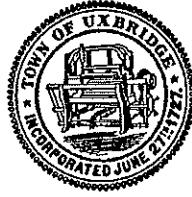


Rob Knapik, Chairman
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, Associate Member



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TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: Wednesday, March 1, 2023

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.

The chairperson recommended taking the public hearings out of the published agenda order to allow for additional time for the Comprehensive Permit discussion.

PUBLIC HEARINGS:

1. **FY23-10: 199 Hartford Avenue West** The applicants Robert and Paula Fisette, are seeking a **SPECIAL PERMIT**, pursuant to the **Uxbridge Zoning Bylaw Section 400-16**, to allow an Accessory Dwelling Unit. The property is located in the **Residential C Zoning District**, shown on the Town of Uxbridge Assessor's **Map 11 Parcel 3786** and described in a deed recorded at the Worcester Registry of Deeds in **Book 35394 on Page 300**.

Presentation: Bob and Paula Fisette, the homeowners, attended the public hearing on behalf of their petition. Mr. Fisette explained that a Variance was issued on April 6, 2022, to construct a detached garage within the dimensional requirements on the parcel and that it was his family's intent for the structure to include a studio apartment on the second floor for his mother-in-law to reside. He said that he hopes that he and his wife will live there when his children acquire the house.

Upon application of a building permit, Mr. Fisette was informed that a Special Permit would be required for the Accessory Dwelling Unit in accordance with the recently added Section 400-16 of the Uxbridge Zoning Bylaw.

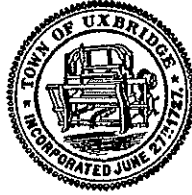
Members noted that all the submissions were helpful to confirm that their request meets the requirements of the bylaw. The Chairperson provided a brief overview of the intention of the bylaw including that the unit is intended for family members or a caregiver and not to be used as a rental. It was also explained that the permit is required to be renewed every three years.

Members inquired as to whether the building footprint is the same as the original submittal and Mr. Fisette confirmed it is. They confirmed the property has municipal sewer and water so there are no issues with capacity.

The Board applied the standard and reviewed the following nine conditions set forth under the Uxbridge Zoning Bylaw Section 400-16, (C.), (a.) authorizing The Board to issue a Special Permit:

- i. The unit will be a complete, separate housekeeping unit containing both a kitchen, bath and no more than one bedroom. *Plans indicate that is the case.*
- ii. Only one accessory dwelling unit may be created within a single-family dwelling or on a lot. *Members agree condition met.*

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- iii. No accessory dwelling unit may be created on a lot with multi-family dwellings. *Members agree condition met.*
- iv. The owner of the property in which the accessory dwelling unit is created must continue to occupy the dwelling unit or the accessory dwelling as their primary residence, except for bona fide temporary absences not to exceed 6 months. *Members agreed it was met but thought a condition could be included in the decision authorizing this is the only accessory dwelling unit allowed.*
- v. The gross floor area of an accessory dwelling unit shall not be greater than eight hundred (800) square feet, unless a larger gross floor area is approved by the Special Permit Granting Authority. *Members agree condition met per the plans.*
- vi. The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws/ordinances and regulations. *Doesn't apply because they have municipal water.*
- vii. All parking is to be off street unless specifically approved by the Special Permit Granting Authority. *Members confirmed parking will be off street.*
- viii. A unit that is contained within the primary dwelling shall have its own separate entrance from the outside, located at the side or rear of the primary dwelling, and shall be designed so that the appearance of the building remains that of a single-family dwelling. *Doesn't apply because separate unit.*
- ix. Occupancy is restricted to relatives of the primary resident who are to be related by blood, marriage, or adoption; or to allow occupancy by caregivers of the primary resident. *Members agree condition met per the submitted affidavit.*

Abutter Comment: Brian Hageny, 193 Hartford Ave West, spoke in favor of the petition saying he is the direct abutter and had "no problem" with the request.

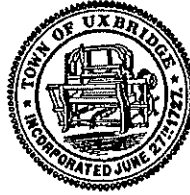
Motion: Mr. Blackburn made a motion to close the Public Hearing FY 23-10 for 199 Hartford Avenue West. Motion seconded by Mr. Fayyad passed unanimously by VOTE of 3-0-0.

Deliberations: Members all agreed that the petition meets the criteria and that the intended use is directly in line with the bylaw.

