

MAY 9 '17 AM 9:59



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

Received by
Uxbridge
Town Clerk

**TOWN OF UXBRIDGE
SPECIAL PERMIT
CUMBERLAND FARMS**

FY17-16, 124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St.

***CORRECTED DECISION**

** Due to an inadvertent clerical error, a draft (and not final) decision was filed with the Uxbridge Town Clerk. Such a decision did not include all of the findings or conditions imposed by the Planning Board voted on at its April 12, 2017 public meeting. Consequently, this Corrected Decision shall, in its entirety, replace the decision filed with the Town Clerk on April 25, 2017.*

Date: April 12, 2017

Name of Applicant: Cumberland Farms, Inc.

Address of Applicant: 165 Flanders Road
Westborough, MA 01581

Owners: Richard W. Riley & Edward J. Riley
Lori A. Brady & Scott R. Brady,
c/o Blackstone Realty LLC (holder of purchaser agreement)
Blackstone Realty, LLC
Blackstone Realty, LLC

Addresses of Owner: 124-126 North Main Street, Uxbridge, MA
370 Main Street, 11th Floor, Worcester, MA
370 Main Street, 11th Floor, Worcester MA
370 Main Street, 11th Floor, Worcester, MA

Location of Property: 124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St
Uxbridge MA 01569

Assessors Maps/Parcels: Map 304, Block 018.B Lot 2966
Map 304, Block 018.B Lot 2967
Map 304, Block 018.B Lot 2964
Map 304, Block 018.B Lot 2958

Deed Books/Pages: Deed Book 34960 Page 391
Deed Book 41846 Page 394
Deed Book 18685 Page 305
Deed Book 20548 Page 195

Site Plan Dated: October 14, 2016; Last revised March 8, 2017

Engineer or Land Surveyor: Bohler Engineering
352 Turnpike Road
Southborough, MA 01772

Zoning District(s): Business

BACKGROUND/SUMMARY

On October 19, 2016 an application was received, by the Planning Board and duly filed with the Uxbridge Town Clerk, for a Special Permit to raze the existing site and construct/operate a 4,786 square foot retail convenience store with automobile filling stations; six (6) fueling stations/12 fueling positions including diesel, at 124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St. The named owners of record are Richard & Edward Riley, Lori & Scott Brady/Blackstone Realty, LLC, & Blackstone Realty, LLC. The Applicant of record is Cumberland Farms, Inc. Notice of the Public Hearing was scheduled and published in the "Worcester Telegram & Gazette" for October 26, 2016 and November 2, 2016, posted in the Uxbridge Town Hall, and abutters were notified by way of certified mail. The Public Hearing was opened on November 9, 2016, continued through a span of meetings, and ultimately closed on March 22, 2017.

The properties contains approximately 1.06± acres of land and are shown on the Uxbridge Assessor's Map 304, Block 018.B, Lots 2966, 2967, 2964, & 2958 The deed for said parcels are recorded in the Worcester Registry of Deeds Books 34960, 41846, 18685, & 20548, Pages 391, 394, 305, & 304 and said land is free from encumbrances. The site lies within the Business zoning district.

FILINGS

The Planning Board has received the following written materials:

1. The application submitted by Thomas R. Reidy, Esq. on behalf of Cumberland Farms, Inc., consisted of a Special Permit Application Form, Project Narrative and Impact Assessments, a copy of the Deeds, Certification of Organization of Blackstone Realty LLC, Affidavit from Stephan M. Rodolakis, (2) option to purchase real estate agreements, a copy of the Application for Certified Abutters List, a copy of the Abutters List Report, Locus Map, Stormwater Narrative and Management Report, associated fees, and a Site Plan.
2. Plans, titled Project No. W141636, prepared by Bohler Engineering, dated October 14, 2016 with a final revision date of March 8, 2017, included the following plan sheets:
 - CFG01.0 COVER SHEET
 - CFG01.1 GENERAL NOTES SHEET
 - CFG02.0 ALTA/NSPS LAND TITLE SURVEY
 - CFG02.1 ALTA/NSPS LAND TITLE SURVEY
 - CFG03.0 DEMOLITION PLAN
 - CFG04.0 SITE PLAN
 - CFG05.0 GRADING & DRAINAGE PLAN
 - CFG06.0 SOIL EROSION & SEDIMENT CONTROL PLAN
 - CFG06.1 SOIL EROSION CONTROL NOTES & DETAILS SHEET

- CFG07.0 UTILITY PLAN
- CFG08.0 LANDSCAPE PLAN
- CFG08.1 LANDSCAPE NOTES & DETAILS SHEET
- CFG09.0 CONSTRUCTION DETAILS
- CFG09.1 CONSTRUCTION DETAILS
- CFG09.2 CONSTRUCTION DETAILS
- CFG09.3 CONSTRUCTION DETAILS
- CFG10.0 LIGHTING PLAN (BY OTHERS)
- CFG10.1 LIGHTING PLAN DETAILS (BY OTHERS)
- CFG11.0 FIRE SUPPRESSION PLAN
- CFG12.0 CANOPY PLAN & ELEVATIONS
- CFG12.1 CANOPY DETAILS
- CFG13.0 SIGN DRAWING
- CFG13.1 DIRECTIONAL SIGN DETAILS
- A1.1 BUILDING FLOOR PLAN (BY OTHERS)
- A3.1 EXTERIOR ELEVATIONS (BY OTHERS)
- A3.2 EXTERIOR ELEVATIONS (BY OTHERS)
- DS1.1 DOWNSPOUT LOCATION PLAN (BY OTHERS)
- L1.1 EXTERIOR BUILDING LIGHTING PLAN (BY OTHERS)

