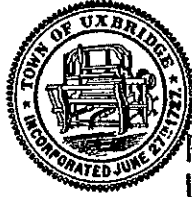


Mark Wickstrom, Chair  
 Stephen O'Connell, Vice Chair  
 Bruce Desilets, Member  
 Joseph Alves, Associate Member  
 Thomas Bentley, Associate Member  
 Joseph Frisk, Associate Member



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**TOWN OF UXBRIDGE  
 ZONING BOARD OF APPEALS**

**ORIGINAL**

**MEETING MINUTES: WEDNESDAY, JUNE 3, 2015**

Minutes of the Uxbridge Zoning Board of Appeals regularly scheduled meeting on **Wednesday June 3, 2015** in the **Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

**Present:** Chairman Mark Wickstrom, Alternate Members Thomas Bentley and Joseph Alves, Alternate Member Joseph Frisk (Remote Participation via Facetime) and Administrative Assistant Lynn Marchand

**Absent:** Vice Chair Stephen O'Connell, Member Bruce Desilets

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 Chair, who led the Pledge of Allegiance.

Mr. Wickstrom was recused.

**I. PUBLIC HEARINGS**

*Continued from May 6, 2015*

**1. FY15-14: West Hartford Properties, LLC/Thomas J. Wickstrom represented by Andrews Survey & Engineering, Inc.** Applicants are requesting a Variance for the minimum area, frontage, and front setback required to be a conforming building lot. The property is located on **500 West Hartford Avenue, Lot 2, Uxbridge, MA**, as shown on the Town of Uxbridge Assessor's Map 16, Parcel 3881 and described in a deed recorded in the Worcester District Registry of Deeds Book 44999 Page 242 and is in an agricultural zone.

The Applicant, represented by Attorney Joseph M. Antonelli, asked that FY15-14 & FY15-15 be heard simultaneously and he submitted the following testimony and evidence for both matters:

1. The hardship is due to the shape of the land directly resulting from the proximity of the existing principal structures. An additional hardship is the recent case of Suzanne Palitz v. Zoning Board of Appeals of Tisbury & another which held that a preexisting nonconforming structure that needs to be reconstructed may not do so without Variance to protect said nonconformity. If this structure needed to be reconstructed due to a future catastrophic event, it may not be allowed unless this variance is approved.

2. Affidavit of Gladys Bangma, former owner of the property, outlining the history of 500 West Street

3. MGL Chapter 41 Section 81L

4. Assessor's Office Property Record Card for 500 West Street

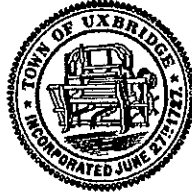
5. Property has a private septic and a private-public shared water system, which will change upon sale of the houses; each house will have its own water and septic system.

6. Road access will remain the same; each house has its own driveway access to Hartford Avenue

Questions and testimony were heard from an abutter, Helder Garcia regarding what can be built on the lots and shared water use.

**MOTION I:** to close the public hearing made by Mr. Alves. Motion was seconded by Mr. Frisk. Motion carried by roll call vote 3-0-0; Mr. Alves-aye, Mr. Frisk-aye, Mr. Bentley-aye.

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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## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

### MEETING MINUTES: WEDNESDAY, JUNE 3, 2015

**Motion 1:** made by Mr. Alves that the Board **APPROVE** the **VARIANCE** based on MGL 81L due to the shape and topography of the application and a variance in area of 48,574 square feet in area, 55' front setback and on right side setback 13.55'. There is no derogation of the public good and it does not derogate from the purposes and intent of the Zoning Bylaws.

Motion was seconded by Mr. Frisk.

The motion carried a by roll call vote 3-0-0; Mr. Frisk-aye, Mr. Alves-aye Mr. Bentley-aye.

