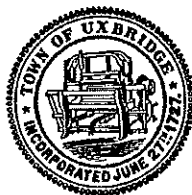


Chris Currie, Chairman  
Rob Knapik, Member  
Joseph Frisk, Alternate Member



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

**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

08/11/2017 10:45 AM

**MEETING MINUTES: Wednesday, October 4, 2017**

Received by  
Uxbridge  
Town Clerk

**Present:** Chris Currie, Rob Knapik, Joe Frisk and Administrative Assistant Melissa Shelley

It being approximately 6:00 pm, 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.

**I. CALL TO ORDER**

1. Announcements

- Mr. Currie stated the need for volunteers for the Zoning Board of Appeals as there are currently 2 vacant positions on the Board.

**II. PUBLIC HEARINGS**

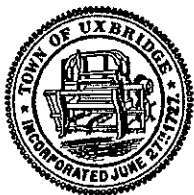
1. **FY17-10: 124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St., Special Permit and Determination/Special Permit Application, on Remand during Appeal from Worcester County Superior Court.** The Applicant of record is **Cumberland Farms, Inc.**, and the owners of record, **Richard & Edward Riley, Lori & Scott Brady, Blackstone Realty, LLC & Blackstone Realty, LLC.** The Special Permit request is for permission to allow the operation of a gasoline filling station in a Business Zone. The Determination/Special Permit portion is to allow the alteration or change to a pre-existing nonconforming sign support structure by constructing a new double pole sign and relocating it to a less nonconforming location. The properties are shown on the Town of Uxbridge Assessor's Map 304, Parcels 2966, 1967, 2964, & 2958. The title to said land are recorded in the Worcester District Registry of Deeds Books 34960, 41846, 18685, & 20548, Pages 391, 394, 305, & 195, respectively; Properties are located in a Business zone.

**Discussion:**

Thomas Reidy, Esq., with Bacon/Wilson attended the meeting on behalf of the Applicant, Cumberland Farms, Inc. along with Luke DiStefano, the Site Engineer with Bohler Engineering and Maureen Chielbek, the Traffic Engineer with McMahon Associates. Mr. Reidy began his presentation with a brief timeline of the project. He explained the original application was submitted to the Zoning Board in November 2016. The hearing was continued until April 2017 as a concurrent Special Permit application for a major non-residential project was reviewed and ultimately approved the Uxbridge Planning Board. The ZBA did not vote unanimously to approve the Special Permit in April and therefore it was denied. Cumberland Farms appealed the ZBA decision to Worcester Superior Court and both parties agreed to remand it back to the ZBA.

Mr. Reidy emphasized the application before the ZBA is for (i) a Special Permit to operate a vehicle fueling station, and (ii) a finding that the relocation of the freestanding sign at the corner of North Main Street and Hazel Street would not be substantially more detrimental to the neighborhood than the existing sign-location as the relocation would make the new sign less nonconforming. He also pointed out the materials submitted to the Board for review, including the Graves Engineering Review letters, the Department of Public Works Memoranda, and the independent review of the Traffic Impact Study, the Plans, Project Narrative and Impact Statements, and abutter concerns and testimony. Additionally, the Uxbridge BOS has issued a license to store flammables and combustibles underground and approved the re-location of an easement on the property.

Chris Currie, Chairman  
Rob Knapik, Member  
Joseph Frisk, Alternate Member



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

## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

### MEETING MINUTES: Wednesday, October 4, 2017

Mr. DiStefano presented an overview of the site plan, the project and details of the fueling dispensing systems. He described the current drainage problems at the site and explained the proposed improvements to the storm water management. Mr. Currie inquired about snow removal and Mr. DiStefano explained it would be trucked offsite so it does not impede parking, operations or visibility into and out of the property. Mr. Knapik asked whether any state access permits are necessary and Mr. DiStefano and Ms. Maureen Chielbek confirmed there are not and that section of Rt. 122 is under town jurisdiction.

