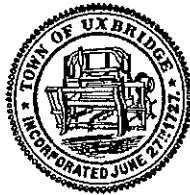


Mark Wickstrom, Chair
 Bruce Desilets, Member
 Kevin Harn, Member
 Chris Currie, Alternate Member
 Joseph Frisk, Alternate Member
 Joseph Alves, Alternate Member



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**TOWN OF UXBRIDGE
 ZONING BOARD OF APPEALS**

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MEETING MINUTES: WEDNESDAY, JANUARY 4TH, 2017

Minutes of the Uxbridge Zoning Board of Appeals meeting on **Wednesday January 4th, 2017** in the **Board of Selectmen Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

Present: Chair, Mark Wickstrom, Members Bruce Desilets and Kevin Harn; Clerk, Christopher Currie; Also present, Administrative Assistant Melissa Shelley

Absent: Joseph Frisk, 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.

I. PUBLIC HEARINGS

- 1. FY17-10: 124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St., Special Permit and Determination/Special Permit Application.** The Applicant of record are Cumberland Farms, Inc. and the owners of record, **Richard & Edward Riley, Lori & Scott Brady, Blackstone Realty, LLC, & Blackstone Realty, LLC.** The Special Permit request is for permission to allow the operation of a gasoline filling station in a Business Zone. The Determination/Special Permit portion is to allow the alteration or change to a pre-existing nonconforming sign support structure by constructing a new double pole sign and relocating it to a less nonconforming location. The properties are shown on the Town of Uxbridge Assessor's Map 304, Parcels 2966, 2967, 2964, & 2958. The titles to said land are recorded in the Worcester District Registry of Deeds Books 34960, 41846, 18685, & 20548 Pages 391, 394, 305, & 195; Properties are located in a Business zone.

Discussion: The ZBA received a written request on December 22, 2016 from the applicant to continue the public hearing for the above referenced project to the next regular scheduled public hearing of the Uxbridge ZBA.

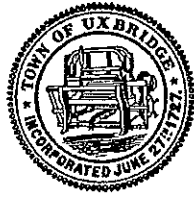
(voting members Kevin Harn, Bruce Desilets and Chris Currie)

MOTION: Mr. Desilets moved to accept the applicant's request to continue Public Hearing FY17-10 Special Permit and Determination/Special Permit Application. Seconded by Mr. Harn, the motion passed 3-0-0.

- 2. FY17-11: 22 West River Road, Special Permit.** The Applicant of record is **Christine Byron** and the owners of record, **James E. Jr and Christine R. Byron.** The Special Permit request is for permission to build a garage addition to the existing structure that will create a new non-conformity to the side yard setback. The property is shown on the Town of Uxbridge Assessor's Map 19, Parcel 1686. The title to said land is recorded in the Worcester District Registry of Deeds Books 18956 page 151. The property is located in a Residential B Zone.

Discussion: Byron Andrews, on behalf of the applicant, reviewed the project details and explained the location was chosen primarily due to the topography and size of the lot. The rear of the house was not a good option because there is only a small yard before a sharp drop off and placing it there would have a negative impact to the property. No abutters were present to speak to the project.

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The Board deliberated and determined that the garage would not be detrimental to the look of the neighborhood. Additional factors considered were the sloping back yard, the need to house the cars indoors during the winter, and position of the house on the lot.

(Voting members Mark Wickstrom, Kevin Harn, and Bruce Desilets)

MOTION I: Mr. Desilets moved to close public hearing FY-11 22 West River Road. Seconded by Mr. Harn, the motion passed 3-0-0.

MOTION II: Mr. Harn moved to grant the Special Permit request to build the proposed 24' x 24' garage on the location identified on the ZBA plan dated 11/14/16 submitted by Andrew's Survey and Engineering and the Board finds no detriment to the neighborhood and the distance from the proposed garage to the southern side setback may be 7.7 ft. Seconded by Mr. Desilets, the motion passed 3-0-0.

- FY17-12: 46 Capron Street, Special Permit.** The Applicant of record is **Peter Frabotta, III** and the owner of record, **Frabotta Family Irrevocable Trust of 2005**. The Special Permit request is for permission to rent the property for office or business use. The property is shown on the Town of Uxbridge Assessor's Map 19, Parcel 2588. The title to said land is recorded in the Worcester District Registry of Deeds Books 38243 page 386. The property is located in a Residential A Zone.

Discussion: Mr. Frabotta provided a brief history and explained his plans for the property. He did not yet have specifics as to the *use* because he was awaiting ZBA approval prior to advertising the property. Mr. Frabotta indicated there would not be anyone residing at the property. The Board reviewed the table of use regulations for Residential A Zone and the criteria to issue a special permit. Mr. Wickstrom explained that in accordance with the bylaws the Board has to make certain findings to ensure the use is appropriate to the neighborhood and without details it would be difficult to make that finding. The board offered a recommendation that Mr. Frabotta request a continuance to be able identify a tenant and provide more details regarding the use of the property such as the type of business, number of people they anticipate, what type of signage, operating hours, traffic, etc.

Three abutters spoke and all expressed concern that property would no longer be used as a residence and the potential affect this may have on the character of the community.

(Voting members Mark Wickstrom, Kevin Harn, and Bruce Desilets)

MOTION I: Mr. Wickstrom moved to continue public hearing FY-12 46 Capron St. Seconded by Mr. Desilets, the motion passed 3-0-0.

