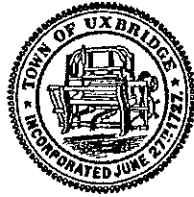


Wickstrom, Chair  
en O'Connell, Vice Chair  
Desilets, Alternate Member  
Thomas Bentley, Alternate Member  
Joseph Frisk, Alternate Member



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**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

Received by  
Uxbridge  
Town Clerk

**MEETING MINUTES: WEDNESDAY, JUNE 1, 2016**

Minutes of the Uxbridge Zoning Board of Appeals meeting on **Wednesday June 1, 2016** in the **Lower Town Hall, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

**Present:** Chairman Mark Wickstrom, Vice Chair Stephen O'Connell, Alternate Member Bruce Desilets, Alternate Member Joseph Frisk, and Alternate Member Tom Bentley; Administrative Assistant Lynn Marchand

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, Mr. Wickstrom, who led the Pledge of Allegiance. The Chair stated he and Mr. O'Connell would be recused for the second public hearing and that Mr. Frisk would be participating remotely, due to geographic distance, and that all votes after that would need to be taken by roll call vote.

**Mr. O'Connell made a motion to take an agenda item, item number 1 under "other business" out of order. Motion was seconded by Mr. Desilets. Motion carried 3-0-0.**

**I. PUBLIC HEARINGS**

*Continued from May 12, 2016*

**1. FY16-11: 399 Hartford Ave East/Owner, Doug Beland.** Applicant is seeking a **SPECIAL PERMIT/VARIANCE** in order to change the use from garage car repair to a landscaping contractor's yard and keeping/storing of equipment on the property. Property is shown on the Town of Uxbridge Assessor's Map 7 Parcel 2967 and described in a deed recorded at the Worcester Registry of Deeds Book 54615 Page 76 and is located in Residential C zone.

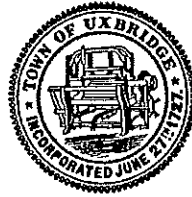
Voting members of the Board for FY16-11, 399 Hartford Ave East: Mr. Wickstrom, Mr. O'Connell, and Mr. Bentley

The Chairman reviewed the meeting dates: April 6<sup>th</sup>, May 4<sup>th</sup>, May 12<sup>th</sup>, and today, June 1<sup>st</sup>. Mr. O'Connell's read his notes from the site visit into record which were documented in the site visit meeting Minutes of 5/12/16. Details of conditions were reviewed with the applicant. The abutter from 411 Hartford Ave E, spoke with the Board, regarding the conditions discussed during the site visit.

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

**MOTION II:** Mr. Wickstrom made a motion that the Board approve a Special Permit for 399 Hartford Avenue East for the change of a preexisting use of a garage car repair to a contractor's yard and the keeping/storing of equipment on the property, that the authority for granting the SP falls under the UZBL Section 400-12 Section B and Section F and that the use is allowed and not more substantially detrimental to the neighborhood and the uses allowed shall not cause substantial detriment to the community only however with the following conditions.

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



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## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: WEDNESDAY, JUNE 1, 2016

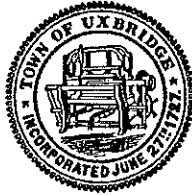
### CONDITIONS

1. Applicant must plant and maintain 6 foot Arborvitae along the northeast property line along with 4 to 6 foot additional plantings to the existing line.
2. Applicant must install fencing along the northeast property line from the end of the hedge towards E. Hartford Avenue to a length of approximately 60 feet.
3. Applicant must maintain a site line easement in front of the existing barn and between the barn and E. Hartford Avenue so property neighbor has clear site to the west.
4. Applicant must maintain a "no idling zone" east of the barn and along eastern border of the property.
5. Commercial vehicles (limited to 12) must be parked in the area as depicted on Exhibit A.
6. Storage of seasonal equipment must be stored along the northeastern border of the property.
7. Noise levels should be reasonable to the extent possible given the allowed use herein with additional consideration to Sundays.
8. No storage of bulk material beyond 20 yards within a 72 hour period is allowed.
9. No disposal of debris or refuse is allowed on the property.
10. The residential structure shall continue to be allowed as a two family dwelling unit.
11. Any change in use or occupancy shall trigger a review by the Zoning Enforcement Officer to ensure continued zoning compliance.
12. See Exhibit A attached hereto and made a part hereof.
13. Within 60 days of the date of this decision, the applicant shall record this Special Permit at the Worcester County District Registry of Deeds and provide evidence thereof to the Planning Board. Failure to do so shall render this special permit null and void.

The Motion was seconded by Mr. O'Connell.  
The motion carried 3-0-0.

