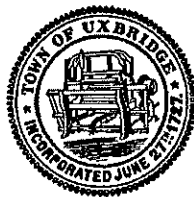


Rob Knapik, Chairman
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, Associate Member



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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

REC'D UXB TOWN CLERK
2022 DEC 8 AM 11:47

MEETING MINUTES: Wednesday, November 2, 2022

Present: Rob Knapik, Jim Blackburn, Thomas McNulty, Tariq Fayyad and Administrator Melissa Shelley

CALL TO ORDER:

It being approximately 6:30 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chairperson followed by the pledge of allegiance. The Chairperson welcomed new associate member Tariq Fayyad to the ZBA.

EXECUTIVE SESSION:

1. Update from Town Counsel relative to litigation matters for the Crawford v. Uxbridge Zoning Board of Appeals (27 Pudding St.) appeal to land court.
 - Members voted by roll call to go into Executive Session as follows: Mr. Blackburn – aye, Mr. Knapik – aye, Mr. McNulty – aye, Mr. Fayyad – aye.

PUBLIC HEARINGS:

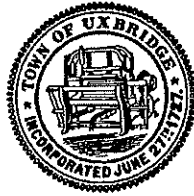
1. **FY23-03: 420 West Street** the Applicant, A. Eli Leino, Trustee, is seeking a **SPECIAL PERMIT** pursuant to Article II, Section 400-12 C (non-conforming structures) of the Uxbridge Zoning Bylaw, to construct a small addition on the easterly side of the existing building to contain plumbing infrastructure related to a future sprinkler system. The property is located in the **Industrial B Zoning District**, shown on the Town of Uxbridge Assessor's **Map 33 Parcel 0168** and described in a deed recorded at the Worcester Registry of Deeds in **Book 66869 on Page 185**. (*Public hearing opened 10/5/22*)

Presentation and Discussion: Mr. Knapik provided a brief recap – the public hearing was opened during the October 5, 2022 meeting of the ZBA where there was evidence presented that the proposed addition satisfies the criteria for a grant of a special permit and a possibly section 6 finding. During the first hearing the Board asked questions about the need for the addition and the use that would be made of it. The applicant agreed to continue the public hearing for the purpose of providing the Board with additional information. After the meeting they submitted a drawing with the details of the system to be installed in the proposed addition.

Eli Leino, Trustee of 420 West Street Realty Trust, and Ronald Parsons, the beneficiary of the trust that owns the building attended on behalf of the application. Mr. Leino said the use of the building will be a marijuana grow facility which is allowed under the zoning bylaws in the Industrial B zone. The use of this smaller addition is to hold a fifteen-thousand-gallon water tank which will take up the vast majority of the twelve by sixty-foot addition, along with the fire, pump and fire pump Controller. He added there is no visual impact as the building is topographically quite a bit above the road, the addition is not noticeable from the road, and there are vacant lots next to this building.

Mr. Parsons said that it's a vertical tank that will be laid on its side, and the part of the reason for the addition is to get the tank in the building would require removing a large portion of the side wall of that building to get it in, resulting in a structural related issue. He said it was just as easy to pour a pad, install the tank and then build the building around the tank. This tank is required by both fire and building departments because this building is over 7500 square feet and requires sprinklers.

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Board members evaluated the standard set forth in Section 400-12 C. Non-Conforming Structures: Special Permit Required and agreed they may award a special permit to reconstruct, extend, or change or nonconforming structure in accordance with this section only if they determine that such reconstruction extension or alteration of change shall not be set substantially more detrimental in the existing nonconforming structure to the neighborhood.

After evaluating the visibility and purpose of the addition there was agreement among members that not only is the project it not substantially more detrimental, it will not be more detrimental at all.

There were no comments from members of the public.

Motion: Mr. Blackburn made a motion to close the Public Hearing FY 23-03 for 420 West Street. Motion seconded by Mr. McNulty passed unanimously by roll call vote of 3-0-0 (McNulty – aye, Blackburn – aye, Knapik – aye).

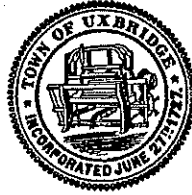
Motion: Mr. Blackburn made a motion to grant the Special Permit for 420 West Street, in accordance to Section 400-12 C of the Uxbridge Zoning Bylaw, to construct an addition for the purpose of containing plumbing infrastructure related to a sprinkler system upon a finding that the addition will not be substantially more detrimental to the existing non-conforming structure to the neighborhood. Motion seconded by Mr. McNulty passed unanimously by roll call vote of 3-0-0 (McNulty – aye, Blackburn – aye, Knapik – aye).

