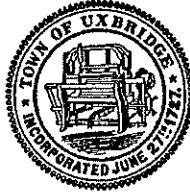


Rob Knapik, Chairman
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, Associate Member



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TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: Wednesday, April 5, 2023

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

EXECUTIVE SESSION:

1. Update from Town Counsel relative to litigation matters for Worcester Superior Court Department C.A. NO. 218CV1286, Elizabeth Crawford v. Uxbridge Zoning Board of Appeals, 27 Pudding St.

The chairperson announced that having the following discussion in open session would have a detrimental effect on the town's litigation position and the members agreed to go into Executive Session under MGL Chapter 30A Section 21., a, 3 to discuss strategy w/ respect to litigation Worcester Superior Court Department C.A. NO. 218CV1286, Elizabeth Crawford v. Uxbridge Zoning Board of Appeals, 27 Pudding St. The board will return to Open Session after the Executive Session.

Motion: Mr. McNulty made a motion to go into Executive Session for the reasons stated by the Chairperson. Mr. Blackburn seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Knapik – aye, Blackburn – aye, McNulty – aye, Fayyad – aye).

PUBLIC HEARING:

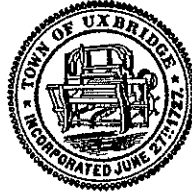
1. **FY22-11: 160 Rivulet Street Blackstone Valley Realty LLC**, is seeking a **SPECIAL PERMIT and/or a VARIANCE**, pursuant to the **Uxbridge Zoning Bylaw Section 400-12, Non-Conforming Structures**, to allow for the reconstruction of a single-family residential structure. The property is located in the **Residential C Zoning District**, shown on the Town of Uxbridge Assessor's **Map 11 Parcel 2451** and described in a deed recorded at the Worcester Registry of Deeds in **Book 68816 on Page 238**.

Presentation: Dennis Schadler, principal agent of Blackstone Valley Realty LLC, presented the application to the Uxbridge Zoning Board of Appeals.

Mr. Schadler stated he purchased the property with the intent to renovate the structure and resell the property. He explained that once he began the renovations of the interior it became apparent that it would be problematic and costly to bring the existing structure up to current building codes so he decided to demolish the existing structure and rebuild a new structure. He was issued a demolition permit but the Uxbridge Building Inspector required he apply for relief from the ZBA to reconstruct the new non-conforming structure. Mr. Schadler explained that he not fully finalized the details of the proposed structure, he was considering a ranch style dwelling but had not ruled out a two-story house. He said the property has a Title 5 approved 3-bedroom septic system installed. He estimated the new structure will be located approximately 15 feet from the edge of sidewalk (20' from edge of street).

Discussion: Members found that the lot does not conform with frontage and area requirements and the existing structure does not conform with the minimum front setback requirement. The lot is mostly flat and slopes down behind the rear property line. It was also noted that the in 1952 Worcester County took the road and the right-of-way juts around this property.

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The Board evaluated the standards and criteria for both the issuance of a Variance as set forth in MGL Chapter 40A Section 10 and the issuance of a Special Permit to reconstruct a non-conforming structure defined in the Uxbridge Zoning Bylaw Section 400-12 Non-Conforming Uses and Structures.

Members agreed to apply the standards in the Uxbridge Zoning Bylaw Section 400-12 G (3) (c), which states "*any non-conforming structure may be reconstructed after demolition in accordance with the following provisions: in the event that the proposed reconstruction would cause the structure to be located other than on the original footprint, a special permit shall be required from the Board of Appeals*". Additionally, the Section states that the Board of Appeals may award the special permit in accordance with this Section only if it determines that such reconstruction, extension, alteration or change shall not be more detrimental than the existing non-conforming structure to the neighborhood.

Members considered whether any conditions would be applicable. No members of the public offered any comments during the public hearing.

During deliberations, the Board found the reconstruction would not be more detrimental than the existing non-conforming structure and that it may be less detrimental if it is further from the street than the existing dwelling.

Motion: Mr. McNulty made a motion to close the Public Hearing FY 23-11 for 160 Rivulet Street. Motion seconded by Mr. Fayyad passed unanimously by vote of 3-0-0.

Motion: Mr. McNulty made a motion that the Zoning Board of Appeals grant a Special Permit to reconstruct the structure no closer than 10 feet from the front lot line on a finding that such reconstruction is not substantially more detrimental than the existing non-conforming structure to the neighborhood. Motion seconded by Mr. Fayyad passed unanimously by vote of 3-0-0.

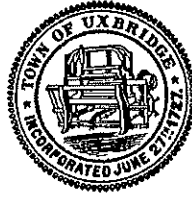
PUBLIC HEARING:

- 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*)

Presentation: The Chairperson provided a recap of the hearing so far: the technical review is complete to mutual satisfaction, draft decision provided for review by members and town counsel & comments returned, still have waiver list and closing the comprehensive permit.

Steve O'Connell, Turning Point Engineering, attended on behalf of the applicant. He said he and the applicant have reviewed town counsel's suggested edits and sent comments using tracked changes back to the applicant's counsel. Members and Mr. O'Connell reviewed town counsel's edits & the following substantive comments discussed in detail. Mr. O'Connell clarified the applicant's requests in response to town counsel's

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TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: Wednesday, April 5, 2023

comments about the waivers for excavation/importation and stormwater permits. He said they believe they need the waivers and request these permits be encapsulated in the comprehensive permit and members were amenable. Section 5.1.2, regarding surety, was added by town counsel – the applicant had no objection. Section 5.1.7 regarding drainage infrastructure and roadway approval was also added – the applicant had no objection with the purpose just the 30 day and everyone agreed 180 days would be appropriate. Section 5.1.11, related to applicant being responsible for fees, was added and discussed in more detail – applicant had no issue but clarified the typical process for paying invoices during the review and construction phases. Hours of construction were edited and the applicant was amenable the update. Comments added to section 5.1.19 regarding blasting was further discussed – applicant believes the 250' as defined 527 CMR is appropriate and members were concerned about complaints from abutters that are not close enough to be notified. Requirements prior to the issuance of occupancy certificates was discussed in more detail – the applicant agreed to update the wording to ensure concerns are addressed. There was discussion about the start of construction and who needs to be notified and the timeframe – everyone agrees 14 days prior a pre-construction meeting is held with the appropriate town departments. Section 5.2, affordability requirements was discussed and the applicant had no objections to town counsel's edits.

Everyone agreed to wait for the Applicant's counsel's review and final comments. Mr. O'Connell expected those comments to be available by the end of the week. A decision was made to wait on voting on the waivers until after the review. Everyone agreed to meet in 2 weeks to try to wrap up the decision.

Motion: Mr. McNulty made a motion to continue the Public Hearing for FY23-07 to April 19, 2023 at 6pm. Mr. Blackburn seconded, and the motion passed unanimously by vote of 4-0-0.

ADMINISTRATIVE:

1. Meeting Minutes Review: 3/1/23
 - Passed over

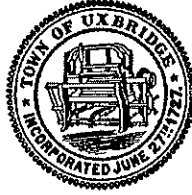
ANY OTHER BUSINESS, which may lawfully come before the Board:

ADJOURNMENT: Next Regularly Scheduled ZBA Meeting, Wednesday, May 3, 2023

Motion: Mr. McNulty made a motion to adjourn the April 5, 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

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, April 5, 2023

SIGNATURES:

Rob Knapik, Member

Thomas McNulty, Member

Jim Blackburn, Member

Tariq Fayyad, Associate Member

Date

June 7, 2023