

Town of Uxbridge
Zoning Board of Appeals
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MINUTES

Wednesday, March 2, 2011

Minutes of the Uxbridge Zoning Board of Appeals meeting held on Wednesday, March 2, 2011 in the Board of Selectmen's Meeting Room of the Uxbridge Town Hall.

Zoning Board of Appeals Members Present: Chairman, Mark Wickstrom, Stephen O'Connell, Thomas Bentley. Alternates, Joe Frisk & Chris Walkiewicz.

The Meeting being duly called, properly posted and a quorum being present, Chairman Mark Wickstrom convened the meeting at 7:00 PM with the Pledge of Allegiance.

PUBLIC HEARINGS

FY11-09 Continued from January 5, 2011: The applicant David Tattrie & Homeowners Pamela Glover & David J. Hazard, are seeking a Variance/Special Permit for frontage requirements of the Zoning By-Laws. Located at 57 Chestnut Street, Uxbridge, MA 01569, shown on the Town of Uxbridge Assessor's Map 39, Parcel 4497, and recorded in the Worcester County District Registry of Deeds Book 26867, Page 123 located in the Agricultural Zoning District. The applicant proposes to build a single family house.

PRESENTATION / DELIBERATIONS

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was opened on **January 5, 2011 and Closed on March 2, 2011.**

Voting Members Present: Chairman, Mark Wickstrom, Steven O'Connell, Thomas Bentley.

January 5, 2011 Mr. Tattrie spoke on behalf of the landowners. The developer wants to purchase the land (Lot is 2.187 Acres with 150 foot frontage) and build a cape.

Two abutters approached and have concerns where the house and septic system is going to be placed, concerns about their septic system.

After much deliberation the board feels that they do not have enough information about this lot. Per Chairman Wickstrom they need to present more information about the location of the septic and the house before the board can make any determination.

March 2, 2011 Chairman, Mr. Wickstrom gave a quick summary of the history of the lot:

Summary/History of 57 Chestnut Street

1. In June of 1987 Rosanna Vaughan owned the property shown as lots 2A, 2B and 2C on plan book 580 and 84, which was a five acre parcel and included all the land now know as 55 and 57 Chestnut Street. Ms. Vaughan (and others) acquired the property over the course of years and prior to 1987 owned other contiguous land as well, but in 1987 only the 5 acre parcel was left in her name.
2. The Vaughan lots shown on the 1987 plan were contiguous, and together Lots 2A, 2B and 2C had the requisite frontage (326.59)and area (5 acres +/-) for a buildable lot.
3. In September 1987, Vaughan obtained a variance from the ZBA to sell a lot and build a house. It is unclear what the dimensional variances were, or what lot she intended to sell, as it seems the pages of the variance after the first two (containing the particulars) were not recorded at the registry of deeds. It seems this variance was never acted upon.
4. In 2001, Vaughan and/or Pamela Hazard petitioned for a Special Permit*, apparently to enable her to divide the property into sub-standard lots. The petition was granted with conditions, and the Special Permit decision was recorded at book 25450 and page 352.
5. In April of 2002a new plan was approved by the Uxbridge Planning Board pursuant to the 2001Special Permit, dividing the land into Lot 2A(with 176.59 feet of frontage) and Lot 2B (with 150 feet of frontage). The plan was recorded at plan Book 779 plan 76.
6. In June of 2002, Vaughan sold Lot 2B (now known as 55 Chestnut Street) to David Hazard and Pamela Glover-Hazard (the Hazards).
7. In December of 2003, Vaughan sold lot 2A (now know as 55 Chestnut) to Linda Felici. It seems an existing house was situated on lot 2A at the time of the transfer.
8. In November 2005, the Hazards applied for a variance to build a single family house. The variance was granted with conditions. It is unclear what the conditions were.
9. Lot 2B remains undeveloped.

**The Bylaws allowed the ZBA to vary frontage and acreage by Special Permit in 2002. That part of the bylaw was amended, revoking the section allowing the special permit standard.*

Mr. Tattrie spoke on behalf of the property owners. Ms. Bourque of 55 Chestnut St. voiced concerns with the location of the septic system and the well.

MOTION/VOTE

At the end of the hearing, there was a MOTION to continue the public hearing until February 2, 2011 by Mr. O'Connell, SECONDED by Mr. Bentley, passed by unanimous VOTE. (3-0-0) During the meeting of March 2, 2011 Mr. O'Connell made a MOTION to close the public hearing. Seconded by Mr. Bentley all in favor (3-0-0).

Mr. Wickstrom made a MOTION that the board find that there is no hardship that is related to the soil, shape or topography of the land with the relation to the shortage of the frontage which is the subject to the variance. We cannot find a hardship relative to those things that we DENY the partition.