#### *Continued from May 6, 2015*

**2. FY15-15: West Hartford Properties, LLC/Thomas J. Wickstrom represented by Andrews Survey & Engineering, Inc.** Applicants are requesting a Variance for the minimum area, frontage, and front setback required to be a conforming building lot. The property is located on **500 West Hartford Avenue, Lot 3, Uxbridge, MA**, as shown on the Town of Uxbridge Assessor's Map 16, Parcel 3881 and described in a deed recorded in the Worcester District Registry of Deeds Book 44999 Page 242 and is in an agricultural zone.

1. The hardship is due to the shape of the land directly resulting from the proximity of the existing principal structures. An additional hardship is the recent case of Suzanne Palitz v. Zoning Board of Appeals of Tisbury & another which held that a preexisting nonconforming structure that needs to be reconstructed may not do so without Variance to protect said nonconformity. If this structure needed to be reconstructed due to a future catastrophic event, it may not be allowed unless this variance is approved.
2. Affidavit of Gladys Bangma, former owner of the property, outlining the history of 500 West Street
3. MGL Chapter 41 Section 81L
4. Assessor's Office Property Record Card for 500 West Street
5. Property has a private septic and a private-public shared water system, which will change upon sale of the houses; each house will have its own water and septic system.
6. Road access will remain the same; each house has its own driveway access to Hartford Avenue

Questions and testimony were heard from an abutter, Helder Garcia regarding what can be built on the lots and shared water use.

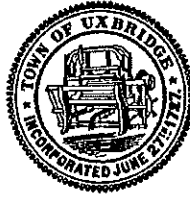
**MOTION I:** to close the public hearing made by Mr. Alves. Motion was seconded by Mr. Frisk. Motion carried by roll call vote 3-0-0; Mr. Alves-aye, Mr. Frisk-aye, Mr. Bentley-aye.

**MOTION I:** made by Mr. Alves that the Board **APPROVE** the **VARIANCE** based on MGL 81L due to the shape and topography of the lot lacking 46,522 square feet with 24.17' frontage and 14.69' rear setback as shown on Andrews Survey & Engineering Project No. 2009-235 – Plan No. L-4007 dated July 18, 2012. There is no derogation of the public good and it does not derogate from the purposes and intent of the Zoning Bylaws.

Motion was seconded by Mr. Frisk.

The motion carried a by roll call vote 3-0-0; Mr. Frisk-aye, Mr. Alves-aye Mr. Bentley-aye.

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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## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

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Mr. Wickstrom returned to the meeting

**3. FY15-16: 518 Hazel St, LLC/Ronald Dolloff, represented by Joseph C. Cove, Esq.** Applicant is seeking a Special Permit for non-conforming use of the property to expand their motor vehicle storage yard business. The property is located on **506 Hazel Street, Uxbridge, MA**, as shown on the Town of Uxbridge Assessor's Map 22, Parcel 1671 and described in a deed recorded at the Worcester Registry of Deeds Book 22846, Page 119 and is in an agricultural zone.

The Chair returned to the meeting and opened the Public Hearing for FY15-16, 518 Hazel Street. The Applicant, represented by Attorney Joseph Cove, submitted the following testimony and evidence:

- A. Abutters letter stating support for the Salvage Center, that they were good neighbors and the property was well maintained and an improvement over the previous junkyard.
- B. Memorandum from Attorney Joseph Cove stating the history of the property, a detailed description of the business activities, a description of the neighborhood in relation to the business, and the authority of the ZBA to grant the extension of the pre-existing, non-conforming use by Special Permit under 40A sec. 6 and Uxbridge Zoning Bylaws Section 400-12 (A-D); specifically as the bylaw relates to B (1) *the change or substantial extension of a nonconforming use* or B (2) *the change from one nonconforming use to a different, less detrimental nonconforming use*.
- C. A proposed decision
- D. Conditioned upon the following:
- E. Testimony from Mr. Vires, owner of the Salvage yard regarding the history and current use of the business and property use. Explained the delay with the Registry of Motor vehicles causes them to have to keep the vehicles longer before they're able to put them up for sale. He stated there would be a 10-15% capacity increase if the Special Permit was granted.
- F. Municipal Lien Certificate
- G. Prior Zoning Board Decisions
- H. ZBA Application, required documents, and fee

#### **Abutters present & testimony:**

Randall Bangma –stated Mr. Vires was a good neighbor and improved the property; had no issue with expansion

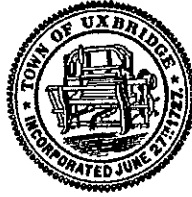
Kevin Fitzgerald –stated they were great neighbors. Expressed concerns about potholes and narrow roads. Question about traffic flow with expansion of business.

