

Mark Wickstrom, Chair
Stephen O'Connell, Vice Chair
Joseph Alves, Alternate Member
Thomas Bentley, Alternate Member
Joseph Frisk, Alternate Member
Bruce Desilets, 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 16-11
Zone: Residential C Zone
Owner: Doug Beland
Property Address: 399 Hartford Ave East, Uxbridge, MA
Assessor's Reference: Map: 7 Parcel: 2967
Worcester District Registry of Deeds References: Book: 54615 Page: 76

BACKGROUND: The Applicant is seeking a **SPECIAL PERMIT** for change of use from garage car repair to a landscaping contractor's yard and keeping/storing of equipment on the property.

VOTING MEMBERS PRESENT: Chairman Mark Wickstrom, Vice Chairman Stephen O'Connell and Tom Bentley.

PRESENTATION / DELIBERATIONS / FINDINGS OF FACT

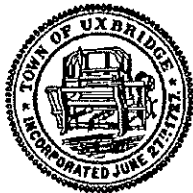
Application form and materials were received March 23, 2016 including a copy of the abutters list, plot plan showing, fee and related materials.

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was opened on June 1, 2016. Mr. Doug Beland was present and advised the Board of the proposal for a change of use from garage car repair to a landscaping contractor's yard and keeping/storing of equipment on the property. It was noted that the Board conducted a site visit on May 4, 2016 and had general discussion with Mr. Beland and the abutter. Discussion and/or concerns included, plantings, fencing, parking and noise. Following public input, the Board closed the public hearing.

DECISION

MOTION: Mr. Wickstrom made a motion to grant the Special Permit and that the Board finds in accordance with Section 400-12 of the Zoning Bylaws that the proposed change of use from one non-conforming use to a different, less detrimental non-conforming use to allow a garage car repair to a landscaping contractor's yard and keeping/storing of equipment on the property is no more substantially detrimental to the neighborhood than the existing use and the use is allowed with conditions as noted. Seconded by Mr. O'Connell, the motion carried 3-0.

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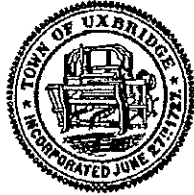


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CONDITIONS

1. Applicant must plant and maintain 6 foot Arborvitaes along the northeast property line along with 4 to 6 foot additional plantings to the existing line.
2. Applicant must install fencing along the northeast property line from the end of the hedge towards E. Hartford Avenue to a length of approximately 60 feet.
3. Applicant must maintain a site line easement in front of the existing barn and between the barn and E. Hartford Avenue so property neighbor has clear site to the west.
4. Applicant must maintain a "no idling zone" east of the barn and along eastern border of the property.
5. Commercial vehicles (limited to 12) must be parked in the area as depicted on Exhibit A.
6. Storage of seasonal equipment must be stored along the northeastern border of the property.
7. Noise levels should be reasonable to the extent possible given the allowed use herein with additional consideration to Sundays.
8. No storage of bulk material beyond 20 yards within a 72 hour period is allowed.
9. No disposal of debris or refuse is allowed on the property.
10. The residential structure shall continue to be allowed as a two family dwelling unit.
11. Any change in use or occupancy shall trigger a review by the Zoning Enforcement Officer to ensure continued zoning compliance.
12. See Exhibit A attached hereto and made a part hereof.
13. Within 60 days of the date of this decision, the applicant shall record this Special Permit at the Worcester County District Registry of Deeds and provide evidence thereof to the Planning Board. Failure to do so shall render this special permit null and void.

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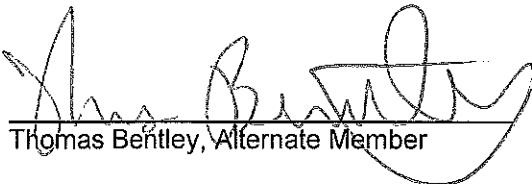
SIGNATURE PAGE



Mark Wickstrom, Chairman



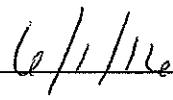
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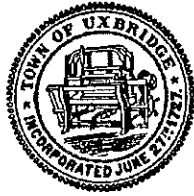
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Date

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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

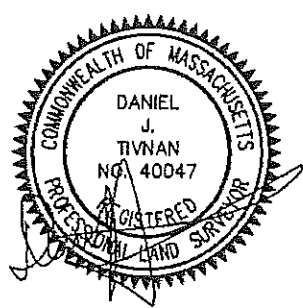
****THE APPLICANT IS REMINDED OF THEIR RESPONSIBILITY TO RECORD THIS
DECISION AT THE REGISTRY OF DEEDS PER THE CERTIFICATE OF GRANTING.
NO PERMITS SHALL ISSUE UNTIL THE PERMIT IS RECORDED.****

RENEY, MORAN & TIVNAN
 REGISTERED LAND SURVEYORS
 75 HAMMOND STREET - FLOOR 2
 WORCESTER, MA 01610-1723
 PHONE: 508-752-8885
 FAX: 508-752-8895
 RMT@HSTGROUP.NET
 A Division of H. S. & T. Group, Inc.

MORTGAGE INSPECTION PLAN
 NAME DOUGLAS D. BELAND
 LOCATION 399 EAST HARTFORD ROAD
UXBRIDGE, MA
 SCALE 1" = 50' DATE 11-13-15

REGISTRY WORCESTER SOUTH

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW).
 NOTE: NOT DEFINED ARE ABOVEGROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.



DEED BOOK/PAGE 50542/168

PLAN BOOK/PLAN 899/46

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FEMA MAP:

026E DTD 07-04-11

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY FEMA AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.

~~CERTIFY TO:~~

~~MILLBURY FEDERAL CREDIT UNION~~

