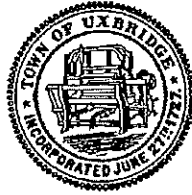


Mark Wickstrom, Chair
 Bruce Desilets, Member
 Kevin Harn, Member
 Chris Currie, Alternate Member
 Joseph Frisk, Alternate Member
 Joseph Alves, Alternate Member



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

DECISION

ZBA Case# FY 17-25

Zone: Business

Owner: C & D Land Trust, Trustee of NTS Realty Trust

Property Address: 126 & 148 Ironstone St / 64 Balm of Life Spring Road

Assessor's Reference Map: 50/51 Parcel: 827, 835 / 147

Worcester District Registry of Deeds References: Book: 48293 Page: 266

Received by
 Uxbridge
 Town Clerk

SPECIAL PERMIT APPROVED with Conditions

Decision Date: May 10, 2017

BACKGROUND: The applicant, **Da' Baker Realty, LLC** is seeking a **SPECIAL PERMIT** to change a non-conforming use to a contractor's yard pursuant to Section 400-12 B of the Uxbridge Zoning Bylaws.

VOTING MEMBERS PRESENT: Chair, Mark Wickstrom; Member, Kevin Harn; Member Bruce Desilets

SUBMITTALS: Application form and materials were received on **April 11, 2017**, including a copy of the certified abutter's list, a plan of land, prior Zoning and Planning Board Decisions for the property (FY13-11 and Case No. 04-01 respectively). A memo with supporting information and photographs were provided to the Board at the May 3rd Public Hearing

PRESENTATION / DELIBERATIONS / FINDINGS OF FACT:

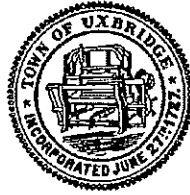
At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was **opened and closed on May 3, 2017**.

The Applicant was represented by Joseph M. Antonellis, Esq. of Milford, MA. Attorney Antonellis explained that the applicant is the Real Estate Ownership Company affiliated with Lanzetta Excavating, LLC. He also stated that (i) Lanzetta Excavating, LLC is a local construction company operating from locations in Milford and Hopedale, (ii) Lanzetta Excavating, LLC is seeking to consolidate its office and operational components to one location, and (iii) Lanzetta Excavating, LLC intends to use the site as an office and "contractor's yard".

As set forth in the Zoning By-Law, the use of the site as a contractor's yard can be accomplished only by the issuance of a special permit. Presently, the site is used as an active transportation and trucking terminal. The present use is a preexisting nonconforming use. The site presently services multiple tandem trailers and provides the present owner with a facility to store, repair and fuel trucks and tandem trailers. There are approximately 30 trucks serviced at the site.

Attorney Antonellis informed the Board that the applicant intends to use the site to store its construction equipment such as end loaders, backhoes, excavators and trucks. He also informed the Board the applicant expects to store construction related supplies such as a precast concrete structures, pipe, and staging material; that there will not be any outdoor nighttime activity at the site and that all equipment repairs will take place inside the building. As depicted in photographs of the site, there is an above ground fuel tank. The applicant testified that he does not intend to use the tank, and will agree to remove the tank from the site.

Mark Wickstrom, Chair
Bruce Desilets, Member
Kevin Harn, Member
Chris Currie, Alternate Member
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During deliberations, the Board reviewed the Criteria for a Special Permit 400-50, discussed the application and made the following findings with relation to the criteria:

- 1) It is a new business in town with employees that will have a positive impact on the social, economic & community needs as well as the fiscal impact and tax base for the town.
- 2) Traffic flow and safety, at a minimum will be the same, but may even be improved. The present nonconforming use of the site as a transportation terminal for up to 30 trucks and trailers is a more intensive use than the proposed use of the site is a contractor's yard.
- 3) While a contractor's yard is not an allowed use in the Business Zone, it is allowed by special permit in the neighboring industrial district and will not impact the neighborhood character in any detrimental fashion. While there are some agricultural/residentially zoned properties in the "neighborhood", the abutting properties are basically a commercial area with little residential traffic on this portion of Ironstone Street. Additionally, the proposed improvements to the property will be an improvement to the area.
- 4) The removal of the onsite fuel dispensary system and related storage tank will reduce the potential of any hazardous impact to the environment.
- 5) Public sewer and water are not available at the site and there will be no impact on utilities.

MOTION / VOTE:

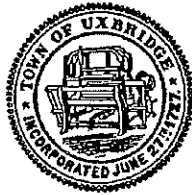
Mr. Wickstrom made a **MOTION** to close Public Hearing FY 17-25 126 & 148 Ironstone Street / 64 Balm of Life Spring Road. **MOTION SECONDED** by Mr. Harn passed unanimously by VOTE (3-0-0).

Mr. Wickstrom made a **MOTION** that the Board make the finding that the proposed use of the property as a contractor's yard is not more detrimental to the neighborhood than the current use and that we grant the permit with the conditions as stated in the deliberations. **MOTION SECONDED** by Mr. Desilets passed unanimously by VOTE (3-0-0).

The **SPECIAL PERMIT** is granted with the following **CONDITIONS**:

- 1) The existing natural buffer is maintained
- 2) Any external security lighting be pitched down
- 3) Only temporary storage of bulk materials outside
- 4) Appropriate fencing with a gate(s) along Ironstone Road
- 5) Equipment repair will take place inside the building
- 6) The fuel tank on site will be removed
- 7) Vehicle access to Quaker Highway will require site plan approval by the Uxbridge Planning Board

Mark Wickstrom, Chair
Bruce Desilets, Member
Kevin Harn, Member
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DECISION

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SIGNATURE PAGE

Mark Wickstrom, Chair

Christopher Currie, Clerk

Bruce Desilets, Member

Kevin Harn, Member

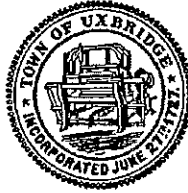
Joe Frisk, Alternate Member

Joseph Alves, Alternate Member

May 10, 2017

Date

Mark Wickstrom, Chair
Bruce Desilets, Member
Kevin Harn, Member
Chris Currie, Alternate Member
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Joseph Alves, 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 PERMIT IS RECORDED. ****