

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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

JUN 6 '19 AM 10:01

**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: Wednesday, March 6, 2019

**Received by
Uxbridge
Town Clerk**

Present: Rob Knapik, Chair, Members John Gniadek, Mark Kaferlein, and Thomas McNulty 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, who led the Pledge of Allegiance

II PUBLIC HEARINGS

1. **FY19-11: 504 Quaker Highway, Evan Thompson, Applicant**, is seeking a **SPECIAL PERMIT** in order to obtain a Class II Auto Dealer License to conduct the sales of used motor vehicles. The property is located in an **Industrial Zone** and shown on the Town of Uxbridge Assessor's Map **45**, Parcel **0464** and described in a deed recorded at the Worcester Registry of Deeds in Book **53843**, Page **130**.

Discussion:

Evan Thompson, the applicant and owner of Thompson Auto Sales, Chepachet RI presented his application to the Board. Mr. Thompson explained would be leasing space at the location to operate his used auto sales business. He is currently operating his business out of Competitive Auto Sales on the Quaker Highway and found this address to be a good permanent location due to the active existing auto repair business on site. He stated he plans to display ten (10) to twelve (12) passenger automobiles in a raised fenced in area along Quaker Highway. He is also utilizing a portion of the building as office space (the old accounting office) and was provided two existing parking spaces for customers. Mr. Thompson does not plan to repair vehicles and explained he plans to refer customers to Dave's Auto Repair.

The Building Inspector attended the meeting informed members of the Board that a dealership occupied this space previously. George Goulet, a member of the public attended with questions regarding hours of operation and number of cars allowed. The board discussed and agreed upon conditions with the applicant.

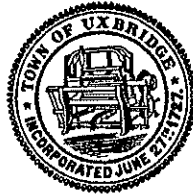
During deliberations, Board members agreed the application, as proposed, was an appropriate use of the property and that met the following criteria outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws:

1. Positive impact on social, economic or community needs in that there is a need for competition
2. Little to no impact on traffic flow and safety, including parking, and loading due to the location and size of the business
3. The utilities and other public services are adequate because this business should have a low impact
4. This business is suitable for neighborhood character and social structures because the development in the area is similar
5. There should be no impact on natural environment
6. The fiscal impact including impact on town services, tax base and employment appears to be a net benefit

MOTION / VOTE:

Mr. Gniadek made a **MOTION** to close the Public Hearing FY 19-11 for 504 Quaker Highway. **MOTION SECONDED** by Mr. Kaferlein passed unanimously by vote of 3-0-0.

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Mr. Gniadek made a **MOTION** that the Zoning Board of Appeals **GRANT** the **SPECIAL PERMIT** request FY19-11 for the retail sales of used automobiles at 504 Quaker Highway pursuant to a Class II Dealers License. The approval is subject to the following **CONDITIONS**:

1. Hours of operation allowed are Monday-Friday 10:00am to 6:00pm and Saturday-Sunday 10:00am to 4:00pm.
2. Number of vehicles on display allowed is no more than 10
3. Repairs are not permitted on site by the applicant or his business.

MOTION SECONDED by Mr. Kaferlein and the motion passed unanimously by **VOTE** of 3-0-0.

III MINUTES/MAIL/INVOICES

1. February 6, 2019 Meeting Minutes Review

Motion: Mr. Kaferlein moved to approve the minutes from the February 6, 2019 ZBA meeting with corrections made to attendance. Mr. McNulty seconded, and the motion passed by vote of 3-0-1 (*Mr. Gniadek abstained from vote*).

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

1. 126 Ironstone St. / 64 Balm of Life Spring Road (*item not on agenda*)

- Mr. George Goulet, 93 Ironstone Street and Mr. Ed Martinson, 142 South Street attended the meeting to discuss concerns and the response to complaints they have submitted to various boards regarding activities at 126 Ironstone St/64 Balm of Life Spring Road – some of which relate to Special Permit issued by the Zoning Board to operate a contractors yard on the property FY17-25. The following are the key allegations made in their complaints:
 - Unapproved businesses operating out of the property JR Disposal, a landscaping business called Roy's Trucking and Lucille's Florist.
 - Concerns of gravel removal, replacement, and changes to the berm that protects Bacon Brook leading to the possibility of contaminating wells nearby.
- Mr. Goulet and Mr. Martinson explained that complaints have been filed with the Building Inspector, the Conservation Commission and the Board of Health over the past 8 months and were unsatisfied with the response received.
- Mr. Knapik explained the ZBA's role is somewhat limited and would be to determine whether the activities are allowed or in violation of the Zoning Bylaw or conditions of the Special Permit. He committed to by following up with the Building Inspector and the Town Clerk to ensure they have valid business certificates. He also explained any enforcement/or issues related to the brook would fall under the jurisdiction of the Conservation Commission and the quality of well water would be addressed by Board of Health.

2. Review and discuss proposed ZBA rules and regulations

- The Board agreed to review the first of two proposed Zoning Board of Appeals Rules and Regulations and discuss during the April ZBA Meeting. The second document relates to Chapter 40B Ruling will be reviewed at date to be determined.

V ADJOURNMENT: NEXT ZBA MEETING, Wednesday, April 3, 2019

Motion: Mr. McNulty moved adjourn the March 6, 2019 meeting of the ZBA. Mr. Kaferlein seconded, and the motion passed by vote of 4-0-0.

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MEETING MINUTES: Wednesday, March 6, 2019

SIGNATURES:

Rob Knapik, Member

John Gniadek, Member

Mark Kaferlein, Member

Thomas McNulty, Associate Member

June 5, 2019

Date