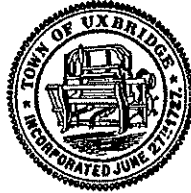


Rob Knapik, Chairman
John Gniadek, Vice Chairman
Thomas McNulty, Associate Member
Jim Blackburn, Associate Member



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

**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

REC'D UXBRIDGE TOWN CLERK
2022 MAR 3 PM 12:18

MEETING MINUTES: Wednesday, January 5, 2022

Present: Rob Knapik, John Gniadek, Jim Blackburn and Administrator Melissa Shelley

CALL TO ORDER:

It being approximately 6:00 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chairperson.

PUBLIC HEARINGS:

1. **FY22-04: 586 Quaker Highway** The applicant Bevilacqua Asphalt Corporation, is seeking a **SPECIAL PERMIT** to modify condition number eight of the original Special Permit issued by the Uxbridge Planning Board, which set the hours of operation for the Manufacturing Plant. The property is located in the **Industrial B Zoning District**, shown on the Town of Uxbridge Assessor's **Map 45 Parcel 1487** and described in a deed recorded at the Worcester Registry of Deeds in **Book 52177 on Page 385**.

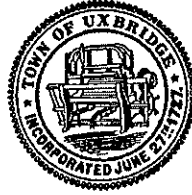
Presentation: Attorney Joseph Antonellis represented the Applicant during the public hearing. Steve Bevilacqua, the Applicant, also attended the meeting and provided testimony.

Attorney Antonellis explained the Applicant owns and operates a Bituminous Concrete Drum Mixer Manufacturing Plant ("the Plant") located at 586 Quaker Highway. Due to a recent zoning change, the 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 in 2013 are to be considered pursuant to Section 400-12 of the Uxbridge Zoning Bylaws. Section 200-12 states that the Board may award a special permit to change a non-conforming use if it determines that the change is not substantially more detrimental than the existing use to the neighborhood. Specifically, Mr. Bevilacqua 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. 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.

Attorney Antonellis explained 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. When it cools it is not as effective as it would be when it goes down as a hot mix. This is especially important as it relates to municipal work and state work.

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Discussion: 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 reviewed the conditions of the original Special Permit and inquired whether all of the conditions of that permit have been met. Mr. Bevilacqua stated that they had, with the exception of the paving of River Road which could not be accomplished due to its proximity to the river and stormwater standards. MassDEP granted Plan Approval to Bevilacqua Asphalt for conforming to the Air Pollution Control Regulations and current air pollution control engineering practice in 2012. 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.

Members examined & discussed whether the request met the standard set forth in Section 400-12, Non-Conforming Uses and Structures. There was further discussion about the amount of noise the Plant makes and the impact to the surrounding properties. Conditions of approval were discussed amongst Members and the Applicant.

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

Motion: 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).

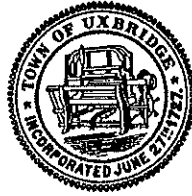
Motion: Mr. Gniadek made a motion to close the Public Hearing FY 22-04 for 586 Quaker Highway. Motion seconded by Mr. Blackburn passed unanimously by roll call VOTE of 3-0-0 (Blackburn – aye, Gniadek – aye, Knapik – aye).

Deliberations: Members reviewed the standard set forth Zoning Bylaw and agreed, that with the appropriate conditions in place, the request will not be substantially more detrimental to the neighborhood.

Motion: 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. Motion seconded by Mr. Gniadek passed unanimously by roll call vote of 3-0-0 (Blackburn – aye, Gniadek – aye, Knapik – aye).

- 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.

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ADMINISTRATIVE:

1. Meeting Minutes Review: 11/3/2021

Motion: Mr. Gniadek made a motion to approve the 11/3/2021 ZBA meeting minutes as written. Mr. Blackburn seconded and the motion passed unanimously by vote of 3-0-0.

2. Zoning Bylaw Amendments

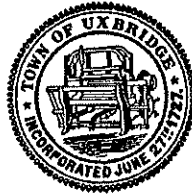
- Members revisited the possibility of presenting possible updates to the Zoning Bylaw (add a sign bylaw and add an accessory dwelling unit bylaw and redefine structure to address the issue of creating one structure from two structures with a frost wall. They agreed to review the documents Jim Blackburn drafted and discuss further at future meetings.

ANY OTHER BUSINESS, which may lawfully come before the Board:

ADJOURNMENT: Next Regularly Scheduled ZBA Meeting, Wednesday March 2, 2022

Motion: Mr. Gniadek made a motion to adjourn the 1/5/2022 meeting of the Zoning Board of Appeals. Mr. Blackburn seconded, and the motion passed unanimously by vote of 3-0-0.

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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: Wednesday, January 5, 2022

Respectfully Submitted,
Melissa Shelley

SIGNATURES:

Rob Knapik, Member

John Gniadek, Member

Mark Kaferlein, Member

Thomas McNulty, Associate Member

Jim Blackburn, Associate Member

Date