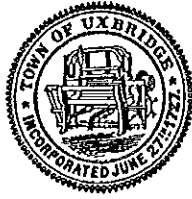


Mark Wickstrom, Chair  
Stephen O'Connell, Vice Chair  
Bruce Desilets, Member  
Joseph Alves, Associate Member  
Thomas Bentley, Associate Member  
Joseph Frisk, Associate Member



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Uxbridge Town Hall  
21 South Main Street, Room 203  
Uxbridge, MA 01569  
508-278-8600 x2013 p  
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**ORIGINAL**

**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

**Posted by  
Uxbridge  
Town Clerk**

**MEETING MINUTES: WEDNESDAY, JULY 16, 2014**

Minutes of the Uxbridge Zoning Board of Appeals regularly scheduled meeting on **Wednesday, July 16, 2014** in the **Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

**Present:** Chair Mark Wickstrom, Vice Chair Stephen O'Connell, Clerk Bruce Desilets, Associate Member Joseph Alves, and Town of Uxbridge Building Inspector/ZOE Douglas Scott.

**Absent:** Associate Members Thomas Bentley and Joseph Frisk.

It being 6:05 pm, the meeting being properly posted, duly called and a quorum being present, the meeting was called to order by the Chair, who led the Pledge of Allegiance.

The Chair welcomed the new Town of Uxbridge Building Inspector/ZOE Doug Scott to the meeting, stating that Mr. Scott's vast experience will help the Town.

**I. PUBLIC HEARING**

None.

**II. NEW BUSINESS**

**Board re-organization.** With brief discussion amongst themselves, the Board reorganized as follows for FY15.

**MOTION:** I, Mr. O'Connell, move that the Board nominated Mr. Wickstrom as Chair. Seconded by Mr. Desilets, the motion carried unanimously.

**MOTION:** I, Mr. Wickstrom, move that the Board nominate Mr. O'Connell as Vice Chair. Seconded by Mr. Desilets, the motion carried unanimously.

**MOTION:** I, Mr. O'Connell, move that the Board nominate Mr. Desilets as Clerk. Seconded by Mr. Wickstrom, the motion carried unanimously.

**FY15 ZBA Meeting Schedule.** After brief discussion, the Chair stated that the application deadlines are three weeks and two days in advance of the meeting date, primarily to meet the necessary deadlines for publishing public hearing notices. He noted that the Board tries to be as accommodating as possible.

**MOTION:** I, Mr. O'Connell, move that the Board accept the proposed Fiscal Year 2015 meeting schedule as written. Seconded by Mr. Desilets, the motion carried unanimously.

**Discussion of special permit / variance standards and new case law.** The Chair shared a recent legal case (Deadrick et al vs. Zoning Board of Appeals of Chatham, June 2014) in which an Applicant, with an existing non-conforming structure (i.e., setbacks, height, required frontage, required acreage, etc.), applied to make changes/improvements such that the decision could be a Variance or simply a Determination of 40A Section 6 (substantially not a detriment to the neighborhood). A frontage issue should trigger the reminder that 40A Section 6 can be applied rather than a strict variance.

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Mr. Scott commented that he will be writing letters of denial for such building applications, and will specifically state what the Applicant needs to apply for from the ZBA. He continued that it will most likely be a Special Permit rather than a Variance, and that this law is specific to one and two family homes. Commercial property needs a Variance. The Chair stated that it is the Board's discretion to deny a request and the Board needs to keep in mind how that denial is written to protect the Town, in addition to including findings in each decision. Mr. Scott added that a decision should be written based on how well it would stand up if appealed in land court. Additionally, he noted that Uxbridge is on the cutting edge since we already have this Town bylaw in place. The Board agreed that the current application should be reviewed at the next meeting to denote Special Permit, Variance and Determination.

The Board continued a general discussion on zoning bylaws, deciding that those needed review at the next meeting, specifically the uses for Business and Industrial. Mr. O'Connell commented that definitions are important, and that the current wording can be improved upon. Mr. Scott stated that cell towers aren't mentioned in the bylaws, and suggested that the Town have a cell tower bylaw. The Board agreed to that, but will hold off on writing a warrant article for Town Meeting.

**III. MINUTES**

06/04/14 Meeting Minutes - **MOTION:** I, Mr. Wickstrom, move that the Zoning Board of Appeals approve the 06/04/14 Meeting Minutes as written. Seconded by Mr. Desilets, the motion carried (2-0-2). Mr. O'Connell and Mr. Alves abstained.

**IV. ANY OTHER BUSINESS, which may lawfully come before the Board.**

**V. ADJOURNMENT**

At 6:45pm, **MOTION** by Mr. Desilets to adjourn the meeting. Seconded by Mr. O'Connell, the motion carried unanimously (3-0-0).

Respectfully submitted,  
Beth A Pitman  
Zoning Board of Appeals Assistant

\_\_\_\_\_  
Mark Wickstrom, Chair

\_\_\_\_\_  
Stephen O'Connell, Vice Chair

\_\_\_\_\_  
Bruce Desilets, Member

\_\_\_\_\_  
Date

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Joseph Alves, Associate Member

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Thomas Bentley, Associate Member

\_\_\_\_\_  
Joseph Frisk, Associate Member

20 August 21