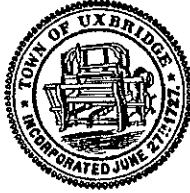


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Mark Wickstrom, Chair  
Bruce Desilets, Member  
Kevin Harn, Member  
Chris Currie, Alternate Member  
Joseph Frisk, Alternate Member  
Joseph Alves, Alternate Member



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**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

Received by  
Uxbridge  
Town Clerk

**MEETING MINUTES: WEDNESDAY, MAY 3<sup>RD</sup>, 2017**

Minutes of the Uxbridge Zoning Board of Appeals meeting on **Wednesday May 3rd, 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:**

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. FY17-23: 855 Aldrich Street.** The Owners/Applicants of record, **James and Amy Revell**, are seeking a **SPECIAL PERMIT** pursuant to Section 400-12 in order to continue the pre-existing non-conforming use. The applicant is also **APPEALING** the Building Inspector's decision dated March 7, 2017 on the grounds that the use at 855 Aldrich Street is a pre-existing non-conforming use. The property is shown on the Town of Uxbridge Assessor's Map 47, Parcel 4664. The title to said land is recorded in the Worcester District Registry of Deeds Books 37821 page 97. The property is located in an **Agricultural Zone**.

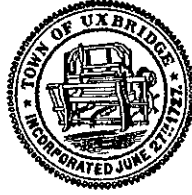
**DISCUSSION:** The applicants are represented by W. Robert Knapik, Esq. Attorney Knapik explained that the Revells purchased their home in 2005 and soon thereafter Mr. Revell began to operate his tree clearing business from the property. He also stated the he has used his property for the storage of trucks and equipment and the temporary storage of logs, a byproduct of the business. The building inspector issued a Notice of Trespass because the Revells were using a portion of the adjacent Town owned land to store equipment and logs. During a magistrate hearing the Revells agreed and intend to remove all equipment from the property on or before May 17 and the logs on or before May 27th. They also complied with the request to procure and provide evidence of liability insurance in response to the town's concern.

The Revell's property alone is not sufficient to operate their business due to the layout of the land and the size lot. They are actively seeking a suitable location to store the bulk of equipment and logs. Current bylaws do not allow for a lumber operation in a Agricultural zone but may have only become prohibited after the 2008 codification of the bylaws. Attorney Knapik is asking the ZBA to determine to what extent is relief or permission is even needed for the Revells to park a vehicle or two at the property for use in their business.

Mr. Wickstrom recommended continuing the hearing to allow for to analysis of the pre-2008 regulations to determine whether it was an allowed use in 2005. He also requested the applicant inform Mr. Lench when all the equipment and logs are removed and provide the Board with additional details regarding what will be kept at their property (number of vehicles and where they will be parked).

Abutter, Tom Bellacqua, 860 Aldrich, did not have any concerns and said the Revells operate a quiet, well maintained business and spoke highly of their character. Another abutter, Susan Blair, 1214 Hathaway Lane, also spoke highly of the Revells but expressed concerns with use of Town land and the potential removal of trees.

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## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

### MEETING MINUTES: WEDNESDAY, MAY 3<sup>RD</sup>, 2017

**MOTION:** Mr. Wickstrom made a **MOTION** to continue the Public Hearing to the June 7<sup>th</sup> meeting of the ZBA. **MOTION SECONDED** by Mr. Desilets carried unanimously by VOTE (3-0-0).

2. **FY17-24: 282 Hartford Avenue East.** The Owners/Applicants of record, **Joseph and Alissa Young**, are seeking a **VARIANCE** to reduce the front setback by 15 feet to construct a non-detached garage on the existing nonconforming lot. The property is shown on the Town of Uxbridge Assessor's Map 7, Parcel 4364. The title to said land is recorded in the Worcester District Registry of Deeds Books 33088 page 21. The property is located in a **Residential A Zone**.

**Discussion:** Mr. Young, the homeowner, attended the meeting and described his project to construct a 30' x 36' detached three-car garage on his property. He explained this was the only location it could be placed due to the irregular triangular shape of his lot. The septic system is located behind the house. The Uxbridge Building Inspector informed the Board he reviewed the property, did not see any detriment to the neighborhood and he thought it was a worthwhile project. There were no abutters for this case.

The Board considered whether there was a hardship caused by any of the following criteria based on M.G.L. section 40§ A: (a) The soil of the land; (b) The shape of the land; and (c) The topography of the land.

The Board found that due to the irregular shape of the property and the location of the septic system a hardship is thereby created. During deliberations, the Board agreed that the variance criteria is met and the owner would not be able to add a garage without the variance. The Board also found that the addition of a garage adds value to the property and would not derogate from the intent of the Uxbridge Zoning Bylaws.

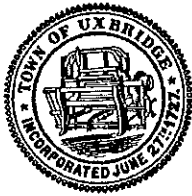
**MOTION I:** Mr. Desilets made a **MOTION** to close Public Hearing FY 17-24 282 Hartford Avenue East. **MOTION SECONDED** by Mr. Harn passed unanimously by VOTE (3-0-0).