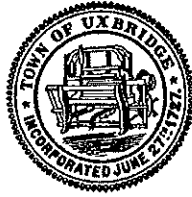
At the request of Mr. Knapik, Mr. Reidy provided the following details comparing the existing and proposed Cumberland Farms locations:

	Douglas St.	N. Main St.
Size of the Site	12,632 sq. ft.	46,310 sq. ft.
Building Space	2,000 sq. ft.	4,786 sq. ft.
Parking Spaces	7	19
Fueling Stations	2	6
Fueling Positions	4	12
Assessed Value	\$383,600	\$1.58 million
Tax Revenue	\$6,746	\$27,000

Mr. Frisk inquired about the turn radiuses of the fuel delivery vehicles, Ms. Chielbek explained that truck turn templates were ran, the area was found to have adequate space, and that they will enter the site from Hazel St. and exit on to S. Main. He also asked for additional information regarding the vegetation and delineation between the site and the abutting residential properties. Mr. DiStefano reviewed the rendering and explained there is existing vegetation along the eastern edge that will be maintained and supplemented with 6' white vinyl fence. They have also proposed evergreens & plantings along the eastern and southern ends to help shield the trash enclosure, which is also enclosed with a 6' high vinyl fence. There was also some discussion regarding lighting and steps taken to ensure abutters not affected.

Ms. Chielbek summarized the traffic studies completed over the course of the project. Three-year crash data was analyzed and the area was found to be a low incidence area. The Cumberland Farms development is expected to result in an increase of approximately 78 "new" vehicle trips during the weekday morning peak hour and an increase of approximately 104 "new" vehicle trips during the weekday afternoon peak hour. (7-8 is the am peak; 4:45-5:45 pm peak; and 11-12 is the Saturday peak). She explained how all the surrounding intersections were evaluated and assigned Level Of Service (LOS) codes and that it was determined that the proposed development would have minimal impact on the overall traffic operations of the study area. She also noted that all the traffic studies were peer reviewed and all comments have been addressed. Mr. Frisk found that the studies indicated that we have the right level of capacity for the site to support the expected volume and that the wait times are acceptable and should not create a danger with traffic backing up. Additionally he mentioned that because safety is not an issue today and there is no expectation of new safety issues because considerations taken during the design of the site.

Chris Currie, Chairman  
Rob Knapik, Member  
Joseph Frisk, Alternate Member



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

## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

### MEETING MINUTES: Wednesday, October 4, 2017

Mr. Frisk asked about the garbage storage and disposal to understand the impact to abutters. Mr. DiStefano explained there will be 2 dumpsters (1 general refuse and 1 recycling) located on the left side of the building, fully enclosed with 6' white vinyl fence and locked gate and will be removed as needed. Mr. Frisk mentioned enclosing the dumpsters help mitigate their impact and Mr. Reidy also stated they are open to conditions regarding pick up times. On site audio was also brought up and Mr. Reidy reviewed the Planning Board conditions - music and audio advertising are only allowed between the hours of 6:00am and 9:00pm.

Mr. Knapik inquired whether any consideration was taken to controlling movements in and out of the site from Main Street such as a dedicated turn lane or right only in or out. Ms. Chielbek explained these options were considered but they found the conditions did not warrant any such measures.

Mr. Frisk questioned if there is any flexibility with the hours of operation (5am to 12am) and pointed out employees will be onsite prior and after the opening and closing of the store. Mr. Reidy mentioned the original submittal was for 24-hour operation and explained the importance to the business of being open until at least midnight (D&D competition; serve second and third shift workers, etc).

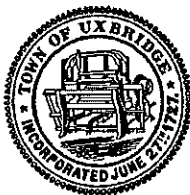
Approximately eight abutters from surrounding streets (Hazel Street; Marion Street; Arch Street and N. Main St) attended the meeting and explained their concerns primarily related to traffic, safety, noise, and the impact to their quiet neighborhood. They also wanted to know who they can contact if they feel conditions agreed upon are not being met. There was additional discussion with members of the Board and the representatives explained the steps taken to mitigate impact to neighboring properties.

A brief discussion was held regarding the second SP request to relocate the sign on a finding by the Board that it not substantially more detrimental to the neighborhood than the existing non-conforming sign.

