

Town of Uxbridge  
**Planning Board**  
21 South Main Street  
Uxbridge, MA 01569  
(508) 278-8600 ext. 2013

REC'D UXB TOWN CLERK  
2020 OCT 21 PM2:24

**TOWN OF UXBRIDGE**  
**SPECIAL PERMIT FOR MAJOR NONRESIDENTIAL PROJECT USE**  
**DECISION AND CERTIFICATE OF ACTION**  
**FY21--03, 502 & 486 Douglas Street**

Date: October 21, 2020

Name of Applicant: Uxbridge Gas & Market, LLC

Address of Applicant: 44 Bearfoot Road, Suite 175  
Northborough, MA 01532

Owners and addresses: Map 23 Lot 4364:  
ARIS Group LLC  
100 Church Street  
Whitinsville, MA 01588

Map 23 Lot 4424:  
Desruisseaux Realty Trust of 1999  
486 Douglas Street  
Uxbridge, MA 01569

Location of Property: 502 & 486 Douglas Street

Assessors Maps/Parcels: Map 23 Lot 4364; 4424

Deed Books/Pages: Deeds Bk. 54556 Pg. 63; Deeds Bk. 27722 Pg. 346

Site Plan Dated: May 8, 2020; Last Revised September 30, 2020

Engineer or Land Surveyor: CMG Environmental, Inc.  
67 Hall Road  
Sturbridge, MA 01566

Zoning District(s): Business

## BACKGROUND/SUMMARY

On June 25, 2020, an application was received by the Planning Board and duly filed with the Uxbridge Town Clerk, for a Special Permit for Major Nonresidential Project for use in a Business District (the "Special Permit") for the construction and subsequent operation of an approximately 5,000 square foot filling station/convenience store. The convenience store will have an attached drive-through coffee shop. The project will have associated car parking, loading and other development features on a portion of the property comprised of 502 and 486 Douglas Street. The Special Permit is sought pursuant to Article III, sec. 400-10 C and Article VI, sec. 400-20 Uxbridge Zoning Bylaws ("UZB" or "Zoning Bylaw"), "Special Permit: Planning Board" and "Special Permit for Major Nonresidential Project" and pursuant to such other applicable provisions of the Zoning Bylaw. A Stormwater Management Permit application was concurrently requested. Notice of the Public Hearing was scheduled and published in the "Worcester Telegram & Gazette" for and August 10, 2020 posted in the Uxbridge Town Hall, and abutters were notified by way of certified mail. The Public Hearing was opened on August 12, 2020, at which time the applicant presented testimony and evidence, and the public had the opportunity to comment. The Hearing was continued to August 26, 2020. The Hearing scheduled for August 26, 2020 was continued at the request of the applicant to September 23, 2020. The Hearing was continued to September 30, 2020 and closed on that date.

The site lies entirely within the Business Zoning District. The proposed gasoline selling station and convenience store with drive-through use is allowed by Special Permit in the Business District. The project has been granted an Order of Conditions from the Town's Conservation Commission and a Special Permit from the Town's Zoning Board of Appeals.

## FILINGS

The Planning Board has received the following written materials:

1. The application submitted by CMG Environmental, Inc. on behalf of Uxbridge Gas & Market, LLC, consisted of a Special Permit Application Form, a Site Plan, a Stormwater Report, a Traffic Study, a certified abutter list, architectural designs and associated fees.
2. Plans, entitled "Uxbridge Gas & Market Proposed Filling Station/ Convenience Store w/ Drive-Thru" prepared by CMG Environmental, Inc., dated May 8, 2020, with a final revision date of September 4, 2020 unless otherwise specified, included the following plan sheets:
  - Sheet 1 Title Sheet
  - Sheet 2 Existing Conditions Plan
  - Sheet 3 Site Plan (Revised September 30, 2020)
  - Sheet 4 Grading and Drainage Plan (Revised September 30, 2020)
  - Sheet 5 Utilities Plan (Revised September 21, 2020)
  - Sheet 6 Erosion & Sediment Control Plan (Revised September 30, 2020)
  - Sheet 7 Truck Turn Figure Plan (Revised September 21, 2020)
  - Sheet 8 Detail Sheet
  - Sheet 9 Detail Sheet
  - Sheet 10 Detail Sheet
  - Sheet 11 Detail Sheet
  - Sheet 12 Detail Sheet (Revised September 30, 2020)

