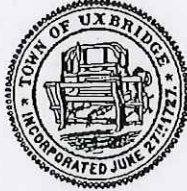


Rob Knapik, Chairperson
Thomas McNulty, Member
Jim Blackburn, Member
Tariq Fayyad, Associate Member



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21 South Main Street, Room 205
Uxbridge, MA 01569
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Zoning Board of Appeals DECISION

ZBA Case #: FY24-02
Zone: Residential A Zoning District
Applicant: Heather Simpson
Property Address: 207 N. Main Street
Assessor's Reference Map: 18D Parcel: 1226
Worcester Registry of Deeds Book: 57362 Page: 65

SPECIAL PERMIT GRANTED

July 5, 2023

VOTING MEMBERS: Jim Blackburn, Rob Knapik, Tariq Fayyad

SUBMITTALS:

- Complete Zoning Board of Appeals Application and Fee received June 8, 2023
- Certified Abutters List dated June 7, 2023
- Property Deed recorded in the Worcester Registry of Deeds Book 63575 Page 233

REQUEST: Heather Simpson, the Applicant, is seeking a **SPECIAL PERMIT** to operate a coffee roastery and light cafe at **207 North Main Street** pursuant to the Uxbridge Zoning Bylaw Table of Use Regulations.

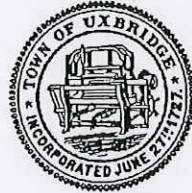
PRESENTATION / FINDINGS OF FACT / DELIBERATIONS:

A duly posted public hearing was opened & closed on July 5, 2023. Heather Simpson, (the "Appellant"), presented the application to the Uxbridge Zoning Board of Appeals (the "Board").

The Property is situated on the easterly side of N. Main Street, is shown as Uxbridge Assessor's Parcel ID 018.D-1226-0000.0 and comprises approximately .72 acres of land. According to the records of Worcester District Registry of Deeds (the "Registry"), the Property was acquired by Aris Group by deed dated June 30, 2017, and recorded with the Registry in Deed Book 57362, Page 65. Situated on the property is a 5,479 sq. ft structure that has been used for a variety of commercial enterprises in the past. According to the Zoning Map of the Town of Uxbridge, the Property is situated within the Residential A Zoning district and is serviced by town sewer and water.

The Appellant explained that she and her daughter would like to open a small coffee roastery and light café at the property that they are leasing from Aris Group. Her family has been home roasting coffee for 15 years and her daughter has worked at several well-known coffee shops. They envision this beautiful property to be a place where people would come and be able to enjoy a cup of coffee and have relationships, communicate and develop community.

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



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Zoning Board of Appeals DECISION

ZBA Case #: FY24-02

Zone: **Residential A Zoning District**

Applicant: **Heather Simpson**

Property Address: **207 N. Main Street**

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Worcester Registry of Deeds Book: **23746 Page: 119**

The operation will consist of sourcing green coffee beans from different parts around the world and roasting them on a 5 kilo, 10-to-12-pound roaster that will be placed in the add-on back section of the building. The roaster is gas operated and vented out. That the roasting process takes 12 to 15 min for 5 pounds which they anticipate operating 2 to 3 times per week. There will be a coffee bar including coffee grinder, an espresso machine, drip coffee brewer, and tea kettles for tea. The Appellant wishes to offer the customer a more upscale coffee roastery experience. There are no plans for wholesaling to other properties or coffee shops. There are also no plans for drive-thru service.

The Appellant said she plans to work with the Board of Health to develop a small commercial kitchen to have the ability to offer pastries and fruit smoothies. There are no plans for a large commercial oven with vent hood, just a convection oven to have the ability to bake frozen croissants, bars, cookies, and gluten free options. There will be refrigerators for storing items such as milk, fruit and tea.

The Appellant said they are leasing the entire 3,700 square foot building but they only plan to utilize the first floor which is approximately 1800 square feet. They are hoping for occupancy of approximately 50. There was discussion with the Board about the use for the second floor and everyone agreed this project would not affect the Appellant's ability to utilize the space on the second floor for any allowable use.

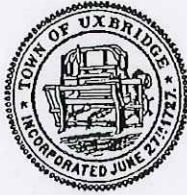
The property has two egresses and a paved parking area. The Appellant described her vision for parking and recommended specifying one egress for entering and the other for exiting. She also plans to utilize the existing signposts and either cover or replace the sign itself. Board members reviewed new the sign bylaw section in the Uxbridge Zoning Bylaw to ensure the Appellant understood the requirements.