FY17-13: 4 Elizabeth St. The Applicant of record is **Steve Leger**, and the owner of record, **Gerald and Rebecca Morganelli**. The owner/applicant is seeking a VARIANCE to reduce the front setback from 29' to 21' for the purpose of building a covered porch. The property is shown on the Town of Uxbridge Assessor's Map 19, Parcel 4733. The title to said land is recorded in the Worcester District Registry of Deeds Books 28678 page 99. The property is located in a Residential A Zone.

Discussion: Steve Legere, on behalf of the applicant, reviewed the plans to construct a farmer's porch

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extending 8 feet from the front of the house to provide protection and increase the visual appeal of the house. This would require a variance of 9' to the front setback for the property. No abutters were present to speak to the project. The members had a few questions regarding the location of the lot, the driveway and power easements which Mr. Legere was able to clarify.

During deliberations the Board determined the topography of the lot, given the location of the power easements, limits where a house can be placed and that the front porch enhances the look of the house and is not detrimental to the neighborhood. They agreed it would be a detriment to the petitioner if they didn't grant the variance.

(Voting Members: Mr. Wickstrom, Mr. Harn and Mr. Desilets)

MOTION I: Mr. Harn moved to close public hearing for FY17-13 4 Elizabeth Street. Seconded by Mr. Desilets, the motion passed 3-0-0.

MOTION II: Mr. Wickstrom moved that the ZBA grant a Variance as requested to allow the petitioner to build a farmer's porch as shown on the Variance Plan by New England Land Survey dated 12/5/16 and that the board specifically find that without the granting of the variance the petitioner would suffer a hardship due to the topography of the lot and the location of a power easement and that the granting of the variance will not derogate from the public good or the Uxbridge Zoning Bylaws. Mr. Desilets seconded and the motion passed 3-0-0.

- 4. FY17-14: 40 Evans Way** the Applicant of record is **Steve O'Connell**, and the owners of record are **Steve and Laura O'Connell**. The owner/applicant is seeking a **VARIANCE** to reduce the front setback of 70' to 41' for the of construction of a detached garage. The property is shown on the Town of Uxbridge Assessor's Map 17, Parcel 3026. The title to said land is recorded in the Worcester District Registry of Deeds Books 31771 page 108. The property is located in a Residential C Zone.

Discussion: Steve O'Connell, the owner/applicant, reviewed the plan and explained the location was chosen due to the following factors: access from existing driveway and the current septic placement. Additionally, it was noted that the shape of the lot due to the configuration of the cul-de-sac makes for limited frontage. Mr. O'Connell stated he spoke with his neighbors and most abutters and received no objections. No abutters were present to speak at the meeting.

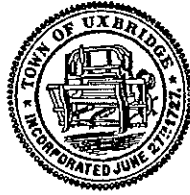
The Board deliberated and determined this location is the only option and that the applicant has proven hardship. Additionally, members noted the proposed location would meet zoning requirements if the cul-de-sac curve was excluded and measured from Evans Way. The board agreed the topography and the shape of the lot cause the hardship. The board reviewed the variance criteria.

**Voting members were Mr. Wickstrom, Mr. Harn, and Mr. Desilets*

MOTION I: Mr. Desilets moved to close public hearing FY-14 40 Evans Way. Seconded by Mr. Harn, the motion passed 3-0-0.

MOTION II: Mr. Wickstrom moved with regard to FY17-14 that the Zoning Board find that the applicant has shown a hardship due to the shape and topography of the lot and that without

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relief from the zoning bylaws a hardship would be suffered. They also find there is no detriment to the public good and that the granting of the variance will not derogate from the zoning bylaws of the Town of Uxbridge. Mr. Wickstrom further moved that the proposed 25x36 garage be allowed to be constructed as shown on the plans dated 12/12/16 submitted by Andrew's Engineering and Survey, 41 feet from Evans Way and 15 feet from the sideline. Seconded by Mr. Desilets, the motion passed 3-0-0.

II. NEW BUSINESS

III. MINUTES/MAIL/INVOICES

1. 12/7/16 Meeting Minutes Review

MOTION: I Chris Currie make a motion to approve the meeting minutes from the 12/5 Zoning Board of Appeals meeting as written. Seconded by Mr. Harn.

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

1. Reorganization and review the application packet, rules and regulations at the next meeting of the ZBA February 1, 2017.

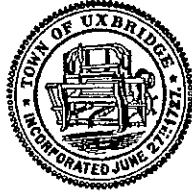
V. ADJOURNMENT: NEXT ZBA MEETING: WEDNESDAY, February 1, 2016 IN UXBRIDGE TOWN HALL Board of Selectman's Room at 6:00pm.

MOTION I: to adjourn the meeting made by Mr. Desilets. Seconded by Mr. Currie, the motion passed 3-0-0.

Respectfully submitted,

Melissa Shelley
Land Use Administrative Assistant

Mark Wickstrom, Chair
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Joseph Alves, Alternate Member



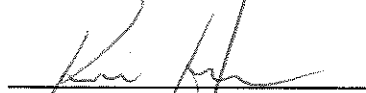
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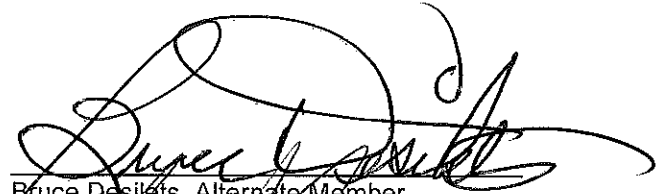
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Mark Wickstrom, Chairman



Kevin Harn, Alternate Member

Joe Frisk, Alternate Member



Bruce Desilets, Alternate Member



Christopher Currie, Alternate Member

Joe Alves, Alternate Member

2-1-17

Date