- Sheet 13 Detail Sheet
  - Sheet 14 Landscape Plan
  - Sheet 15 Landscape Detail Sheet
  - Sheet 16 Lighting Proposal (Dated May 6, 2020; Revised May 18, 2020)
3. Related Materials include the following:
- 1.) Stormwater Report, prepared by CMG Environmental Inc., dated May 8, 2020 and revised September 4, 2020
  - 2.) Architectural Floor Plan and Exterior Elevations for Filling Station and Convenience Store, prepared by Vreeland Design Associates, dated June 24, 2020
  - 3.) Traffic Impact and Access Study, prepared by MDM Transportation Consultants, Inc., dated May 2020 and supplemented August 28, 2020
  - 4.) Underground Storage Tank System Information and Safety Discussion," prepared by Tg2 Solutions, LLC, dated September 23, 2020
  - 5.) Impact Assessment Narrative
4. File Correspondence:
- Dated 09/29/2020: letter from Uxbridge DPW
  - Dated 08/05/2020: letter from Uxbridge DPW
  - Dated 09/29/2020: letter from Graves Engineering, Inc. providing peer review of the submitted site plan
  - Dated 08/05/2020: letter from Graves Engineering, Inc. providing peer review of the submitted site plan
  - Dated 09/23/2020: letter from Vanasse & Associates Inc. providing peer review of the submitted Traffic Impact and Access study
  - Dated 09/17/2020: letter from Vanasse & Associates Inc. providing peer review of the submitted Traffic Impact and Access study
  - Dated 09/18/2020: email from CMG Environmental Inc.
  - Dated 09/23/2020-09/28/2020: emails from Attorney Thomas Reidy and Principal Engineer David Faist

## DECISION

*At the Planning Board's duly scheduled meeting on October 14, 2020, a **MOTION** made by Mr. Leonardo to endorse and grant the Special Permit Application FY21-03, for Uxbridge Gas & Market, LLC, their respective successors and assigns for use and development of the properties with current addresses of 486 & 502 Douglas Street, Uxbridge, MA., with Finding 7, that the Board finds that the application, with Conditions, meets each of the required traffic, environmental, community, and fiscal standards as stated in Findings 1-6. The Planning Board also finds that the application, with Conditions, as a whole, substantially conforms to the intent of the Bylaws and proposes an appropriate and beneficial development to the site.*

Motion was seconded by Mr. Hauck. The motion carried 4-0-0. This decision is granted based on the following findings and conditions as noted herein. A Stormwater Management Permit was also separately deliberated upon and granted. The required findings and conditions of approval are set forth below.

## FINDINGS

The Board has also taken into consideration the following:

1. The social, economic and community needs which are served by the proposal are positive.

The location of the proposed use, just off Route 146 on the eastbound lane of Route 16, will decrease transient vehicle traffic, including that of large tractor-trailers, through the center of Town. The project will provide convenient access to motor vehicle fuel for Town residents leaving or returning by way of Route 146. The proposed use will also provide the community with an increased tax base compared to the current residential use. Additionally, the proposed use will create a significant number of new employment opportunities for residents of the Town. The proposed retail convenience store and gasoline selling station project based on the submitted materials together with all associated parking, facilities and infrastructure has been located in a manner consistent with the Uxbridge Zoning Bylaw, §400-20, Appendix A Table of Use Regulations, and Article X Definitions of the Uxbridge Zoning By-Law, and the fuel station portion of the Project has been granted a Special Permit from the Town's Zoning Board of Appeals.

2. There is minimal impact on traffic flow and safety, including parking and loading.

A Transportation Impact and Analysis Study (TIAS) by MDM Transportation Consultants was submitted for the project and reviewed by a third party. Changes to the project were made in accordance with the analysis of this peer review. The project will have two separate full access driveways spaced two-hundred feet apart to mitigate any build up in traffic entering or leaving the property. The TIAS indicates that there will be no significant increase in motorist delay or vehicle queuing during peak-volume hours, with or without improvements to the Route 146 and 16 ramp intersections. No roadway improvements are warranted to accommodate the project. Additionally, a supplemental traffic study concluded that the development of a nearby warehouse project at 515 Douglas Street would not result in any significant change in the traffic calculations for this project. Adjustments to the project have been made to accommodate potential queuing in the drive-through area, including the designation of employee only parking spaces and the relocation of a future electric vehicle charging station. The proposed parking area for the project will include nineteen dedicated parking spaces, including two handicap spaces, as well as ten spaces available at fuel pumps and two truck spaces available at high-speed diesel pumps. This totals parking spaces for twenty-nine vehicles (excluding the two high-speed diesel truck spots), which complies with § 400-20(F)(1)(e) of the Town's zoning regulations. The project includes a separate loading zone on the southeast corner of the site which ensures that traffic and parking will not be affected while goods are being loaded or offloaded. The project has sufficient lighting for nighttime operation, but when illuminated shall not be a nuisance or hazard to abutters.

