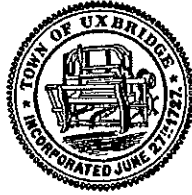


JAN 8 10 30 AM '17

Rob Knapik, Member  
John Gniadek, Member  
Joseph Frisk, Alternate Member



Uxbridge Town Hall  
21 South Main Street, Room 205  
Uxbridge, MA 01569  
508-278-8600 x2013 p  
508-278-0709 f

**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

Received by  
Uxbridge  
Town Clerk

**MEETING MINUTES: Wednesday, December 6, 2017**

**Present:** Rob Knapik, John Gniadek, Joe Frisk (participated remotely) and Administrative Assistant Melissa Shelley

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. CALL TO ORDER**

- Mr. Knapik explained that Joe Frisk will be participating remotely due to geographic distance and that all votes will be by roll call vote.
- Mr. Knapik welcomed new member John Gniadek to the ZBA.

**II. PUBLIC HEARINGS**

1. **FY18-02: 16 Hazel Street, Timothy Bonci, Owner/Applicant**, is seeking a **SPECIAL PERMIT** for an agricultural use, the keeping of three alpacas, on a lot fewer than five acres. Property is shown on the Town of Uxbridge Assessor's Map 18 Parcel 2984 and described in a deed recorded at the Worcester Registry of Deeds Book 53693 Page 157 and is located in a **Residential A Zone**.

**Discussion:** Mr. Knapik opened the public hearing and explained the Uxbridge Zoning Bylaw Table of Uses provides that the landowner may use their property for an agricultural use with less than five acres only upon receiving a SP to do so from the ZBA. He also mentioned the criteria for issuing a special permit is outlined in the bylaw Section 400-50 (B) pg 62.

Mr. Bonci, the homeowner, explained his family keeps 3 alpacas as family pets and provided the following details: (i) they live in the back yard use a portable shed/barn type unit for shelter that meets all Building and Board of Health requirements (ii) at this time, the animals are not used for any course of business (iii) their waste is picked up daily and kept in sealed containers until it is taken off site – typically donated to the Uxbridge Community Gardens (iv) children in the neighborhood enjoy visiting the animals.

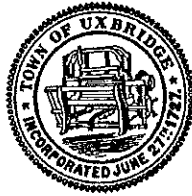
Mr. Knapik provided a brief procedural background of the case that involved a notice from the Building Inspector, an appeal to the ZBA and ensuing litigation. Mr. Bonci stated that this petition is a way to come to agreeable terms with the ligation and allow it to dissolve.

Larry Lench, Building Inspector, stated that he has received no new complaints, the animals appear to be well maintained and the shed meets all local zoning requirements. There was a brief discussion about possible conditions of limiting the number of animals and maintaining their waste and Mr. Bonci was agreeable. Mr. Frisk inquired about the property, Mr. Bonci explained where the barn is located, and that the area is fenced in. No members of the public spoke at the hearing.

**Motion:**

Mr. Frisk made a **MOTION** to close Public Hearing FY 18-02 for 16 Hazel Street. **MOTION SECONDED** by Mr. Gniadek passed unanimously by roll call vote of 3-0-0 (John Gniadek – aye, Rob Knapik – aye, Joe Frisk – aye).

Rob Knapik, Member  
John Gniadek, Member  
Joseph Frisk, Alternate Member



Uxbridge Town Hall  
21 South Main Street, Room 205  
Uxbridge, MA 01569  
508-278-8600 x2013 p  
508-278-0709 f

## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

### MEETING MINUTES: Wednesday, December 6, 2017

**Deliberations:** The Board members discussed potential conditions of limiting the alpacas to the three (3) that are there now and that they not be used for commercial use, as this would open a new set of parameters to consider. Another condition considered was that the applicant continue to properly handle and remove waste from the property in accordance with any applicable regulations.

The Board addressed the criteria outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws and made the following findings:

1. social, economic, or community needs which are served by the proposal – *no impact*
2. traffic flow and safety, including parking and loading – *no impact*
3. adequacy of utilities and other public services – *no need for additional services*
4. neighborhood character and social structures – *allowed use and can be conditioned to ensure no negative impact*
5. impacts on the natural environment – *no impact as long as waste is properly handled and removed*
6. potential fiscal impact, including impact on town services, tax base and employment – *no impact*

**Motion:**

Mr. Frisk made a **MOTION** that the Zoning Board of Appeals to **APPROVE** the **SPECIAL PERMIT** request regarding FY18-02 for **16 Hazel Street** to allow agricultural use for the purposes of keeping three alpacas on the lot of five acres with the following conditions:

1. Limited to the number of three alpacas of existing noncommercial use; otherwise will need to return to the board for special permit revision considerations
2. Maintain compliance with any department of health restrictions or guidance

**MOTION SECONDED** by Mr. Gniadek passed unanimously by roll call vote of 3-0-0 (John Gniadek – aye, Rob Knapik – aye, Joe Frisk – aye).

