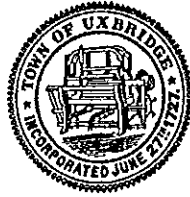


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Mark Wickstrom, Chair  
Stephen O'Connell, Vice Chair  
Bruce Desilets, Member  
Joseph Alves, Associate Member  
Thomas Bentley, Associate Member  
Joseph Frisk, Associate Member



Uxbridge Town Hall  
21 South Main Street, Room 203  
Uxbridge, MA 01569  
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Posted by  
Uxbridge  
Town Clerk

**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

**MEETING MINUTES: WEDNESDAY, NOVEMBER 5, 2014**

Minutes of the Uxbridge Zoning Board of Appeals regularly scheduled meeting on **Wednesday, November 5, 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, and Assistant Beth Pitman.

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

It being approximately 6:15 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, explained the procedure for petitioners to step up to the podium and address their comments to the Board; comments will be allowed from the audience in the same way during the Public Hearing; all speakers should sign in; and, no commenting from the gallery.

**I. PUBLIC HEARING**

**FY15-03: Owners Rogerio Ribeiro and Celeste Pombal/Representative Bonnie Blair.** Representative on behalf of the Owners is requesting a Special Permit for the keeping of chickens. The property is located at **495 Blackstone Street, Uxbridge, MA**, as shown on the Town of Uxbridge Assessor's Map 30 Parcel 4868 and described in a deed recorded in the Worcester District Registry of Deeds Book 49921 Page 114; in Residential-C zone.

The Chair opened the Public Hearing. Bonnie Belaire of 92 A Wharf Street, Salem, MA on behalf of the Applicants spoke to the use of chickens for private consumption of eggs; no commercial selling of eggs; received letter from Zoning Enforcement Officer that chickens are not an allowable use in Residential-C zone. Ms. Belaire continued to address criteria for Special Permit including production of sustainable food source; stated dietary benefits of home raised eggs vs factory-farm produced eggs; humane treatment of animals; no community effect as a whole as eggs are for individual use; no traffic or safety impact; no utilities or public services required; no change in neighborhood character; structure was pre-existing and not viewable from the road; shared decibel level of chickens; enclosure is a secure area; no odor produced; cleaned every Saturday; feed is kept in a separate area; minimal impact on natural environment as chickens waste is beneficial; no impact on fiscal impact on Town services; closest property line is 38' feet; and, no evidence of negative impact on property values.

Mr. Desilets, having visited the site, asked if there was intention to keep roosters, given their noise. Ms. Belaire stated that they will not keep roosters. The Chair asked if the Board of Health had visited the site or had any hearings. Ms. Belaire stated that a BOH member visited in July 2013; Applicants were told rooster had to be removed; chickens were ok; and, no hearing was held. Mr. O'Connell asked about recent complaints of a rooster. Ms. Belaire stated two complaints were received, from the Building Inspector (Zoning Enforcement Officer); rooster was removed in September 2014, based upon complaint; Applicants are fine with restriction of no roosters; looking to keep 10-12 chickens; chickens were loose when they were small, and did go off the property; and, now will stay in enclosure.

The Clerk opened the Public Hearing to public comment.

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Mario and Susan DeMontigny of 483 Blackstone Street have no concern about chickens; eating healthy food; concern is the roosters, loose chickens scaring their grandchildren, and total number of chickens.

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

**MOTION:** I, Mr. O'Connell, move that the Board close the Public Hearing for 495 Blackstone Street. Seconded by Mr. Desilets, the motion carried 3-0-0.

**MOTION:** I, Mr. O'Connell, in accordance with Town of Uxbridge Zoning Bylaws, move that the Board grant a Special Permit for FY15-03 Owners Rogerio Ribeiro and Celeste Pombal of 495 Blackstone Street to allow the keeping of chickens for personal use with the following special conditions: 1) the Applicants must comply with all Board of Health regulations; 2) the number of chickens on the property is limited to fifteen (15); 3) no roosters shall be kept on the property at any time; and, 4) the chickens will be kept in an enclosure unless attended to. Seconded by Mr. Desilets, the motion carried 3-0-0.

