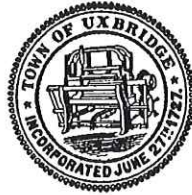


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**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

REC'D UXB TOWN CLERK  
2020 OCT 21 PM 12:24

**MEETING MINUTES: Wednesday, September 2, 2020**

**Present:** Rob Knapik, John Gniadek, Thomas McNulty, Mark Kaferlein Jim Blackburn and Administrator Melissa Shelley

**I CALL TO ORDER**

It being approximately 6:00pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chair. He made the following statement to explain the purpose for the remote meeting: *Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Uxbridge Conservation Commission is being conducted via remote participation. Although, no in-person attendance of members of the public will be permitted, the Town of Uxbridge has made every effort to ensure the public can adequately access the proceedings in real time via technological means. This meeting is being streamed on Uxbridge Community Television and Zoom per the instructions on the agenda alternatively members of the public can call in by calling 301-715-8592 and using meeting i.d 871 9429 3994. All motions will be voted on with roll call vote.*

**II PUBLIC HEARINGS**

1. **FY21-01: 502 and 486 Douglas Street**, the applicant Uxbridge Gas and Market, LLC, is seeking a SPECIAL PERMIT, in accordance with the Uxbridge Zoning Bylaws Appendix B: Table of Uses, for a 5000 s.f. Filling Station/Convenience Store and drive through coffee shop with five (5) gasoline pump islands and two (2) high speed diesel pump islands. The applicant is also requesting a VARIANCE to the requirements of Zoning Section 400-10 D.3 that prohibit billboards which include any sign over forty (40) s.f. in area. The proposal is for two (2) 20-foot-high pylon signs and one (1) 70-foot high-rise sign equaling a total area of three hundred forty (340) +/- s.f. The properties are shown on the Town of Uxbridge Assessor's Map 23 Parcels 4364 and 4424 and described in deeds recorded at the Worcester Registry of Deeds in Book 54556 and Page and Book 27722 Pages 63 and 346. *(Public Hearing Opened August 5, 2020).*

**Discussion:** The Board received a request to continue the public hearing to the next meeting in anticipation of plan revisions to incorporate peer review and abutter comments.

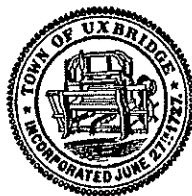
**Motion:** Mr. McNulty moved to accept the applicant's request to continue the public hearing to the October 7, 2020 meeting. Mr. Kaferlein seconded, and the motion passed unanimously by roll call vote of 4-0-0 (Blackburn – aye, Gniadek – aye, Kaferlein – aye, McNulty – aye).

2. **FY21-04: 125 North Main Street**, Kevin Donaldson the applicant is seeking a SPECIAL PERMIT, in accordance to the Uxbridge Zoning Bylaw Appendix A Table of Use Regulations, to operate Bay State Auto Reconditioning, LLC, an automobile cleaning and detailing business at the location. The property is located in the Residential A Zoning District and is shown on the Town of Uxbridge Assessor's Map 18B Parcel 2965 and described in a deed recorded at the Worcester Registry of Deeds Book 45554 Page 63.

*Mr. Gniadek chaired the public hearing and assigned Mr. Kaferlein, Mr. Blackburn and himself as voting members for the application.*

**Presentation:** Kevin Donaldson, the applicant, Cory Frost, his associate and Dilip Mehta, the property owner attended the hearing. Mr. Donaldson presented the application noting he is resident of Uxbridge and has 17 years of experience in the automotive industry. He described the proposed business as specialized detailing and reconditioning of automobiles with a focus on service.

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**Discussion:** During discussion with the Board members Mr. Donaldson made the following key points concerning the operation of his business:

- Any washing will take place outside in the back of the building using an electric washer.
- The amount of time it takes to wash a car is less than a household shower and there are no caustic chemicals in the detergent used to wash the cars - it is as gentle as shampoo.
- Paint correction, buffing, waxing, and interior cleaning will take place inside the building.
- The operation will be by appointment only and a lot of foot traffic is not expected at the location.
- It is a very low volume business some jobs can take 12-15 hours to complete. There should not be more than 5 cars being worked on at any given time.

Building Inspector, Larry Lench attended the hearing and requested the Board consider conditions related to on street parking.

No members of the public attended the meeting but the Board received a letter in support of the business from Jane Keegan, 17 Arch Street, who requested the Board consider conditions related to hours of operation, signage, and lighting since the site abuts residential property.

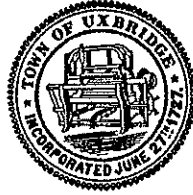
The applicant and Board members discussed and agreed upon conditions.

