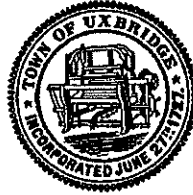


Rob Knapik, Chairman
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, Associate Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2019 p

**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

POSTED UXB TOWN CLERK
2023 JAN 5 AM 9:31

MEETING MINUTES: Wednesday, December 7, 2022

Present: Rob Knapik, Jim Blackburn, Thomas McNulty, Tariq Fayyad 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 followed by the pledge of allegiance.

PUBLIC HEARINGS:

1. **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**.
(Public hearing opened November 2, 2022)

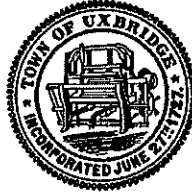
Discussion: Steve O'Connell attended the meeting on behalf of the Applicant. The Chairperson noted that a site visit had taken place on November 11, 2022. He also explained during the last meeting the Board authorized a third-party engineering review of the project and were still awaiting the results of the review. During the November meeting there was discussion regarding potential benefits of a water connection to the adjoining roadway and so Members and the Applicant agreed to discuss the issue further to give the applicant and the adjoining landowner as much time as possible to arrive at some agreement if it was found to be beneficial. It was noted that the Water Division had confirmed the ability to supply water to the project and members agreed the Board doesn't have any sort of legal authority to either deny or even condition the project upon a connection to that adjoining roadway.

Paul Hutnak, Uxbridge DPW, attended the meeting. He said that for some time the DPW has been evaluating how to improve the water conditions in the area and the main focus had been looping the water through what is now the Campanelli Office Park and under 146 which would be a very expensive project. When Pine Ridge Estates was originally being evaluated as an 18-lot subdivision, the DPW considered the possibility of a water connection at Chamberlain Rd, as an interim step, to improve conditions. The Applicant was willing to provide an easement within the development and actually provide the waterline connection IF an easement could be gained from an abutter on Chamberlain Rd. which at the time they were unable to secure.

Mr. Hutnak said the DPW has also been evaluating other options to increase the pressure in the area including updating and utilizing an existing booster station. He said if that option works out they would actually not want to connect to Chamberlain because it would let pressure off of what they are trying to pressurize. He said there is a good potential that for the short, and probably long, term that the DPW would not continue to pursue the Chamberlain Rd. connection but that it is nice to have the option if in the future those plans change. There was some discussion with members and it was noted that the water line is modeled as an 8 inch main, which is consistent with what is proposed in the subdivision and is the Town standard.

Public Comments: Peter Demers, 4 Waucantuck Dr, BOS member attended the meeting with a couple items for the Board to take into consideration i) ensure there is a clear and timely path for road acceptance and transfer to the town ii) consider maintaining as many trees as possible and phasing the clearing of the trees as opposed to clear cutting the entire area at once to mitigate erosion issues. Mr. Demers provided examples of both issues and emphasized his hope to protect the interest of the residents, town and the environment.

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Discussion: Members acknowledged and agreed their concerns are consistent with his. Mr. Knapik confirmed the ZBA is sitting as the Planning Board to implement the Subdivision Control Law which ensures the completion through a bond or a covenant in a passbook account or some combination. The Town also has a Stormwater Bylaw which will need to be followed. Mr. Knapik also noted that the project is subject to the Wetlands Protection Act and will the Applicant will be required to obtain an Order of Conditions through the Uxbridge Conservation Commission. He anticipated the ZBA would coordinate with the Conservation Commission to ensure proper measures are in place to prevent erosion during construction. It was also noted that the Applicant will also be required to obtain NPDES (National Pollutant Discharge Elimination System) permit, issued by the EPA.

In regards to tree clearing Mr. O'Connell said that it is their intention to leave the trees in the interior of loop road (approximately 1 acre) and he described the cost of removing trees and explained benefits of saving what they could. Plans were reviewed that show the proposed tree line and it was noted the development is on town water, not septic systems, which may also minimize the amount of clearing required for each lot. He also noted that because it is not a very big development phasing the project is not practical. He expects the timeframe for the project to be approximately 18 months from start to finish.

Everyone agreed to continue the public hearing to the regularly scheduled January meeting at which time they will review the comment letter from Graves and any responses as well as the letter from the traffic consultants so any outstanding issues can be identified. Additionally, Mr. Blackburn requested the Applicant provide some information on the methodology used to determine the number of houses to be marketed as affordable. Mr. O'Connell provided a brief response and agreed to obtain some additional information from Eastland Partners to discuss during the next meeting.

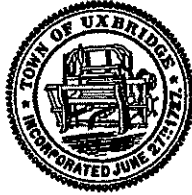
Motion: Mr. McNulty made a motion to continue the public hearing to the January 4, 2023 meeting of the Zoning Board of Appeals. Mr. Blackburn seconded, and the motion passed unanimously by vote of 4-0-0.

2. **FY23-08: William T. Thiebault** is seeking a **VARIANCE** to reduce the front setback requirement for an accessory structure from 75 to 70 feet to reconstruct a detached garage at **341 ALDRICH STREET**. The property located in the **Agricultural Zoning District** is shown on the Town of Uxbridge Assessor's Map **49 Parcel 0453** and described in a deed recorded at the Worcester Registry of Deeds Book **39916 Page 248**.

