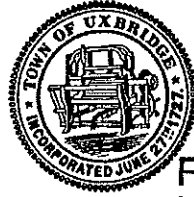


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ORIGINAL

TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS

OCT 8 '15 AM 8:29

MEETING MINUTES: WEDNESDAY, SEPTEMBER 2, 2015

Minutes of the Uxbridge Zoning Board of Appeals regularly scheduled meeting on **Wednesday September 2, 2015** in the **Board of Selectmen Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

**Present:** Chairman Mark Wickstrom, Vice Chair Stephen O'Connell, Alternate Members Thomas Bentley & Joseph Frisk; Administrative Assistant Lynn Marchand

**Absent:** Clerk Bruce Desilets and Alternate Member Joseph Alves

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.

Chair stated Member, Joseph Frisk, would be participating via remote access due to geographical distance. The Chair noted that a physical quorum was also met and stated that all votes must be by roll call vote.

**I. PUBLIC HEARINGS**

**1. Continued from August 5, 2015. FY16-01: 50 Depot Street, Thomas Garefalakis for Trade Auto Brokers.** Applicant is seeing a **Special Permit** for a Class II dealer license on **50 Depot Street**. License to sell second hand used autos; Business will have 8-car parking and consist of a free standing building with 2 offices and 1 bathroom. Property is shown on the Town of Uxbridge Assessor's Map 25 Parcel 1095, and described in a deed recorded at the Worcester Registry of Deeds Book 50228 Page 121 and is located in an Industrial Zone.

**Testimony & Evidence:** Copy of lease agreement between owner and applicant was submitted to the Board. Site visits were conducted individually by Chair Mark Wickstrom, Alternate Member Thomas Bentley, and Alternate Member Joseph Frisk. Letter from DPW.

Chair, describing the area as very industrial, commented on the location, parking, and that grating and removal of bramble/bushes would be done and that the parking area would be leveled with crushed stone. He stated there was ample room for 8-car parking. The Board members concurred with the Chair's statement that the proposed use was appropriate for that particular piece of land.

DPW letter stated the only concern was the sewer easement that runs through the property.

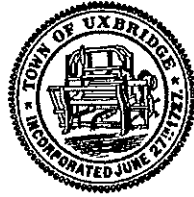
**Abutters:** No abutters were present.

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

Chair stated it was an appropriate use of the lot.

During deliberations, under **Section 400-50**, the Board found that the proposed application met the criteria for a Special Permit:

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Stephen O'Connell, Vice Chair  
Bruce Desilets, Member  
Joseph Alves, Associate Member  
Thomas Bentley, Associate Member  
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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. There is no impact on the neighborhood character and social structures as it is an existing building.
5. There is no impact on the natural environment.
6. There is fiscal impact, including impact on town services, tax base, and employment, is positive.

**MOTION II: Mr. Bentley made a motion that the Board GRANT the Special Permit for a Class II dealer license at 50 Depot Street with a limit of eight (8) cars for sale on the lot in addition to the cars of the employees and visitors. Board has reviewed the criteria of the Zoning Bylaws under Section 400-50 and found that they have been met. Special Permit is further conditioned upon the licensing authority of the Board of Selectmen with hours to be set by the Board of Selectmen and further that the use of the Class II dealer license does not inhibit the current sewer easement on or near the property.**

**Motion was seconded by Mr. Frisk.**

**The motion carried by roll call vote 3-0-0; Mr. Frisk-aye. Mr. Bentley-aye. Mr. Wickstrom-aye**

Mr. Frisk left the meeting.

**2. FY16-03: 98 South Main Street, Jenee LaChappelle.** Applicant is seeking a **SPECIAL PERMIT/VARIANCE** to build a deck to expand on their preexisting non-conforming house. Property is shown on the Town of Uxbridge Assessor's Map 025 Parcel 2641, and described in a deed recorded at the Worcester Registry of Deeds Book 46373 Page 33 and is located in Residential-B zone.

Applicant stated they installed a sliding glass door and wanted to build a deck, described as approximately 8' high with steps.

Board confirmed dimension of current property. The lot and building pre-exist zoning. There have been no lot reconfigurations. Chair stated the proposed plans show minimal setback encroachment.