Motion: Mr. Blackburn made a motion that the Zoning Board of Appeals grant a Special Permit to construct an accessory dwelling unit on a finding that the criteria of Section 400-16, (C.), (a) of the Uxbridge Zoning Bylaw has been met. Motion seconded by Mr. Blackburn passed unanimously by vote of 3-0-0.

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

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MEETING MINUTES: Wednesday, March 1, 2023

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: The Chairperson explained since the board last met, technical review comments from the Graves and DPW were completed as well as the Applicant's review and response to those comments. Both Graves and DPW submitted memos to the Board indicating all the comments were addressed.

Members agreed the priority for this meeting was to go through the comment letters, review and possible vote on the waivers and review of the decision draft the Applicant has prepared.

Steve O'Connell, Turning Point Engineering, reviewed the technical comment letters in more detail with the Board. He concurred that all of the items had been addressed but highlighted the following adjustments made in response to Grave's comments: the house on lot 12 was slightly shifted to be within zoning setback, stopping and sight distances were added to the definitive plan, supporting calculations were provided for the stormwater treatment unit, approximate locations of water and sewer services were added to the plan for each house lot, sediment and erosion controls and a stabilized construction entrance added to plans, showed staging locations and stockpile areas on plans, added anticipated total area of disturbance in sf and %, added general sequence of construction, project triggers npdes permit from the EPA, O&M manuals for the stormwater system have been provided, construction details re emergency spillway have been revised, clarified infiltration basin is not intended as a temporary basin and erosion controls are designed to preserve the bottom for the capacity of the stormwater. The only item open for further discussion was the best location for the sub drains to daylight.

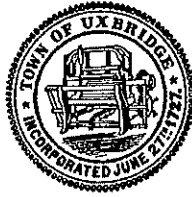
Mr. O'Connell explained the original 18 lot subdivision was issued an Order of Conditions from the Uxbridge Conservation Commissions and they plan to file a new NOI. He did not anticipate any major plan changes as a result of their review because the all of the differences are outside the 100' buffer zone.

Mr. O'Connell also reviewed the technical comments from Uxbridge DPW and their responses. Some of the items included the following: curbing requirements, the alignment of the entrance to the road, moved the drainage easement for the basin, agreed to add a condition that the the retaining wall and box culvert design be integrated w/ fencing and guardrail, capacity of catch basins confirmed, distance between catch basins adjusted, easements added for potential waterline connection to Chamberlain Rd, Applicant agrees to a pre-construction meeting with Town officials.

Abutter Comment: Peter Boyer, 64 Spring Hill Drive attended and asked for some additional information regarding the distance and location from his property. He asked the Applicant about the potential for blasting. Aerial images of the site were reviewed.

Mr. O'Connell explained that as a result of the discussion about waivers at the prior meeting they included a waivers section within the decision. The Board agreed if they are in the decision they can work from that and may not have to vote on each waiver individually. Members then reviewed the waiver section in the draft decision to ensure the 2 or 3 that warranted discussion were addressed. The Board then referred to Chapter 40B

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Handbook section regarding waivers and the related requirements. After discussion, everyone agreed to wait on voting on the waivers until Town Counsel reviewed them.

Members agreed to thoroughly review the draft decision and forward any comments to the administrator for compiled and to be shared with Town Counsel.

Motion: Mr. McNulty made a motion to continue the public hearing for Pine Ridge Estates to the next meeting of the ZBA. Mr. Blackburn seconded, and the motion passed by vote of 4-0-0.

ADMINISTRATIVE:

1. Meeting Minutes Review: 2/1/23

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

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

EXECUTIVE SESSION:

Motion: Mr. Blackburn made a motion for the Board to enter into Executive Session for the purpose of adopting minutes of an Executive Session pursuant to Massachusetts General Law and the Open Meeting Law. Mr. McNulty seconded and the motion passed unanimously by roll call vote of 4-0-0 (Knapik – aye, Blackburn – aye, McNulty – aye, Fayyad – aye).

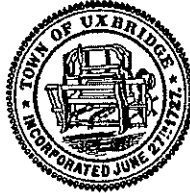
The Board agreed not to reconvene in Open Session.

ADJOURNMENT: Next Regularly Scheduled ZBA Meeting, Wednesday, March 1, 2023

Motion: Mr. McNulty made a motion to adjourn the March 1, 2023 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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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: Wednesday, March 1, 2023

SIGNATURES:

Rob Knapik, Member

Thomas McNulty, Member

Jim Blackburn, Member

Tariq Fayyad, Associate Member

Date

June 7, 2023