Presentation/Discussion: The Applicant was represented by David Helstrom, Helstrom Construction. The homeowner would like to replace the current oversized one-car detached garage with a two-car detached garage in the same location, 70 feet from the roadway. Mr. Helstrom said the purpose for the replacement is the existing garage is in a state of disrepair. The building permit was denied because a 75 feet front setback is required for an accessory structure in the Agricultural Zoning district. Although the new garage is replacing a pre-existing non-conforming garage, the Building Inspector referred the Applicant to the Zoning Board of Appeals for a Variance because the size of the garage would be increased. Mr. Helstrom explained he evaluated the option of relocating the garage 5 feet further from the roadway to meet the setback requirement, but changes in the depth of the garage and the slope of the property would interfere with the adjustment.

Board members reviewed the submitted plans and aerial images and confirmed the front right corner of the new structure would be in the same location as the current structure. The new structure is slightly larger so the left side will extend about 6 feet further than existing garage. Topographic images were also reviewed and considered. Section 400-12 Nonconforming Uses and Structures of the Uxbridge Zoning Bylaw was also evaluated as an option for relief but members agreed to apply the Variance standard because of the recommendation of the Building Inspector.

Rob Knapik, Chairman
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Members considered the Variance standard set forth under M.G.L. c. 40A, §10 and agreed the topography of the lot present a circumstance that created a hardship for the property owner and that it was reasonable to conclude that the granting of the five-foot variance as requested would not be a detriment to the public good or derogate from the intent of the bylaw. There was discussion as to whether any conditions were appropriate and everyone agreed no conditions necessary.

There were no comments from members of the public.

Motion: Mr. Blackburn made a motion to close the Public Hearing FY 23-08 for 341 Aldrich. Motion seconded by Mr. Fayyad passed unanimously by vote of 3-0-0.

Motion: Mr. Blackburn made a motion to grant the variance as requested for 341 Aldrich on a finding that there is a hardship related to the topography of the lot. Motion seconded by Mr. Fayyad passed unanimously by vote of 3-0-0.

3. **FY23-09: FY23-09: Lisa M. Hefron** is seeking a **VARIANCE** of the front setback requirement for an accessory use to from 75 feet to 20 feet construct a detached garage at **191 SUTTON STREET**. The property is located in the Residential C Zoning District and shown on the Town of Uxbridge Assessor's Map **11**, Parcel **1164** and described in a deed recorded at the Worcester Registry of Deeds in Book **60340** and Page **114**.

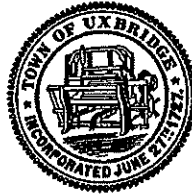
Presentation: Phil and Lisa Hefron, the homeowners, attended the meeting on behalf of the application. Mr. Hefron explained they were granted a Variance to construct a detached garage on February 25, 2021 and were under the impression they had three years to act on the Variance. Upon applying for a building permit, Mr. Hefron was notified that the Variance had expired after one year of issuance and he would have to re-apply for relief. He explained that the delay in constructing the garage was due to his wife being injured and funds running low. He said he essentially is re-applying for the same structure. He also requested the Board consider removing the 22' height restriction imposed on the original decision because he seeks to avoid having to purchase a custom garage (he is looking into a standard prefabricated building). Mr. Hefron said he and his wife would like to the building to be proportional with the roof of the house.

Discussion: Members had some questions about whether drawing submitted (the same as the original application) still accurately depicted the structure. Mr. Hefron said it is but it may change a bit based on standard sizes of garages – he confirmed that the corner closest to Sutton St. will not change but it may be a little deeper and angled in a way that is in proportion to the house.

Public Comment: Doug Kenbeek, 190 Sutton Street attended with concerns. He provided some information from the original public hearing – the 22' height restriction was a height that GBI had on their website as a standard height of trusses. His concern is that the garage will be used not as a residential garage but as an automobile repair shop and the value of his property may be affected. There was further discussion about whether this will be a "pole" barn and whether it will contain a vehicle lift.

Discussion: Members requested whether the applicant would consider providing a rendering of the proposed garage and a markup of the plan as it would be very helpful for both the board and interested parties to resolve any questions or ambiguities about ultimately what it's going to look like. Additionally, since what was submitted wasn't exactly what is being proposed through language or conditions, the board could specify the Variance is granted and constructed in accordance to with the revised plan. Mr. Hefron agreed and requested to continue to the February meeting to provide him with some additional time.

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



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**TOWN OF UXBRIDGE
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Motion: Mr. McNulty made a motion to continue the public hearing to the February 1, 2023 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 11/2/22 and Executive Session from 11/2/22

Motion: Mr. McNulty made a motion to approve the November 2nd meeting minutes as written. Mr. Blackburn seconded, and the motion passed unanimously by vote of 4-0-0.

Members agreed to review the 11/2/22 Executive Session minutes during an Executive Session at a future meeting.

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

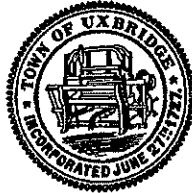
ADJOURNMENT: Next Regularly Scheduled ZBA Meeting, Wednesday, January 4, 2023

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

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



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**TOWN OF UXBRIDGE
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SIGNATURES:

Rob Knapik, Member

Thomas McNulty, Member

Jim Blackburn, Member

Tariq Fayyad, Associate Member

January 4, 2023
Date

