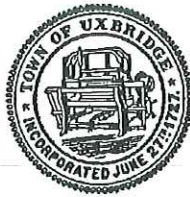


Rob Knapik, Member  
John Gniadek, Member  
Joseph Frisk, Associate Member  
Mark Kaferlein, Associate Member



Uxbridge Town Hall  
21 South Main Street, Room 205  
Uxbridge, MA 01569  
508-278-8600 x2019 p  
508-278-0709 f

## **DECISION**

MAR 26 '18 PM 1:12

**ZBA Case #** FY18-08  
**Zone:** Industrial Zone  
**Owner:** Giguere Realty, LLC  
**Property Address:** 20 Megan Court  
**Assessor's Reference Map:** 45 **Parcel:** 4058  
**Worcester District Registry of Deeds References:** Book: 55788 Page: 155

**Received by  
Uxbridge  
Town Clerk**

### **Special Permit GRANTED or with Conditions**

**Decision Date:** March 19, 2018

**BACKGROUND:** 20 Megan Court, Giguere Realty, LLC, Applicant is applying for a **Special Permit** to install a 5000 gallon above ground fuel tank for company fleet of Class A Flatbed Trucks. This tank will be replacing a mobile fueling unit and will contain on-road diesel fuel.

**VOTING MEMBERS PRESENT:** Robert Knapik, John Gniadek, and Mark Kaferlein

**SUBMITTALS:** a complete Zoning Board of Appeals Application; a Certified Abutters List; a Plot Plan prepared by Heritage Design dated 2/21/18

### **PRESENTATION / DELIBERATIONS / FINDINGS OF FACT:**

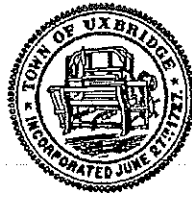
The public hearing was opened and closed on **March 19, 2018**.

Scott Vargas, co-owner of Giguere Realty, and Chris Swanson, RI Hydraulics Co Inc., installer, presented the application and provided the following details: (i) the product is a 5000 gallon steel, double walled, above ground fuel tank with a pedestal pump (ii) it will be installed on a concrete pad with surrounding safety bollards (iii) the tank holds 110% of its capacity between the two walls (iv) the pedestal system requires code and key to unlock dispensing (v) there are monitoring and shut off safety features (vi) the area will be fenced off with 6' chain link fence with sliding gates. The applicant has received necessary approvals from the Uxbridge Fire Department and will be subject to safety requirements and inspections. The applicant has no plans to dispense or sell fuel to the public. No abutters spoke or provided comment on the petition.

The Board considered the applicant's testimony and referred the Uxbridge Zoning Bylaw Table of Uses and Definitions and a Gasoline or Oil Filling Station is allowed as a Commercial Use in an Industrial Zone with a Special Permit from the ZBA. There was a review of the six Special Permit Criteria Section 400-50 (B) of the Uxbridge Zoning Bylaws summarized below and made the finding that based on the evidence the proposal meets the standard set forth:

1. social, economic, or community needs which are served by the proposal – *positive impact for the applicant; reduces need for the Class A trucks to travel for fuel*
2. traffic flow and safety, including parking and loading – *same point as above*
3. adequacy of utilities and other public services – *no impact anticipated*
4. neighborhood character and social structures – *site is well suited and surrounded by similar industrial type businesses*
5. impacts on the natural environment – *outside 200' riverfront buffer zone; there are processes in place for safety measures during fuel dispensing and filling of the tank*
6. potential fiscal impact, including impact on town services, tax base and employment – *no impact anticipated*

Rob Knapik, Member  
John Gniadek, Member  
Joseph Frisk, Associate Member  
Mark Kaferlein, Associate Member



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## **DECISION**

**ZBA Case #** FY18-08  
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### **Special Permit GRANTED or with Conditions**

**Decision Date:** March 19, 2018

#### **MOTION / VOTE:**

Mr. Gniadek made a **MOTION** to close Public Hearing FY 18-08 for 20 Megan Court. **MOTION SECONDED** by Mr. Kaferlein passed unanimously by vote of 3-0-0.

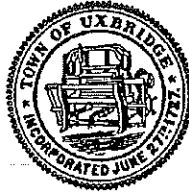
#### **MOTION / VOTE:**

Mr. Gniadek made a **MOTION** that the Zoning Board of Appeals to **APPROVE** a **SPECIAL PERMIT** for FY18-08, 20 Megan Court, subject to the conditions below and that the petition met the Special Permit criteria outlined in Section 400-50 B in the Uxbridge Zoning Bylaws. **MOTION SECONDED** by Mr. Kaferlein passed unanimously by vote of 3-0-0.

#### **CONDITIONS:**

1. The fuel tank is installed generally in accordance to the proposal and plan submitted with the petition and that all Building and Fire Codes are adhered to.
2. The special permit authorizes the storage and dispensing of on-road diesel fuel. Dispensing is only permitted to the applicant and the applicant's vehicles and not to the public.
3. The property will include fencing that is secure and prohibits access to the fuel tank at times when the applicant's business is not open or the building is not staffed.

Rob Knapik, Member  
John Gniadek, Member  
Joseph Frisk, Associate Member  
Mark Kaferlein, Associate Member

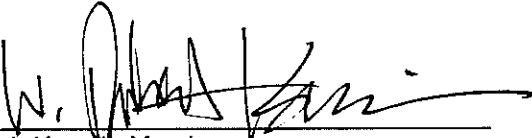


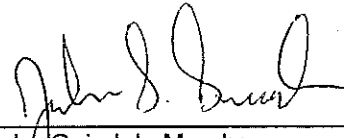
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## DECISION

ZBA Case # FY18-08  
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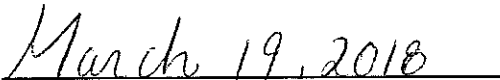
## SIGNATURE PAGE

  
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Rob Knapik, Member

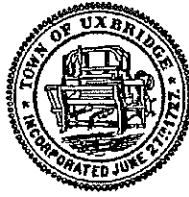
  
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John Gniadek, Member

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Joseph Frisk, Associate Member

  
\_\_\_\_\_  
Mark Kaferlein, Associate Member

  
\_\_\_\_\_  
Date

Rob Knapik, Member  
John Gniadek, Member  
Joseph Frisk, Associate Member  
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## **DECISION**

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### **Special Permit GRANTED or with Conditions**

Decision Date: March 19, 2018

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

\_\_\_\_\_  
Date

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. \*\***