

Rob Knapik, Chairman
John Gniadek, Vice Chairman
Mark Kaferlein, Clerk
Thomas McNulty, Associate Member
Jim Blackburn, 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**

REC'D UXB TOWN CLERK
2021 APR 26 AM 8:55

MEETING MINUTES: Wednesday, March 3, 2021

Present: Rob Knapik, John Gniadek, Thomas McNulty, Jim Blackburn and Administrator Melissa Shelley
Absent: Mark Kaferlein

CALL TO ORDER

It being approximately 6:00pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chair. He made the following statement to explain the purpose for the remote meeting: *Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Uxbridge Conservation Commission is being conducted via remote participation. Although, no in-person attendance of members of the public will be permitted, the Town of Uxbridge has made every effort to ensure the public can adequately access the proceedings in real time via technological means. This meeting is being streamed on Uxbridge Community Television and Zoom per the instructions on the agenda alternatively members of the public can call in by calling 301-715-8592 and using meeting i.d 861 620 3349. All motions will be voted on with roll call vote.*

PUBLIC HEARINGS

1. **FY21-12: 46 South Main Street, Applicant Samuel J Giard, is seeking a SPECIAL PERMIT** to convert the existing commercial office space into a residential apartment unit. There is currently one (1) principal structure on the site that contains two (2) residential units and one (1) commercial office space. The property is located in the **Business Zoning District**, shown on the Town of Uxbridge Assessor's **Map 25 as Parcel 0981** and described in a deed recorded at the Worcester Registry of Deeds in **Book 62892 on Page 196**.

On March 1, the applicant Samuel Giard, the applicant, informed the Board that he is no longer in the process of purchasing the property and has no need to pursue the Special Permit. On March 2, the Board received a notice and request that the Board continue the hearing from Joseph Cove, the attorney representing the Estate of Martin F. Zajac, the property owner. The Estate would like to proceed with the application to obtain whatever benefit there may be should the Board grant the zoning relief requested.

Members briefly discussed whether new application should be required because the "applicant" is different but agreed because the owner who signed the original application has not changed they have the authority to act on this petition.

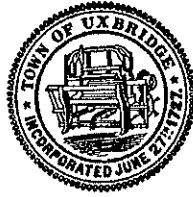
Voting members assigned to the application were John Gniadek, Jim Blackburn and Rob Knapik.

Motion: Mr. Gniadek moved to continue the public hearing for FY21-12 46 South Main Street to the April 7 meeting of the ZBA at 6:00pm. Mr. Blackburn seconded the and the motion passed unanimously by roll call vote of 3-0-0 (Mr. Blackburn – yes, Mr. Gniadek – yes, Mr. Knapik – yes)

ADMINISTRATIVE

1. 02/03/21 Meeting Minutes Review
 - Passed over to allow more time for review.
2. Zoning Bylaw Amendments
 - Mr. Knapik provided a recap - As a result of some litigation and because of the specific definition of certain terms in the Uxbridge Zoning Bylaw the town has essentially agreed that that what appears to be

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two structures can be considered one structure as long as they are connected by a wall. This connecting wall does not need to be of structural support or even located above ground. The result is that there has been some development in town that results in greater density than would otherwise be allowed. A possible solution would be for the Town look at amending the definition of some terms in the bylaw to eliminate the interpretation that two structures connected by a wall are a single structure. The related terms in the bylaw are apartment house, building, dwelling and or structure. The Zoning Board has the ability to submit an article to appear on a Town Meeting Warrant.

- In an effort to encapsulate the issue and request guidance from Town Counsel Mr. Knapik summarized the issue in an email to the Town Manager. The Town Manager approved the request for the use of Town Counsel but the Board hasn't received any input yet. The town's Economic Development Coordinator Michael Gallerani was also consulted and his comments were supportive but he noted that the Town customarily votes on Zoning Bylaw amendments during the Fall Town Meeting. He also informed Mr. Knapik that the Town is hiring a Planner within the next month and this individual may be able to have some roll or provide help with the amendment.
- Members had a discussion as to the best path forward. Everyone agreed that the issue should be addressed and that the ZBA is an appropriate board to put forth a zoning bylaw amendment of this type. They also agreed postponing a submission until the fall town meeting due to the importance of obtaining Town Counsels opinion and benefit of involving the future Planner. Everyone acknowledged the care that must be taken if changes are made and the effect it may have on approved projects and other parts of the Zoning Bylaw.
- The consensus at the end of the discussion was that the Board will continue to research and investigate solutions and to obtain advice from Town Counsel and the Town Planner.

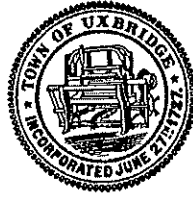
ANY OTHER BUSINESS, which may lawfully come before the Board

ADJOURNMENT: NEXT ZBA MEETING, Wednesday, April 7, 2021

Motion: Mr. McNulty moved to adjourn the March 3, meeting of the Zoning Board of Appeals. Mr. Gniadek seconded and the motion passed unanimously by roll call vote of 4-0-0 (Blackburn – aye, Gniadek – aye, Knapik – aye, McNulty – aye).

Respectfully Submitted,
Melissa Shelley

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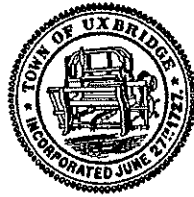
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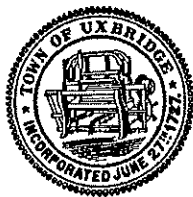


Jim Blackburn, Associate Member

04/12/2021

Date

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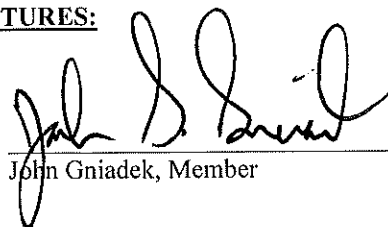
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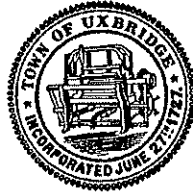
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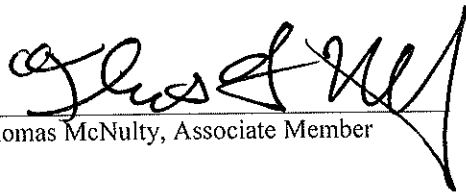
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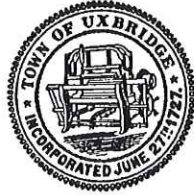


Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

April 12, 2021
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4/14/21

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