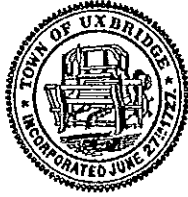


Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Bruce Desilets, Member
Joseph Alves, Associate Member
Thomas Bentley, Associate Member
Joseph Frisk, Associate Member



Uxbridge Town Hall
21 South Main Street, Room 203
Uxbridge, MA 01569
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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

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MEETING MINUTES: WEDNESDAY, JANUARY 7, 2015

Minutes of the Uxbridge Zoning Board of Appeals regularly scheduled meeting on **Wednesday, January 7, 2015** 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, and Associate Members Thomas Bentley and Joseph Alves.

Absent: Clerk Bruce Desilets and Member Joseph Frisk

Note: Some agenda items listed may have been taken out of order to expedite the application process

It being approximately 6:00 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the acting Chair, Stephen O'Connell. He requested a motion be made to take the application for 6 Court Street (FY15-12) first.

MOTION 1: Mr. Bentley made a motion to allow. It was seconded by Mr. Alves. Motion Carried 3-0-0.

I. PUBLIC HEARING

FY15-08: Owner Montville 1991 Trust, Michael Montville, Trustee / Applicant Pro-Built Construction LLC. The Applicant on behalf of the Owner is requesting a Variance of existing frontage of 158.28+/- feet as required frontage is 200 feet for a single family home in Residential C zone. The property is located at **629 Hartford Avenue East, Uxbridge, MA**, as shown on the Town of Uxbridge Assessor's Map 8, Parcel 3533, and described in a deed recorded in the Worcester District Registry of Deeds Book 32976, Page 6269; in Industrial zone.

Stephen O'Connell recused himself noting a conflict of interest.
Mr. Wickstrom returned as Chair and opened the Public Hearing for FY15-08.

The Board considered the Application and materials that were submitted, which included the Abutters List Report; copy of a letter from Doug Scott, Uxbridge Zoning Enforcement Officer, dated 12/16/14; and a plan of land drawn by Andrews Survey and Engineering, signed by the Planning Board on 8/13/14. The Board also considered the testimony of the applicant's representatives, Gerald Skeeane and Byron Andrews. No abutters were present. The testimony included information that the premises had adequate land for a small subdivision comprising of a cul-de-sac and three buildable lots, but the petitioner desired only one residence on each of the two lots as shown on the plan, so as to reserve as much of the natural layout of the property, which in the past was the Town's "poor farm". The property is unique in its shape and topography in that the frontage is derived from measuring along the "County Road Layout" of East Hartford Avenue, however, the physical road as presently constructed does not use the entire layout and leaves a considerable amount of land between the road and the property. This presents a hardship to engineer a new road; the construction of a single family house with a driveway would be less burdensome. It is also questionable what the frontage would be should the unused road area ever be properly abandoned. The property is also bordered to the East by the West River. Should the applicant be forced to file a subdivision to obtain the required frontage to develop the lot, environmental concerns and costs would be exacerbated by the riverfront, causing a hardship. Should the variance be granted, one house with a driveway on the lot could be constructed without raising those environmental concerns. There was no evidence or testimony that the granting of the variance would be a substantial detriment to the public good, and the board

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discussed that the granting of the variance would not derogate from the intent or purpose of the Zoning Bylaw, due to the unique features mentioned above.

MOTION 1: to close the Public Hearing was made by Mr. Bentley. Motion was seconded by Mr. Alves. Motion carried 3-0-0.

MOTION 1: made by Tom Bentley to APPROVE the Variance application for the frontage requested, that there was a hardship related to the shape and topography of the land, and that the granting of the Variance does not cause a substantial detriment to the public good and does not derogate from the intent of the bylaw. The Variance is CONDITIONED upon no further division of the land. The motion was seconded by Mr. Alves and carried (3-0-0)

FY15-11: Owner Uxbridge Industrial Drive Trust – Scott Rossiter, Trustee / Applicant H&M Bay, Inc. The Applicant on behalf of the Owner is requesting a Special Permit to construct a parking area to be used by trucks as they wait to be loaded at the Applicant's existing facility across River Road; a Contractor's Yard. The property is located at **16 Industrial Drive, Uxbridge, MA**, as shown on the Town of Uxbridge Assessor's Map 45, Parcel 522, and described in a deed recorded in the Worcester District Registry of Deeds Book 20680, Page 1; in Industrial zone.

Chair opened the Public Hearing for FY15-11.

The Board considered the Application and materials that were submitted, which included the Abutters List Report and a plan of land drawn by Andrews Survey and Engineering showing the proposed parking area. The Board also considered the testimony of the Applicant's representative, Byron Andrews. No abutters were present. The testimony included information that the premises had adequate land for the parking as proposed, that the parking alleviated a problem with parking on the public way, and that the premises met the special permit criteria set forth in Uxbridge Zoning Bylaws section 400-50, which were discussed in detail.