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; benefit to have a business operating in the currently vacant building*
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*

**Motion:** Mr. Blackburn made a motion to close the Public Hearing for FY21-04 for 125 North Main Street. Motion seconded by Mr. Kaferlein passed unanimously by roll call vote of 3-0-0 (Gniadek – aye, Kaferlein -aye, Blackburn – aye).

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### MEETING MINUTES: Wednesday, September 2, 2020

**Motion:** Mr. Kaferlein made a motion that the Zoning Board of Appeals approve the special permit for an automobile cleaning, conditioning and detailing operation at 125 North Main Street subject to the following conditions. Motion seconded by Mr. Blackburn passed unanimously by roll call vote of 3-0-0 (Gniadek – aye, Kaferlein -aye, Blackburn – aye).

#### 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.

### III MINUTES/MAIL/INVOICES

#### 1. 8/5/20 Meeting Minutes Review

- **Motion:** Mr. McNulty made a motion to approve the 8/5/20 ZBA Meeting Minutes as written. Mr. Blackburn seconded and the motion passed unanimously by roll call vote of 5-0-0 (Blackburn – aye, Gniadek – aye, Kaferlein -aye, Knapik – aye, McNulty – aye).

### IV ANY OTHER BUSINESS, which may lawfully come before the Board

#### 1. FY2020 Annual Report Review

- **Motion:** Mr. Gniadek made a motion to approve FY2020 ZBA Annual Report as written. Mr. McNulty seconded and the motion passed unanimously by roll call vote of 5-0-0 (Blackburn – aye, Gniadek – aye, Kaferlein -aye, Knapik – aye, McNulty – aye).

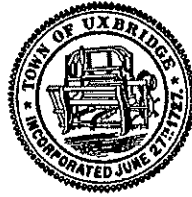
#### 2. Annual Board Reorganization

- **Motion:** Mr. Gniadek made a motion to nominate Mr. Knapik as ZBA Chairman for FY 21. Mr. McNulty seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Blackburn – aye, Gniadek – aye, Kaferlein -aye, Knapik – aye, McNulty – aye).
- **Motion:** Mr. Knapik made a motion to nominate Mr. Gniadek as ZBA Vice Chairman for FY 21. Mr. Kaferlein seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Blackburn – aye, Gniadek – aye, Kaferlein -aye, Knapik – aye, McNulty – aye).
- **Motion:** Mr. Knapik made a motion to nominate Mr. Kaferlein as ZBA Clerk for FY 21. Mr. Gniadek seconded, and the motion passed unanimously by roll call vote of 5-0-0 (Blackburn – aye, Gniadek – aye, Kaferlein -aye, Knapik – aye, McNulty – aye).

#### 3. Spring Annual Town Meeting Warrant Dates and Deadlines

- Members discussed the possibility of sponsoring bylaw revisions during the Spring Annual Town Meeting scheduled for May 11, 2021 (warrant article submissions due by March 1). Mr. Knapik recommended they consider whether the constitution of the Board would better suited with 3 or possibly 5 members – as this currently defined in the Zoning Bylaw and could be a fairly simple amendment. Members also

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## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

### MEETING MINUTES: Wednesday, September 2, 2020

discussed whether the bylaw should be revised to clarify the definition of building and structure to ensure underground walls serving no purpose are not used to make two or more structures one. Everyone agreed for the Board should develop a problem statement and obtain Town Counsel's suggestions on re-writing the definitions. The item will be added to the agenda for further discussion.

4. *Item not on agenda:* Pat Stephan, Chair of the Charter Review Committee, invited the Board to provide input or comments about the Charter to be considered during their required 10-year review process. He also inquired about the continuation procedure and timeframes for special permit applications and Mr. Knapik explained the Board's process.

V **ADJOURNMENT: NEXT ZBA MEETING, Wednesday, October 7, 2020**

**Motion:** Mr. moved to adjourn the September 2 meeting of the Zoning Board of Appeals. Mr. seconded and the motion passed unanimously by roll call vote of 5-0-0 (Blackburn – aye, Gniadek – aye, Kaferlein -aye, Knapik – aye, McNulty – aye).

Respectfully Submitted,  
Melissa Shelley

### SIGNATURES:

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Rob Knapik, Member

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John Gniadek, Member

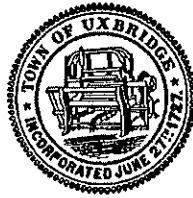
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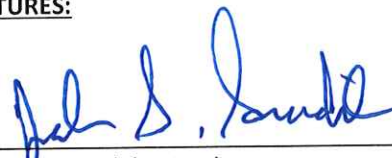
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