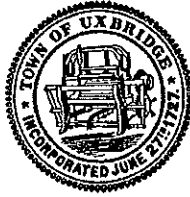


Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Joseph Alves, Alternate Member
Thomas Bentley, Alternate Member
Joseph Frisk, Alernate Member



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TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS

MEETING MINUTES: WEDNESDAY, OCTOBER 7, 2015

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0Minutes of the Uxbridge Zoning Board of Appeals regularly scheduled meeting on **Wednesday October 7, 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, and Alternate Member Thomas Bentley; Administrative Assistant Lynn Marchand

Absent: Alternate Member Joseph Alves, and Alternate Member Joseph Frisk

It being approximately 6:10 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. FY16-05: 31 South Main St., Owner: Nancy E. Healy and 37 South Main St., Owner: Town of Uxbridge-c/o Town Manager/David Genereux. Applicant: Town of Uxbridge/Fire Dept. Applicant is seeking a **VARIANCE** for relief against the front and rear set back requirements in order to construct a new Fire Station and (24) twenty-four municipal parking spaces. Property located at 31 South Main Street is shown on the Town of Uxbridge Assessor's Map 25 Parcel 0941 and described in a deed recorded at the Worcester Registry of Deeds Book 32190 Page 37. Property located at 37 South Main Street is shown on the Town of Uxbridge Assessor's Map 25 Parcel 0947 and described in a deed recorded at the Worcester Registry of Deeds Books 643 & 448 Pages 41 & 42 respectively. Properties are located in a Business zone.

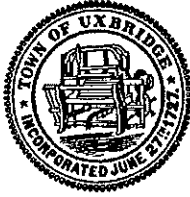
Testimony & Evidence: Jeff Shaw of Doham & Sweeney Architects articulated the history and details of the proposed project to replace the existing Fire Station with a new 5-bay fire station. Building will be located on the site of the former post office/new consignment store. The municipal parking lot on the corner of Park St. and N. Main St. will be moved adjacent to the Town Hall.

Mr. Shaw stated that the Fire Department did an exhaustive review of available sites that met their criteria for emergency response within the Town; this site was the best, preferred site but did present challenges due to the tight area.

Mr. Shaw also stated the size of the building was driven by the public safety needs of the department: the number and size of bays in relation to apparatus as well as firefighters' living quarters and administrative area in relation to personnel. The building is located on the site in the most advantageous spot that would allow firefighter response from the station at both the front and rear apparatus bay doors. The building is situated in a position to give the fire trucks enough maneuvering ability out both the front and back doors.

The proposed building would have two floors. Mr. Shaw reviewed the rooms as shown on the submitted site plan. He reiterated the request for the front and rear setbacks which are intended to be 30' per the zoning requirements. The building footprint would be limited to about 1/3 less than it currently occupies. He requested to be allowed to encroach that setback so as to maintain a 3' 3" setback in the front yard and a 10'2" setback at the narrowest point in the rear yard. He explained that because of the geometry of the building, it does open up and become more than 10' as the building travels along the rear yard setback.

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Q&A between Board and Mr. Shaw/Chief Kessler:

Q: Disadvantages to turning the fire station so it fits in the lot?

A: Dept. would no longer be able to respond from both doors which was a public safety concern.

Q: Will there be site work to the lot to make it level?

A: Yes. Ramp into the parking lot will be removed, existing retaining wall on left hand side on Park St. will be extended back to the property line and new landscape and paving will be added to that location.

Q: Topography doesn't lend itself to turning the building?

A: No, anything on the site would be costly.

Q: Access doors on both sides; is that to pull in one way and exit out the other or for two trucks to enter and exist out both sides?

A: Back in both sides and pull out both sides. Would allow two trucks to respond.

Q: Ladder size?

A: 42'. Ladder truck will have to pull through. Chief Kessler explained that they would no longer have to move apparatus around.

Q: Apparatus increase in the future?

A: Chief stated they may see a reduction. One engine is due to be replaced in 2020. Possibly they could combine the rescue truck and engine to a rescue pumper thus reducing the rolling stock. Stated current fire station plan in conjunction with the south end station would provide adequate space and provide better response time.

Q: Is the parking designated for staff adequate?

A: Chief stated the parking shown on the front left is adequate for the staff of today. The staff parking on the right is set up for 2 or 3 deep. Adequate for daytime response. If nights and weekends required call-in staff, the municipal parking would be adequate and available for overflow.

Q: Advantages of this site vs other sites looked at?

A: Chief Kessler said it was a combination of location of incidences both medical and fire and response time; 4 minutes for medical and 6 minutes for fire in conjunction with south end station. Also factored in was the location of on-call night staff. Ladder truck will be housed closer to where the majority of the calls come from. (Currently it is located in the south station). This will increase response time to this area as well as to neighboring towns.

Q: Would an increase in the variance requested be beneficial?

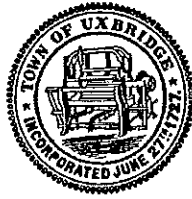
A: Mr. Shaw stated they had vetted the project and he was very comfortable with where it stands.

Q: Any indication from the Building Inspector or your own experience that the retaining wall will require a variance due to its height?

A: Mr. Shaw stated he had no indication that it would require an additional variance.

Abutters: No abutters were present.

