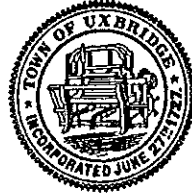


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Stephen O'Connell, Vice Chair  
Bruce Desilets, Member  
Joseph Alves, Associate Member  
Thomas Bentley, Associate Member  
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**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

JUL 29 '15 AM 10:15

**MEETING MINUTES: WEDNESDAY, JULY 1, 2015**

Minutes of the Uxbridge Zoning Board of Appeals regularly scheduled meeting on **Wednesday July 1, 2015** in the **Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

**Present:** Chairman Mark Wickstrom, Vice Chair Stephen O'Connell, Member Bruce Desilets and Administrative Assistant Lynn Marchand

**Absent:** Alternate Members Thomas Bentley, Joseph Alves, 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.

**I. PUBLIC HEARINGS**

**1. FY15-19: 619 West St., Henry J. Lane, Lane & Hamer, PC representing applicant, Joseph LaFrance;** Owner of the property is listed as The Stanphyl Road Irrevocable Trust. Applicant is seeking a **Variance/Special Permit** to allow additional upland area to be added to the pre-existing non-conforming lot. Property is located on **619 West Street** as shown on the Town of Uxbridge Assessor's Map 37, Parcel 852, and described in a deed recorded at the Worcester Registry of Deeds Book 38891, Page 177. Property is located in an Agricultural Zone.

Chair opened the Public Hearing. Attorney Lane, representing the applicant, gave a history of the property, acknowledged that the previous ZBA ruling had not been filed with the Worcester Registry of Deeds, and asked that the Board re-establish the non-conforming use and allow upland area to the pre-existing non-conforming lot.

During discussion, Mr. Wickstrom cited the Zoning Bylaw Section 400-12F, Abandonment or Non-Use: A nonconforming use or structure which has been abandoned or not used for a period of two (2) years shall lose its protected status and be subject to all of the provisions of these Bylaws; provided, however, that, by issuance of a special permit, the Board of Appeals may reestablish such nonconforming use or structure where such reestablishment shall not cause substantial detriment to the community.

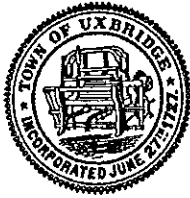
Discussion was had regarding whether a Variance or Special Permit would be required. Speaker opened the Public Hearing to comments from residents.

**Speakers/Testimony:**

Harry Vandermeer/abutter: Concerned with development of the back lot. Wanted to understand what type of development was being proposed. He had concern about further development and expansion of the existing business on Stanyphi Rd.

Chair explained that based on the previous permit, no further subdivision of the lot is allowed. Only one house could be built on the property. Chair asked Attorney Lane what the intentions were of the applicant. Attorney Lane discussed where the house would be placed and that the remaining land would be their

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### MEETING MINUTES: WEDNESDAY, JULY 1, 2015

"back yard" and that there was no intention to develop it however it could possibly be sold to neighboring property owners.

Vice Chair, Mr. O'Connell discussed granting a variance just on the 2.8 parcel of land fronting on Front Street condition upon it only being used for a single family dwelling and not for access to applicant's remaining land.

Abutter: Wanted to know what land could be used for, what would be allowed/not allowed.

Chair explained that normal residential use would be allowed. Conditions of approval would prevent non-residential type use.

Tom Murray: expressed concern about use of land around his house as a direct abutter.

Mr. O'Connell discussed where the house would go in relation to Mr. Murray.

Chair said the Board would not be adding anything that was not already granted in 2003.

Harry Vandermeer addressed the Board again and requested a more current Plan.

Chair requested that the applicant provide a clearer Plan. Attorney Lane said he would provide that information.

**MOTION I:** to continue the public hearing to July 15<sup>th</sup> at 6:00 p.m. made by Mr. O'Connell. Motion was seconded by Mr. Desilets. Motion carried 3-0-0.

**2. FY15-15: 31 Fisher St., Kelly St. Andre-Eisenhardt.** Applicant is seeking a **Special Permit/Variance** to allow a chicken coop in the backyard. Property is located on **31 Fisher Street** as shown on the Town of Uxbridge Assessor's Map 36, Parcel 617, and described in a deed recorded at the Worcester Registry of Deeds Book 19569, Page 109 and Book 44825, Pages 27 & 28. Property is located in Residential-C Zoning District.

