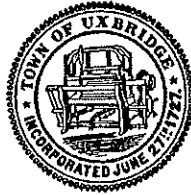


Rob Knapik, Chairman
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, Associate Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: Wednesday, February 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 suggested the public hearings be taken out of published agenda order and the Board members and Applicants agreed.

PUBLIC HEARINGS:

1. **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**.

The Chairperson provided a recap... The public hearing again was opened in December, and at that time the applicant explained that this property and this use were the subject of a prior variance which was granted but was not exercised within the one-year time frame. The Applicant has also made some changes to the request. During the hearing the Applicant explained the differences and the agreed to come back with a modified plan to reflect the differences.

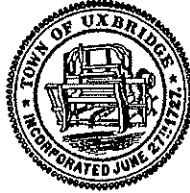
Presentation: Mr. Hefron, the property owner, presented his revised plan. He explained that it is essentially the same foot print but the garage itself is 6' longer than the original (24x30 vs 24x36). The prior version had an 8' car port/lean to off the back – and now he is bringing that into the garage structure by extending the length of the structure.

Discussion: Members verified that Mr. Hefron would not be changing the dimensions from the original proposal – just extending it 6 more feet – which is 2' less that what approved before – and that the corner of the structure nearest to Sutton Street and the orientation would be exactly the same as the original proposal. There was a review of aerial images and other structures on the property. Mr. Hefron did not provide a rendering or specification of the structure but explained that it will be a normal framed garage (stick build type). He abandoned a post frame type structure as mentioned during initial public hearing. There was further discussion about the structure – it will be on a concrete slab, supported by sonotubes, overhanging roof tied into the side of the building. Mr. Hefron estimated the height will be 20-23' high with some functional space for storage or possibly an office upstairs.

Abutter Comments: Doug Kenbeek, 190 Sutton Street attended the meeting with concerns for the impact to his property. He inquired as to why the structure could not be placed off Sylvan Street and questioned the validity of the circumstances leading to a hardship. He was hoping for more firm plans to review.

Discussion: Board members took Mr. Kenbeek's remarks into consideration and through further discussion tried to address the concerns through conditions agreeable to both parties. There was agreement that the

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structure would be no closer than 20' to the right-of-way of Sutton Street and the orientation will be as shown on the plan and that there will not be any lean-to or appendage added to the structure.

Motion: Mr. McNulty made a motion to close the Public Hearing FY 23-09 for 191 Sutton Street. Motion seconded by Mr. Blackburn passed unanimously by vote of 3-0-0.

Deliberation: Members indicated they were ok with the length change, they reviewed the prior decision and discussed the height restriction. Everyone agreed to specify the physical footprint on this decision to eliminate any ambiguity. They agreed conditions related to operating a commercial enterprise from the structures were not needed as it is not an allowed use in the res C zone.

The Board applied the criteria set forth in Ch 40A Section 10 and agreed the shape of the lot being a corner lot, the existing physical features including the septic system and rock are circumstances that would lead to a hardship. They mentioned visiting the area to ensure granting relief would not derogate from the intent of the bylaw.

Motion: Mr. McNulty made a motion to grant the variance for 191 Sutton Street on a finding that the criteria has been met with the following conditions:

1. The detached garage may be no closer than twenty-one feet (21') to Sutton Street
2. The detached garage may be no larger than twenty-four feet wide by thirty-six feet long by twenty-two feet high (24'w x 36'l x 22'h)
3. The detached garage must comply with all state and local building codes
4. The detached garage may not be enlarged or added onto

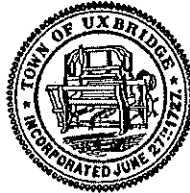
Motion seconded by Mr. Blackburn passed unanimously by vote of 3-0-0.

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*)

There was agreement by the Board and Applicant to use the time to review submitted 1/13/23 waivers request while awaiting the second round of peer review and subsequent comments. The ZBA is authorized to grant waivers from each of the bylaws under their jurisdiction (local zoning and subdivision bylaws). They decided to postpone voting on the waivers until the peer review has been finalized.

Steve O'Connell, Turning Point Engineering attended on behalf of the applicant. He explained most of the waivers are administrative because it's a comprehensive permit and they technically need a waiver to replace Planning Board w/ ZBA. He reviewed the following waivers in more detail noting the subdivision rules and regs were recently updated and some of the waivers would not have been required during the prior revision:

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MEETING MINUTES: Wednesday, February 1, 2023

(i) min center line radii shall be 200' – they are requesting 150 at the two curves of the loop (ii) dead end streets can not be created w/ more than 25 houses – they are requesting 40 under 40B (iii) easements for minimum site distance triangle should be provided at intersections – may be difficult for them to acquire but traffic studies said they greatly exceed the min sight distance required. This request was discussed in a little more detail and aerial images and related plan sheets reviewed (iv) requesting a waiver from the impact study regarding utilities, schools, traffic, etc. due to the size and much of the information already provided in different forms (v) requesting waivers from some of the curbing requirements which were discussed in more detail during the previous meeting – they are proposing vertical bituminous curb on the sidewalk side and cape cod berm on the non-sidewalk side w/a 5' sidewalk immediately abutting the cur (vi) Zoning bylaw says no subdivision may be approved that doesn't comply w/ dimensional requirements – asking to waive the various setback and area requirements because it's a 40b. Everyone agreed the decision should say they waive the min setback requirements of the res c zone to 20' for front yard, 12' for side yard and 20' for rear – the minimum expected to need (vii) waive the 60% must upland not wetland because they have reduced lot sizes – only lot 1 and lot 30 are impacted (viii) requesting to replace the Zoning Board take over the responsibility of the storm water authority to ensure epa regulations are complied w/.

Everyone agreed to review the second peer review and responses and plan revisions. Additionally, the applicant's counsel is preparing a draft decision which will be distributed to members for review. It was mentioned that the 180-day deadline to close the public hearing is approaching this April.

Motion: Mr. made a motion to continue the public hearing for 354 Douglas Street to the March 1, 2022 meeting of the Zoning Board of Appeals. Mr. seconded, and the motion passed unanimously by vote to 4-0-0.

ADMINISTRATIVE:

1. Meeting Minutes Review: 1/4/23

Motion: Mr. McNulty made a motion to approve the 1/4/23 meeting minutes as written. Mr. Blackburn seconded, and the motion passed unanimously by vote of 4-0-0.

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

EXECUTIVE SESSION:

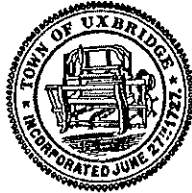
1. Executive Session Meeting Minutes Review: 11/2/22 (Passed Over)

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

Motion: Mr. McNulty made a motion to adjourn 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.

Respectfully Submitted,
Melissa Shelley

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



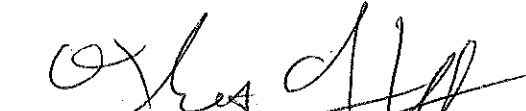
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SIGNATURES:


Rob Knapik, Member


Thomas McNulty, Member


Jim Blackburn, Member


Tariq Fayyad, Associate Member

Date _____