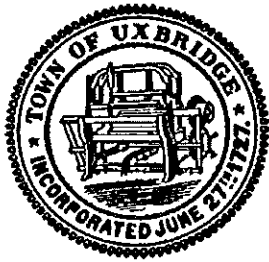


ORIGINAL



Town of Uxbridge
Zoning Board of Appeals

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MINUTES

Wednesday, December 7, 2011

Minutes of the Uxbridge Zoning Board of Appeals meeting held on Wednesday, November 9, 2011 in the Board of Selectmen's Meeting Room of the Uxbridge Town Hall.

Zoning Board of Appeals Members Present: Chairman, Mark Wickstrom, Joseph Frisk, Alternate members, Christopher Walkiewicz & Daniel Kelleher.

The meeting being duly called, properly posted Mr. Wickstrom called meeting to order shortly after 7:00 p.m. with the Pledge of Allegiance

Mr. Wickstrom recused himself from both cases due to conflict of interest. Mr. Frisk resumed the duty of Acting Chairman.

Mr. Walkiewicz made a MOTION to approve the minutes of the November 9th meeting, Mr. Wickstrom 2nd the motion. Majority in Favor (4-2-0) Mr. Frisk & Mr. Kelleher did not attend the meeting.

Case #FY12-08 Lackey Dam Management, LLC,

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was opened and closed on December 7, 2011.

October 5, 2011 Mr. Wickstrom spoke on **FY12-08** Lackey Dam Management, LLC, we are going to have lack of quorum on that particular matter we have spoken to the applicant and everyone has agreed to continue that to the next meeting December 7th at the Town Hall. That public hearing has not been opened and we will open the public hearing on that day.

December 7, 2011 – Mr. Frisk resumed duties of Chairman and opened the Public Hearing for FY12-08, 29 Henry Street, Uxbridge.

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was opened and Closed on December 7, 2011.

Attorney Robert Knapik spoke on behalf of the applicant. He went through the Criteria for Special Permit 400-12G (3). Also spoke on 400-50(B) 1-6.

The lot was subdivided in August 2007 to the current lot with 9 foot frontage and 13,306 sf.

Criteria for a Special Permit 400-50(B) and the Board discussed the application and made non-favorable findings with relation to the criteria:

1. Social, economic, or community needs are served by the proposal;
2. Traffic flow and safety, including parking and loading are provided for;
3. The utilities and other public services are adequate;
4. Neighborhood character and social structures are not adversely impacted;
5. There is no impacts on the natural environment; and
6. Town services are not impacted, tax base is favorably impacted, and temporary residential construction jobs are provided in the reconstruction.

Abutter, Gerald Lemire spoke about the “shed” being moved from the Scotts Mill to the present location in the 1970’s and that it was never used as a dwelling but used as a “mancave” and that it was never occupied as a dwelling.

After much discussion about the property the board made their decision.

MOTION/VOTE:

Mr. Walkiewicz made a **MOTION** to close the Public hearing. All in favor. **VOTE (3-0-0)**.

Mr. Walkiewicz made a **MOTION** for case # FY12-08 based on the proposal. Because we don’t believe that this structure was ever a dwelling and does not fall into the grandfathering before by-laws. In addition, we do not find there is a hardship for this location.

MOTION SECONDED by Mr. Kelleher, the **MOTION** to **DENY** the **VARIANCE/SPECIAL PERMIT** carried unanimously. **VOTE (3-0-0)**

Case FY12-09 – Stevens Family Estate – requests a Variance/Special Permit for the return to preexisting dimensions for two lots on 209 & 215 Henry Street currently in single family use. 209 Henry Street is lacking 81 ft. of the required 200 ft. frontage and lacking 26,169 sf. area of the required 43,560 sf. Area for that zone. 215 Henry Street is lacking 55 ft. of the required 200 ft. The properties located at **209 & 215 Henry Street, Uxbridge, MA** shown on the Town of Uxbridge Assessor’s Map 20, Parcels 3633 & 3716 and recorded in the Worcester County District Registry of Deeds Book #43518, Page 140 located in Residence C zone.

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was **opened and Closed on December 7, 2011.**

Attorney Cove spoke on behalf of the Stevens Family.

There were no abutter’s present for case FY12-09.

MOTION/VOTE:

Mr. Walkiewicz made a **MOTION** to close the Public hearing. Mr. Kelleher **SECONDED** the motion, all in favor. VOTE (3-0-0).

Mr. Walkiewicz made a **MOTION** on Case FY12-09 to approve the request for a Special Permit for returning the pre-existing dimensions for **209 Henry Street**. Criteria for a Special Permit 400§50(B) and the Board discussed the application and made favorable findings with relation to the criteria:

7. The return to the pre-existing dimensions and area of Assessor's Lots 3633 & 3716 on the southerly side of Henry St. will not impact the social, economic, or community needs of the area and; the impact we be neutral.
8. Traffic flow and safety, including parking and loading are provided for; the impact will be neutral
9. The utilities and other public services are adequate;
10. Returning the two pre-exist zoned lots will not change the nneighborhood character and social structures are not adversely impacted;
11. There is no impacts on the natural environment; and
12. Town services are not impacted, tax base and employment will be neutral.

MOTION SECONDED by Mr. Kelleher, the **MOTION** to grant the **SPECIAL PERMIT** carried unanimously. VOTE (3-0-0)

. Walkiewicz made a **MOTION** on Case FY12-09 to approve the request for a Special Permit for returning the pre-existing dimensions for **215 Henry Street**. Criteria for a Special Permit 400§50(B) and the Board discussed the application and made favorable findings with relation to the criteria:

1. The return to the pre-existing dimensions and area of Assessor's Lots 3633 & 3716 on the southerly side of Henry St. will not impact the social, economic, or community needs of the area and; the impact we be neutral.
2. Traffic flow and safety, including parking and loading are provided for; the impact will be neutral
3. The utilities and other public services are adequate;
4. Returning the two pre-exist zoned lots will not change the nneighborhood character and social structures are not adversely impacted;
5. There is no impacts on the natural environment; and
6. Town services are not impacted, tax base and employment will be neutral.

MOTION SECONDED by Mr. Kelleher, the **MOTION** to **GRANT** the **SPECIAL PERMIT** carried unanimously. VOTE (3-0-0)

NEW/OLD BUSINESS:

Mr. Walkiewicz made a **MOTION** to adjourn the meeting, Mr. Kelleher **Seconded** the motion. All in favor (3-0-0)

Recused

Mark Wickstrom, Chairman

Joseph Frisk

Joseph Frisk, Acting Chairman

Daniel Kelleher

Daniel Kelleher, Alternate

1-4-12

Date

Recused

Stephen O'Connell, Vice Chairman

Chris Walkiewicz, Alternate