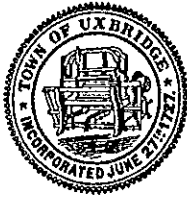


Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Bruce Desilets, Member
Joseph Alves, Associate Member
Thomas Bentley, Associate Member
Joseph Frisk, Associate Member



Uxbridge Town Hall
21 South Main Street, Room 203
Uxbridge, MA 01569
508-278-8600 x2013 p
508-278-0709 f

**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MAR 5 '15 AM 9:30

MEETING MINUTES: WEDNESDAY, SEPTEMBER 3, 2014

Received by
Uxbridge
Town Clerk

Minutes of the Uxbridge Zoning Board of Appeals regularly scheduled meeting on **Wednesday, September 3, 2014** in the **Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

Present: Chair Mark Wickstrom, Clerk Bruce Desilets, Associate Members Joseph Alves and Joseph Frisk, and Assistant Beth Pitman.

Absent: Vice Chair Stephen O'Connell and Associate Member Thomas Bentley.

It being approximately 7:00 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 opened the meeting, stated that he would be recusing himself from this Public Hearing, and that the quorum necessary to vote on the Public Hearing will be met by Mr. Desilets, Mr. Alves, and Mr. Frisk, who is participating via remote participation. The Uxbridge Zoning Board of Appeals has adopted the necessary portion of MGL to allow for remote participation. All votes will done by roll call vote. The Chair outlined the process for public comments, including speaking at the microphone and signing in.

I. PUBLIC HEARING

FY15-02: Owners Bertram W Bogue, Jr. and Rhonda Greenway/Applicant Paul Esposito. Applicant on behalf of the Owners is requesting a Special Permit/Determination for reconstruction of a non-conforming structure on a non-conforming lot. The proposed duplex structure will increase the front and side setback encroachments. The property is located at **100 Hecla Street, Uxbridge, MA**, as shown on the Town of Uxbridge Assessor's Map 25 Parcel 304 and described in a deed recorded in the Worcester District Registry of Deeds Book 4265 Page 76; in Residential-A zone.

The Clerk opened the Public Hearing. Paul Esposito, representing the Owners, stated that he was familiar with the neighborhood due to familial ties; primary business is selling building supplies; builds one to two new houses a year; building is not conducive to today's family as a duplex; described plot plan and setbacks; new building will enhance neighborhood; and, construction target estimates beginning mid-October, finished in late Spring, pending approval. Discussion included individual driveways onto Hecla Street; both duplexes will have a single garage; each duplex will have 3 bedrooms, 2.5 baths; single family plan did not financially work for the size of the lot; concern about closeness to Fagan Street of proposed building; and, increased traffic.

The Clerk opened the Public Hearing to public comment.

Susan Ambrogi of 104 Hecla Street stated annual project of cleaning hedges with former owner; living on a very changing street; her street is starting to look like Worcester with tenements and absentee landlords; wouldn't be as skeptical if it were a single family house; concerned with closeness of new building to her home. The Clerk stated that existing side setback is 37 feet, requirement is 25 feet, and it will be approximately 25.5 feet. Mrs. Ambrogi continued citing responsibility of the Board to protect the health and safety of the inhabitants of this Town, to encourage the most appropriate use of land throughout the Town, and to preserve our cultural and agricultural heritage of the community. Mr. Esposito stated he will tear down the existing building; wants to market and build something with pride;

TOWN OF UXBRIDGE - ZONING BOARD OF APPEALS
MEETING MINUTES WEDNESDAY, SEPTEMBER 3, 2014

has done market research to determine best product to build and sell; and, no end buyers, as he has a realtor do the selling.

John Ambrogi of 104 Hecla Street asked about shaded side of the property; and, had asked previous owner about removing a tree that is detrimental to his property. Mr. Esposito offered the excavator remove things that Mr. Ambrogi would like addressed when it is on-site to remove the opposite side plantings; and, offered to install a fence for a portion of the property line.

Ann Hagl of 11 Fagan Street stated that she is opposed to this project; the new building is too large; and, non-conforming with the existing houses on Fagan Street.

The Clerk asked for further comment from the public. Being none, the Public Hearing was closed.

MOTION: I, Mr. Alves, move that the Board close the Public Hearing for 100 Hecla Street. Seconded by Mr. Frisk, the motion carried by roll call vote 3-0-0 (Alves – aye, Frisk – aye, Desilets – aye).

