Bylaw. Motion seconded by Mr. McNulty passed unanimously by vote of 3-0-0.

Motion: Mr. Knapik made a motion that the Uxbridge Zoning Board of Appeals find that the concrete dumpster pad is not a structure as used in Section 10 of the Uxbridge Zoning Bylaw. Motion seconded by Mr. McNulty passed unanimously by vote of 3-0-0.

ADMINISTRATIVE:

1. Meeting Minutes Review: 6/1/22
 - **Motion:** Mr. Knapik made a motion to approve the June 1, 2022 meeting minutes as written. Mr. Gniadek seconded, and the motion passed by vote of 2-0-1 (*Mr. McNulty abstained*)
2. Zoning Bylaw Amendments
 - There was a brief review of the most recent revisions of the bylaw amendments after the Town Planner and Planning Board had a chance to provide input. There was discussion about the process and timing for submittal. Members agreed to take a vote to place the articles on the warrant as substantially written after which it will be discussed with the planning board and Bos.
 - **Motion:** Mr. McNulty made a motion to sponsor an amendment to the Zoning Bylaw adding sections 415 and 416 as substantially in the form before us August 3, 2022 to appear on the warrant for the Fall 2022 Annual Town Meeting. Mr. Gniadek seconded, and the motion passed by vote of 3-0-0.

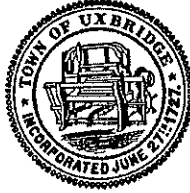
ANY OTHER BUSINESS, which may lawfully come before the Board:

ADJOURNMENT: Next Regularly Scheduled ZBA Meeting, Wednesday, September 7, 2022

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

Respectfully Submitted,
Melissa Shelley

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



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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: Wednesday, August 3, 2022

SIGNATURES:

Rob Knapik, Member

John Gniadek, Member

Jim Blackburn, Associate Member

Thomas McNulty, Associate Member

October 5, 2022

Date