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

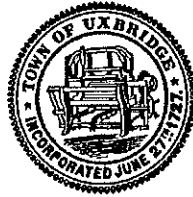
During deliberations, the Board found that the proposal is not detrimental to the neighborhood.

**MOTION II: made by Mr. O'Connell that the Board GRANT the SPECIAL PERMIT for FY16-03, 98 South Main Street, Jenee LaChappelle with a finding that the proposed deck will be 9.6 feet to the northerly boundary line and 22.9 feet to the southerly boundary line and a finding that a granting of the Special Permit is not detrimental to the neighborhood.**

Motion was seconded by Mr. Bentley. Motion carried 3-0-0

**2. FY 16-04: 74 Hartford Ave. East, John W. Audet.** Owner is seeking a **VARIANCE/SPECIAL PERMIT** to build a marketable house on the property which lacks the size and dimensions to comply with Zoning regulations. Property is shown on the Town of Uxbridge Assessor's Map 12.A Parcel 2119, and described

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in a deed recorded at the Worcester Registry of Deeds Book 52575 Page 387 and is located in Residential-A zone.

The owner, Mr. John Audet, gave a brief history of the property stating it had been vacant and in disrepair for 25+ years. The deed dates back to 1867. The property was described as a single family lot serviced by Town water, sewer, and gas. The house has asphalt siding and is across from the Blanchard School.

He also stated the builder, Anthony Petrillo, would be purchasing the property if the Special Permit was granted. The current house and three existing outbuildings would be razed and replaced with a new single family, 3-bedroom house utilizing the existing driveway and will try to preserve existing stone wall.

One abutter was present. She expressed concern with the closeness of the proposed house and its effect on property value as well as her personal privacy. It was stated that a new structure would add more value to the lot and the neighborhood. Discussion was had regarding the privacy issue and possible solutions such as plantings and screening. It was stated that the proposed new house would be 21 feet further away from the abutter's lot line. The Chair and vice-chair encouraged future dialogue regarding the privacy issue solutions. Builder is willing to cooperate in preserving the abutter's privacy interest.

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

During deliberations, the Board found that the proposal will be not more detrimental to the neighborhood.

**MOTION II: made by Mr. O'Connell that the Board ISSUE the SPECIAL PERMIT for the reconstruction of a preexisting, non-conforming residential structure at 74 Hartford Ave East. For the applicant, John Audet, application FY16-04 pursuant to Section 400-12 Paragraph-E of the Uxbridge Zoning Bylaws and MGL 40 A Section 6 with a finding that the construction of the single family residential home will not be more detrimental to the neighborhood.**

**Motion was seconded by Mr. Bentley. Motion carried 3-0-0.**

#### II. NEW BUSINESS

1. Correction of Scrivener's Error on FY13-10 Decision.  
\*5 minute recess called to sign and notarize the correction

#### III. MINUTES/MAIL/INVOICES:

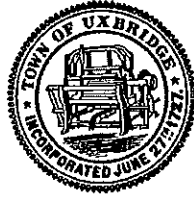
06/03/15 Meeting Minutes –Passed over due to lack of quorum of original voting members present at the June 3, 2015 ZBA meeting.

07/15/15 Meeting Minutes

**MOTION I:** motion to approve the meeting minutes of 07/15/15 as written made by Mr. O'Connell. Motion was seconded Mr. Wickstrom. Motion carried 2-0-1.

08/05/15 Meeting Minutes

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**MOTION I:** motion to approve the meeting minutes of 08/5/15 as written made by Mr. Bentley. Motion was seconded Mr. Wickstrom. Motion carried 2-0-0.

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

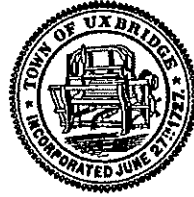
**V. ADJOURNMENT: NEXT ZBA MEETING: WEDNESDAY, October 7, 2015.**

At approximately 7:40 pm, Mr. Bentley 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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**TOWN OF UXBRIDGE  
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**MEETING MINUTES: WEDNESDAY, SEPTEMBER 2, 2015**

**SIGNATURE PAGE**

Mark Wickstrom, Chair

Absent

Joseph Alves, Associate Member

Stephen O'Connell, Vice Chair

Thomas Bentley, Associate Member

Absent

Absent

Bruce Desilets, Member

Joseph Frisk, Associate Member

Oct. 7, 2015

Date