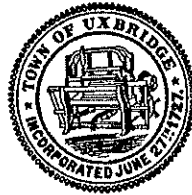


Rob Knapik, Chairman
John Gniadek, Vice Chairman
Mark Kaferlein, Clerk
Thomas McNulty, Associate Member



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

**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

REC'D UXB TOWN CLERK
2019 OCT 3 AM 8:47

MEETING MINUTES: Wednesday, September 4, 2019

Present: Rob Knapik, John Gniadek and Thomas McNulty and Land Use Administrator Melissa Shelley

Absent: Mark Kaferlein

I CALL TO ORDER

It being approximately 6:00pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chair, who led the Pledge of Allegiance

II PUBLIC HEARINGS

1. **FY17-29-MOD: 30 Monahan Drive, Peterson Pereira, All for One Inc., Owner/Applicant**, is seeking a **MODIFICATION** to his **SPECIAL PERMIT** for a Class II Auto Dealer License to increase the number of vehicles allowed on the site. The property is shown on the Town of Uxbridge Assessor's Map **51** Parcel **2755** and described in a deed recorded at the Worcester Registry of Deeds Book **57224** Page **342**. The property is located in the **Business Zone**.

Discussion: Attorney Knapik provided a brief recap of the continued Public Hearing. The request to modify the conditions of the original special permit was initiated after complaints to and concerns raised by the Building Inspector related to the number of vehicles on the site. A public hearing was opened in June and after discussion, the Board requested the applicant prepare a plan showing the buildings, the limits of parking, and a layout of the proposed vehicles.

Mr. Pereira hired Andrews Survey and Engineering to prepare such plan and it was provided to the Board, the Building Inspector and the Fire and Police Departments for review. It was noted that the plan appeared to be of scale, included the information requested and identified a total truck count of seventy-seven (77).

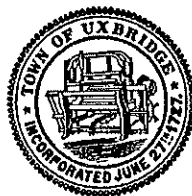
Representatives from the Fire and Police Departments provided comments, photographs and recommendations via email to the Board for review. Concerns highlighted were related to the amount of vehicles on site, the level of congestion and the difficulty/limited access to the buildings and all vehicles in the event of a fire. It was recommended to leave one truck width left open around both buildings to increase access for firefighting efforts if need be, while also decreasing possible fire load.

Mr. Pereira said the plan depicts the worst-case scenario and there is currently a mix of trucks and cars onsite (66 trucks and 18 cars). He said the site is much more organized than it was in May when the issue was first brought to his attention. He was confident that he could maneuver and park the vehicles in such a way that the Police and Fire Departments would have access around the buildings.

The Building Inspector concurred with the recommendations of the Fire and Police Departments and identified some vehicles on the site plan that could be removed to mitigate those concerns. He also suggested that the Board give Mr. Pereira time to organize the vehicles to simulate the layout of the plan and a site visit to confirm concerns are addressed.

Attorney Knapik, stated that in his opinion the plan is invaluable, it enables the Board to see what's reasonable on the property and he envisions it as being part the record and the permit modification. He noted it would be useful confirm the actual number that can fit in the appropriate areas and then to modify the plan (even informally) to depict the areas where vehicles are allowed to be parked.

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Mr. Pereira agreed re-organize the vehicles and arrange a visit with the Fire Department and Board members prior to the next meeting of the ZBA.

Motion: Mr. McNulty moved to continue the discussion for FY17-29-MOD, 30 Monahan Drive, to the October 2, 2019 meeting of the Zoning Board of Appeals in anticipation of a site visit. Mr. Gniadek seconded, and the motion passed unanimously by vote of 3-0-0.

2. **FY20-04: 671 Quaker Highway, Todd Boucher of TM & Son Disposal, the Applicant,** is seeking a **SPECIAL PERMIT** for permission to maintain two (2) thirty yard dumpsters at the storage yard to be used as a supervised, customer drop off location by appointment only. The property is shown on the Town of Uxbridge Assessor's Map **45** Parcel **3895** and described in a deed recorded at the Worcester Registry of Deeds Book **42585** Page **253**. The property is located in the **Industrial B Zoning District**.

Discussion: Attorney Knapik read correspondence from Mr. Boucher, the applicant, requesting leave to withdraw his application without prejudice. Members discussed briefly and agreed to grant the request.