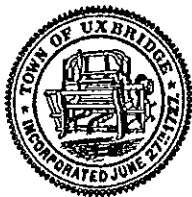
Kelly St. Andre-Eisenhart, applicant, and her husband Joe Eisenhart spoke to her petition. They stated the chicken coop has the same siding and trim as their home, it cannot be seen from the road, it is on the back portion of their property, they erected a small stockade-style fence to block the view from the neighbors that opposed the chicken coop/keeping of chickens, they do not intend to have roosters, and that they currently have 9 chickens.

Chair opened the Public Hearing for comments from residents:

Larry Bragdon & Carol Palazzi: Submitted two letters to the Board in opposition of the Special Permit/Variance. They further explained their issues with the granting of the Special Permit/Variance.

Harry Romasco: Spoke positively of the chicken coop, the Eisenharts, and the owning of the chickens.

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## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

### MEETING MINUTES: WEDNESDAY, JULY 1, 2015

**MOTION I:** to close the public hearing made by Mr. O'Connell. Motion was seconded by Mr. Desilets. Motion carried 3-0-0.

Under Section 400-12, the Board finds that the application meets the criteria for a Special Permit:

1. There is no impact on social, economic, or community needs which are served by the proposal.
2. There is no impact on traffic flow and safety including parking and loading.
3. There is no impact on utilities and public services.
4. With the conditions added, there is low impact on the neighborhood character and social structures.
5. With the conditions added, there is low impact on the natural environment.
6. There is no fiscal impact, including impact on town services, tax base, and employment.

The findings of the Board is that the proposal is not detrimental to the neighborhood. The adverse effects of the proposed use does not outweigh the benefits to the Town and neighborhood.

**MOTION I:** made by Mr. O'Connell that the Board GRANT the Special Permit to keep chickens based on the Criteria 1 thru 6 and conditioned upon the following:

1. No expansion of current coop and fenced area.
2. No other farm animals allowed for under this permit.
3. No additional coops or animal pens allowed for under this permit.
4. No roosters.
5. A maximum limit of (12) twelve chickens.
6. No mounted lights or lighting at or near the coop or pen.
7. No chickens allowed that are not owned by the property owner.
8. Owners must keep in compliance with other applicable State & Local Codes.

Motion was seconded by Mr. Desilets  
The motion carried 3-0-0.

## II. NEW BUSINESS

### 1. Board Reorganization

**MOTION I:** Mr. O'Connell nominated Mr. Wickstrom as Chairman. Motion was seconded by Mr. Desilets. Motion carried 2-0-0. Mr. Wickstrom accepted.

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**MOTION I:** Mr. Wickstrom nominated Mr. O'Connell as Vice-Chairman. Motion was seconded by Mr. Desilets. Motion carried 2-0-0. Mr. O'Connell accepted.

**MOTION I:** Mr. Wickstrom nominated Mr. Desilets as Clerk. Motion was seconded by Mr. O'Connell. Motion carried 2-0-0. Mr. Desilets accepted.

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

**MOTION I:** motion to approve the meeting minutes of 03/11/15 as written made by Mr. O'Connell. Motion was seconded Mr. Desilets. Motion carried 3-0-0.

Not enough members from the 06/03/15 meeting were present to vote on the Minutes. 06/03/15 Minutes will be voted on at a future meeting.

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

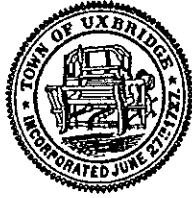
**V. ADJOURNMENT: NEXT ZBA MEETING: WEDNESDAY, July 15, 2015.**

At approximately 8:05 pm, Mr. Desilets made a motion to adjourn the meeting. Motion was seconded by Mr. O'Connell. 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

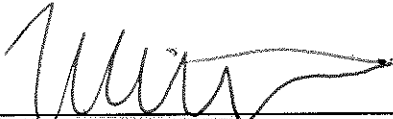


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**SIGNATURE PAGE**

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

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

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

7-29-15  
\_\_\_\_\_  
Date

Absent  
\_\_\_\_\_  
Joseph Alves, Associate Member

Absent  
\_\_\_\_\_  
Thomas Bentley, Associate Member

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