**MOTION:** I, Mr. Wickstrom, move that the Board make favorable findings on the criteria under Zoning Bylaw 400-50 (Special Permit criteria) that there the social, economic, and community needs are met by the proposal; no impact on traffic flow and safety; no impact on utilities or public services; the neighborhood character and social structures are in keeping with the granting of the Special Permit; there are either no or positive impact on the natural environment; and, there is no fiscal impact to the Town or Town services. Seconded by Mr. Desilets, the motion carried 3-0-0.

The Chair stated that due to a publishing error the next Public Hearing should start at 7pm. Therefore, Board will take the next Public hearings out of order.

**FY15-05: Owner Leemilt's Petroleum, Inc. c/o Getty Realty Corp / Applicant Lehigh Gas Corporation.** Representative Carolyn Parker on behalf of the Owner and the Applicant is requesting a Special Permit for the installation of a new 24' x 40' overhead canopy above the existing fuel dispensers and will convert from full serve to self-serve. The property is located at **2 West Hartford Avenue, Uxbridge, MA**, as shown on the Town of Uxbridge Assessor's Map 12 C Parcel 2745 and described in a deed recorded in the Worcester District Registry of Deeds Book 14455 Page 112; in Business zone.

The Chair opened the Public Hearing. Carolyn Parker representing the Applicant stated she was before the Board previously for a canopy at this site with a company that is no longer in existence; therefore coming again on behalf of the new ownership. Ms. Parker stated that have to work within the existing parcel; canopy will be put around the existing pumps; gas station will change from full serve to self-serve; canopy size is based on existing pumps and size of cars; requesting two logos on each side of the canopy with standard green striping. Discussion included canopy not being backlit; it's not illuminated other than area of decal; primary lighting will be LED and stream down; height is fifteen (15) feet with three (3) foot fascia for a total of eighteen (18) feet; no proposed building improvements; self-serve fire suppression will be installed; appearance of the sidewalk; and, removal of temporary signs hanging from BP sign.

The Chair asked for comment from the public.

Jacqueline Blinkhorn of 6 West Hartford Avenue asked if business hours and lighting will remain the same. Ms. Parker stated that hours of operation will be the same and safety lighting will remain on.

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

**MOTION:** I, Mr. O'Connell, move that the Board close the Public Hearing for 2 West Hartford Avenue. Seconded by Mr. Desilets, the motion carried 3-0-0.

The Board has brief discussion of appropriate MGL section to note for the Special Permit.

**MOTION:** I, Mr. Wickstrom, in accordance with Town of Uxbridge Zoning Bylaws, move that the Board grant a Special Permit for FY15-05 Owner Leemilt's Petroleum, Inc. c/o Getty Realty Corp/Applicant

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Lehigh Gas Corporation to construct a canopy above the gas pumps in compliance with Zoning Bylaw 400-12 Section C in that it is not substantially more detrimental than the existing non-conformity on the lot to the neighborhood. Furthermore, the Board finds that the criteria under Zoning Bylaw 400-50 has been met, and the Special Permit is met with the following special conditions: 1) light emanating from the canopy must be contained on the property; 2) no signs shall be placed on the property that obstruct the line of sight for the traffic at the intersection; 3) the hours of operation to be maintained at the existing hours; and, 4) the size and location of the canopy must be consistent with the plans that were submitted with the application. Seconded by Mr. O'Connell, the motion carried 3-0-0.

**FY15-04: Owner ABF Realty LLC/Applicant Robert Cherrier.** The Applicant on behalf of the Owner is seeking a Special Permit for an application to build a 3,600 square foot building in the industrial zone to be used for a Class II license (used cars) for 20 cars and automotive repair. The property is located at **20 Lackey Dam Road, Uxbridge, MA**, as shown on the Town of Uxbridge Assessor's Map 15, Parcel 684. The undersigned's title to said land is derived from BB&S Land Corp. of Uxbridge, Inc. by deed dated December 16, 2002 and recorded in the Worcester District Registry of Deeds Book 28591, Page 358; in Industrial zone.