The Board approved the Special Permit to allow a Contractor's Yard for the parking of trucks as shown on the plan, and that the Special Permit Criteria under Section 400-50 of the Zoning Bylaws have been met, namely that 1) the social, economic and community needs are met by the expansion of a current business, 2) that traffic and safety will be improved, 3) that utilities and public services are not impacted, 4) that the use fits with the industrial nature of the neighborhood, 5) that there is no impact on the natural environment, and 6) the fiscal impact will be positive.

MOTION 1: Mr. Bentley made a motion to close the Public Hearing. Motion was seconded by Mr. Alves. Motion carried 3-0-0.

MOTION 1: made by Mr. Bentley to APPROVE the special permit. Motion was seconded by Mr. Alves. Motion carried 3-0-0.

FY15-12: Owner/Applicant Mark and Mary Patricia Wickstrom of 110 Hecla Street are requesting a Special Permit to use a portion of the property at **6 Court Street** as business use for professional office. The property is within the Residence A zone. The property is shown on the Town of Uxbridge Assessor's Map 18B as parcel 4877 and is described in a deed recorded in the Worcester District Registry of Deeds Book 52814 Page 90.

Recused Chair, Mark Wickstrom spoke as the applicant on behalf of himself and his wife, Marry Patricia, and noted that he filed the required conflict of interest disclosure with the application filed in Town Clerk's office. He described the location, history, and condition of the building and property as well as its intended use as a professional office.

Acting Chair, Stephen O'Connell opened the Public Hearing up to comments from residents/abutters.

A representative of the Congregational Church (an abutter) was present and made inquiry about the Application. The Applicant requested that the Board consider the special permit under two sections of the

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Town of Uxbridge Zoning Bylaws which allowed for a Special Permit for office use, those being found in the Table of Uses, footnote 1, and also Section 400-12F.

The Board noted that under Footnote 1 of the Table of Uses in the Town of Uxbridge Zoning Bylaws, office use is permitted by Special Permit on a property in Residence A if the structure 1) has a total finished area of over 4,000 square feet; 2) it was built prior to 1930; 3) is listed on the national and state register of historic properties. The Applicant testified that the structure on the property meets those three requirements as follows:

- 1) There is approximately 4,200 square feet of finished area;
- 2) The property was built circa 1820;
- 3) The property is listed on the federal historic register by virtue of being in the "Town Common District" and the state register under "6 Court Street". The Applicant testified that the property is sometimes referred to as the "Robert Taft House" for its former owner, and has been chronicled as a stop on the Underground Railroad when occupied by noted Uxbridge abolitionist Effingham Capron.

The Board also noted that the office use proposed is allowed by special permit under Section 400-12F as a portion of the property had been used in the past as an optometrist's office. The Applicant requested that the Board consider that the re-establishment of such office use does not cause "substantial detriment to the community" and thus complies with said Section 400-12F. There was no evidence or testimony that the office use proposed would cause a substantial detriment to the community. Although the Zone is Residence A, the Board noted that the property is located between an existing business (Jumbo Donuts) and a church, and the office use would be light in comparison.

MOTION 1: made by Mr. Bentley to close the Public Hearing. Motion was seconded by Mr. Alves. Motion carried 3-0-0.

The Board discussed whether the application met the special permit criteria set forth in Uxbridge Zoning Bylaws section 400-50, which were discussed.

The Board found that the Special Permit Criteria under Section 400-50 of the Zoning Bylaws had been met, namely that 1) the social, economic and community needs are met by the encouragement of local business and re-use of an historic building, 2) that traffic and safety are not impacted, 3) that utilities and public services are not impacted, 4) that the use fits with the character of the neighborhood, 5) that there is no impact on the natural environment, and 6) the fiscal impact will be positive and the proposal does not cause a substantial detriment to the community.

MOTION 1: made by Mr. Bentley to approve the special permit. Motion was seconded by Mr. Alves. Motion carried 3-0-0.

II. NEW BUSINESS

There was no new business introduced.

III. MINUTES/MAIL/INVOICES

MOTION 1: made by Mr. Wickstrom to approve the meeting minutes of 12/11/2014 as written. Mr. Bentley seconded the motion. Motion carried 2-0-1.

MOTION 1: made by Mr. Wickstrom to approve the meeting minutes of 12/3/2014 as written. Mr. Bentley seconded the motion. Motion carried 2-0-1

IV. ANY OTHER BUSINESS that may lawfully come before the Board.

Board had general discussions including a possible Bylaw review workshop in the future.

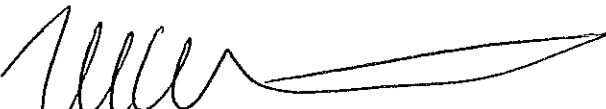
V. ADJOURNMENT

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At approximately 6:04pm, Mr. Bentley made a motion to adjourn the meeting. It was seconded by Mr. Alves.
Motion carried 3-0-0.

Respectfully submitted,

Lynn Marchand
Land Use Administrative Assistant



Mark Wickstrom, Chair

Joseph Alves, Associate Member



Stephen O'Connell, Vice Chair

Thomas Bentley, Associate Member

Bruce Desilets, Member

Joseph Frisk, Associate Member

Date