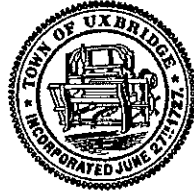


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 Bruce Desilets, Member
 Kevin Harn, Member
 Chris Currie, Alternate Member
 Joseph Frisk, Alternate Member
 Joseph Alves, Alternate Member



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**TOWN OF UXBRIDGE
 ZONING BOARD OF APPEALS**

Received by
 Uxbridge
 Town Clerk

MEETING MINUTES: WEDNESDAY, APRIL 5TH, 2017

Minutes of the Uxbridge Zoning Board of Appeals meeting on **April 5, 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: Alternate Members 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

Continued public hearing; Mr. Wickstrom is recused

- 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, & 95; Properties are located in a Business zone.

Discussion: Due to lack of quorum the public hearing will be continued.

MOTION: Mr. Currie moved to continue Public Hearing FY17-10, North Main and Hazel, to April 19, 2017, 6:00pm. Mr. Harn seconded and the motion passed 2-0-0.

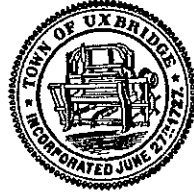
Continued public hearing; Mr. Currie is recused

- FY17-16: 175 South Street, Richardson-North Corporation/Elias Richardson III, Owner/Applicant** represented by Henry J. Lane. Applicant is **APPEALING** from a decision of the building inspector/zoning enforcing officer dated January 10, 2017, determining that the principal use of the property at 175 South Street is a commercial soils operation. The applicant also appeals from the determination that the trailer on the premises is an unpermitted construction trailer. Property is shown on the Town of Uxbridge Assessor's Map 55 Parcels 2255, and described in a deed recorded at the Worcester Registry of Deeds Book 14191 Page 319. The property is located in an Agricultural Zone.

Discussion: Due to lack of quorum the public hearing will be continued.

MOTION: Mr. Harn moved to continue Public Hearing FY17-16, 175 South St., to April 19, 2017, 6:00pm. Mr. Wickstrom seconded and the motion passed 2-0-0.

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Continued public hearing

3. **FY17-18: 217 River Road, Steve Bevilacqua Owner, Jarad Hatch Applicant/Representative.**

Applicant is seeking a **SPECIAL PERMIT** to locate his business, a contractor's yard, in an industrial zone. Property is shown on the Town of Uxbridge Assessor's Map 45 Parcels 4066, and described in a deed recorded at the Worcester Registry of Deeds Book 51014 Page 1. The property is located in an Industrial Zone.

Discussion: Atty. Joseph M. Antonellis presented the project on behalf of the property owner SB River Road, LLC and applicant/lessee Jared Hatch. Mr. Antonellis explained Mr. Hatch's business is an asphalt and snow removal management company and this location will be used to store equipment and as a central spot and office for employees. Specifically, employees arrive, clock in, receive assignments and return at the end of the day. The business is seasonal, April through December being the busy time and approximately 30 employees. Employees access the property via Megan Court. They have approximately 20 trucks that are cleaned and maintained off site. The site was previously used for a similar operation.

No abutters were present to speak to the application.

Deliberations: The board considered the following criteria outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws:

1. Social, economic or community needs
2. Traffic flow and safety, including parking, and loading
3. Adequacy of utilities and other public services
4. Neighborhood character and social structures
5. Impacts on natural environment
6. Potential fiscal impact including impact on town services, tax base and employment

The Board found there is a positive impact on the social, economic and fiscal impacts on the town. They also found there to be no negative impact to traffic, utilities, the environment or the neighborhood character.

MOTION Mr. Currie moved to close public hearing FY17-18 217 River Road. Mr. Harn seconded and the motion passed 3-0-0.

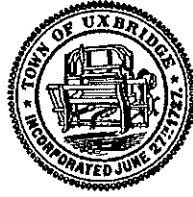
MOTION II: Mr. Wickstrom moved to approve the Special Permit for FY17-18 217 River Road to SB River Road, LLC & Jared Hatch and that the requested Contractors Yard be allowed with the condition that there is no external storage of bulk material shall be done on the property. Furthermore the board find that the application met the criteria to be considered under Section 400-50b of the Zoning Bylaws.

Continued public hearing; Mr. Currie is recused

4. **FY17-19: 775 Millville Road, Immanuel Corporation/Lawrence P. McCarthy owner applicant.**

Applicant is **APPEALING** the decisions of Uxbridge's Building Inspector/Zoning Enforcement contained in his letters dated January 9, 2017 and February 1, 2017. Property is shown on the Town of Uxbridge

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Assessor's Map 46 Parcels 2079, and described in a deed recorded at the Worcester Registry of Deeds Book 21529 Page 249. The property is located in a Residential C Zone.

Discussion: Due to lack of quorum the public hearing will be continued.

MOTION: Mr. Harn moved to continue Public Hearing FY17-16, 175 South St., to April 19, 2017, 6:00pm. Mr. Wickstrom seconded and the motion passed 2-0-0.

- 5. FY17-21: 175 South Street, Richardson-North Corporation/Elias Richardson III, Owner/Applicant** represented by Henry J. Lane. Applicant is **APPEALING** a cease and desist order issued by the building inspector/zoning enforcement officer dated February 1, and amended on February 6, 2017. The order is based on a prior determination that the principal use of the property at 175 South Street is a commercial soils operation.

Discussion: Due to lack of quorum the public hearing will be continued.

MOTION: Mr. Harn moved to continue Public Hearing FY17-16, 175 South St., to April 19, 2017, 6:00pm. Mr. Wickstrom seconded and the motion passed 2-0-0.