The Chair opened the Public Hearing. Robert Cherrier representing himself stated his desire to move his business (Main Street Auto in Whitinsville, MA) to 20 Lackey Dam Road; property is serviced by Town of Douglas water with private sewer system; going to Board of Selectmen for Class II license next; one story building; approximately 60,000 square foot lot; room for vehicles on property and in the building; will comply with curb cut requirements from the State; and, seeking all necessary approval and compliance. Discussion included water issue with neighboring business; need to go to Planning Board (doesn't need to); limiting of light on the property; conducting MA auto inspections; proposed backlit sign or internally contained sign; and, potentially two (2) employees, BVT students to teach them the trade;

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

**MOTION:** I, Mr. O'Connell, move that the Board close the Public Hearing for Owner ABF Realty LLC/Applicant Robert Cherrier. Seconded by Mr. Desilets, the motion carried 3-0-0.

The Board has brief discussion of appropriate MGL section to note for the Special Permit.

**MOTION:** I, Mr. Desilets, in accordance with Town of Uxbridge Zoning Bylaws, move that the Board grant a Special Permit for FY15-04 Owner ABF Realty LLC/Applicant Robert Cherrier for the 3,600 square foot building for vehicle repair with the following special conditions: 1) a maximum of twenty (20) cars for sale onsite; 2) full compliance with existing bylaw for signage; 3) maintain the hours of operation as stated in the application (Monday thru Friday 8am-8pm, Saturday 8am-5pm, Sunday 8am-5pm); and, 4) the Applicant must meet all requirements of the Board of Selectmen Class II license. Seconded by Mr. O'Connell, the motion carried 3-0-0.

### **III. MINUTES/MAIL/INVOICES**

**MINUTES:** The Board is lacking necessary members to approve August 7, 2013 and September 3, 2014 meeting minutes. Passed over to the December 3, 2014 meeting.

### **II. NEW BUSINESS**

ZBA Application: Review/Revise form and application requirements.

The Board reviewed and discussed changes to the new ZBA checklist and application including but not limited to waiver request for plan requirements unless a use application is requested (i.e. chickens); Special Permit plans compliance with ZBL 400-50 Section E; applicant and owner signatures; and, dimensional relief chart.

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ZBA Rules & Regulations: review and revise as appropriate.

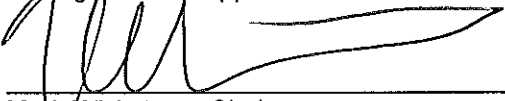
The Board discussed Home Occupation bylaw including samples from Worcester, Canton, and Dudley; previously proposed bylaw changes at Annual Town Meeting circa 2007-2008; and, ZBL 400-11 Section A 1 b. Discussion will continue to next regularly scheduled meeting.

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

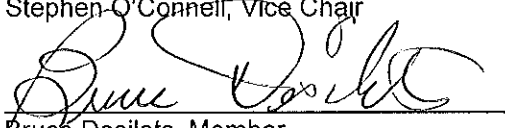
**V. ADJOURNMENT**

At approximately 7:57pm, MOTION by Mr. Desilets to adjourn the meeting. Seconded by Mr. O'Connell, the motion carried 3-0-0.

Respectfully submitted,  
Beth A Pitman  
Zoning Board of Appeals Assistant

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

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

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

*11/05/14*  
\_\_\_\_\_  
Date

**ORIGINAL**

*absent*  
\_\_\_\_\_  
Joseph Alves, Associate Member

*absent*  
\_\_\_\_\_  
Thomas Bentley, Associate Member

*absent*  
\_\_\_\_\_  
Joseph Frisk, Associate Member