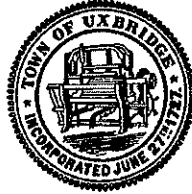


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Mark Kaferlein, Clerk  
Thomas McNulty, Associate Member  
Jim Blackburn, Associate Member



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**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

REC'D UXB TOWN CLERK  
2021 SEP 7 PM12:01

**MEETING MINUTES: Wednesday, August 4, 2021**

**Present:** Rob Knapik, John Gniadek, Thomas McNulty, Jim Blackburn via remote participation 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.

**PUBLIC HEARINGS:**

1. **FY21-15:** The applicant, **Michael Martin**, is seeking a **VARIANCE** of two-feet (2') to the rear setback requirement of five feet (5') for the placement of a detached garage at **75 High Street**. The property is located in the **Residential A Zoning District**, shown on the Town of Uxbridge Assessor's **Map 24B** as **Parcel 3128**, and described in a deed recorded at the Worcester Registry of Deeds **Book 60223 Page 204**.

**Presentation:** The property owner, Michael Martin represented himself during the hearing. He explained the existing detached garage has been demolished and he would like to relocate it in the proposed location to gain more driveway and yard space on his property. He said that the size and shape of his lot limited options for the placement of the garage.

**Discussion:** Larry Lench, Uxbridge Building Inspector attended the hearing. He explained the property is a pre-existing, non-conforming lot in area and various setbacks and that Mr. Martin would be allowed to re-construct a detached garage on the existing garage footprint. He recommended that Mr. Martin push the location back to move it further from the front setback (as that is a more "important" setback).

No members of the public commented during the public hearing.

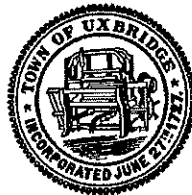
Members discussed whether a variance should be required for both the rear and front setback. Mr. Lench commented that because there is a decrease in the the non-conformity of the front setback he did not believe an additional variance was required. Board members agreed to apply Section 400-12 D. *Nonconforming Structures: Variance/Special Permit Required* of the Uxbridge Zoning Bylaw to address the front setback requirement relief.

Members reviewed the standard for the grant of a variance as outlined in M.G.L. Chapter 40A §10. There was consensus that the constraints brought on by the shape & size of the lot represented a circumstance in which literal enforcement bylaw would cause a hardship. They also found granting the relief would not be detrimental to the public or derogate from the intent of the Uxbridge Zoning Bylaw. They considered conditions and agreed none were necessary.

**Motion:** Mr. McNulty made a motion to close the Public Hearing for FY21-15 75 High Street. Motion seconded, by Mr. Gniadek passed unanimously by vote of 3-0-0.

**Motion:** Mr. McNulty made a motion that the Zoning Board of Appeals grant the Variance for ZBA application FY21-15 75 High Street upon the finding that there are circumstances owing to the shape of the

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lot and relief can be granted without detriment to the town. Motion seconded by Mr. Gniadek, passed unanimously by vote of 3-0-0.

**Motion:** Mr. McNulty made a motion that the Zoning Board of Appeals find that the increased setback of the garage from High Street is not substantially more detrimental than the existing setback to the neighborhood. Motion seconded, by Mr. Gniadek passed unanimously by vote of 3-0-0.

2. **FY22-01:** Applicants Greg Fisher and Nicole Wineland-Thomson are seeking a **VARIANCE** of 225-feet to the frontage requirement at **355 Hartford Avenue West** and a **SPECIAL PERMIT** for the use of the property at as a wedding and event venue. The property is located in the **Agricultural Zoning District**, shown on the Town of Uxbridge Assessor's **Map 17, Parcel 925** and described in a deed recorded at the Worcester Registry of Deeds in **Book 42005 on Page 207**.

**Presentation:** Mark Wickstrom, Wickstrom Morse, LLP presented the petition on behalf of the applicants Greg Fisher and Nicole Wineland-Thomson, who also attended and provided information during the hearing.

Mr. Wickstrom described the applicants' plans to maintain the current residence but also to use the property to host weddings and possibly other ceremonies such as birthday or anniversary parties on-site. Their intention is to replace the existing barn with an appropriate indoor-outdoor function room to accommodate the events. The structure will include a main dining area, kitchen prep area, bride and groom dressing rooms and bathrooms and on-site parking will be provided.

