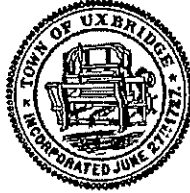


Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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

DECISION

ZBA Case #: FY20-05

Zone: Industrial B

Owner: Drake Petroleum Company, Inc.

Property Address: 674 Quaker Highway

Assessor's Reference Map: 45 Parcel: 3946

Worcester District Registry of Deeds References: Book: 5067 Page: 487

Special Permit Granted

Decision Date: September 4, 2019

BACKGROUND: 674 Quaker Highway, Drake Petroleum Company, the Owner/Applicant, is seeking a **SPECIAL PERMIT** for a gasoline filling station use per Appendix B of the Uxbridge Zoning Bylaws and specifically proposes to replace the two diesel fueling positions with new high-speed diesel fueling positions and an associated overhead canopy and fire suppression system.

SUBMITTALS:

- Zoning Board of Appeals Application and Fees for a Special Permit submitted by Bohler Engineering
- Site Development Plans prepared by Bohler Engineering, dated August 12, 2019
- Drainage Memorandum for the Proposed Fueling Station Improvements prepared by Bohler Engineering, dated August 12, 2019
- Property Deed
- Certified Abutter List
- Municipal Lien Certificate

VOTING MEMBERS: Attorney Rob Knapik, John Gniadek, and Thomas McNulty

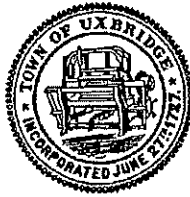
PRESENTATION / DELIBERATIONS / FINDINGS OF FACT:

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was **opened and closed on September 4, 2019.**

Jesse Johnson, with Bohler Engineering, presented the petition and described the property and the project on behalf of the applicant. Tom Danieluk, with Drake Petroleum Company, also attended the meeting. The property is currently, and has for some time, been used as a gasoline fueling station that includes the sale of both gasoline and diesel fuels. The proposed project includes the removal of an obsolete single-pump, two-lane diesel fueling area that will be replaced with a new three-pump, two-lane high-speed diesel fueling area. A freestanding canopy with a fire suppression system will accompany the new diesel dispenser pumps. Minor modifications to the pavement and curbing to reduce impervious surface and improve vehicle maneuverability into and within the site are included in the proposal. The proposal also includes upgrades to the stormwater system consisting of adding deep-sump hooded catch basins and associated piping to direct stormwater into a water quality treatment unit. Mr. Johnson confirmed that the proposed fuel dispensing system would be installed, operated, and maintained in accordance with strict requirements of all applicable Federal, State and Local regulations.

During deliberations, the Board found that the existing gasoline filling station appears to be a pre-existing conforming use because, although a "gasoline or oil filling station" is an allowed use within the Industrial B Zoning District upon issuance of a Special Permit from the Board pursuant to Appendix B of the Uxbridge Zoning Bylaws, the existing gasoline filling station use of the property predates the need for a Special Permit. Accordingly, the Board determined, pursuant to Section 400-50 (B) of the Uxbridge Zoning Bylaws, that the adverse effects of

Rob Knapik, Member
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Thomas McNulty, Associate Member



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508-278-0709 f

DECISION

ZBA Case #: FY20-05

Zone: **Industrial B**

Owner: **Drake Petroleum Company, Inc.**

Property Address: **674 Quaker Highway**

Assessor's Reference Map: **45** Parcel: **3946**

Worcester District Registry of Deeds References: Book: **5067** Page: **487**

both: a.) the overall use of the Property as a gasoline filling station; and b.) the application, as proposed; do not outweigh its benefits to the Town or the neighborhood, and that the use of the Property as a gasoline filling station was an appropriate use of the Property and the application, as proposed, meets the criteria for a Special Permit outlined in Section 400-50 (B) of the Uxbridge Zoning Bylaws as follows:

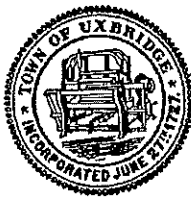
1. social, economic or community needs – *Members agreed the business serves a community need for convenient access to motor vehicle fuel.*
2. traffic flow and safety, including parking – *Members agreed that the proposed upgrades will not have a meaningful impact on the traffic flow and safety of the site.*
3. adequacy of utilities and other public services – *Members agreed utilities and services are currently adequate and will remain so after the proposed project.*
4. neighborhood character and social structures – *Members agreed there will be no change to the neighborhood character as the project will not change a long-standing use of the Property as a gasoline filling station.*
5. impact on natural environment – *Members agreed the upgrades will result in a positive impact on the natural environment because the proposed upgrades to the stormwater system will reduce the area of impervious surface.*
6. fiscal impact including impact on town services, tax base and employment – *Members agreed the fiscal impact after completion of the project should be comparable to the existing business and should not have any negative effect on town resources.*

MOTION / VOTE:

Mr. Gniadek made a **MOTION** to close the Public Hearing for FY 20-05 for 674 Quaker Highway. **MOTION SECONDED** by Mr. McNulty passed unanimously by vote of 3-0-0.

Mr. McNulty made a **MOTION** that the Zoning Board of Appeals **GRANT** the **SPECIAL PERMIT** as requested in the application package FY20-05 for 674 Quaker Highway. **MOTION SECONDED** by Mr. Gniadek and the motion passed unanimously by **VOTE** of 3-0-0.

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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DECISION

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SIGNATURE PAGE

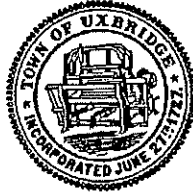
Rob Knapik, Member

John Gniadek, Member

Thomas McNulty, Associate Member

September 4, 2019
Date

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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DECISION

ZBA Case #: FY20-05

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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

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. ****