The Board discussed the following possible conditions to ensure compliance with the Town of Uxbridge Zoning Bylaw and would promote the general welfare of the Town and its inhabitants:

- no more than 6 fueling stations (as proposed) will be provided on site;
- snow removal is to occur so as to not impede safety or site circulation;
- there shall be a 6' high white vinyl fence as proposed on the plan;
- to the extent practicable there shall be winter friendly vegetation;
- the plantings to the rear of the convenience store shall be at least 8' at planting and shall be coniferous (as proposed);
- lighting shall be contained within the activity areas on the property (as proposed) and shall be on no earlier than ½ hour before opening and ½ hour after closing;
- music and audio advertising shall only occur between the hours of 7 a.m. to 9 p.m.;
- CFI shall provide and post "No Loitering" signs; and,
- pickup from the trash enclosure shall occur between 7 a.m. and 7 p.m.

Chris Currie, Chairman  
Rob Knapik, Member  
Joseph Frisk, Alternate Member



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

## TOWN OF UXBRIDGE ZONING BOARD OF APPEALS

### MEETING MINUTES: Wednesday, October 4, 2017

#### Findings:

The Board found, based upon the materials submitted and testimony given by the Applicant and its representatives, that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site. Specifically, in making this determination, the Board has considered the social, economic and community needs which are served by the proposal; the traffic flow and safety, including parking and loading; the adequacy of utilities and other public services; the neighborhood character and social structures; the impacts on the natural environment; and, the potential fiscal impact, including impact on town services, tax base and employment. In addition, the Board considered, relative to the relocation of the existing freestanding sign and its replacement by a new freestanding sign which will be in a location that is less nonconforming than the existing freestanding sign, the Board finds that such a relocation and replacement is not substantially more detrimental to the neighborhood than the existing sign and its location.

#### MOTION:

Joe Frisk made a MOTION to close Public Hearing FY 17-10a; which was SECONDED by Rob Knapik. The MOTION carried unanimously by a vote of 3-0-0. Chris Currie – aye, Rob Knapik – aye, Joe Frisk – aye.

Joe Frisk made a MOTION to approve a Special Permit for a vehicle filling station with the above conditions. Rob Knapik SECONDED the motion. The Motion was APPROVED UNANIMOUSLY by a vote of 3-0-0. Chris Currie – aye, Rob Knapik – aye, Joe Frisk – aye

Rob Knapik made a MOTION to approve a Special Permit on a finding that the relocation of the sign for a new freestanding sign is not substantially more detrimental to the neighborhood than the existing freestanding sign and location; Joe Frisk SECONDED the motion. The Motion was APPROVED UNANIMOUSLY by a vote of 3-0-0. Chris Currie – aye, Rob Knapik – aye, Joe Frisk – aye

### III. BUSINESS

### IV. MINUTES/MAIL/INVOICES

#### 1. September 12, 2017 Meeting Minutes Review

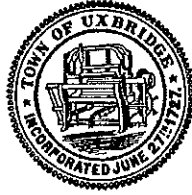
- Mr. Currie made a MOTION to approve the meeting minutes from the September 12 ZBA meeting. Mr. Knapik seconded and the motion passed by VOTE of 2-0-1. Chris Currie – aye, Rob Knapik – aye, Joe Frisk – abstained.

### V. ANY OTHER BUSINESS, which may lawfully come before the Board.

### VI. ADJOURNMENT: NEXT ZBA MEETING, WEDNESDAY, November 1, 2017

- Mr. Frisk made a MOTION to adjourn the October 4<sup>th</sup> ZBA meeting. Mr. Knapik seconded and the motion passed by VOTE of 2-0-1. Chris Currie – aye, Rob Knapik – aye, Joe Frisk – abstained.

Chris Currie, Chairman  
Rob Knapik, Member  
Joseph Frisk, Alternate Member



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

**TOWN OF UXBRIDGE  
ZONING BOARD OF APPEALS**

**MEETING MINUTES: Wednesday, October 4, 2017**

**SIGNATURES:**

*N/A*

\_\_\_\_\_  
Christopher Currie, Member

*W. Rob Knapik*

\_\_\_\_\_  
Rob Knapik, Member

*N/A*

\_\_\_\_\_  
Joe Frisk, Alternate Member

*December 6, 2017*

\_\_\_\_\_  
Date