



Town of Uxbridge
Planning Board
21 South Main Street
Uxbridge, MA 01569
(508) 278-8600 ext. 2013

REC'D UXB TOWN CLERK
2020 JAN 13 AM 10:57

**TOWN OF UXBRIDGE
PLANNING BOARD DECISION
SPECIAL PERMIT
OLD LACKEY DAM ROAD
FY19-31**

Date: January 9, 2020

Name of Owner/Applicant: Lackey Dam Nominee Trust/Thomas P. Berkowitz, Trustee

Address: P.O. Box 905
Northbridge, MA 01534

Location of Property: Old Lackey Dam Road
Uxbridge, MA 01569

Assessors Map/Parcel: Map 15 Parcel 3153

Deed Book/Page: Deed Book 22590 Page 392

Plan Book/Plan: Plan Book 755 Plan 52

Site Plan Dated/Revised: August 30, 2019

Engineer or Land Surveyor: Allen Engineering & Associates, Inc.
One Charlesview Road, Suite 2
Hopedale, MA 01747

Zoning District(s): Industrial B

Flood hazard zone AE & Zone X per FEMA Flood Map 250341 Panel 1004E

BACKGROUND/SUMMARY

On July 2, 2019 an application was received by the Planning Board and duly filed with the Uxbridge Town Clerk, for a Special Permit to expand existing use for a recycling/processing yard to be graded to enhance stormwater management inclusive of a non-potable well, truck weigh scale, trailer, and glass processing equipment for the purpose of asphalt, brick, & concrete rubble (ABC) sorting and processing for reuse at Lackey Dam Road, Uxbridge, MA. The owner/applicant of record are Lackey Dam Nominee Trust/Thomas P. Berkowitz, Trustee. Notice of the Public Hearing was scheduled and published in the "Worcester Telegram & Gazette" for July 10, 2019 and July 27, 2019, posted in the Uxbridge Town Hall, and abutters were notified by way of certified mail. The Public Hearing was opened on July 10, 2019, continued through a span of meetings, and ultimately closed on September 28, 2019.

The property contains approximately 9.85± acres of land accessed from an existing gravel driveway off Old Lackey Dam Road situated south of Lackey Dam Road and west of Route 146. It is shown on the Uxbridge Assessor's Map 15 Parcel 3153. The deed for said parcels are recorded in the Worcester Registry of Deeds Book 22590 Page 392 and said land is free from encumbrances. The site lies within the Industrial-B zoning district.

FILINGS

The Planning Board has received the following written materials:

1. The application submitted by Allen Engineering consisted of a Special Permit Application Form, Project Narrative, Stormwater Management Compliance Report, Sediment Basin Sizing Calculations, a copy of the Application for Certified Abutters List, a Locus Map, associated fees, Fiduciary Deed, Access Easement document, and Site Plans.
2. Plans, titled Project No. 00148, prepared by Allen Engineering & Associates, Inc., dated August 30, 2019 included the following plan sheets:

- SHEET 1 Existing Drainage Analysis Plan
- SHEET 1 Proposed Drainage Analysis Plan

and

Plans, titled Project No. 00148, prepared by Allen Engineering & Associates, Inc., dated June 12, 2019 with a final revision date of August 30, 2019 included the following plan sheets:

- SHEET 1: Existing Conditions Plan
- SHEET 2: Site Layout Plan

3. File Correspondence:

- dated 07/11/19 Graves Engineering Review #1
- dated 08/14/19 Allen Engineering's reply to Graves Review #1
- dated 08/27/19 Graves Engineering Review #2
- dated 08/30/19 Allen Engineering's reply to Graves Review #2
- dated 09/20/19 Graves Engineering Review #3
- dated 01/24/19 Access Easement; Book 1821 Page 491
- dated 10/24/19 Graves Peer Review #3
- dated 11/05/19 Zoning Enforcement Officer Letter

DECISION

MOTION I to approve and endorse the Special Permit application for Lackey Dam Nominee Trust/Tom P. Berkowitz for Old Lackey Dam Road made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. The Motion carried 5-0-0.