- 6. FY17-17: 16 Hazel Street, Timothy Bonci, Owner/Applicant.** The applicant is **APPEALING** the Zoning Enforcement Officer's determination in letters dated January 10, 2017 and February 14, 2017 that the addition of a shed and keeping of 3 alpacas on the property are in violation of the Uxbridge General and Zoning Bylaws.

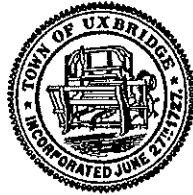
Discussion: Mr. Bonci formally requested waiver for fees remaining after the public hearing cost of approximately \$200. Town regulations state this may be requested under unusual circumstances. The Bonci's believe the complaint arose because they were involved in community organizing against a local development project and the complaints were incited for political reasons.

Mr. Bonci explained the reasons for his appeal as follows; (i) the shed is a 6' x 12' portable unit on bricks and is not a structure per Zoning bylaw 400-4 and Article X: definition, of a "structure" (ii) the three alpaca's are family pets and are not involved in any course of business or commercial activity, or raising or breeding, nor have they been since coming to the property and residing with the family and therefore do not constitute agricultural use as defined in MGL Chapter 61A Section 1.

Mr. Bonci described how the alpacas are penned and maintained. The largest alpaca is about 100lbs, no more than 4' tall, and they are up to date on all vaccinations. The animals' refuse is either donated to local gardens and orchards or composted (using BOH recommended equipment). The Bonci's contacted the Board of Health and obtained the necessary permit for their shelter which was finalized in the fall.

The family that initiated the complaint spoke and explained to the board that the complaints were made due to the odor and the potential environmental impact. A number of abutters also in support of the Bonci's stating they never noticed any odor or had any issues with the animals.

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The Board had questions regarding the structure and wanted clarification from the zoning enforcement officer who couldn't attend the meeting.

MOTION: Mr. Harn moved to continue public hearing Public Hearing FY17-17 16 Hazel Street to the April 19, 2017 ZBA Meeting. Mr. Currie seconded and the motion passed 3-0-0.

7. **FY17-22: 619 Quaker Highway** the applicant of record is, **Kevin Powers** and the owner of record is **Blackstone Company, Inc.** The applicant is seeking a **SPECIAL PERMIT** pursuant to Section 400-13 (A) for a Contractors Yard, as defined in Article 10 of the Uxbridge Zoning Bylaws, on the subject property. The property shall be occupied by the applicant as their primary place of business. The business consist of the wholesale of asphalt maintenance products and the bulk distribution of propane gas to customers throughout New England. The applicant is currently operates a business from space he rents at 160 Ironstone Road.

Discussion: Mr. Powers explained he is seeking the special permit to relocate his business, 4 Aces, Inc., to a new location and his plans are to have a new building constructed on the property. 4 Aces, Inc., is a company that sells asphalt maintenance products such as seal coating, sand, crack fillers, and equipment to contractors in the asphalt and seal coating business. Another part of the business is the bulk distribution of propane gas. Mr. Powers explained all the business takes place inside where there is a show room, storage area and offices. The business is seasonal and at most, he has approximately 30 customers in a day. He confirmed there is no storage of bulk materials outside. Mr. Powers currently has a class II dealers permit for 25 cars and plans to apply for the same permit for the Quaker Highway address. No abutters were present to speak to the application.

The board considered the following criteria outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws:

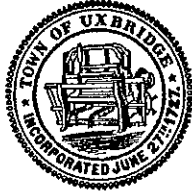
1. Social, economic or community needs
2. Traffic flow and safety, including parking, and loading
3. Adequacy of utilities and other public services
4. Neighborhood character and social structures
5. Impacts on natural environment
6. Potential fiscal impact including impact on town services, tax base and employment

The Board found the project would provide positive social, economic and fiscal impacts on the town. The Board also found there to be no negative impact to traffic, utilities, the environment or the neighborhood character by allowing Mr. Power's business to be located at this property.

MOTION: Mr. Currie moved to close public hearing FY17-22 for 619 Quaker Highway. Mr. Harn seconded and the motion passed 3-0-0.

MOTION II: Mr Wickstrom oved to approve a Special Permit for a contractor's yard at 619 Quaker Highway with the condition that bulk material is not stored outside and is contained if it has to be warehoused outside of the building. The applicant may have up to 25 vehicles with a valid Class II dealer's license. Mr. Currie seconded and the motion passed 3-0-0.

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II. NEW BUSINESS

III. MINUTES/MAIL/INVOICES

1. 3/1/17 Meeting Minutes Review

**MOTION: Mr. Wickstrom moved to approve the Minutes from the 3/1/17 ZBA meeting as written.
Mr. Harn seconded and the motion passed. 2-0-0.**

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

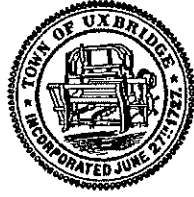
V. ADJOURNMENT: NEXT ZBA MEETING, WEDNESDAY, MAY 3, 2017

**MOTION: Mr. Currie moved to adjourn the April 5th, 2017 meeting of the ZBA. Mr. Harn seconded
and the motion passed.**

Respectfully submitted,

Melissa Shelley
Land Use Administrative Assistant

Mark Wickstrom, Chair
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SIGNATURE PAGE

Mark Wickstrom, Chairman

Kevin Harn, Member

ABSENT

Joe Frisk, Alternate Member

Bruce Desilets, Member

Christopher Currie, Alternate Member

ABSENT

Joe Alves, Alternate Member

May 3, 2017
Date