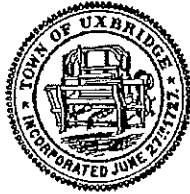


REC'D UMB TOWN CLERK  
2021 OCT 20 AM 9:37

Rob Knapik, Member  
John Gniadek, Member  
Mark Kaferlein, Member  
Thomas McNulty, Associate Member  
Jim Blackburn, Associate Member



Uxbridge Town Hall  
21 South Main Street, Room 205  
Uxbridge, MA 01569  
508-278-8600 x2019 p

## **Zoning Board of Appeals DECISION**

ZBA Case #: FY22-03

Zone: **Industrial B Zoning District**

Applicant: **Emile Giguere and Scott Vargas**

Property Address: **20 Megan Court**

Assessor's Reference Map: **45** Parcel: **155**

Worcester Registry of Deeds Book: **55788** Page: **155**

Decision Date: **October 6, 2021**

**VOTING MEMBERS:** Rob Knapik, John Gniadek, Thomas McNulty

### **SUBMITTALS:**

- Complete Zoning Board of Appeals Application and Fee
- Property Deed
- Certified Abutters List

### **REQUEST:**

The owners of **20 Megan Court**, Emile Giguere and Scott Vargas, are seeking **SPECIAL PERMIT** in order to obtain a Class II Auto Dealer License to conduct the sales of used tractor trailers at the site.

### **PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:**

A public hearing on the Application was opened & closed by the Board on October 6, 2021.

Scott Vargas, representing River's Edge Truck and Trailer Repair presented the petition to the Board.

The Property is situated on the northwest corner of Megan Court, is shown as Uxbridge Assessor's Parcel ID 045.0-4058-0000.0, and comprises approximately 2.51 acres of land. Situated on the Property is one structure that is used for the operation of a trucking company and for the repair of truck and tractor trailer type vehicles.

As presented by the Applicant, the Applicant would like to have the ability to sell the types of vehicles they repair if the opportunity arises. The Applicant anticipates selling only few per month.

According to the Application, and the Table of Use Regulations of the Uxbridge Zoning Bylaw, "Garaging and Maintaining more than 3 vehicles" is a use allowed by Special Permit in the Industrial B Zoning District. Additionally, a Special Permit granted by the Zoning Board of Appeals is also a requirement to obtain a Class II Dealer Licenses from the Uxbridge Board of Selectmen.

No members of the public spoke in favor or opposition to the proposal.

Rob Knapik, Member  
John Gniadek, Member  
Mark Kaferlein, Member  
Thomas McNulty, Associate Member  
Jim Blackburn, Associate Member



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## **Zoning Board of Appeals DECISION**

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During deliberations, Board members agreed the application, as proposed, was an appropriate use of the property. The Board found the following impacts during review of the criteria outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws:

1. Positive impact on social, economic or community needs
2. Little to no impact on traffic flow and safety, including parking, and loading due to the location and size of the business
3. The utilities and other public services are adequate
4. This business is suitable for neighborhood character and social structures and the expansion will not result in any negative impacts
5. There should be no impact on natural environment
6. The fiscal impact including impact on town services, tax base and employment appears to be a net benefit

### **MOTIONS / VOTES:**

Mr. McNulty made a **MOTION** to close the Public Hearing FY 22-03 for 20 Megan Court. **MOTION SECONDED** by Mr. Gniadek passed unanimously by roll call **VOTE** of 3-0-0 (McNulty -aye, Gniadek – aye, Knapik – aye).

Mr. McNulty made a **MOTION** that the Zoning Board of Appeals **GRANT** the **SPECIAL PERMIT** for matter FY22-03, 20 Megan Court, on a finding that the Special Permit Criteria are satisfied. The approval is subject to the following **CONDITIONS**:

1. The number of trailers permitted on the site at any given time is limited to **twenty-five (25)** including those under repair and for sale.
2. The accessway be kept open for fire protection and fire access purposes.

**MOTION SECONDED** by Mr. Gniadek passed unanimously by roll call **VOTE** of 3-0-0 (McNulty -aye, Gniadek – aye, Knapik – aye).

Rob Knapik, Member  
John Gniadek, Member  
Mark Kaferlein, Member  
Thomas McNulty, Associate Member  
Jim Blackburn, Associate Member



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## Zoning Board of Appeals DECISION

ZBA Case #: FY22-03

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### SIGNATURE PAGE

Rob Knapik, Chairman

John Gniadek, Vice Chairman

Thomas McNulty, Associate Member

Mark Kaferlein, Clerk

Jim Blackburn, Associate Member

October 6, 2021

Date

Rob Knapik, Member  
John Gniadek, Member  
Mark Kaferlein, Member  
Thomas McNulty, Associate Member  
Jim Blackburn, Associate Member



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## **Zoning Board of Appeals DECISION**

ZBA Case #: FY22-03

Zone: Industrial B Zoning District

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Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40 A, Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk.

I hereby certify that twenty (20) days has elapsed from the file date and no appeal has been filed in this office.

A true copy: ATTEST

\_\_\_\_\_  
Town Clerk, Kelly Dumas or  
Assistant Town Clerk

\_\_\_\_\_  
Date

Town Seal

**\*\*THE APPLICANT IS REMINDED OF THEIR RESPONSIBILITY TO RECORD THIS  
DECISION AT THE REGISTRY OF DEEDS PER THE CERTIFICATE OF GRANTING.  
NO PERMITS SHALL ISSUE UNTIL THE PERMIT IS RECORDED. \*\***