This decision is granted based on the following findings and conditions as noted herein. No waivers were sought for this Special Permit application. The findings and conditions of approval are set forth below. Stormwater has been reviewed and modified as required and due to the pre-existing, continued use, a stormwater permit is not required.

FINDINGS

In granting the Special Permit with conditions, the Board determines that any adverse effects of the proposed use of land will not outweigh its beneficial impact to the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. The Board has also taken into consideration the following:

1. The social, economic and community needs which are served by the proposal are positive.

The proposed project based on the submitted materials together with where all associated parking, facilities and infrastructure will be located is in a manner consistent with the Uxbridge Zoning Bylaw, §400-20, Appendix A Table of Use Regulations, and Article X Definitions of the Uxbridge Zoning By-Law.

2. There is a neutral impact on traffic flow and safety, including parking and loading.
It is a continued, existing use.
3. There is no impact on utilities and other public services.
There will be no demands placed on Town services and infrastructure.
They have a generator and will provide their own power and will have a well for washing.
4. There is little to no impact on the neighborhood character and social structures.
The project is located in Industrial B zone and is an expansion of the existing use.
5. There will be the same impact on the natural environment.
It is a continued, existing use.
6. The potential fiscal impact on town services, tax base and/or employment neutral.
7. Pursuant to Uxbridge Zoning Bylaw 400-20G, the Planning Board finds that the application, with Conditions, meets each of the required traffic, environmental, community, and fiscal standards as stated in Findings 1-6. The Planning Board also finds that the application, with Conditions, as a whole, substantially conforms to the intent of the Bylaws and proposes an appropriate and beneficial development to the site.

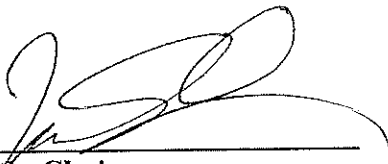
CONDITIONS

1. The Applicant shall comply with all applicable laws, regulations, and permit conditions required by the Planning Board, Conservation Commission, Board of Health, Building Department, Fire Department, Department of Public Works, Zoning Enforcement Officer, and all other departments and agencies for this project.
2. The Applicant shall adhere to the conditions noted on the approved Plan.
3. The Applicant shall install and maintain all plantings shown on the site plan or deemed necessary by the Planning Board.
4. The Applicant shall comply with Stormwater Management; Uxbridge Zoning Bylaw Chapter 290 and the Planning Board's Stormwater Regulations.
5. Emergency Contact information will be provided.
6. The Special Permit, including any attachments or appendices thereto shall be recorded at the Worcester Registry of Deeds within six (6) months or this Special Permit will become null and void. Said time shall not include such time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17. The Applicant shall submit evidence of such recording to the Planning Board.
7. This Special Permit shall lapse on January 9, 2023, three (3) years from the filing date of the Special Permit approval, if a substantial use thereof has not commenced, except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause. Said time shall not include such time required to pursue or await the determination of an appeal referred to in M.G.L Chapter 40A, Section 17.

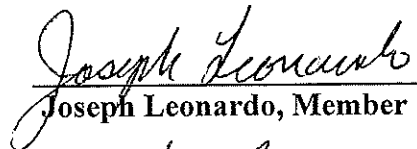
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SAID SPECIAL PERMIT APPROVAL IS GRANTED PURSUANT TO M.G.L. CHAPTER 40A, SECTION 9. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 9.

UXBRIDGE PLANNING BOARD




James Smith, Chair



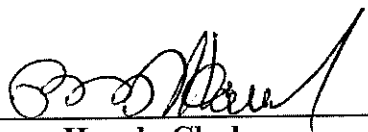
Joseph Leonardo, Member



Barry Desruisseaux, Vice-Chair



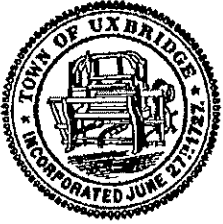
Eli Laverdiere, Member



Barry Hauck, Clerk

1-9-2020

Date



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

A true copy: ATTEST

Town Clerk/Assistant Town Clerk
(Town Seal Affixed)

Date