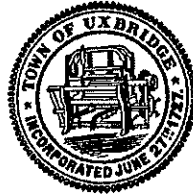
Mr. Wickstrom explained how the proposed use is of a hybrid of uses and how they apply to the Uxbridge Zoning Bylaw: Restaurant Use (allowed in Ag); Ceremonial Use (allowed by right); and Agritourism (if considered non-exempt ag use, allowed by SP).

The following are some other key points Mr. Wickstrom provided:

- They are proposing to have outside catering services supply the food for the events. They would be providing the seating and chairs and a scaled down kitchen. Anything brought in for an event is expected to be taken off site the same night.
- They decided to apply for the SP vs a building permit for a restaurant uses is because they thought Agritourism was a better fit for the proposed use due to the farm/agricultural nature of the property is a big selling point.
- The property is under agreement for purchase.
- The construction of the new building would be set very far back from the road approximately in the location of the existing barn. A second building on the property will be demolished.
- The proposed size of the new building is under 10,000.
- The house will be maintained as a residence that can be used by the applicant when they are at property to do business – they do not intend to live there full time.

Mr. Wickstrom reviewed the second portion of the application for a frontage variance. A variance allowing for 75' of frontage was previously granted in 1988 and again in 2000 for this property for residential use.

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Since the applicant seeks to change the use of the property from residential to add a wedding event venue and new building a new variance for the frontage would be required.

**Member Questions:** Mr. Knapik recapped that the request is for 2 separate forms of relief (special permit and variance) each with their own sets of criteria, which he briefly went over.

Mr. Blackburn asked how parking and traffic is expected to be managed. Mr. Wickstrom explained they anticipate most of their patrons will come from out of town and be brought to the venue via bus or multi passenger vans.

Mr. Blackburn also asked about access from a first responder perspective – are there plans to widen the driveway which was not intended for traffic going in two directions. Mr. Wickstrom said they plan to widen for two-way traffic and explained turnaround would be reviewed by fire and safety as part of the building permit process. He also noted they expect everybody to be arriving and departing around the same time so they do not anticipate much two-way traffic.

Members inquired about planned hours of operation. Mr. Wickstrom said the applicant plans to limit hours to 11:00 pm on Friday and Saturday, 10:00 on Thursday and Sunday and do not plan to have weekday events. Ms. Wineland-Thomson and Mr. Fisher also provided some information about their business and as to how they came to choose Uxbridge. They do not anticipate having multiple weddings per weekend and if someone books an outdoor tented experience they would be require the property to be booked Friday-Sunday.

Noise and outdoor music was discussed. The applicants do not anticipate much outdoor live music - their hope is that the majority of customers will be using the venue itself. They also said they would be willing to except a condition of no outdoor live music.

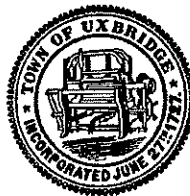
Capacity of the building and number of persons expected was discussed. Ms. Wineland-Thomson said the current maximum capacity is 250 but based on their knowledge and experience they expect 150 to 200 per event. She also provided a description of the building.

Intensity or frequency of events was discussed. The applicants said their ideal number would be 50 to 60 events per year they designed the venue be utilized year-round. They also acknowledged it would take some time and brand building to meet that goal.

Utilities were discussed. Mr. Knapik explained that the Board is in receipt of a letter from DEP dated 7/27/21 informing them that property is served by a private well and due to the number of persons being served, “public water supply” requirements will need to be met. Mr. Wickstrom said applicants and their engineer were already aware of this and prepared to meet all additional state and local requirements. He also said the applicants’ engineer is also designing a new septic system but the location has not yet been identified.

**Abutter Comments:** The following abutters spoke in opposition to the proposal: Marie and Doug, Sturgis 377 Hartford Ave West; David and Susan Kelliher, 345 Hartford Ave West; Gail & John Dugan, 403 Hartford Ave West; Ted & Vicki Carlson, 225 Williams Street; Josiah & Brenda Morrisette, 344 Hartford

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Ave West. Each abutter provided details about impacts the proposal would have on them personally. The common concerns were related to noise, traffic, visual impact, safety, impact to quality of life and the potential to decrease their property value. Another concern mentioned was the amount of water the proposal would require and how that may impact water availability to other residents in the area who all rely on private wells.

