

SEP 13 '16 AM 10:39

Mark Wickstrom, Chair
Thomas Bentley, Alternate Member
Bruce Desilets, Alternate Member
Joseph Frisk, Alternate Member
Joseph Alves, Alternate Member
Kevin Harn, Alternate Member
Chris Currie, Alternate Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2013 p
508-278-0709 f

Received by
Uxbridge
Town Clerk

DECISION

SPECIAL PERMIT GRANTED

ZBA Case# FY17-06

Zone: Business Zone

Owner: El-Massih Enterprises, LLC.

Property Address: 785 Quaker Hwy.

Assessor's Reference: Map 51 Parcel: 188

Worcester District Registry of Deeds References: Book: 40841 Pages: 89

BACKGROUND: The Applicant is seeking a **SPECIAL PERMIT** to construct a gas service station and retail convenience store.

VOTING MEMBERS PRESENT: Alternate Member Bruce Desilets; Alternate Member, Joseph Frisk; Alternate Member, Christopher Currie.

PRESENTATION / DELIBERATIONS / FINDINGS OF FACT

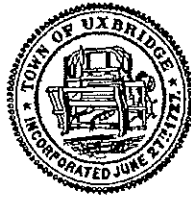
The Public Hearing was opened and closed on September 7, 2016.

FY17-06: 785 Quaker Highway, El-Massih Enterprises, LLC. Owner is seeking a **SPECIAL PERMIT** to construct a gas service station and retail convenience store. Property is shown on the Town of Uxbridge Assessor's Map 51 Parcel 188 and described in a deed recorded at the Worcester Registry of Deeds Book 40841 Page 89 and is located in a Business zone.

The Applicant submitted the following testimony and evidence: Application, supporting materials, and site plan. At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was opened on September 7, 2016. Mr. O'Connell gave a brief history of the property; Gia's Restaurant, formally the Oyster Cabin. He stated that the existing building would be razed and a fuel service and convenient store would be built further back on the property. There would be 5 pumps/10 fueling positions and the entrance and exit to the property would remain on the northern driveway due to DOT regulations with the property being close to the on/off ramps. Mr. O'Connell noted that the project, if a Special Permit was granted, would still need to go before the Planning Board for further approval.

Two abutters addressed the Board citing concerns about run-off, well safety, and traffic safety. Following public input, the Board closed the public hearing.

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Deliberations: The Board reviewed the six criteria for granting special permits and found that the social, economic and community needs would be served by the proposal. The traffic flow and safety would not be more detrimental as it was same entrance/exit to the property. Pubic services and adequacy of utilities were met as the property has its own well. The property is in a business zone thus it would have no negative impact on the neighborhood character and structures. There would be no impact to the natural environment as the business will be reviewed by the State and EPA. The fiscal impact was said to be positive.

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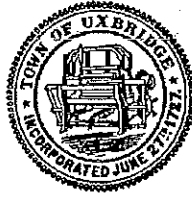
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Motion made by Mr. Frisk: to approve a special permit for FY17-06 785 Quaker Highway to construct a gas service station and retail convenience store and that the board took into considerations social, economic, or community needs, traffic flow and safety with the entrance and exit remaining in the same locations, adequacy of utilities as the town does not provide water and sewer to the property, neighborhood character, impacts on the environment and potential fiscal impact are positive with employment opportunities.

The Motion was seconded by Mr. Currie. Motion carried by roll call vote 3-0-0.
Mr. Frisk-aye. Mr. Currie-aye. Mr. Desilets-aye.

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SIGNATURE PAGE

Recused

Mark Wickstrom, Chairman

Bruce Desilets, Alternate Member

Absent

Kevin Harn, Alternate Member

Absent

Joseph Alves, Alternate Member

Absent

Thomas Bentley, Alternate Member

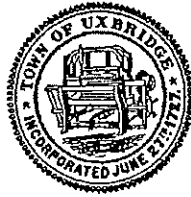
Joseph Frisk, Alternate Member

Christopher Currie, Alternate Member

9/8/2016

Date

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Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40 A, Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk.

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

A true copy: **ATTEST**

Town Clerk, Kelly Dumas or
Assistant Town Clerk

Town Seal

****THE APPLICANT IS REMINDED OF THEIR RESPONSIBILITY TO RECORD THIS
DECISION AT THE REGISTRY OF DEEDS PER THE CERTIFICATE OF GRANTING.
NO PERMITS SHALL ISSUE UNTIL THE PERMIT IS RECORDED.****