Motion: Mr. Gniadek moved to grant leave to Mr. Todd Boucher to withdraw without prejudice ZBA application FY20-04 for 671 Quaker Highway. Mr. McNulty seconded, and the motion passed unanimously by vote of 3-0-0.

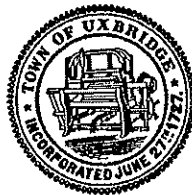
3. **FY20-05: 674 Quaker Highway, Drake Petroleum Company, the Owner/Applicant,** is seeking a **SPECIAL PERMIT** for a gasoline filling station per Appendix B of the Uxbridge Zoning Bylaws. Specifically, the applicant is proposing to replace the two diesel fueling positions with new high-speed diesel fueling positions and an associated overhead canopy and fire suppression system. The property is shown on the Town of Uxbridge Assessor's Map **45** Parcel **3946** and described in a deed recorded at the Worcester Registry of Deeds Book **5067** Page **487**. The property is located in the **Industrial B Zoning District**.

Discussion: Jesse Johnson, with Bohler Engineering, presented the petition on behalf of the applicant and Tom Danieluk, with Drake Petroleum Company, also attended the meeting. Mr. Johnson explained after discussions with the Building Inspector it was thought the best way to permit the project was to apply for a new Special permit for a gas station use in the Industrial Zoning District. He provided an overview of the existing site conditions and proposed project to replace an obsolete single-pump, two-lane diesel fueling area with a new three-pump, two-lane high-speed diesel fueling area. A freestanding canopy with a fire suppression system will accompany the new dispenser pumps.

Mr. Johnson reviewed the proposed modifications to the pavement and curbing to reduce impervious surface and improve vehicle maneuverability into and within the site are included in the proposal. Mr. Johnson indicated they are not changing the traffic patterns and are not anticipating an increase in traffic to the site as result of the project. He informed members that wetlands on the site were delineated prior to the project and boundaries identified on the plan. All work is outside the 100' buffer zone of any resource areas so a Conservation Commission submittal is not required.

The proposal also includes substantial upgrades to the stormwater system consisting of adding deep-sump hooded catch basins and associated piping directed in to 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.

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Attorney Knapik pointed out, per the Zoning Bylaws, a "gasoline or oil filling station" is an allowed use in the Industrial Zoning District by Special Permit from the ZBA and that the existing station on the property most likely predated the need for one. It was also noted that the Board has the authority, under the special permit criteria, to review the items typically covered under a site plan review.

The Building Inspector attended the meeting but did not add anything further. No abutters attended the meeting or provided comment on the hearing.

The Board determined that the adverse effects of 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.*
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.*
5. impact on natural environment – *Members agreed the upgrades will result in a positive impact on the natural environment because of the proposed upgrades to the stormwater system and reduction in impervious surface.*
6. fiscal impact including impact on town services, tax base and employment – *Members agreed the fiscal impact should be comparable to the existing business and should not have any negative effect on town resources.*

Motion: Mr. Gniadek moved to close the public hearing for FY20-05 674 Quaker Highway. Mr. McNulty seconded and the motion passed by vote of 3-0-0.

Motion: Mr. McNulty moved to grant the Special Permit as requested in the application package FY20-05 for 674 Quaker Highway. Mr. Gniadek seconded, and the motion passed unanimously by vote of 3-0-0.

III MINUTES/MAIL/INVOICES

1. 7/10/19 Meeting Minutes Review

Motion: Mr. McNulty moved approve the minutes from the July 10, 2019 ZBA meeting as written. Mr. Gniadek seconded, and the motion passed by vote of 3-0-0.

IV ADJOURNMENT: NEXT ZBA MEETING, Wednesday, October 2, 2019

Motion: Mr. McNulty moved adjourn the September 4, 2019 meeting of the ZBA. Mr. Gniadek seconded, and the motion passed by vote of 4-0-0.

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**TOWN OF UXBRIDGE
ZONING BOARD OF APPEALS**

MEETING MINUTES: Wednesday, September 4, 2019

Rob Knapik, Member

(absent)

Mark Kaferlein, Member

October 2, 2019

Date

SIGNATURES:

John Gniadek, Member

Thomas McNulty, Associate Member