3. There will be minimal impact on utilities and other public services.

The proposal includes appropriate utility access, including water, electricity and sewage that will create minimal demand on the Town. The future use as a fueling station and convenience store is expected to require approximately 1,100 GPD of water and generate approximately 1,000 GPD of sewer flow. The project owner will be responsible for snow clearing and landscaping. The project has been reviewed by the Uxbridge Department of Public Works and changes have been made in accordance with that review. A truck turning analysis has indicated that an Uxbridge Fire vehicle can safely access the project site and maneuver in an unimpeded manner without intrusion into parking spaces or vehicle fueling positions. A truck turning analysis has indicated that a proposed garbage vehicle can safely access the project site and maneuver to the proposed dumpster area.

4. There will be minimal impact on the neighborhood character and social structures.

The project is entirely located within an area designated and zoned for Business uses. The proposal includes significant landscaping and enhanced architectural design features to ensure there will be minimal visual impact on the surrounding area. The existing wooded area at the rear of the property will remain as a backdrop and provide practical sound buffering and an aesthetic visual. Lighting has been designed to prevent any excess light from entering the abutting properties or roadways. The project will have little impact to the provisions described in 400-20.E.2 including air quality, water quality, vibration or electromagnetic radiation. The use of the site as a fuel station and convenience store will not have any effects on the social structures of the Town or neighborhood.

5. There will be a positive impact on the natural environment.

The project is sited outside of the Town's 25-foot no disturb zone for Resource Areas and has received Conservation Commission approval. The proposed use will not result in a threat to any public or private water supply. The applicant has submitted an appropriate sediment and erosion control plan. The proposed fuel storage system will be installed and operated in accordance with all relevant Federal, State, and Local Regulations. The fuel storage system includes double-walled storage tanks constructed of reinforced fiberglass. Each tank contains an Automatic Tank Gauge which continuously tests for water or fuel intrusion into the interstitial space between the walls of each tank. This system will immediately alert the facility in the event of groundwater intrusion or fuel leakage into the interstitial space. A liquid-tight sump pump will be fused to the top of each tank, with an additional sensor in each pump, and double-walled fiberglass fuel lines will electro-welded to the pump. The fuel lines are then electro-welded to the gasoline dispensing sumps. The project contains appropriate safeguards for the proposed use as a fuel station, including spill protection, overfill protection, and automatic shutoff valves. The project includes a stormwater management system designed in accordance with the MassDEP Stormwater Handbook. The project is not expected to have any off-site environmental impacts.

6. The potential fiscal impact on town services, tax base and/or employment is positive.

The proposed use will provide the community with an increased tax base compared to the current residential use. The most recent data states 502 Douglas Street was assessed at \$261,300. The most recent data states 486 Douglas Street was assessed at \$385,800. A fueling station and convenience store, similar to that of the project, at the corner of North Main Street and Hazel Street was assessed

at \$1,284,400. Using these figures as examples, the project could increase the Town's tax base by more than \$635,000. This increase in tax revenue will have a significant positive effect on the community. Additionally, the proposed use would create a significant number of new employment opportunities for residents of the Town, with the need for an estimated fourteen employees.

7. Pursuant to Uxbridge Zoning Bylaw 400-20G, the Planning Board finds that the application, with Conditions, meets each of the required traffic, environmental, community, and fiscal standards as stated in Findings 1-6. The Planning Board also finds that the application, with Conditions, as a whole, substantially conforms to the intent of the Bylaws and proposes an appropriate and beneficial development to the site.

## CONDITIONS

1. Prior to receipt of a Building Permit, the Project site shall exist on its own conforming parcel, and the house at 486 Douglas Street shall also exist on its own conforming parcel through an Approval Not Required Plan.
2. The retail uses, including the drive-through, may remain open twenty-four hours per day, seven days per week.

**TOWN OF UXBRIDGE  
SPECIAL PERMIT FOR MAJOR NONRESIDENTIAL PROJECT DECISION AND  
CERTIFICATE OF ACTION  
FY21--03 486 & 502 Douglas Street**

SAID SPECIAL PERMIT APPROVAL IS GRANTED PURSUANT TO M.G.L. CHAPTER 40A, SECTION 9. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 17.

**UXBRIDGE PLANNING BOARD**

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Barry Desruisseaux, Chair

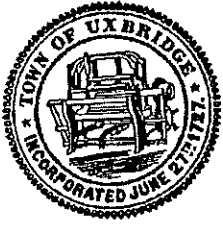
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James Smith, Vice-Chair

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Eli Laverdiere, Member

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Joseph Leonardo, Member

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Barry Hauck, Clerk

\_\_\_\_\_  
Date



**TOWN OF UXBRIDGE  
SPECIAL PERMIT FOR MAJOR NONRESIDENTIAL PROJECT  
DECISION AND CERTIFICATE OF ACTION  
FY21--03, 486 & 502 Douglas Street**

I hereby certify that twenty (20) days has elapsed from the date this decision was filed and that no appeal has been filed in this office.

A true copy: ATTEST

\_\_\_\_\_  
Town Clerk/Assistant Town Clerk  
(Town Seal Affixed)

\_\_\_\_\_  
Date