The Appellant said she is expecting to add some additional lighting to the parking lot to ensure that is lit for customers on winter mornings. Board members discussed a possible condition for downward facing lighting to keep it on the property.

Board members inquired about whether the coffee roasting process produces odor and the Appellant explained with the newer large roasters, due to the venting, there is very little emissions and very little smell.

Hours of operation were discussed, and the Appellant said they intend on operating weekdays from 6:00am to 3:00pm and weekends from 8:00am to 3:00pm. This would entail employees arriving around 5:15am to get the coffee started for the day as most preparations are completed the night before.

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Zoning Board of Appeals DECISION

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Three direct abutters spoke to the petition. They voiced concerns for smoke and odor, noise, lighting, garbage handling and increased traffic and the potential for accidents were conveyed to the Board. There were also some questions regarding the renovations required to ensure the building is safe for occupancy. Members discussed and responded to each of the abutter concerns through discussions of conditions with the Appellant.

There was a thorough discussion regarding parking and the reasonable number of cars. Continuing the public hearing to allow the Appellant to prepare a parking plan was considered. After further review of aerial images of the property the Appellant agreed upon a condition of a maximum of 15 parking spaces for employees and customers within the existing paved areas. The Board informed the Appellant she has the right to request an amendment of the Special Permit if she finds the parking is not adequate.

Members considered the various commercial uses outlined in the Uxbridge Zoning Bylaw Table of Uses and agreed to consider this a restaurant or a combination of restaurant/retail which are allowed in the Residential A Zoning District with a Special Permit issued by the ZBA.

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 project as proposed meets criteria.*
2. Traffic flow and safety, including parking – *members agreed with conditions the proposal meets criteria.*
3. Adequacy of utilities and other public services – *members agreed utilities are adequate for the project.*
4. Neighborhood character and social structures – *members agreed with conditions the proposal meets criteria.*
5. Impact on natural environment – *members agreed there should be no impact on the natural environment.*
6. Fiscal impact including impact on town services, tax base and employment – *members agreed the proposal will positively impact taxes and employment.*

MOTIONS / VOTES:

Mr. Knapik made a **MOTION** to close the Public Hearing FY 24-01 for 205 West Street. **MOTION SECONDED** by Mr. Fayyad passed unanimously by **VOTE** of 3-0-0.

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



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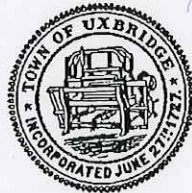
Worcester Registry of Deeds Book: 23746 Page: 119

Mr. Knapik made a **MOTION** that the Zoning Board of Appeals **GRANT** a **SPECIAL PERMIT** as requested in FY24-12 for 207 N. Main Street on a finding that the six (6) special permit criteria in Section 400-50 (B) are met with the following **CONDITIONS**:

1. The proposed business is currently limited to operating on the first floor only.
2. No drive-through service may be permitted.
3. No outdoor dining is permitted.
4. The hours of operation permitted are weekdays from 6:00am to 3:00pm and weekends from 8:00am to 3:00pm.
5. The lighting of the parking lot is to be off no later than 10:00pm.
6. Any new lighting added to the parking area must be directed toward the property, downcast and shielded if necessary, so not to spill onto abutting properties.
7. The rubbish dumpster shall be placed on the southerly side of the building and screened to the maximum extent possible.
8. The total number of parking spaces for both employees and customers is limited to fifteen (15).
9. All employee and customer parking shall be limited to the existing paved areas on the parcel.
10. All parking spaces shall be striped.
11. Applicant to provide signage directing cars to enter the parcel from the southerly entrance and exit the parcel from the northerly entrance.
12. The proposed business must comply with all state and federal guidelines regarding smoke and odor.

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

Rob Knapik, Chairperson
Thomas McNulty, Member
Jim Blackburn, Member
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Worcester Registry of Deeds Book: 23746 Page: 119

SIGNATURE PAGE

Rob Knapik, Chairperson

Thomas McNulty, Member

Jim Blackburn, Member

Tariq Fayyad, Associate Member

July 19, 2023
Date

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



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Zoning Board of Appeals DECISION

ZBA Case #: FY24-02

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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. ****