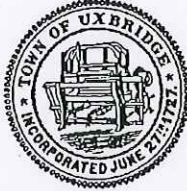


REC'D UXB TOWN CLERK
2023 JUN 20 AM 9:32

Rob Knapik, Chairperson
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, 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 #: FY23-13
Zone: Residential A Zoning District
Applicant: Kevin Donaldson
Property Address: 125 North Main Street
Assessor's Reference Map: 18B Parcel: 2965
Worcester Registry of Deeds Book: 45554 Page: 63

SPECIAL PERMIT GRANTED with Conditions June 7, 2023

VOTING MEMBERS: Jim Blackburn, Thomas McNulty, Tariq Fayyad

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee received April 10, 2023
- Certified Abutters List dated March 29, 2023
- Property Deed recorded in the Worcester Registry of Deeds Book 66013 Page 393
- Uxbridge Zoning Board of Appeals Decision for case no. FY21-04 dated September 2, 2020
- Municipal Lien Certificated issued by the Town of Uxbridge dated April 19, 2023

REQUEST:

Kevin Donaldson (the "Applicant") is seeking a SPECIAL PERMIT pursuant to a Class II Motor Vehicle Dealer License.

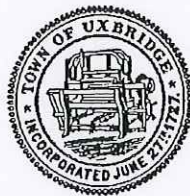
PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

A duly posted public hearing was opened & closed on June 7, 2023.

Kevin Donaldson presented his application to the Zoning Board of Appeals (the "Board"). Mr. Donaldson explained he currently operates an automobile detailing business at the location and is hoping to expand his business to include the procurement and sale of exotic vehicles in compliance with state and local requirements for a Class II dealer license. Mr. Donaldson said he does not plan to display or store cars for sale outdoors at the location and does not expect the expansion of the business to have any noticeable impact on the neighborhood. He said that customer interactions would be by appointment only.

The Property is situated the corner of North Main Street and Arch Street, is shown as Uxbridge Assessor's Parcel ID 018.B-2963-0000.0 and comprises approximately .13 acres of land. According to the records of Worcester District Registry of Deeds (the "Registry"), the Property was acquired by Dilipkumar R. Mehta and Manjri D. Mehta by deed dated March 12, 2010 and recorded with the Registry in Deed Book 45554, Page 63. Situated on

Rob Knapik, Chairperson
Thomas McNulty, Member
Jim Blackburn, Member
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Zoning Board of Appeals DECISION

ZBA Case #: FY23-13

Zone: **Residential A Zoning District**

Applicant: **Kevin Donaldson**

Property Address: **125 North Main Street**

Assessor's Reference Map: **18B Parcel: 2965**

Worcester Registry of Deeds Book: **45554 Page: 63**

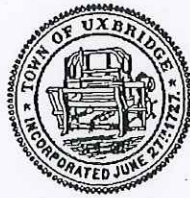
the Property is one 2,329 square foot garage type structure. There is access to the Property is from both North Main Street and Arch Street. According to the Zoning Map of the Town of Uxbridge, the Property is situated within the Residential A Zoning District. According to the Applicant's testimony, there is parking for nine (9) vehicles inside the building and parking for six (6) additional vehicles exterior to the building. On September 20, 2020 the Board granted a Special Permit with conditions to the Applicant to operate the existing automobile detailing business.

The Board acknowledged their role as the Special Permit Granting Authority in the process to obtain a Class II License and their authority identified in the Table of Use Regulations. Members considered the previously issued Special Permit and discussed potential conditions with the Applicant.

During deliberations, members of the Board applied the request to the Special Permit criteria outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws as follows:

1. Social, economic or community needs – *members agreed the proposal meets criteria: there was no opposition*
2. Traffic flow and safety, including parking – *members agreed the proposal meets criteria: parking appears adequate and the business should not impact traffic in the area; conditions were agreed upon to ensure on street parking is not taken up by the business*
3. Adequacy of utilities and other public services – *members agreed the proposal meets criteria: existing utilities are adequate and the new business should have no impact*
4. Neighborhood character and social structures – *members agreed the proposal meets criteria: the business will not have a negative impact on the neighborhood; abutter concerns addressed with conditions*
5. Impact on natural environment – *members agreed the proposal meets criteria: impact on the environment is negligible*
6. Fiscal impact including impact on town services, tax base and employment – *members agreed the proposal meets criteria: should be a positive fiscal impact for the town*

Rob Knapik, Chairperson
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, Associate Member



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Zoning Board of Appeals DECISION

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Worcester Registry of Deeds Book: **45554 Page: 63**

MOTIONS / VOTES:

Mr. McNulty made a **MOTION** to close the Public Hearing FY 23-13 for 125 North Main Street. **MOTION SECONDED** by Mr. Fayyad passed unanimously by **VOTE** of 3-0-0.

Mr. Fayyad made a **MOTION** that the Zoning Board of Appeals **GRANT** the **SPECIAL PERMIT** as requested in case FY23-13 for 125 N. Main Street with the following **CONDITIONS**:

- Hours of Operation may occur Monday through Friday between 7:00am and 7:00pm and weekends between 7:00am and 5:00pm.
- The signage must remain in the location and be of the same size as the existing sign on the property.
- The signage lighting must be off between the hours of 10:00pm and 6:00am.
- The property is to be limited to a maximum of 6 vehicles parked external to the building.
- No on street parking.
- Lighting is to remain consistent with the existing fixtures. Any upgrades or changes should limit off site illumination and be downward facing.
- No auto repair to take place on site.

MOTION SECONDED by Mr. McNulty passed unanimously by **VOTE** of 3-0-0.

Rob Knapik, Chairperson
Thomas McNulty, Member
Jim Blackburn, Member
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SIGNATURE PAGE

Rob Knapik, Chairperson

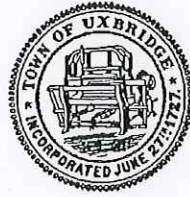
Thomas McNulty, Member

Jim Blackburn, Member

Tariq Fayyad, Associate Member

June 20, 2023
Date

Rob Knapik, Chairperson
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, 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 Cote 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 BE ISSUED UNTIL THE PERMIT IS RECORDED. ****