

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

ZBA Case #: FY21-04

Zone: **Residential A**

Owners: **Dilipkumar and Manjri Mehta** Applicant: **Kevin Donaldson**

Property Address: **125 North Main Street**

Assessor's Reference Map: **18B** Parcel: **2965**

Worcester District Registry of Deeds References: Book: **45554** Page: **63**

### **Special Permit GRANTED with CONDITIONS**

Decision Date: **September 2, 2020**

**BACKGROUND:** Kevin Donaldson, the applicant is seeking a **SPECIAL PERMIT**, in accordance to the Uxbridge Zoning Bylaw Appendix B Table of Use Regulations, to operate an automobile cleaning and detailing business at the location.

#### **SUBMITTALS:**

- Complete Zoning Board of Appeals Application including: Property Deed, Municipal Lien Certificate, Certified Abutters List, and Application Fee
- A sketch of the interior layout of the proposed business

**VOTING MEMBERS:** John Gniadek, Mark Kaferlein and Jim Blackburn

#### **PRESENTATION/FINDINGS/DELIBERATIONS:**

A public hearing was open and closed on September 2, 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 Covid-19. Additionally, permitting timelines have been extended and outlined in Section 14 of House Bill 4598.

Kevin Donaldson, the applicant, Cory Frost, his associate and Dilip Mehta, the property owner attended the hearing. Mr. Donaldson presented the application noting he is resident of Uxbridge and has 17 years of experience in the automotive industry. He described the proposed business as specialized detailing and reconditioning of automobiles with a focus on service.

During discussion with the Board members Mr. Donaldson made the following key points:

- Any washing will take place outside in the back of the building using an electric washer.
- The amount of time it takes to wash a car is less than a household shower and there are no caustic chemicals in the detergent used to wash the cars - it is as gentle as shampoo.
- Paint correction, buffing, waxing, and interior cleaning will take place inside the building.
- The operation will be by appointment only and a lot of foot traffic is not expected at the location.
- It is a very low volume business some jobs can take 12-15 hours to complete. There should not be more than 5 cars being worked on at any given time.

Building Inspector, Larry Lench attended the hearing and requested the Board consider conditions related to on street parking. Abutter comments included a letter in support of the business from Jane Keegan, 17 Arch Street, who requested the Board consider conditions related to hours of operation, signage, and lighting since the site abuts residential property. The applicant and Board members discussed and agreed upon conditions.

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During deliberations, members of the Board applied the request to the Special Permit criteria outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws as follows:

1. Social, economic or community needs – *members agreed the proposal meets criteria: there was no opposition; benefit to have a business operating in the currently vacant building*
2. Traffic flow and safety, including parking – *members agreed the proposal meets criteria: parking appears adequate and the business should not impact traffic in the area; conditions were agreed upon to ensure on street parking is not taken up by the business*
3. Adequacy of utilities and other public services – *members agreed the proposal meets criteria: existing utilities are adequate and the new business should have no impact*
4. Neighborhood character and social structures – *members agreed the proposal meets criteria: the business will not have a negative impact on the neighborhood; abutter concerns addressed with conditions*
5. Impact on natural environment – *members agreed the proposal meets criteria: impact on the environment is negligible*
6. Fiscal impact including impact on town services, tax base and employment – *members agreed the proposal meets criteria: should be a positive fiscal impact for the town*

### MOTION / VOTE:

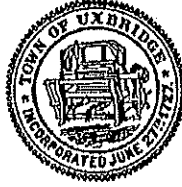
Mr. Blackburn made a **MOTION** to close the Public Hearing for FY21-04 for 125 North Main Street. **MOTION SECONDED** by Mr. Kaferlein passed unanimously by roll call **VOTE** of 3-0-0 (Gniadek – aye, Kaferlein -aye, Blackburn – aye).

Mr. Kaferlein made a **MOTION** that the Zoning Board of Appeals **APPROVE** the **SPECIAL PERMIT** for an automobile cleaning, conditioning and detailing operation at 125 North Main Street subject to the following **CONDITIONS**:

- Hours of Operation may occur Monday through Friday between 7:00am and 7:00pm and weekends between 7:00am and 5:00pm.
- The signage must remain in the location and be of the same size as the existing sign on the property.
- The signage lighting must be off between the hours of 10:00pm and 6:00am.
- The property is to be limited to a maximum of 6 vehicles parked external to the building.
- No on street parking.
- Lighting is to remain consistent with the existing fixtures. Any upgrades or changes should limit off site illumination and be downward facing.
- No auto repair to take place on site.

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

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## Zoning Board of Appeals Decision

ZBA Case #: FY20-09

Zone: Residential A

Owners: Dillpkumar and Manjri Mehta Applicant: Kevin Donaldson

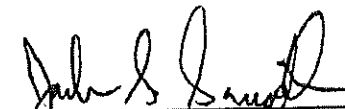
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### SIGNATURE PAGE 1 of 3

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John Gniadek, Vice Chairman

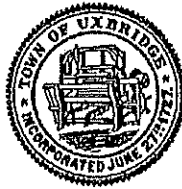
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September 13, 2020  
Date

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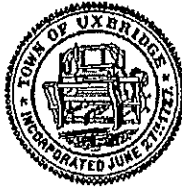
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9/10/2020  
Date

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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. \*\***