2. **FY18-03: 616 Douglas Street, Wayne Marchand, Applicant**, is seeking a **SPECIAL PERMIT** in order to obtain a Class II Auto Dealer License to conduct the sales of used Class 7 and Class 8 vehicles. Property is shown on the Town of Uxbridge Assessor's Map **28** Parcel **1724** and described in a deed recorded at the Worcester Registry of Deeds Book **52325** Page **127** and is located in an **Industrial Zone**.

**Discussion:** Mr. Knapik opened the public hearing and invited the applicant to speak. Mr. Marchand, the applicant, stated he currently leases the property for his truck repair business and would like have the ability to sell some trucks also. There would be approximately 1-5 vehicles on the property at one time located up the hill on the paved parking lot. He explained that Classes are determined by Gross Vehicle Weight (GVW) Class 7 = 26,001–33,000 pounds and Class 8 = 33,001+. Mr. Marchand said his hours of operation are typically 8-5 during the week with occasional Saturday hours.

The Board discussed following possible conditions with the applicant to which he was amenable: (i) limiting the number of vehicles to five (5) and (ii) defining the hours of operation. Board members also considered lighting and screening conditions but did not feel they would be necessary in this location for this business.

Rob Knapik, Member  
John Gniadek, Member  
Joseph Frisk, Alternate Member



Uxbridge Town Hall  
21 South Main Street, Room 205  
Uxbridge, MA 01569  
508-278-8600 x2013 p  
508-278-0709 f

## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

### MEETING MINUTES: Wednesday, December 6, 2017

Larry Lench, the Building Inspector, suggested another potential condition of no outside storage of parts or materials. Mr. Marchand noted that almost everything is always stored inside – occasionally there may be a plow kept outdoors. No other members of the public attended the meeting to comment.

#### **Motion:**

Mr. Frisk made a **MOTION** to close Public Hearing FY 18-03 for 616 Douglas Street. **MOTION SECONDED** by Mr. Gniadek passed unanimously by roll call vote of 3-0-0 (John Gniadek – aye, Rob Knapik – aye, Joe Frisk – aye).

**Deliberations:** The Board discussed the criteria outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws as they relate to the proposal and made the following findings:

1. social, economic, or community needs which are served by the proposal – *no impact*
2. traffic flow and safety, including parking and loading – *no negative impact; the location is well suited for the business due to the proximity to Route 146*
3. adequacy of utilities and other public services – *no need for additional services*
4. neighborhood character and social structures – *located in an industrial zone business fits the area; no residences near by*
5. impacts on the natural environment – *no impact*
6. potential fiscal impact, including impact on town services, tax base and employment – *positive impact to the tax base*

#### **Motion:**

Mr. Frisk made a **MOTION** that the Zoning Board of Appeals to **APPROVE** the **SPECIAL PERMIT** request for FY18-03, 616 Douglas Street, for the use of no more than five(5) class 7 or 8 vehicles for the purposes of sales under the class II auto dealer operation license. **MOTION SECONDED** by Mr. Gniadek passed unanimously by roll call vote of 3-0-0 (John Gniadek – aye, Rob Knapik – aye, Joe Frisk – aye).

### III. MINUTES/MAIL/INVOICES

- **Review 10/4/17 Meeting Minutes**

- Mr. **Frisk** moved to approve the October 4, 2017 Meeting Minutes of the ZBA as written. **Mr. Knapik** seconded and the motion passed by vote of 2-0-1. (Rob Knapik – aye, Joe Frisk – aye).

- **Review FY17 ZBA Annual Report**

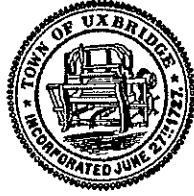
- The members reviewed the draft report and approved it as written to be submitted to the Town Manger's office to be included in the Town Annual Report.

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

### V. ADJOURNMENT: NEXT ZBA MEETING, WEDNESDAY, January 3, 2018

- **Mr. Knapik** moved to adjourn the December 6, 2017 meeting of the ZBA. **Mr. Gniadek** seconded and the motion passed by vote of 3-0-0. (Rob Knapik – aye, Joe Frisk – aye, John Gniadek - aye).

Rob Knapik, Member  
John Gniadek, Member  
Joseph Frisk, Alternate Member



Uxbridge Town Hall  
21 South Main Street, Room 205  
Uxbridge, MA 01569  
508-278-8600 x2013 p  
508-278-0709 f

**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

**MEETING MINUTES: Wednesday, December 6, 2017**

**SIGNATURES:**

Rob Knapik, Member

John Gniadek, Member

\_\_\_\_\_  
Joe Frisk, Alternate Member

January 3, 2018  
Date