

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 #: FY21-09

Zone: Residential A

Owner/Applicant: St. Mary Parish/Our Lady of the Valley Regional School

Property Address: 75 Mendon Street

Assessor's Reference Map: 19 Parcel: 4256

SPECIAL PERMIT GRANTED

Decision Date: January 6, 2021

REQUEST: 75 Mendon Street, St. Mary Parish/Our Lady of The Valley Regional School is seeking a **VARIANCE** of twelve feet (12') from the side yard setback requirement of twenty-five feet (25') to construct a new gymnasium/classroom structure on the property. The applicant is also seeking a **SPECIAL PERMIT** to expand a pre-existing Educational Use at the site in accordance with the Uxbridge Zoning Bylaw Appendix A Table of Use Regulations.

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee
- Certified Abutters List
- Project Narrative and Stormwater Management Report prepared by Joe Casali Engineering, Inc, dated 12/9/2020
- Site Plans for the proposed GRACE Center Gymnasium and classroom expansion prepared by Joe Casali Engineering, Inc, dated 12/9/2020

VOTING MEMBERS: Rob Knapik, John Gniadek and Mark Kaferlein

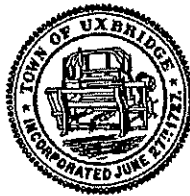
PRESENTATION / FINDINGS OF FACT / DELIBERATIONS: A public hearing was opened and closed on January 6, 2021.

Attorney Tom Wickstrom, Wickstrom/Morse LLC and Joe Casali, Joe Casali Engineering Inc., and Johnathan Austin, Austin Architects, represented the applicant during the hearing.

- The proposal is to construct a new 11,300 square foot structure to hold two (2) new classrooms and a full gymnasium, which will also serve as an auditorium.
- The project also includes stormwater management improvements, utility connections, landscaping, and re-striping the parking lot.
- The proposed location for the building expansion was chosen because other locations on site would not be compatible with the existing layout and a large area for parking would have been lost.
- The expansion will not result in an increase in the capacity of the school.
- The maximum height of the proposed gymnasium is twenty-five feet (25').

Board members found that this application is entitled to relief under the Dover Amendment (M.G.L. Ch. 40A, Sec. 3) because it is both an educational and a religious use. Accordingly, they found it appropriate that the applicant withdraw the request for a Variance and proceed with the Special Permit and Building Permit processes.

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Board members considered the consequences of allowing a conforming structure to become a non-conforming structure and agreed it is excused by the Dover Amendment as long as it remains an educational or religious use.

Abutter concerns related to visual impacts and ownership of the existing fence were considered and mitigation measures were agreed upon to the satisfaction of all parties.

During deliberations, members found that despite noncompliance with the setback requirements the project will have no adverse impacts provided the conditions discussed are imposed.

Special Permit criteria, outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaw, was applied to the project:

1. Positive impact on social, economic or community needs
2. Minimal to no impact on traffic flow and safety, including parking, and loading
3. Utilities and other public services are adequate to accommodate the expansion
4. This use is suitable for neighborhood character and social structures
5. The use will have little to no impact on natural environment
6. The fiscal impact including impact on town services, tax base and employment is neutral

MOTIONS / VOTES:

Mr. Gniadek made a **MOTION** grant the applicant leave to withdraw the request for a Variance included in FY 21-09 for 75 Mendon Street. **MOTION SECONDED** by Mr. Kaferlein passed unanimously by roll call **VOTE** of 3-0-0 (Gniadek – aye, Kaferlein -aye Knapik – aye).

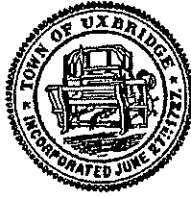
Mr. Gniadek made a **MOTION** to close the Public Hearing FY 21-09 for 75 Mendon Street. **MOTION SECONDED** by Mr. Kaferlein passed unanimously by roll call **VOTE** of 3-0-0 (Gniadek – aye, Kaferlein -aye Knapik – aye).

Mr. Gniadek made a **MOTION** that the Zoning Board of Appeals **GRANT** the **SPECIAL PERMIT** as requested in the application FY21-09 for 75 Mendon Street on a finding that despite its non-compliance to the side setback the expansion has no adverse impact as long as the following **CONDITIONS** are met:

1. Vinyl fencing is installed along the easterly property line
2. Two to three trees are planted between the building and the easterly property line to mitigate visual impact to adjacent properties to the east.
3. No lighting shall be installed on the easterly side of the building and any lighting on the northerly or southerly side be such that it does not spill over on to the adjacent properties.

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

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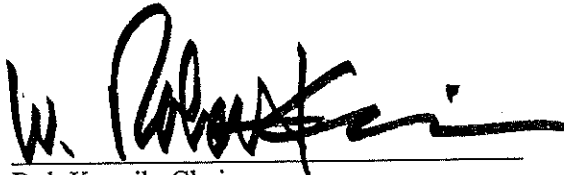
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SIGNATURE PAGE 1 of 3



Rob Knapik, Chairman

John Gniadek, Vice Chairman

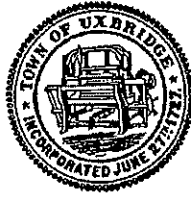
Mark Kaferlein, Clerk

Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

January 13, 2021
Date

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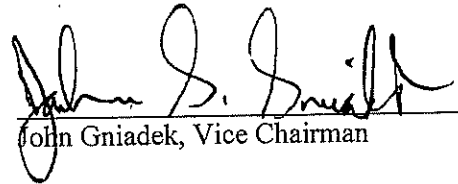
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John Gniadek, Vice Chairman

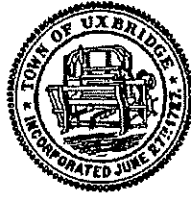
Mark Kaferlein, Clerk

Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

January 11, 2021
Date

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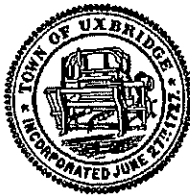
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Thomas McNulty, Associate Member

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Date *January 11, 2021*

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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. ****