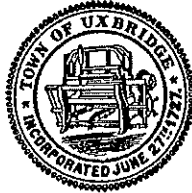


Jim Blackburn, Chairman
Thomas McNulty, Member
Rob Knapik, Member
Tariq Fayyad, Associate Member



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

TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: Wednesday, July 5, 2023

Present: Jim Blackburn, Thomas McNulty, Tariq Fayyad 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 followed by the pledge of allegiance.

ANNUAL ZONING BOARD OF APPEALS REORGANIZATION:

Motion: Mr. Knapik nominated Mr. Blackburn as Chairperson of the Uxbridge Zoning Board of Appeals for the FY24 calendar year. Mr. McNulty seconded, and the motion passed unanimously by vote of 3-0-0.

Motion: Mr. Blackburn nominated Mr. Knapik as Vice Chairperson of the Uxbridge Zoning Board of Appeals for the FY24 calendar year. Mr. McNulty seconded, and the motion passed unanimously by vote of 3-0-0.

Motion: Mr. Knapik nominated Mr. McNulty as Clerk of the Uxbridge Zoning Board of Appeals for the FY24 calendar year. Mr. Fayyad seconded, and the motion passed unanimously by vote of 3-0-0.

PUBLIC HEARINGS:

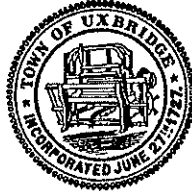
1. **FY24-01: Kimberly Tarasiak**, the applicant is seeking a **SPECIAL PERMIT** to allow an Accessory Dwelling Unit at **205 West Street** pursuant to the Uxbridge Zoning Bylaw Section 400-16. The property is located in the **Agricultural Zoning District** and is shown on the Town of Uxbridge Assessor's **Map 27 Parcel 1361** and described in a deed recorded at the Worcester Registry of Deeds **Book 63575 Page 233**.

Kimberly Tarasiak, the appellant and Adelle Reynolds, the designer of the building plans, presented the application to the Uxbridge Zoning Board of Appeals.

The Appellant said she would like to convert the attached 2 car garage into living space for her mother while maintaining the existing house for her family. She explained plans for the renovation began a few years ago as she was moving her family from Douglas to Uxbridge to live with her mother. Upon applying for building permits, the Appellant's contractor was referred to the Zoning Board of Appeals by the current Building Inspector to obtain a Special Permit in accordance with the recently added ADU section of the Uxbridge Zoning Bylaw. Ms. Reynolds explained that the renovation was designed to be able to be utilized by her own immediate family once her mother passes on. She also said modifications are being made to the interior of the existing house so that the entire property continues to have three bedrooms for which the existing septic system has been designed.

The Property is situated on the westerly side of West Street, is shown as Uxbridge Assessor's Parcel ID 027.0-1361-0000.0 and comprises approximately 2.73 acres of land. Situated on the Property is one single-family dwelling, related driveway and utilities. According to the Zoning Map of the Town of Uxbridge, the Property is situated within the Agricultural Zoning District. The property is serviced by a private septic system and private well.

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The Board applied the standard and agreed the petition met the following nine conditions set forth under the Uxbridge Zoning Bylaw Section 400-16, (C.), (a.) authorizing them to issue a Special Permit not to exceed three (3) years to construct and use an accessory dwelling unit:

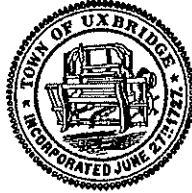
- i. The unit will be a complete, separate housekeeping unit containing both a kitchen, bath and no more than one bedroom. *Condition met per the building plan provided.*
- ii. Only one accessory dwelling unit may be created within a single-family dwelling or on a lot. *Condition met per mortgage plan submitted.*
- iii. No accessory dwelling unit may be created on a lot with multi-family dwellings. *Condition met as the property currently contains a single-family dwelling.*
- iv. The owner of the property in which the accessory dwelling unit is created must continue to occupy the dwelling unit or the accessory dwelling as their primary residence, except for bona fide temporary absences not to exceed 6 months. *Condition met per the affidavit and testimony.*
- v. The gross floor area of an accessory dwelling unit shall not be greater than eight hundred (800) square feet, unless a larger gross floor area is approved by the Special Permit Granting Authority. *Condition met ADU proposed to be approximately 600 square feet per the building plans submitted.*
- vi. The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws/ordinances and regulations. *Appellant agreed to comply and obtain necessary building permits.*
- vii. All parking is to be off street unless specifically approved by the Special Permit Granting Authority. *Condition met plenty of parking inside the parcel.*
- viii. A unit that is contained within the primary dwelling shall have its own separate entrance from the outside, located at the side or rear of the primary dwelling, and shall be designed so that the appearance of the building remains that of a single-family dwelling. *Condition met occupant can enter through the sunroom per the plans submitted.*
- ix. Occupancy is restricted to relatives of the primary resident who are to be related by blood, marriage, or adoption; or to allow occupancy by caregivers of the primary resident. *Condition met per the affidavit and testimony.*