Mr. O'Connell seconded the MOTION. All in Favor (3-0-0).

FY11-10: The applicant Aris Group LLC, are seeking a Variance/Special Permit for frontage & area size requirements of the Zoning By-Laws. Located at 123 Granite St, Uxbridge, MA 01569, shown on the Town of Uxbridge Assessor's Map 12B, Parcel 4031, and recorded in the Worcester County District Registry of Deeds Book 42442, Page 47 located in the Residential "B" Zoning District. The applicant proposes to demolish existing house & garage and build a single family house.

PRESENTATION / DELIBERATIONS

Voting Members Present: Acting Chairman, Thomas Bentley, Joseph Frisk & Chris Walkiewicz.

Mr. Wickstrom & Mr. O'Connell recused themselves because of a conflict of interest.

Byron Andrews spoke on behalf of the Aris Group. Special Permit is required according the Uxbridge Zoning By-laws 400-12 G§3 dated September 28, 2010:

In the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure, (b) exceed applicable requirements for yards, setback and/or height or (c) cause the structure to be located other than on the original footprint, a special permit shall be required from the Board of Appeals prior to such demolition.

MOTION/VOTE

Mr. Frisk made a MOTION to Close the Public hearing, Seconded by Mr. Walkiewicz, All in Favor (3-0-0).

Mr. Frisk made a MOTION to approve the Special Permit for Case 11-10 for both area square footage as well as frontage and approve the Special Permit for the lot listed as 4031 and the Plan from Andrews Surveying plan # M2624. MGL 40A 400-12 H§3 - under reconstruction.

Mr. Walkiewicz seconded the MOTION. All in Favor (3-0-0).

FY11-11: 4 Aces, Inc./Kevin Powers, Applicant of Business located at **160 Ironstone Street**, Uxbridge, MA 01569. Assessors Map 51 Parcel 0176 and recorded in the Worcester County District Registry of Deeds Book 36942 Page 281 located in the Business Zoning District. Applicant is seeking a **Special Permit** in order to obtain a Class II license to conduct the sales of used motor vehicles.

PRESENTATION / DELIBERATIONS

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was opened and closed on **March 2, 2011**.

Voting Members Present: Chairman, Mark Wickstrom, Stephen O'Connell, Thomas Bentley.

Mr. Powers spoke on behalf of his business. He is seeking a Special Permit and is planning on having 20-25 cars for sale on the lot and will hold regular business hours. Mr. Powers would like to add to his current business of asphalt maintenance products. The current building is already divided for two separate businesses, utilities are also separate.

Paved surface is approximately is 200 ft. by 60 ft.

Special Permit standards:

Section 50 B Criteria states (in relevant part, again with my emphasis and/or information added): *Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site.* In addition to any specific factors that may be set forth in these Bylaws, the determination shall include consideration of each of the following:

1. social, economic, or community needs which are served by the proposal –;
2. traffic flow and safety, including parking and loading –;
3. adequacy of utilities and other public services –;

4. neighborhood character and social structures –
5. impacts on the natural environment –
6. potential fiscal impact, including impact on town services, tax base and employment – there is potentially higher tax revenue

MOTION/VOTE

Mr. Bentley made a MOTION to close public hearing, Mr. O'Connell seconded the MOTION. All in Favor (3-0-0).

Mr. Wickstrom made a MOTION to grant a Special Permit for the Class II sale of Passenger Motor Vehicles including light duty pick-up trucks and the number of car on the lot not to exceed 25 cars. Subject to the licensing by the Board of Selectmen.

Mr. Bentley seconded the MOTION, All in Favor (3-0-0)


OLD/NEW BUSINESS

MINUTES:

MOTION made by Mr. Bentley to accept the meeting minutes for **January 5, 2011**, Seconded by Mr. O'Connell, All in favor (3-0-0).

CLOSING


Mr. Walkiewicz made a MOTION to adjourn the meeting at approximately 8:00 pm. Seconded by Mr. Frisk, the MOTION carried unanimously. (3-0-0)



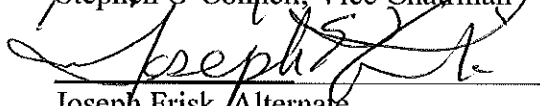
Mark Wickstrom, Chairman

Thomas Bentley, Clerk

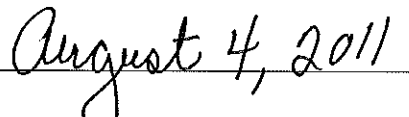
Chris Walkiewicz, Alternate



Stephen O'Connell, Vice Chairman



Joseph Frisk, Alternate


Date _____