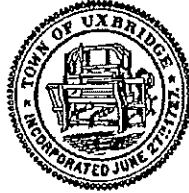


Rob Knapik, Member
John Gniadek, Member
Thomas McNulty, Associate Member
Jim Blackburn, Associate Member



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

Zoning Board of Appeals DECISION

ZBA Case #: FY22-04

Zone: **Industrial B Zoning District**

Applicant: **Strategic Asphalt, Inc**

Property Address: **586 Quaker Highway**

Assessor's Reference Map: **45 Parcel: 1487**

Worcester Registry of Deeds Book: **52177 Page: 385**

Decision Date: January 5, 2022

VOTING MEMBERS: Rob Knapik, John Gniadek, Jim Blackburn

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee
- Property Deed
- Certified Abutters List
- Request to Amend Application to substitute the Applicant from Bevilacqua Asphalt Corporation to Strategic Asphalt, Inc., submitted by Attorney Joseph Antonellis, Applicant's Counsel, on 1/5/2022

REQUEST: The Applicant owns and operates a Bituminous Concrete Drum Mixer Manufacturing Plant ("Manufacturing Plant") located at 586 Quaker Highway. Due to a recent zoning change, the Manufacturing Plant is now classified as a lawfully pre-existing nonconforming use. As such, any changes or modifications to the original Special Permit issued by the Uxbridge Planning Board are to be considered pursuant to Section 400-12 of the Uxbridge Zoning Bylaws.

The Applicant is requesting that the Zoning Board of Appeals modify condition #8 of the Special Permit, which set the hours of operation for the Manufacturing Plant as follows: Monday thru Friday 6:00AM to 6:00PM and Saturday 6:00AM thru 3:00PM.

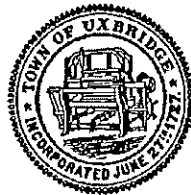
An administrative request to change the name of the Applicant from Bevilacqua Asphalt Corporation to Strategic Asphalt, Inc. was also submitted prior to the public hearing.

PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

A public hearing on the Application was opened & closed by the Board on January 3, 2022.

Attorney Joseph Antonellis represented the Applicant during the public hearing. Steve Bevilacqua, the Applicant, also attended the meeting and provided testimony.

Rob Knapik, Member
John Gniadek, Member
Thomas McNulty, Associate Member
Jim Blackburn, Associate Member



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Zoning Board of Appeals DECISION

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The Property is situated on Quaker Highway, is shown as Uxbridge Assessor's Parcel ID 045.0-1487-0000.0, and comprises approximately 5.6 acres of land. Situated on the Property is a Bituminous Concrete Drum Mixer Manufacturing Plant. The Manufacturing Plant was permitted by the Uxbridge Planning Board and began operations in 2013. MassDEP granted Plan Approval for conforming to the Air Pollution Control Regulations and current air pollution control engineering practice in 2012.

In December of 2021, the assets of Bevilacqua Asphalt Corporation were acquired by Strategic Asphalt, Inc. Included in the list of acquired assets was the Special Permit issued by the Uxbridge Planning Board authorizing the use of the real estate located at 586 Quaker Highway to produce Bituminous Concrete. MassDEP has already assented to the transfer of the approval to Strategic Asphalt, Inc. As the successor, Strategic Asphalt, Inc. will be subject to and must meet the conditions of operation as those conditions are enumerated in the Special Permit and MassDEP's Air Quality Permit.

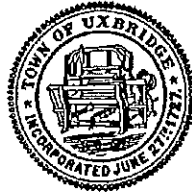
The Applicant testified that over the last two or three years there have been repeated requests to provide nighttime paving in the general vicinity of the plant that has been spurred by municipalities, who seek to avoid having significant traffic issues occur during rush hour and daytime, use of roadways. He stated the request before the Board is to simply allow for an expansion of the hours for those specific occasions when the company gains a contract with a municipality or the state government to do a paving job. It was also noted that there is a particular importance to this because bituminous concrete is best applied at a specific temperature and so it's not as though you could make the asphalt all during the day and leave it in the trucks and have it ready for lay down at night because it cools and when, when it cools it is not as effective as it would, it is when it goes on as a hot mix, and especially as it relates to municipal work and state work.

The Uxbridge Building Inspector, Larry Lench attested that he has not received any complaints or issued any violations related to the property or operation of the Manufacturing Plant.

Members of the Zoning Board reviewed the conditions of the original Special Permit and confirmed with the Applicant that all of the conditions of that permit have been met. They also examined & discussed whether request met the standard set forth in Section 400-12, Non-Conforming Uses and Structures. Conditions of approval were discussed amongst Members and the Applicant.

No members of the public spoke in favor or opposition to the proposal.

Rob Knapik, Member
John Gniadek, Member
Thomas McNulty, Associate Member
Jim Blackburn, Associate Member



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Zoning Board of Appeals DECISION

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MOTIONS / VOTES:

Mr. Gniadek made a **MOTION** to grant leave to substitute Strategic Asphalt Corporation for Bevilacqua Asphalt, LLC. **MOTION SECONDED** by Mr. Blackburn passed unanimously by roll call **VOTE** of 3-0-0 (Blackburn – aye, Gniadek – aye, Knapik – aye).

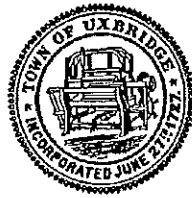
Mr. Gniadek made a **MOTION** to close the Public Hearing FY 22-04 for 586 Quaker Highway. **MOTION SECONDED** by Mr. Blackburn passed unanimously by roll call **VOTE** of 3-0-0 (Blackburn – aye, Gniadek – aye, Knapik – aye).

Mr. Blackburn made a **MOTION** that the Zoning Board of Appeals **GRANT** the relief as requested on a finding that it's not substantially more detrimental than the existing non-conforming use on the following **CONDITION**:

- Permitted hours of operation are Monday thru Friday 6:00AM to 6:00PM and Saturday 6:00AM thru 3:00PM with the exception of operation required to produce asphalt for state or municipal paving projects but under no event more than 60 days per calendar year.

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

Rob Knapik, Member
John Gniadek, Member
Thomas McNulty, Associate Member
Jim Blackburn, Associate Member



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SIGNATURE PAGE

Rob Knapik, Chairman

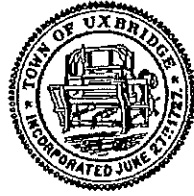
John Gniadek, Vice Chairman

Jim Blackburn, Associate Member

Thomas McNulty, Associate Member

Date

Rob Knapik, Member
John Gniadek, Member
Thomas McNulty, Associate Member
Jim Blackburn, Associate Member



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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. ****