Motion: Mr. McNulty made a motion to close the Public Hearing FY 24-01 for 205 West Street. Motion seconded by Mr. Knapik passed unanimously by VOTE of 3-0-0.

Motion: Mr. Knapik made a motion that the Zoning Board of Appeals grant a special permit for an accessory dwelling unit on a finding that the criteria of Section 400-16, (C.), (a) of the Uxbridge Zoning Bylaw has been met. Motion seconded by Mr. McNulty passed unanimously by vote of 3-0-0.

2. **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. The property is located in the **Residential A Zoning District** and is shown on the Town of Uxbridge Assessor's **Map 18D Parcel 1226** and described in a deed recorded at the Worcester Registry of Deeds **Book 23746 Page 119**.

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TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

MEETING MINUTES: Wednesday, July 5, 2023

Heather Simpson, the applicant, presented the application to the Uxbridge Zoning Board of Appeals.

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. 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.

Ms. Simpson 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.

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.

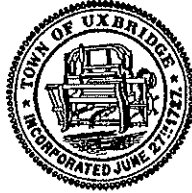
The Appellant said she plans to work with the Board of Health to develop a small commercial kitchen to have the ability to offer pastries and fruit smoothies. There are no plans for a large commercial oven with vent hood, just a convection oven to have the ability to bake frozen croissants, bars, cookies, 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.

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MEETING MINUTES: Wednesday, July 5, 2023

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.

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.*

Motion: 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.

Motion: 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:

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Rob Knapik, Member
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MEETING MINUTES: Wednesday, July 5, 2023

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.

ADMINISTRATIVE:

1. Meeting Minutes Review: 6/7/23

Motion: Mr. McNulty made a motion to approve the June 7, 2023 meeting minutes of the Zoning Board of Appeals. Mr. Fayyad seconded, and the motion passed unanimously by vote of 3-0-1 (*Mr. Knapik abstained*).

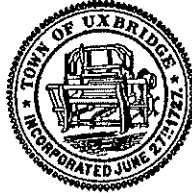
Motion: Mr. McNulty made a motion to approve the amendments made to the February 1, 2023 meeting minutes of the Zoning Board of appeals. Mr. Fayyad seconded, and the motion passed by vote of 4-0-0.

ADJOURNMENT: Next Regularly Scheduled ZBA Meeting, Wednesday August 2, 2023

Motion: Mr. McNulty made a motion to adjourn the June 7, 2023 meeting of the Zoning Board of Appeals. Mr. Fayyad seconded, and the motion passed unanimously by vote of 3-0-0.

Respectfully Submitted,
Melissa Shelley

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




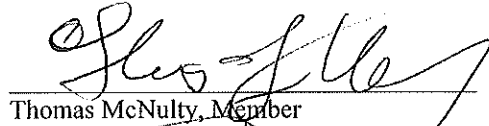
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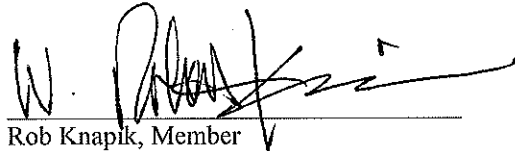
**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

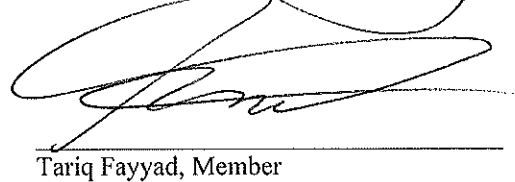
MEETING MINUTES: Wednesday, July 5, 2023

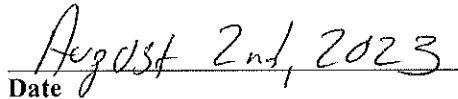
SIGNATURES:


Jim Blackburn, Chairperson


Thomas McNulty, Member


Rob Knapik, Member


Tariq Fayyad, Member


Date