Helder Garcia –stated they were good neighbors, expressed concern about trucks turning around in his driveway, said he did not object to the expansion.

**MOTION I:** to close the Public Hearing made by Mr. Alves. Motion was seconded by Mr. Frisk. Motion carried by roll call vote 3-0-0; Mr. Alves-aye, Mr. Frisk-aye, Mr. Wickstrom-aye, Mr. Bentley abstained.

**MOTION I:** Mr. Wickstrom made a motion that the Board **APPROVE** the **SPECIAL PERMIT** for 518 Hazel Street, LLC and accept the Decision as written/submitted:

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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## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

### MEETING MINUTES: WEDNESDAY, JUNE 3, 2015

- a. The expanded use will not be visible from the road
- b. The expanded use will be set back from the neighboring property and hidden from view
- c. Access to the storage area will be from the adjoining land of the applicant and not the road
- d. Expansion will be limited to 20% of the prior use
- e. The use is not a junkyard or otherwise prohibited.
- f. The applicant has been in operation for over thirty years and is not disruptive to the surrounding neighborhood. The expansion area will be managed in the exact same way as the Salvage Center, Inc. is managed on its present location at 518 Hazel Street. The impact on the neighborhood will be nil and will not be substantially more detrimental than the existing non-conforming use.

#### **SPECIAL PERMIT GRANTED CONDITIONED UPON**

- a. Access to the Expansion Area is by and through 518 Hazel Street
- b. Applicant will plant and maintain a vegetated buffer between the house and the expansion area of 506 Hazel Street and the property line with the neighboring landowner.
- c. All other conditions of the 1989 Special Permit will remain in force
- d. The Property area will be fenced.

Motion was seconded by Mr. Alves Motion carried by roll call vote 3-0-0; Mr. Wickstrom-aye, Mr. Alves-aye, Mr. Frisk-aye. Mr. Bentley abstained.

**4. FY15-17: 148 Oak Street, Richard & Judith Hewitt, represented by Ronald Desjardin.** Applicants are seeking a Variance to rebuild a previous non-conforming farmer's porch. The property is located on 148 Oak Street, Uxbridge, MA, as shown on the Town of Uxbridge Assessor's Map 19, Parcel 0228 and described in a deed recorded in the Worcester District Registry of Deeds Book 05043, Page 413 and is in Residential Zone B.

Ronald Desjardin, representative for the applicant, submitted the following testimony and evidence:

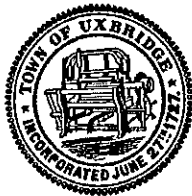
1. The porch doesn't fall under pre-existing due to the length of time since it was torn down so a Variance/Special permit is required in order to rebuild it.
2. Porch will be built in the original footprint, not going any closer to the roadway

The Chair discussed two Zoning Bylaws that would allow the Board to grant the Special Permit; Section 6: expansion of a structure and Section 400-12 Section: which allows the Board to re-establish a previously non-conforming structure by way of a Special Permit providing the structure does not cause substantial detriment to the community  
There were no abutters present.

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

**MOTION I:** Mr. Bentley made a motion that the Board **APPROVE** the **SPECIAL PERMIT**, find that the proposal does not cause any detriment to the community and under 400-12 Section F of the Zoning Bylaws that the Board will grant the Special Permit so applicant can build the farmers porch according to the dimensions requested in the application with the front setback being no less than 18'.

Mark Wickstrom, Chair  
Stephen O'Connell, Vice Chair  
Bruce Desilets, Member  
Joseph Alves, Associate Member  
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## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

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Seconded by Mr. Alves. The motion carried 3-0-0.

