

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 #: FY21-13

Zone: **Industrial B**

Applicant: **Kevin Powers**

Property Address: **619 Quaker Highway**

Assessor's Reference Map: **45** Parcel: **2998**

Worcester Registry of Deeds Book: **57502** Page: **299**

SPECIAL PERMIT GRANTED with Conditions

Decision Date: May 5, 2021

VOTING MEMBERS: John Gniadek, Jim Blackburn, Thomas McNulty

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee
- Certified Abutters List
- Site Plan, prepared by Marc N. Nyberg Associates, Inc, Dated August, 2018, Job No. 17-158
- Uxbridge Fire Department correspondence dated April 13, 2021 including a review of the compliance performance method analysis used for the change of use by a representative of Massachusetts Division of Fire Safety

REQUEST:

The applicant and property owner Kevin Powers is seeking a **SPECIAL PERMIT** for a use change to allow commercial truck and heavy equipment repair to be conducted on the site.

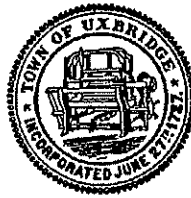
PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

A public hearing was opened on April 7, 2021 continued to April 21, 2021 and concluded on May 5, 2021.

Kevin Powers represented himself during the public hearings. Mr. Powers explained that he is transferring his sealcoating supply business from 160 Ironstone Road to 619 Quaker Highway and would like to have the ability to repair his and his customer's vehicles at the new location. He was referred to the Zoning Board of Appeals by Larry Lench, Uxbridge Zoning Enforcement Officer the because repair of commercial vehicles is not specified in the Uxbridge Zoning Bylaw. Additionally, the Zoning Board of Appeals granted Mr. Powers a Special Permit for a contractor's yard use at this location in 2017.

The property is 8.25 acres with one principal building that is approximately 6,000 sq. ft. There are two curb cuts for entering and exiting the property. Approximately one-third of the site will be paved and the surface of the vehicle storage area will be covered with asphalt millings. Mr. Powers said his business is seasonal and generally busier during warmer months of the year.

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During the first public hearing, the Board expressed interest in hearing from the Fire Department so any applicable conditions intended to safeguard the property and surrounding properties could be considered. The Board also took into consideration recent meetings Mr. Powers had with the Board of Selectman to obtain a license for propane storage at the site.

No members of the public provided comment during the public hearings.

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 impact on traffic flow and safety; parking and loading needs
3. Utilities and other public services are adequate to accommodate the request; 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

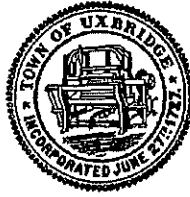
MOTIONS / VOTES:

Mr. Blackburn made a **MOTION** to close the Public Hearing FY 21-13 619 Quaker Highway. **MOTION SECONDED** by Mr. McNulty passed unanimously by roll call **VOTE** of 3-0-0 (Blackburn – aye, Gniadek -aye, McNulty – aye).

Mr. Blackburn made a **MOTION** that the Zoning Board of Appeals **GRANT** the **SPECIAL PERMIT** as requested in the application FY21-13, 619 Quaker Highway with the following **CONDCTIONS**:

- Hours of Operation may occur Monday through Friday between 6:00am and 8:00pm and Saturdays between 7:00am and 3:00pm.
- Applicant will make diligent effort to park vehicles being maintained on paved or asphalt surfaces to avoid leaking fluids onto gravel surfaces.
- Storage of used or discarded tires are to be limited to twenty (20).
- There is a prohibition on storing vehicles within ten (10) feet of any of the buildings on the property.
- No more than thirty (30) vehicles are to be parked on site.
- The storage of non-operational vehicles and outdoor storage of parts is prohibited.

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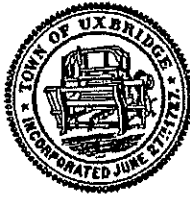
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- No storage of propane transportation trailers or trucks within fifty (50) feet of the buildings on the property.
- Contingent on bringing building up to all necessary code requirements per the Authority Having Jurisdiction.

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

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SIGNATURE PAGE 1 of 3

Rob Knapik, Chairman

John Gniadek, Vice Chairman

Mark Kaferlein, Clerk

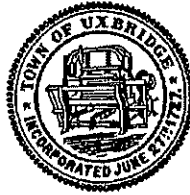
Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

05/11/2021

Date

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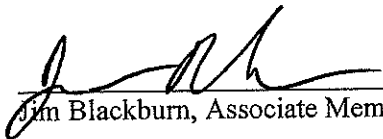
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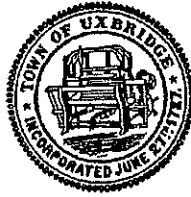


Jim Blackburn, Associate Member

05/11/2021

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SIGNATURE PAGE 3 of 3

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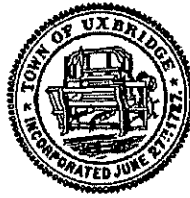
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Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40 A, Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk.

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. ****