Mr. Frisk stated concern of how the proposed structure is less detrimental than the previous one; appreciates effort by Mr. Esposito with his plans; sees willingness of Mr. Esposito to work with abutters; and, sees encroachment will happen on non-abutting side of parcel. The Clerk commented that he is familiar with the area; and, the line of sight from Fagan Street will be improved by changes with the building and hedges. Mr. Alves stated he sees this as an improvement to the neighborhood. Discussion included height of new structure; plans to keep parcel rural; positive response from Mr. Esposito to work with the neighbors.

MOTION: I, Mr. Frisk, in accordance with Town of Uxbridge Zoning Bylaws, move that the Board grant a Special Permit with favorable findings for FY15-02 100 Hecla Street for a re-conforming structure pursuant to Chapter 400 Section 50 subsection B 1 thru 6. Mr. Frisk noted that the Applicant will incorporate into his plans any special vegetation. Mr. Alves seconded the motion, in keeping that the Board finds that the granting of this Special Permit does not nullify or derogate from the intent of the Zoning Bylaws and is not detrimental to the public good; the motion carried by roll call vote 3-0-0 (Desilets – aye, Alves – aye, Frisk – aye).

The Chair returned to the meeting.

II. NEW BUSINESS

ZBA Application: Review/Revise form and application requirements.

The Board reviewed a new ZBA application draft, including the current rules/instructions. The Chair stated desire to have Mr. O'Connell present as he has experience and exposure to different towns processes and applications. Discussion included feedback from Doug Scott, Zoning Enforcement Officer, of necessity and definition of a determination; need for blue ink on application; need for full-blown plot plan; under variance, reference state law and URL; change in disclosure that Board members will do site visit; and, sensitivity that application requirements are reasonable. The Board members agree to continue this discussion, and wait for feedback from Mr. O'Connell. Discussion continued on Public Hearing mailing process; decision mailing process; and, need to discuss Public Hearing process at next meeting.

ZBA Rules & Regulations: review and revise as appropriate.

The Chair stated that Home Occupation bylaw (§400-11) needs to be addressed; tasked himself with examples of Home Occupation bylaw for next meeting; need to address if home occupation succeeds beyond appropriate neighborhood growth; and, home occupation in all zones. Mr. Frisk shared Towns of Dudley and Canton Home Occupation bylaws as a good reference point for discussion. The Board members agreed to continue this discussion on the Home Occupation bylaw specifically at the next regularly scheduled meeting.

TOWN OF UXBRIDGE - ZONING BOARD OF APPEALS
MEETING MINUTES WEDNESDAY, SEPTEMBER 3, 2014

Discuss changing the meeting start time.

The Chair stated the meeting change from 7pm to 6pm had worked better in the past. The Board members agreed that the earlier start time was better.

MOTION: I, Mr. Wickstrom, move that the Board amend the previously adopted calendar and revise it to a 6:00pm start time going forward, beginning with October meeting. Seconded by Mr. Desilets, the motion carried by roll call vote 4-0-0 (Wickstrom – aye, Desilets – aye, Alves – aye, Frisk – aye).

III. MINUTES

08/20/14 Meeting Minutes - **MOTION:** I, Mr. Desilets, move that the Board approve the 08/20/14 Meeting Minutes as written. Seconded by Mr. Alves, the motion carried by roll call vote 2-0-2 (Desilets – aye, Alves – aye, Wickstrom – abstain, Frisk – abstain).

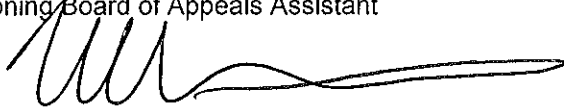
IV. ANY OTHER BUSINESS, which may lawfully come before the Board.

The Chair commented on the request from the Board of Selectmen, specifically Mr. Baghdasarian, for the Zoning Board of Appeals to address specific bylaws; Home Occupation is the first bylaw the Board will address.

V. ADJOURNMENT

At approximately 8:10pm, **MOTION** by Mr. Desilets to adjourn the meeting. Seconded by Mr. Alves, the motion carried 4-0-0.

Respectfully submitted,
Beth A Pitman
Zoning Board of Appeals Assistant



Mark Wickstrom, Chair

Joseph Alves, Associate Member

Stephen O'Connell, Vice Chair

Thomas Bentley, Associate Member



Bruce Desilets, Member

Joseph Frisk, Associate Member

3-4-15

Date