

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 #: FY21-11

Zone: **Industrial B**

Owner/Applicant: **Cynthia Lafrance, Trustee of 56B Industrial Drive Realty Trust**

Property Address: **48 Industrial Drive**

Assessor's Reference Map: **40** Parcel: **4681**

Worcester Registry of Deeds Book: **62857** Page: **24**

SPECIAL PERMIT GRANTED with Conditions

Decision Date: February 3, 2021

VOTING MEMBERS: Mark Kaferlein, Thomas McNulty, Jim Blackburn

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee
- Certified Abutters List
- Zoning Board of Appeals Plan of 48 Industrial Drive, prepared by: Turning Point Engineering, dated 12/9/2020.
- Comment from Mass DEP dated 2/2/2021 related to the water supply on site

REQUEST: **Cynthia Lafrance, Trustee of 56B Industrial Drive, Owner/Applicant**, is seeking a **SPECIAL PERMIT** for the expansion of an existing non-conforming structure pursuant to Uxbridge Zoning Bylaw, Section 400-12(D) Non-conforming Structures and 400-50 (B) Special Permit Criteria.

PRESENTATION / FINDINGS OF FACT / DELIBERATIONS: A public hearing was opened and closed on February 3, 2021. The applicant was represented by Steven O'Connell, Turning Point Engineering.

- The site is 0.47 acres with 106.90 feet of frontage along Industrial Drive.
- There is an existing 4,800±s.f. metal structure on the property.
- The expansion is in response to a request of the upcoming tenant for a larger space to operate their marijuana cultivation business.
- The proposal is to construct a 75'x45' addition to the southerly side of the existing building by extending the exterior walls in a southerly direction along the same non-conforming distance within the left and right-side yard setbacks.
- The final size of the building will be 8,175±s.f.
- The business proposes to have a maximum of fifteen (15) employees on site during a work shift and will utilize areas on the site for parking.

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No members of the public provided comments regarding the petition. Comments provided by Mass DEP related to the number of employees and water supply regulations were considered and discussed with the representative. The Building Inspector confirmed the project as proposed would not create any new non-conformities.

Members agreed the Uxbridge Zoning Bylaw Section 400-12(D) Non-conforming Structures provides the Board the authority to grant relief as long as they find the expansion will not be substantially more detrimental. The following summarizes the Board's assessment of the Special Permit Criteria, outlined in Section 400-50(B) of the Uxbridge Zoning Bylaw, as it applies to the proposal:

1. Positive impact on social, economic or community needs
2. Minimal to no impact on traffic flow and safety; parking and loading needs are met
3. Utilities and other public services are adequate to accommodate the expansion; the proposed use does not place a high demand on utilities or public services
4. This use is suitable for neighborhood character and social structures; it is consistent with the surrounding uses
5. The use will have little to no impact on the natural environment
6. Positive fiscal impact on town services, tax base and employment

MOTIONS / VOTES:

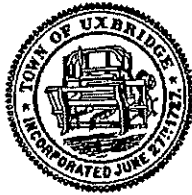
Mr. McNulty made a **MOTION** to close the Public Hearing FY 21-11 48 Industrial Drive. **MOTION SECONDED** by Mr. Blackburn passed unanimously by roll call **VOTE** of 3-0-0 (Blackburn – aye, Kaferlein – aye, McNulty – aye).

Mr. Blackburn made a **MOTION** that the Zoning Board of Appeals **GRANT** the **SPECIAL PERMIT** as requested in the application FY21-11, 48 Industrial Drive, on a finding that the expansion will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The Board imposed the following **CONDITION**:

1. No on street parking is permitted by the tenant or its employees

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

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SIGNATURE PAGE 1 of 3

Rob Knapik, Chairman

Mark Kaferlein, Clerk

John Gniadek, Vice Chairman

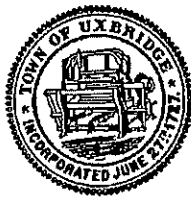
Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

February 8, 2021

Date

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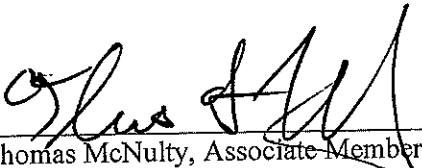
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SIGNATURE PAGE 2 of 3

Rob Knapik, Chairman

John Gniadek, Vice Chairman

Mark Kaferlein, Clerk

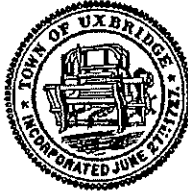


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February 8, 2021
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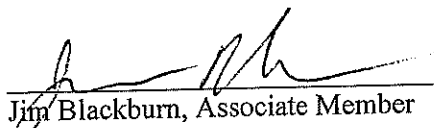
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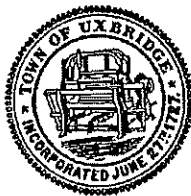
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Jim Blackburn, Associate Member

02/08/2021
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. ****