2. **FY23-07: 47 Dodge Deco, LLC, APPLICANT**, is seeking a **COMPREHENSIVE PERMIT** pursuant to MGL Ch. 40B and the Uxbridge Zoning Bylaw to construct a 40-lot residential subdivision consisting of single-family homes along 2,770± linear feet of proposed roadway, and associated utilities and earthwork at **354 DOUGLAS STREET**. The property is shown on the Town of Uxbridge Assessor's Map 23 Parcel 2357 and described in a deed recorded at the Worcester Registry of Deeds Book 59168 Page 196. The property is located in the **Residential C Zoning District**.

Introduction: Due to the uniqueness of the project the Chairperson provided the following introduction. The statute authorizing the construction of affordable housing says, in essence, if a town has less than ten percent of its housing stock as affordable housing then a developer or landowner has the right to essentially override the zoning bylaw and construct a project that is, of a density that's greater than what otherwise would be allowed. In exchange for that additional density the developer must sell twenty-five percent of the units to what the statute and the regulations call persons of low or moderate income. The first step in the process is a state level of review that has been completed. The second step in the process is the municipal level of review where the zoning board are authorized and required issue a single permit that includes or comprehends every other permit that otherwise would be required by any town board so long as the application meets the criteria. The ZBA does not issue State permits, so the Applicant will still need an on order of conditions from the Conservation Commission and any other State level permits.

The initial State level of review that has occurred that involves submitting an initial application to one of several different State bodies such as Mass Housing and Department of Housing and Community Development. They look at concept plans, budget, qualifications of the developer, and if they feel that the site and project are eligible, they issue a letter called Project Eligibility – which they have. In this case, the Applicant chose to submit the

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MEETING MINUTES: Wednesday, November 2, 2022

application as what's called a friendly 40B. In other words, the applicant consulted with the town, and apparently agreed that there's a need for affordable housing and that the site is a good site for it. The town became essentially a co-applicant to that state level of approval.

Mr. Knapik explained the ZBA will delve into technical matters such as drainage, traffic site safety considerations water supply, sewer capacity. This Applicant went through a very thorough level of permitting with the Uxbridge Planning Board before the decision made to submit an affordable housing project and the technical analysis conducted will benefit this Board.

Jack Hunter, Uxbridge Town Planner, provided additional information about the process to date. The Applicant received approval for an eighteen-lot subdivision, that went through peer Review, was signed off by public safety and the DPW's civil engineer and issued an order of conditions by the Conservation Commission. The applicant came into the Board of Selectmen and started to introduce this notion of doing a 40B under the local initiative and initial reviews with town departments and the peer reviewer and did not identify anything insurmountable. Public meetings were held to discuss concerns about property values, density, impacts on wells and septic systems and traffic all of which the applicant had addressed in their previous submission as a subdivision, but now had to address those in and explain the differences between the two. After the BOS agreed to partner, there were meetings and site visits with the department of Housing and Community Development from the State and then approval.

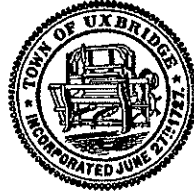
Presentation: Steve O'Connell, Turning Point Engineering, presented on behalf of the Applicant. He also provided a brief background to the project displaying the original plans and describing their process of redesigning the subdivision. This will be a two 2770± linear foot, single access, subdivision, road access from Rt 16 serviced by town water, town sewer. He explained the initial redesign included a stacked cul-de-sac configuration but after meetings with public safety they settled connecting the roads. There are no changes required to Douglas St for access. A stream crossing is required to access the site but all related work is essentially the same as the initial submittal and a new NOI will be submitted to the Conservation Commission for approval. The pavement will consist of twenty-four-foot-wide asphalt meeting subdivision standards. There will be bituminous cape Cod berm on both sides of the road and one sidewalk with a four-foot grass strip between the road and the sidewalk to provide a horizontal buffer between pedestrians and vehicles.

Ten out of the forty units will be determined to be affordable for applicants qualifying for median income level housing, which is, an annual household income that does not exceed eighty percent of the median income (in short those units cannot sell for, and for more than a maximum price of \$268,500). They also cannot look different or distinct, or be distinguishable from the market rate homes and units shall be dispersed throughout the development. They will consist of three- and four-bedroom style homes just like market rate units will be.

The application was submitted to the State Department of Housing and Community Development because this project where it did receive a Local Initiative Program (LIP) – essentially the friendly 40B designation. This process allows Uxbridge residents, employees of Uxbridge, and families with children in the public schools a priority in the lottery for affordable homes.

The only access point will be from Douglas Street a very capable uh roadway to handle residential traffic from forty houses. Site Distance is approximately 650 feet looking westerly and almost six hundred feet looking easterly. The topography of the land generally slopes upwards from Douglas Street after a slight downward grade to the wetlands crossing the stream that runs parallel to Douglas Street. The slope increases from three percent to

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five to the maximum, about seven and a half percent around the loop and then down about seven and a half percent, and then we level off to about three percent approaching this intersection.

The property slopes from the street up to the rear of the project just off Chamberlain Road and the Applicant is proposing, in concert with the Dpw, a connection to the water system on Chamberlain Road connection. They have also received a will serve letter from the Dpw for water and sewer supply, and they indicated that yes, the town's infrastructure would be capable of receiving flows, waste water, flows, and providing water supply flows a forty-house subdivision at the location.

