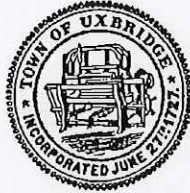


Rob Knapik, Chairperson
John Gniadek, Vice Chairperson
Thomas McNulty, Member
Jim Blackburn, Associate Member



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

Zoning Board of Appeals DECISION

ZBA Case #: FY22-09

Zone: **Industrial B Zoning District**

Applicant: **Ronald Parsons, Trustee of 56 Industrial Drive**

Property Address: **56 Industrial Drive**

Assessor's Reference Map: **40 Parcel: 4659**

Worcester Registry of Deeds Book: **61681 Page: 145**

VARIANCE GRANTED

June 1, 2022

VOTING MEMBERS: Rob Knapik, John Gniadek, Jim Blackburn

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee
- Recorded Uxbridge Zoning Board of Appeals Decision Dated June 3, 2020, Worcester Registry of Deeds Book 62797, Page 371
- Recorded Property Deed Worcester Registry of Deeds Book 61681, Page 145
- Certified Abutters List dated March 31, 2022
- Site Plan for Water Tank Location, prepared by Hardaway Sziabowski Architects, dated December 17, 2021
- Division of Land Plan for 56 Industrial Drive, prepared by Turning Point Engineering, dated 7/15/2020, Worcester Registry of Deeds Plan Book 950, Page 91.

REQUEST:

The Applicant, Ronald Parsons, Trustee of 56 Industrial Drive Realty Trust, is seeking a **VARIANCE** to place a 25,000-gallon water tank 16 feet 4 inches from the front of the property when the setback requirement for an accessory structure is 25 feet.

PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

A public hearing on the Application was opened & closed by the Board on June 1, 2022.

Eli Leino, Primmer Piper Eggleston and Cramer PC, represented the Applicant during the public hearing. The property is situated on the northerly side of Industrial Drive is shown as 040.0-4659-0000.0 and comprises of approximately 1.71 acres of land. Situated on the property is an approximate 28,468 square foot industrial building to be used as a marijuana grow facility. The parcel's utilities comprise of town sewer and a private well.

Rob Knapik, Chairperson
John Gniadek, Vice Chairperson
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During the building permit process, it was determined that a sprinkler system is required by the Commonwealth and the proposed water tank is necessary to service the system. Alternate locations for placement of the proposed water tank, such as inside or on the roof of the building, were explored but not practicable for various reasons.

Mr. Leino explained the tank is an effort to ensure the health, safety and welfare of the occupants of the building. He also said the 8 feet diameter and 25 feet high proposed water tank will be painted to match the building in efforts to make it fit in the surrounding industrial area. Bollards to be installed around the water tank for are included for added safety. The Uxbridge Fire Department has reviewed and approved the design of the proposed water tank.

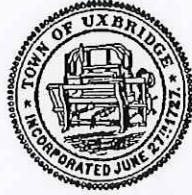
Members considered the standard set forth under M.G.L. c. 40A, §10 agreed the shape of the lot presented a circumstance that created a hardship for the property owner and that it was reasonable to conclude that the granting of the variance would not be a detriment to the public good or derogate from the intent of the bylaw.

MOTIONS / VOTES:

Mr. Blackburn made a **MOTION** to close the Public Hearing FY 22-09 for 56 Industrial Drive. **MOTION SECONDED** by Mr. Gniadek passed unanimously by **VOTE** of 3-0-0.

Mr. Blackburn made a **MOTION** that the Zoning Board of Appeals **GRANT** a **VARIANCE** to allow for the construction of a 25,000-gallon water tank within 16 feet 4 inches of the front property line on a finding that there is a hardship related to the shape of the parcel and that the variance may be granted without detriment to the public good and without nullifying or derogating from the purposes and intent of the Uxbridge Zoning Bylaw. **MOTION SECONDED** by Mr. Gniadek passed unanimously by **VOTE** of 3-0-0.

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



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Zoning Board of Appeals DECISION

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SIGNATURE PAGE

Rob Knapik, Chairperson

John Gniadek, Vice Chairperson

Jim Blackburn, Associate Member

Thomas McNulty, Member

June 1, 2022
Date

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



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Zoning Board of Appeals DECISION

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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. ****