3. File Correspondence:

- dated 09/28/16 & last revised 03/09/17 Stormwater Narrative & Management Report
- dated 10/00/16 Traffic Impact Study, McMahon
- dated 11/01/16 Graves Engineering Review
- dated 11/08/16 Department of Public Works Memorandum
- dated 12/02/16 Comments from the Fire Chief
- dated 12/28/17 Accident Report from Uxbridge Police Department
- dated 01/10/17 Noise Study, CavanaughTocci
- dated 01/18/17 Supplemental Traffic Impact Study, McMahon
- dated 02/07/17 Graves Engineering Review
- dated 03/16/17 Graves Engineering Review
- dated 03/17/17 Peer Review of Traffic Impact Study, WSP/Jennifer Conley
- dated 03/21/17 Department of Public Works Memorandum
- Numerous abutter comments, emails, & letters

DECISION

MOTION I made by Mr. Desruisseaux to endorse the Special Permit Application FY17-16, for Cumberland Farms, Inc. located at 124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St, 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, and Condition #8, music and audio advertising shall be allowed between the hours of 6:00 a.m. to 9:00 p.m.

Motion was seconded by Mr. Piccirillo The motion carried 4-0-0. This decision is granted based on the following findings and conditions as noted herein. No waivers were sought for this Special Permit application. The findings and conditions of approval are set forth below.

FINDINGS

In granting the Special Permit with conditions, the Board determines that any adverse effects of the proposed use of land will not outweigh its beneficial impact to the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. 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 proposed retail convenience store and gas 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.

2. There is little to no impact on traffic flow and safety, including parking and loading.

A traffic study was performed. A third party engineer reviewed the traffic study report as well as the crash data provided by Uxbridge Police Department. The design will be done in consideration of the site's location in relation to the intersecting streets and there will be a decrease in the number of driveways on Hazel Street and North Main Street as well as a consolidation of curb cuts to improve safety and reduce the number of conflict points on the adjacent roadways. Signage, lighting, and pollution (ground, water, air, noise) controls have been designed to address safety. The fuel storage system will be installed, operated, and maintained in accordance with Federal, State, & Local regulations. An emergency response plan will be in place and the owner of the system is required to provide trained personnel and operators to perform regular monitoring and reporting.

3. There is no impact on utilities and other public services.

There will be minimal demands placed on Town services and infrastructure. Cumberland Farms will be responsible for site/infrastructure maintenance, waste disposal, snow removal, landscaping, maintenance of paved areas, and curbing.

4. There is little to no impact on the neighborhood character and social structures.

The project is located in a business zoning district with mixed residential and business zones on North Main Street. The convenience store will have colonial New England style architecture. Dumpster will be screened off. Downcast LED lights in combination with the proposed landscaping will prevent light nuisance/spillage onto adjacent properties. Pollution controls will be in place.

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

The proposed project will have stormwater management, which meets or exceeds the DEP Protection Stormwater Management Standards. There will be erosion and sedimentation controls in place during construction. The landscaped areas will maintain proposed plantings through private contractors and an irrigation system. The existing wooded area at the rear of the site will also be maintained.

6. The potential fiscal impact on town services, tax base and/or employment is positive. The project will provide revenue for the Town with no impact on Town services or the school system. It will provide a service as well as job opportunities.
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. The Applicant shall comply with all applicable laws, regulations, and permit conditions required by the Planning Board, Conservation Commission, Board of Health, Building Department, Fire Department, Department of Public Works and all other departments and agencies for this project.
2. The Applicant shall adhere to the conditions noted on the approved Plan.
3. The Applicant shall install and maintain all plantings shown on the site plan or deemed necessary by the Planning Board.
4. Prior to applying for an occupancy permit from the Building Inspector, the Applicant must notify the Planning Board and schedule a pre-construction meeting.
5. The Special Permit, including any attachments or appendices thereto shall be recorded at the Worcester Registry of Deeds within six (6) months or this Special Permit will become null and void. Said time shall not include such time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17. The Applicant shall submit evidence of such recording to the Planning Board.
6. This Special Permit shall lapse in two (2) years on April 12, 2019, the filing date of the Special Permit approval, if a substantial use thereof has not commenced, except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause. Said time shall not include such time required to pursue or await the determination of an appeal referred to in M.G.L Chapter 40A, Section 17.
7. Hours of Operation shall be 5:00 a.m. to 12:00 a.m., 7 days per week.
8. Music and audio advertising shall be allowed between the hours of 6:00 a.m. to 9:00 p.m.


***CORRECTED DECISION
SPECIAL PERMIT
CUMBERLAND FARMS
FY17-16, 124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St.**

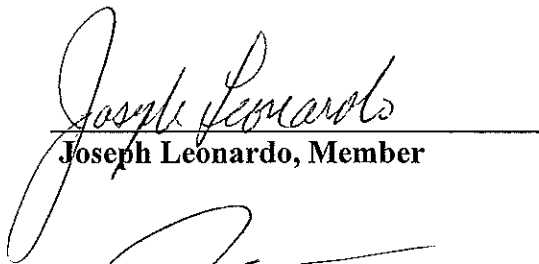
SAID SPECIAL PERMIT APPROVAL IS GRANTED PURSUANT TO M.G.L. CHAPTER 40A, SECTION 9. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 9.

UXBRIDGE PLANNING BOARD



James Smith, Chair

Barry Desruisseaux, Vice-Chair

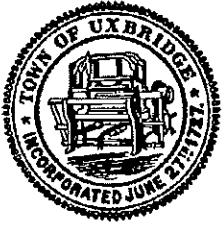
Peter Pavao, Clerk

Joseph Leonardo, Member

Justin Piccirillo, Member

April 26, 2017

Date



**CORRECTED DECISION
SPECIAL PERMIT
CUMBERLAND FARMS**

FY17-16, 124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St.

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