**5. FY15-18: 680 Douglas St., Ron Parsons, represented by Jason Malo for Advanced Auto, Inc.** Applicant is seeking a Special Permit to transfer their Class II used car dealer license from current location on 616A Douglas St to their new location on **680 Douglas St., Uxbridge, MA**. Property is as shown on the Town of Uxbridge Assessor's Map 27, Parcel 3255, and described in a deed recorded at the Worcester Registry of Deeds Book 46080, Page 290, and is in an Industrial Zone.

The Applicant submitted the following testimony and evidence:

1. History of the business & properties; 8 years at the previous location at 616A Douglas St. Property on 618 Douglas St. was previously being used by American Class Restoration. That business was half body work and half mechanical; Current users are consolidating their business and will keep the body work half. Advanced Auto will be using the other half previously used for mechanical repair. Essentially the use will stay the same.
2. No current plans to have cars stored there. 10 car lot previously available and will remain the same.
3. Will be seeking a permit to relocate digital scrolling message board sign to new location. Digital portion of sign is approximately 4' x 8' and the entire sign structure is approximately 6' x 8'. There is a temporary sign there now and the digital sign will be in the same location after a sign permit is granted.
4. Advanced Auto, Inc. will also be going before the Board of Selectmen for transfer of the Class II license.
5. Business will be the same as the current business.

There were no abutters present.

The Board discussed the applicant's request to see if it met the Special Permit criteria under Section B. Business would have no negative impact on social, economic, or community needs. Traffic flow and safety would not be negatively impacted. Parking and loading would not be impacted as it is a similar type of business as the previous user; Applicant is only seeking a 10 car permit. Neighborhood character and social structures would not be negatively impacted as it is in an Industrial zone with an industrial type use. No impact on the natural environment. The potential fiscal impact, employment, will be positive.

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

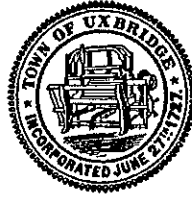
**MOTION I:** Mr. Bentley made a motion that the Board GRANT the SPECIAL PERMIT for FY15-18 to transfer the Class II used car dealer license from current location on 616A Douglas St. to their new location on 680 Douglas Street under 400-50, the Special Permit Criteria having been met, with the condition that the applicant's (digital) sign to be moved from the present location not be lit between the hours of 10:00 pm to 6:00 am and be located in the general position of the current business sign on the property.

Seconded by Mr. Alves, the motion carried 3-0-0

## II. NEW BUSINESS

## III. MINUTES/MAIL/INVOICES: 03/11/15 Workshop Meeting Minutes 05/06/15 Meeting Minutes;

Mark Wickstrom, Chair  
Stephen O'Connell, Vice Chair  
Bruce Desilets, Member  
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**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

**MEETING MINUTES: WEDNESDAY, JUNE 3, 2015**

03-11-15 Workshop Meeting Minutes: not voted on due to lack of quorum of the same members that were present at the original workshop meeting.

**MOTION I:** motion to approve the meeting minutes of 05/06/15 as written made by Mr. Bentley. Motion was seconded Mr. Alves. Motion carried 3-0-0.

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

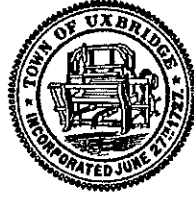
**V. ADJOURNMENT: NEXT ZBA MEETING: WEDNESDAY, July 1, 2015.**

At approximately 8:15 pm, Mr. Bentley made a motion to adjourn the meeting. Motion was seconded by Mr. Alves. Motion carried 3-0-0.

Respectfully submitted,

Lynn Marchand  
Land Use Administrative Assistant

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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**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

**MEETING MINUTES: WEDNESDAY, JUNE 3, 2015**

**SIGNATURE PAGE**

Mark Wickstrom, Chair

Absent

Stephen O'Connell, Vice Chair

Absent

Bruce Desilets, Member

12-7-15

Date

Joseph Alves, Associate Member

Thomas Bentley, Associate Member

Remote Participation

Joseph Frisk, Associate Member