**Discussion & Conditions Considered:** There was discussion with the applicants and abutters of possible conditions to mitigate the impact of the proposal. The following were areas of concern & potential conditions discussed:

- Noise – limiting live music to indoors; limiting all events to indoors; limiting the number of outdoor events
- Lighting – landscaping; fencing; maintaining natural buffer
- Traffic – limiting on site parking; prohibit on street parking; prohibit cars from parking along the access egress; controlling with police detail.

Members agreed it may be productive to visit the property and a site visit was scheduled for Saturday August 14, 2021 at 9:00am. The applicant agreed to provide more detail of the proposed venue and location of buildings and parking before the next meeting.

**Motion:** Mr. McNulty made a motion to continue the public hearing until the September 1, 2021 meeting of the ZBA. Mr. Gniadek seconded, and the motion passed by vote of 3-0-0.

### ADMINISTRATIVE:

#### 1. Meeting Minutes Review: 7/7/21

**Motion:** Mr. McNulty made a motion to approve the 7/7/21 meeting minutes as written. Mr. Gniadek seconded, and the motion passed by vote of 4-0-0. (Knapik – aye, Gniadek – aye, McNulty – aye, Blackburn – aye)

#### 2. ZBA Decision for FY21-09 75 Mendon Street – Scrivener's Affidavit of Correction

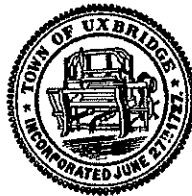
- The board granted a special permit for the Grace Center in January. The decision noted that the maximum height of the building was 25 feet when in fact the peak of the roof is at 31 feet (it is 25' at the eave). It was confirmed that the plans and the discussion during the meeting all indicated the correct dimension of 31'.

**Motion:** Mr. McNulty made a motion to approve the scrivener's affidavit of correction for the 75 Mendon Street decision as drafted. Mr. Gniadek seconded, and the motion passed unanimously by vote of 4-0-0 (Knapik – aye, Gniadek – aye, McNulty – aye, Blackburn – aye).

#### 3. Zoning Bylaw Amendments Discussion

**Discussion:** The Board has the right as a public body to submit a warrant articles but there are several public hearing requirements when there is a proposed amendment to the Zoning Bylaw. It must be submitted 60 days before the town meeting (8/27/21). Mr. Blackburn prepared a draft of a sign by-law, a draft accessory dwelling

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bylaw, and proposed amendments to the definition of structure to address the issue in town of attaching structures with an accessory wall. Members discussed each area in further detail.

**Signs:** Our current bylaws are fairly restrictive and the proposed would hopefully offer more opportunity for business owners and the ability for the town to review signs before constructed. Members agreed that the proposed bylaw did not "overregulate" the issue but appropriately addressed an area without much regulation. They agreed it would be worth the board putting it forward as an article to appear on the warrant.

**Motion:** Mr. McNulty made a motion for the ZBA to propose amending the Uxbridge Zoning Bylaw substantially in the form drafted as Article 5 Section 400-15. Mr. Gniadek seconded, and the motion passed unanimously by vote of 4-0-0 (Knapik – aye, Gniadek – aye, McNulty – aye, Blackburn – aye).

**Attached Structures:** Members discussed the issue further with the Building Inspector. Everyone agreed the next step is to ask the Town Manager to send Town Counsel Mr. Knapik's memo to explaining the issue along with the concerns of the BI and the board of what effects any change may have on prior approved permits.


**Accessory Structure:** Everyone agreed to discuss further at a later time.

### ADJOURNMENT: Next Regularly Scheduled ZBA Meeting, Wednesday, September 1, 2021

**Motion:** Mr. made a motion to adjourn the 8/4/21 meeting of the Zoning Board of Appeals. Mr. seconded, and the motion passed unanimously by vote of 4-0-0.

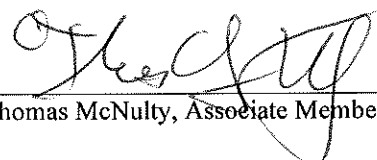
Respectfully Submitted,  
Melissa Shelley

#### SIGNATURES:


  
Rob Knapik, Member

\_\_\_\_\_  
John Gniadek, Member

\_\_\_\_\_  
Mark Kaferlein, Member

  
Thomas McNulty, Associate Member

  
Jim Blackburn, Associate Member

  
Date