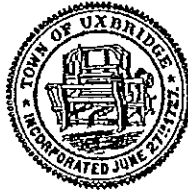


Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Bruce Desilets, Member
Joseph Alves, Alternate Member
Thomas Bentley, Alternate Member
Joseph Frisk, Alternate Member



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

DECISION
SPECIAL PERMIT GRANTED

Received by
Uxbridge
Town Clerk

ZBA Case# FY 15-16
Zone: Agricultural
Property Location: 518 Hazel Street, Uxbridge, MA
Assessor's Reference: Map 22 Parcel 1552
Worcester District Registry of Deeds: Book 47499 Page 46
Owner / Applicant: Hazel St., LLC, Ronald Dolloff

BACKGROUND

FY15-16: The Applicant is requesting a Special Permit for pre-existing non-conforming use of the property to expand motor vehicle storage yard business. The business was previously a junk yard. In the 80's the property was purchased, a Class II and III license was obtained, the yard was cleaned up, salvage center was opened, and continues to maintain this less intensive use. The business takes in salvage cars from insurance companies, retitles them, and stores them on the property until they can be sold on the internet. The business only sells on the internet; no direct sales. All vehicles' fluids are drained, off-site, before being storied. Business has been in existence for 35 years.

SUBMITTALS: The Application and materials included a site plan of the proposed lot, a signed letter from abutters, Louis and Shirley Bangma and a Memorandum from Attorney Joseph C. Cove.

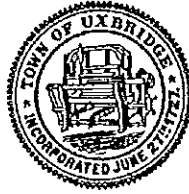
VOTING MEMBERS PRESENT: Chairman Mark Wickstrom, Alternate Member Joseph Alves, and Alternate Member, Joseph Frisk via remote participation; Alternate Member, Thomas Bentley abstained

PRESENTATION / DELIBERATIONS / PROPOSED FINDINGS OF FACT

The Public Hearing was opened on June 3, 2015. The Applicant, represented by Attorney Joseph Cove, submitted the following testimony and evidence:

1. Abutters letter stating support for the Salvage Center, that they were good neighbors and the property was well maintained and an improvement over the previous junkyard.
2. Memorandum from Attorney Joseph Cove stating the history of the property, a detailed description of the business activities, a description of the neighborhood in relation to the business, and the authority of the ZBA to grant the extension of the pre-existing, non-conforming use by Special Permit under 40A sec. 6 and Uxbridge Zoning Bylaws Section 400-12 (A-D); specifically as the bylaw relates to B (1) *the change or substantial extension of a nonconforming use* or B (2) *the change from one nonconforming use to a different, less detrimental nonconforming use*.
3. A proposed decision
4. Conditioned upon the following:
5. Testimony from Mr. Vires, owner of the Salvage yard regarding the history and current use of the business and property use. Explained the delay with the Registry of Motor vehicles causes them to have to keep the vehicles longer before they're able to put them up for sale. He stated there would be a 10-15% capacity increase if the Special Permit was granted.
6. Municipal Lien Certificate
7. Prior Zoning Board Decisions
8. ZBA Application, required documents, and fee

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Abutters present & testimony:

Randall Bangma --stated Mr. Vires was a good neighbor and improved the property; had no issue with expansion

Kevin Fitzgerald --stated they were great neighbors. Expressed concerns about potholes and narrow roads. Questions about traffic flow with expansion of business.

Helder Garcia --stated they were good neighbors, expressed concern about trucks turning around in his driveway, said he did not object to the expansion.

MOTION I: Mr. Bentley made a motion that the Board close the Public Hearing. Seconded by Mr. Frisk. The motion carried by roll call vote 4-0-0; Mr. Wickstrom-aye, Mr. Alves-aye, Mr. Frisk-aye, Mr. Bentley-aye.

Deliberations: No negative social, economic, or community impacts; Area will be fenced. No negative traffic impact. No impact on town services. No negative impact on the neighborhood character or social structures. No environmental impact. Positive financial impact.

MOTION I: Mr. Wickstrom made a motion that the Board **APPROVE** the **SPECIAL PERMIT** and accept the Decision as written/submitted:

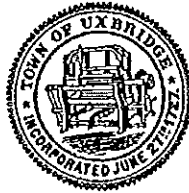
- a. The expanded use will not be visible from the road
- b. The expanded use will be set back from the neighboring property and hidden from view
- c. Access to the storage area will be from the adjoining land of the applicant and not the road
- d. Expansion will be limited to 20% of the prior use
- e. The use is not a junkyard or otherwise prohibited.
- f. The applicant has been in operation for over thirty years and is not disruptive to the surrounding neighborhood. The expansion area will be managed in the exact same way as the Salvage Center, Inc. is managed on its present location at 518 Hazel Street. The impact on the neighborhood will be nil and will not be substantially more detrimental than the existing non-conforming use.

SPECIAL PERMIT GRANTED CONDITIONED UPON

- a. Access to the Expansion Area is by and through 518 Hazel Street
- b. Applicant will plant and maintain a vegetated buffer between the house and the expansion area of 506 Hazel Street and the property line with the neighboring landowner.
- c. All other conditions of the 1989 Special Permit will remain in force
- d. The Property area will be fenced.

Seconded by Mr. Alves, the motion carried 3-0-0; Mr. Alves-aye, Mr. Frisk-aye, Mr. Wickstrom -aye. Mr. Bentley abstained.

Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Bruce Desilets, Member
Joseph Alves, Alternate Member
Thomas Bentley, Alternate Member
Joseph Frisk, Alternate Member



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SIGNATURE PAGE

Mark Wickstrom, Chair

Joseph Alves, Alternate Member

Abstained

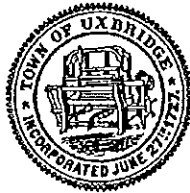
Joseph Frisk, Alternate Member

Thomas Bentley, Alternate Member

Date

6-15-15

Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Bruce Desilets, Member
Joseph Alves, Alternate Member
Thomas Bentley, Alternate Member
Joseph Frisk, Alternate Member



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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

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 VARIANCE IS RECORDED.****