**MOTION II:** Mr. Wickstrom made a **MOTION** that the Board **APPROVE** the applicant's request for a **15' Front Setback VARIANCE** from the required 65' Front Setback to enable the construction of a detached garage. The Board found the variance is warranted and there is a hardship due to the irregular shape of the property and the granting of said Variance was not more detrimental to the neighborhood nor does it derogate from the intent or purpose of the by-law. **MOTION SECONDED** by Mr. Desilets passed unanimously by VOTE (3-0-0).

The **VARIANCE** is granted with the **CONDITION** that that the garage is used for vehicles and storage and not residential occupancy.

3. **FY17-25: 126 & 128 Ironstone Street / 64 Balm of Life Spring Road.** The Owner of record is **C & D Land Trust, LLC, Trustee of NTS Realty Trust**, and the Applicant is **Da' Baker Realty, LLC**. The applicant is seeking a **SPECIAL PERMIT** to change a non-conforming use to a contractor's yard pursuant to Section 400-12 B. The property is shown on the Town of Uxbridge Assessor's Maps 50/51,

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## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

### MEETING MINUTES: WEDNESDAY, MAY 3<sup>RD</sup>, 2017

Parcels 827, 835/147. The title to said land is recorded in the Worcester District Registry of Deeds Book 48293 page 266. The property is located in a **Business Zone**.

**DISCUSSION:** The Applicant was represented by Joseph M. Antonellis, Esq. of Milford, MA. Attorney Antonellis explained that the applicant is the Real Estate Ownership Company affiliated with Lanzetta Excavating, LLC. He also stated that (i) Lanzetta Excavating, LLC is a local construction company operating from locations in Milford and Hopedale, (ii) Lanzetta Excavating, LLC is seeking to consolidate its office and operational components to one location, and (iii) Lanzetta Excavating, LLC intends to use the site as an office and "contractor's yard".

Presently, the site is used as an active transportation and trucking terminal. The present use is a preexisting nonconforming use. The site presently services multiple tandem trailers and provides the present owner with a facility to store, repair and fuel trucks and tandem trailers. There are approximately 30 trucks serviced at the site.

Attorney Antonellis informed the Board that the applicant intends to use the site to store its construction equipment such as end loaders, backhoes, excavators and trucks. He also informed the Board the applicant expects to store construction related supplies such as a precast concrete structures, pipe, and staging material; that there will not be any outdoor nighttime activity at the site and that all equipment repairs will take place inside the building.

As depicted in photographs of the site, there is an above ground fuel tank. The applicant testified that he does not intend to use the tank, and will agree to remove the tank from the site.

Several abutters attended and had questions about the proposed use for the site, such as hours of operation, impact on local traffic, number of employees and lighting. Mr. Desilets planned to visit the site the following day.

**MOTION:** Mr. made a **MOTION to continue FY17-25 126 & 148 Ironstone St. / 64 Balm of Life Spring Rd. until a site inspection is complete. MOTION SECONDED by Mr. and the motion carried unanimously by VOTE (3-0-0).**

### III. NEW BUSINESS

### IV. MINUTES/MAIL/INVOICES

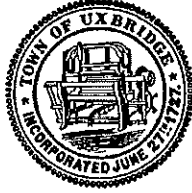
- 4/5/17 Meeting Minutes  
Mr. Wickstrom made a MOTION to approve the April 5, 2017 meeting minutes as amended. Mr. Harn seconded and the motion passed by VOTE (3-0-0)
- Review FY 2018 Meeting Schedule
- Mr. Alves informed the Board that he would not be returning as an Alternate Member for FY 2018.

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

### VI. ADJOURNMENT: NEXT REGULARLY SCHEDULED ZBA MEETING, WEDNESDAY, JUNE 7, 2017

**MOTION I:** Mr. Desilets made a MOTION to Adjourn the meeting MOTION SECONDED by Mr. Harn passed unanimously by VOTE (3-0-0).

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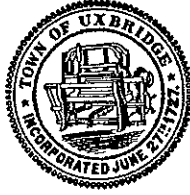
**TOWN OF UXBRIDGE  
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**MEETING MINUTES: WEDNESDAY, MAY 3<sup>RD</sup>, 2017**

Respectfully submitted,

Melissa Shelley  
Land Use Administrative Assistant

Mark Wickstrom, Chair  
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Kevin Harn, Member  
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Joseph Frisk, Alternate Member



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**MEETING MINUTES: WEDNESDAY, MAY 3<sup>RD</sup>, 2017**

**SIGNATURE PAGE**

Mark Wickstrom, Chairman

Kevin Harn, Alternate Member

Joe Frisk, Alternate Member

Bruce Desilets, Alternate Member

Christopher Currie, Alternate Member

June 7, 2017  
Date