Mr. O'Connell said this is very thorough plan set, borderline construction ready subject to engineering review, which they would encourage. He also provided an explanation of waivers in general and the waivers requested for the project.

The Chairperson referenced a comment received from the Economic Development Community Planner, Mike Gallerani strongly requesting sidewalks and a bus shelter. Mr. O'Connell responded that they were requested to provide uh a pull-off area for parking, because there's going to be a central mailbox, central mailboxes dictated by the post postal service and this would be an ideal location to place some sort of kiosk.

Zoning Board Member Comments: Members agreed, due to the complexity of the project, to set forth a schedule of meetings and what topics will be discussed during each. There was some additional discussion about affordable housing and examples of similar subdivisions in surrounding towns. They discussed what is involved in the process of subdivisions becoming public roads and the management of the affordable houses over time. There was some clarification as to the design of the stormwater system (subgrade – not low impact design LID). It was mentioned that developer of the project is Eastland Partners Inc.

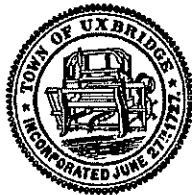
Abutter Comments: Peter Boyer, 64 Spring Hill Drive, asked whether there will be a buffer between the development and abutting houses. Plans were reviewed and members noted that if there are opportunities to try to maintain existing vegetation, the Board would be inclined to ask the developer to make reasonable efforts to do that. He also inquired whether the area has been tested for blasting. Mr. O'Connell responded that there was extensive testing and some blasting will be necessary, most of which is going to occur on the section of the straight road.

Lauren Costelli, 105 Spring Hill Drive, requested more information on blasting and what approvals are required.

Jim Frick, 48 Chamberlain Road, has the property with an ideal location for an easement to connect the waterline to the Chamberlain Road connection. He said he received a letter, responded but never heard back. Mr. O'Connell agreed to follow up with DPW. The Chairperson indicated he thought it was incumbent the applicant, the landowner, and the town to, resolve that or not and that this board may not have too much of a key role in that. Mr. Blackburn agreed to aid in trying to facilitate with DPW and other departments in the town to identify the benefit of installing a waterline to the water system and the users.

Edward Pedro, 60 Spring Hill Drive, he asked the Board evaluate the buffer during their site visit with respect to noise. He also inquired whether notification before blasting is required (the process is managed by UFD).

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Brian Gauvin, 55 Willow Lane, described their water pressure in the area as awful. He asked whether there could be some an assessment of this neighborhood of the water pressure before we decide to actually allow water to be pulled from. Members agreed a worthy question for the Dpw may be what would the benefits/impacts of this looping be on both streets.

There was a question as to timing if the project is approved and Mr. O'Connell said the earliest would be next April.

Members agreed to compile a list of issues and set out a schedule. They agreed they may have to consider having a second meeting per month in part, so that we can focus on this as the sole item agenda for that meeting, and in part so as a courtesy to the applications that are before us in the normal course for special permits and variances. Members also agreed to coordinate a third-party review of the application with Graves Engineering and there was discussion of that process. A site visit was scheduled for November 11 at 9:00 am.

Motion: Mr. McNulty made a motion to continue the public hearing for 354 Douglas Street to the December 7, 2022 meeting of the Zoning Board of Appeals. Mr. Blackburn seconded, and the motion passed unanimously by vote of 4-0-0.

ADMINISTRATIVE:

1. Meeting Minutes Review: 6/22/22, 8/29/22, 10/5/22

Motion: Mr. McNulty made a motion to approve the June 22, 2022 meeting minutes as written. Mr. Blackburn seconded, and the motion passed by vote of 3-0-1 (Mr. Fayyad abstained).

Motion: Mr. McNulty made a motion to approve the October 5, 2022 meeting minutes as written. Mr. Blackburn seconded, and the motion passed by vote of 3-0-1 (Mr. Fayyad abstained).

2. FY2022 Annual Report Approval

Motion: Mr. McNulty made a motion to approve the Fiscal Year 2022 Annual Report as written. Mr. Blackburn seconded, and the motion passed by vote of 4-0-0.

3. Zoning Bylaw Amendments

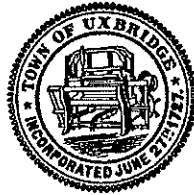
The amendments to the Zoning Bylaws for Signs and Accessory Dwelling Units were approved during the Fall Town Meeting. Members agreed to remove from future agendas.

ADJOURNMENT:

Motion: Mr. McNulty made a motion to adjourn the November 2, 2022 meeting of the Zoning Board of Appeals. Mr. Blackburn seconded, and the motion passed unanimously by vote of 4-0-0.

Respectfully Submitted,
Melissa Shelley

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SIGNATURES:

Rob Knapik, Member

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Date