**2. FY16-13: 950 Millville Road/Owners, Edward L. Thiebault and Deborah A. Thiebault and 0 Millville Road/Owner Edward L. Thiebault.** Applicants are seeking a **SPECIAL PERMIT** pursuant to **Section 400-12** so that their son, **Joshua E. Thiebault**, may continue the non-conforming use that the owners began circa 1989, consisting of processing and selling firewood, which Joshua took over circa 2012. Property is shown on the Town of Uxbridge Assessor's Map 46 Parcels 2133 & 1395 and described in a deed recorded at the Worcester Registry of Deeds Books 12060 & 52741 Pages 88 & 305 and is located in Residential-C zone.

Mark Wickstrom, Chair  
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## **TOWN OF UXBRIDGE ZONING BOARD OF APPEALS**

### **MEETING MINUTES: WEDNESDAY, JUNE 1, 2016**

Voting members of the Board present at all of the continued public hearings: Mr. Bentley, Mr. Desilets, and Mr. Frisk who participated remotely. Mr. Wickstrom and Mr. O'Connell recused themselves.

Mr. Bentley, acting Chair, read the application information into the record. Attorney Knapik, representing the applicant, discussed the history of the property, consisting of approximately 3.5 acres, and the historical and current uses, processing firewood. Two affidavits were submitted from abutters supporting the use. Mr. Frisk asked if the purchase of additional land in 2014, increased the use of the property. Attorney Knapik stated it didn't increase or change the nature of the use. Mr. Bentley asked if the intensity/volume increased. Attorney Knapik stated that the volume had fluctuated; from 300-500 chords to as low as 40-50 chords through the years and the current level is approximately 300-350 chords.

Mr. Bentley opened the hearing to public comment.

Abutters stated the use had been seasonal and smaller than it currently is, with less traffic, less noise and trees buffered the property. They said the activity is ongoing 7 days a week, there is intense noise, odors and dust, and visually abutters are impacted with the lack of buffering. Concern was expressed for fire safety and well water safety due to seepage from fuel leaks/spills and debris.

The applicant also addressed the Board to discuss the land's use and its history. He addressed some of the abutter's complaints. The Chair stated that in 1989, the applicant should have asked if the activity was appropriate for the property. The applicant stated he spoke to the Building Inspector in the 80's and was told that since it was agricultural land, the use would be grandfathered as farms often had sawmills on the property.

Mr. Frisk asked if the majority of the cutting was from trees cut from the property or brought in. The applicant stated it was mostly from trees brought in.

The Board stated that a site visit would be needed.

MOTION I: to continue the public hearing FY16-13 to the next monthly meeting.

Motion was seconded by Mr. Bentley.

Motion carried by roll call vote 3-0-0. Mr. Frisk -aye. Mr. Bentley -aye. Mr. Desilets -aye.

Mr. Bentley stated that the site visit would be posted as a meeting.

### **II. NEW BUSINESS**

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

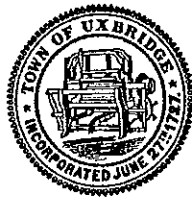
04/06/16 Meeting Minutes -passed over

05/04/16 Meeting Minutes -passed over

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

1. 02/24/16 Planning Board Memo regarding footnote #4 of the Table of Dimensional Requirements

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



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Mr. Smith of the Uxbridge Planning Board discussed the 02/24/16 Planning Board (PB) Memo regarding striking footnote #4 of the Table of Dimensional Requirements. He stated the Board had discussed it and found it restrictive and discriminatory that only in the agricultural zone are you required to have 300' of frontage on two roads on a corner lot. He stated the Planning Board was seeking a favorable recommendation from the ZBA and would then bring it to the Board of Selectmen to be put forth on the Fall Town Warrant.

**MOTION I:** to support the article as explained by the Planning Board, made by Mr. Desilets. Motion was seconded by Mr. O'Connell. Motion carried by roll call vote 5-0-0. Mr. Desilets –aye. Mr. O'Connell –aye. Mr. Bentley –aye. Mr. Frisk –aye. Mr. Wickstrom –aye.

Mr. Wickstrom asked that a memo be drafted to the Planning Board informing them of the ZBA's vote.

**V. ADJOURNMENT: NEXT ZBA MEETING: WEDNESDAY, JULY 6, 2016 IN UXBRIDGE TOWN HALL**

At approximately 7:28 pm, Mr. Frisk made a motion to adjourn the meeting.  
Motion was seconded by Mr. Desilets. Motion carried 3-0-0.

Respectfully submitted,

Lynn Marchand  
Land Use Administrative Assistant

**SIGNATURE PAGE**

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

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Joseph Alves, Associate Member

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Stephen O'Connell, Vice Chair

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

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

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Bruce Desilets, Associate Member

\_\_\_\_\_  
Date

9.21-16