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Deliberations: Mr. Wickstrom stated the Board had heard evidence of the hardship caused if the proposed building were not situated on the lot this way. It is beneficial to the Town given the central location of the station and that it does not derogate from the public good or the intent of the Zoning Bylaws.

Mr. O'Connell read into record the criteria standard for granting a variance based on MGL40A:

"Owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and specifically affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the bylaw would involve substantial hardship, financial or otherwise and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purposes of such bylaw. In order to grant a variance the ZBA must find that the reason for granting the variance must be the soil, shape, or topography of the land and that the condition results in a hardship; financial or otherwise."

Mr. Wickstrom noted the combination of shape and topography of the area; building could not be turned to fit the lot any better because of the hardship of providing a function of the two bay exits.

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

MOTION II: Mr. O'Connell made a motion that the Board **GRANT the VARIANCE** for application FY16-05, 31 South Main St/Owner Nancy Healy and 37 South Main St/Owner Town of Uxbridge/Applicant Town of Uxbridge Fire Department for a dimensional variance down to 3'3" and 10' 2" on the front and rear setbacks respectively with a finding that due to the shape and topography of the land, [the denial of the variance] would create a hardship for the optimal function of the building. Keeping in mind the intent of the bylaw, and the benefit to the town, that there is no derogation from the zoning bylaw and no detriment to the public good, and that this location in addition to the building size and orientation is intended to provide the maximum benefit to the public, the granting of the variance would not nullify or substantially derogate from the intent and purpose of the Uxbridge Zoning Bylaws.

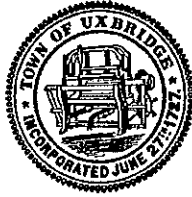
Motion was seconded by Mr. Bentley.
The motion carried 3-0-0.

2. FY16-06: 424 Mendon St., Owner/SAJO Realty Trust, Applicant/Kevin Horne. Applicant is seeking a **SPECIAL PERMIT** to run a farm stand on the property. Property is shown on the Town of Uxbridge Assessor's Map 14 Parcel 4215 and described in a deed recorded at the Worcester Registry of Deeds Book 52534 Page 250 and is located in Residential-C zone.

Testimony & Evidence: Mr. Horne stated the farm stand will be run from the parking lot. He will be selling mostly seasonal items such as Christmas trees, pumpkins, shrubs, flowers, etc. No additional buildings will be needed. May use temporary structures such as shade structures and tables. There are 100 parking spots available. Not anticipating using anywhere near that amount.

Discussion was had with the Board. Applicant stated the stand will be set back at least 40'. Lot is just under 9 acres. Will be buying wholesale and selling retail. The only use of the existing building will be bathroom

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use for staff. No plans for residential use of the building. A percentage of the profits will be donated to the PTO or charitable organization. Will utilize existing sign. Will utilize or upgrade existing lighting.

Abutter comments:

Mark Andrews: cited concern regarding any possible storage of fertilizers as it is close to river.

Wendy Palmer: expressed positive support of project as the building had been vacant for some time

Mr. Horne stated landscaping/gardening items may be sold and if fertilizer etc were to be sold, it would be in bags not piles, not stored in the building.

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, under **Section 400-50**, the Board found that the proposed application met 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. 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. Wickstrom made a motion that the Board **APPROVE** the **SPECIAL PERMIT** for FY16-06 for the applicant to run a farm stand on the property. The proposal meets the criteria set forth in Uxbridge Zoning Bylaws Section 400-50 in that the social, economic, and community needs are served by the proposal, that traffic flow and safety, including parking and loading, have been evaluated and are met by the proposal. There are adequate utilities and public serves at the property for the proposed use. Neighborhood character and social structures are not impacted by the proposal. Given the explanation produced by the applicant, there is no impact on the natural environment. The potential fiscal impact including employment would be positive. The beneficial impacts of bringing a new business in town and neighborhood would be positive given the currently vacant building.

Condition 1: Special Permit is conditioned on usage of existing sign only;

Condition 2: Special Permit does not allow for the bulk storage of open-piled materials.

Condition 3: This Decision does not address any other use of the property including any residential use.

Motion was seconded by Mr. O'Connell.

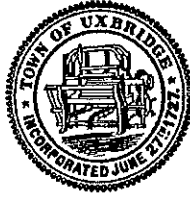
The motion carried 3-0-0.

II. NEW BUSINESS

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.

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**TOWN OF UXBRIDGE
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09/02/15 Meeting Minutes

MOTION I: to approve the meeting minutes of 09/02/15 as written made by Mr. Bentley.
Motion was seconded by Mr. O'Connell.
Motion carried 3-0-0.

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

1. FY13-05, 201 River Road: Passed Over.

2. Mr. Desilets will be resigning from the ZBA. Chair and Board expressed their gratitude and appreciation for his service. They asked that the Town Manager be made aware of the vacancy.

V. ADJOURNMENT: NEXT ZBA MEETING: WEDNESDAY, November 4, 2015

At approximately 7:00 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

SIGNATURE PAGE

Mark Wickstrom, Chair

Stephen O'Connell, Vice Chair

Absent

Joseph Frisk, Associate Member

Absent

Joseph Alves, Associate Member

Thomas Bentley, Associate Member

November 4, 2015

Date