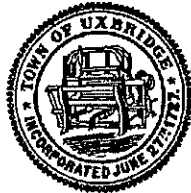


Rob Knapik, Chairman
John Gniadek, Vice Chairman
Mark Kaferlein, Clerk
Thomas McNulty, Associate Member
Jim Blackburn, Associate Member



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

Zoning Board of Appeals Decision

REC'D URB. PLAN. CLERK
2020 AUG 13 4:58 PM

ZBA Case #: FY21-03

Zone: Industrial B Zone

Applicant: Justus Kyengo, Fairlane Motors

Property Address: 504 Quaker Highway

Assessor's Reference Map: 45 Parcel: 0464

Worcester District Registry of Deeds References: Book: 53843 Page: 129

SPECIAL PERMIT GRANTED

Decision Date: August 5, 2020

BACKGROUND: 504 Quaker Highway, Justus Kyengo, Applicant, is seeking a **SPECIAL PERMIT** in order to obtain a Class II Auto Dealer License to conduct the sales of used motor vehicles.

SUBMITTALS:

- Zoning Board of Appeals Application for a Special Permit
- Property Deed
- Certified Abutter List
- Photographs of the property

VOTING MEMBERS: Robert Knapik, John Gniadek, and Thomas McNulty

PRESENTATION:

A public hearing was open and closed on August 5, 2020. The hearing was conducted via remote participation pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place due in response to the Covid-19 pandemic.

The applicant Justus Kyengo, owner of Fairlane Motors, represented himself during the public hearing. He explained he will be leasing a portion of the property to operate his used car business. He said his business is primarily conducted online and this will be a place to meet with customers and temporarily store vehicles until they are picked up. He noted goal is to sell thirty (30) cars a month but did not expect to have that many vehicles at one time on the property. Mr. Kyengo estimated the location has the capacity to hold 40 cars.

FINDINGS AND DELIBERATIONS:

This is a 1.08-acre parcel with an 8,194 square foot building containing an existing automobile repair shop and office space with restrooms. Mr. Kyengo is leasing the rear, north easterly, portion of the lot for the storage of his vehicles and space in the building for his office use. The length of the north easterly lot line is 206.15 feet.

Members and Mr. Kyengo discussed hours of operation, a reasonable limit on the number of cars on site, and a safe distance from buildings for storage of vehicles that wouldn't interfere in an emergency.

Larry Lench, Uxbridge Building Inspector, attended the meeting. He commented that this is a typical Class II application and provided recommendations for conditions. There were no comments from abutters or members of the public.

During discussions, the Chair noted the Board's authorization to issue the Special Permit is identified in the Uxbridge Zoning Bylaws, Appendix A Table of Uses, Commercial Uses. Additionally, the Uxbridge Board of Selectman require a Special Permit to acquire a Class II Dealer License in Uxbridge.

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



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

Zoning Board of Appeals Decision

ZBA Case #: FY21-03

Zone: **Industrial B Zone**

Applicant: **Justus Kyengo, Fairlane Motors**

Property Address: **504 Quaker Highway**

Assessor's Reference Map: **45** Parcel: **0464**

Worcester District Registry of Deeds References: Book: **53843** Page: **129**

Board members agreed the application, as proposed, was an appropriate use of the property and that met the following 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 because this business should have a low impact
4. This business is suitable for neighborhood character and social structures because the development in the area is similar
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

MOTION / VOTE:

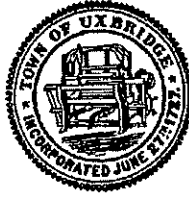
Mr. McNulty made a **MOTION** to close the Public Hearing for FY21-03 504 Quaker Street. **MOTION SECONDED** by Mr. Gniadek passed unanimously by roll call **VOTE** of 3-0-0 (Gniadek – aye, Knapik – aye, McNulty – aye).

Mr. McNulty made a **MOTION** that the Zoning Board of Appeals **GRANT** the **SPECIAL PERMIT** for garaging and maintaining more than three (3) automobiles of the passenger type in pursuit of obtaining a Class II Dealer License with the following **CONDITIONS**:

1. The number of the applicant's vehicles available for sale on the lot is limited to fifteen (15).
2. The allowed hours of operation are as follows: 8:00am – 6:00pm on Weekdays and 8:00am – 4:00 pm on weekends.
3. There is a prohibition on offering vehicle repairs to the public.
4. There is a prohibition on storing cars within twenty feet (20') of any of the buildings on the property.

MOTION SECONDED by Mr. Gniadek. **MOTION PASSED** by a unanimous roll-call vote of 2-1-0 (Gniadek – aye, Knapik – aye, McNulty – aye).

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



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

Zoning Board of Appeals Decision

ZBA Case #: FY21-03
Zone: Industrial B Zone
Applicant: Justus Kyengo, Fairlane Motors
Property Address: 504 Quaker Highway
Assessor's Reference Map: 45 Parcel: 0464
Worcester District Registry of Deeds References: Book: 53843 Page: 129

SIGNATURE PAGE 1 of 3

Rob Knapik, Chairman

John Gniadek, Vice Chairman

Mark Kaferlein, Clerk

Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

August 10, 2020
Date

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



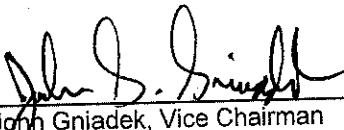
Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2013 p
508-278-0709 f

Zoning Board of Appeals Decision

ZBA Case #: FY21-03
Zone: Industrial B Zone
Applicant: **Justus Kyengo, Fairlane Motors**
Property Address: **504 Quaker Highway**
Assessor's Reference Map: **45** Parcel: **0464**
Worcester District Registry of Deeds References: Book: **53843** Page: **129**

SIGNATURE PAGE 2 of 3

Rob Knapik, Chairman

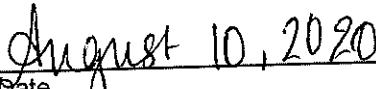


John Gniadek, Vice Chairman

Mark Kaferlein, Clerk

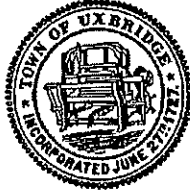
Thomas McNulty, Associate Member

Jim Blackburn, Associate Member



Date

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



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

Zoning Board of Appeals Decision

ZBA Case #: FY21-03
Zone: **Industrial B Zone**
Applicant: **Justus Kyengo, Fairlane Motors**
Property Address: **504 Quaker Highway**
Assessor's Reference Map: **45** Parcel: **0464**
Worcester District Registry of Deeds References: Book: **53843** Page: **129**

SIGNATURE PAGE 3 of 3

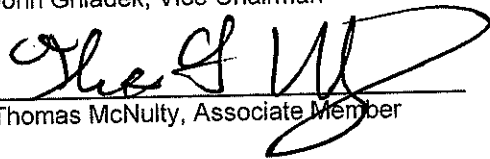
Rob Knapik, Chairman

Mark Kaferlein, Clerk

Jim Blackburn, Associate Member

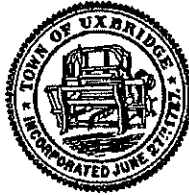
Date

John Gniadek, Vice Chairman



Thomas McNulty, Associate Member

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



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

Zoning Board of Appeals Decision

ZBA Case #: FY21-03
Zone: Industrial B Zone
Applicant: **Justus Kyengo, Fairlane Motors**
Property Address: **504 Quaker Highway**
Assessor's Reference Map: **45** Parcel: **0464**
Worcester District Registry of Deeds References: Book: **53843** Page: **129**

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. ****