

Worcester South District Registry of Deeds Electronically Recorded Document

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Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 368-7000

ZOVL Properties LLC

Deed recorded Book and Page
67682/276



TOWN OF OAKHAM

PLANNING BOARD

2 Coldbrook Road, Unit 11

Oakham, MA 01068

508-882-5549

Fax 508-882-3060

NOTICE OF DECISION

PUBLIC HEARING RECORD OF VOTE

Decision Date: February 27, 2024

As a Party in Interest, and in compliance with MGL Chapter 40A Section 9, you are being notified of a decision of the Planning Board. The Certificate of Decision may be reviewed in the office of the Town Clerk.

In accordance with the provisions of MGL Chapter 40A, Section 11, the Oakham Planning Board as Special Permit Granting Authority, following public notice and hearing, voted to approve a Special Permit under the Oakham Zoning Bylaw dated December 4, 2019, Chapter XIV/14 Zoning Section 4.2.14, Special Permit for wholesale, warehouse and storage facilities. The special permit shall be subject to all conditions of the Certificate of Decision.

Appeal to this decision of the Planning Board shall be made to the Superior Court within twenty days after filing of this Notice of Decision in the office of the Town Clerk, pursuant to MGL Chapter 40A, Section 17, as amended.

Applicant/Developer: BHT Oakham LLC
555 Anglers Avenue, Suite 27
Fort Lauderdale, FL 33312
305-934-1472 / yanivc@bhtpropertiesgroup.com

Owner of Site/Property: ZOVL Properties LLC
555 Anglers Avenue, Suite 27
Fort Lauderdale, FL 33312
305-934-1472 / yanivc@bhtpropertiesgroup.com

Location of Property: 358 Coldbrook Road, Oakham, MA / Assessor's Map 406 Parcel 106.3

Engineer: BHT Design Group
555 Anglers Avenue, Suite 27
Fort Lauderdale, FL 33312
954-408-6744 / 954-869-1929 / design@bhtpropertiesgroup.com

Type of Use: Outdoor storage of used, operable and inoperable automobiles, trucks and other vehicles, for wholesale online auction. Accessory office, shipping and receiving area and customer parking. No dismantling, draining of fluids, crushing or sale of parts shall occur at the facility. Vehicles shall be sold in the same condition as when delivered to the site.

Any work other than site preparation shall require additional review by the Planning Board. Applicant/Developer shall submit details of proposed lessee or buyer, including but not limited to proposed buildings and site layout.


Phillip Warbasse, Chairman email: phillip.warbasse@oakham-ma.gov



TOWN OF OAKHAM

PLANNING BOARD
2 Coldbrook Road, Unit 11
Oakham, MA 01068

508-882-5549
Fax 508-882-3060

CERTIFICATE OF DECISION

Decision Date: February 27, 2024

Filed with the Town Clerk: March 1, 2024

In accordance with the provisions of MGL Chapter 40A, Section 11, the Oakham Planning Board as Special Permit Granting Authority, following public notice and hearing, voted on February 27, 2024 to approve a Special Permit under the Oakham Zoning Bylaw dated December 4, 2019, Chapter XIV/14 Zoning Section 4.2.14, Special Permit for wholesale, warehouse and storage facilities. The special permit shall be subject to all conditions of this Certificate of Decision.

Applicant/Developer: BHT Oakham LLC
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Type of Use: Outdoor storage of used, operable and inoperable automobiles, trucks and other vehicles, for wholesale online auction. Accessory office, shipping and receiving area and customer parking. No dismantling, draining of fluids, crushing or sale of parts shall occur at the facility. Vehicles shall be sold in the same condition as when delivered to the site.

Any work other than site preparation shall require additional review by the Planning Board. BHT Oakham LLC shall submit details of proposed lessee or buyer, including but not limited to proposed buildings and site layout.

Application Date: December 20, 2023

Public Hearing: Hearing held Tuesday, February 27, 2024.

By unanimous vote of four attending members of the five-member Oakham Planning Board, February 27, 2024: Phillip Warbasse, Lisa Huntington, Thomas Hughes, Nancy Monson.
Peter Clifford was unable to attend the hearing.

Certificate of No Appeal issued April 1, 2024 by the office of the Town Clerk, pursuant to MGL Chapter 40A, Section 17, as amended.

Findings:

1. The proposed use is for outdoor storage of used, operable and inoperable automobiles, trucks and other vehicles, for wholesale online auction. No dismantling, draining of fluids, crushing or sale of parts occurs at a typical such facility. Vehicles are sold in the same condition as when delivered to the site.
2. The Planning Board finds that the proposed project, as shown on the approved application and as conditioned herein, meets the objectives and intent of the Oakham Zoning Bylaw dated December 4, 2019, Chapter XIV/14 Zoning Section 4.2.14, Special Permit for wholesale, warehouse and storage facilities, allowed by Special Permit in the District zoned Agricultural and Rural Residential.
3. The proposed use is in harmony with the general purpose and intent of the Oakham Zoning Bylaw because the proposed facility is generally surrounded by wooded areas, and will not be visible from Coldbrook Road or abutting properties.
4. The proposed use will not be detrimental to the integrity of the neighborhood because the location of the proposed facility is set back approximately 750 feet from Coldbrook Road and generally 800 feet from abutting residential property boundaries.
5. After completion of construction, the proposed use of the site use will not impair the integrity or character of the Agricultural and Rural Residential District, nor will it be detrimental to the health, safety or general welfare of the neighborhood or the Town.
6. Project related sound is anticipated to be inaudible at abutting residential properties, and remediation if necessary is mandated herein.

Restrictions and Conditions

1. The Special Permit runs with the Applicant/Developer and the Owner of Site/Property, not with the land.
2. **The Special Permit shall not become effective until it has been recorded at the Worcester District Registry of Deeds, together with the Notice of Decision, Certificate of No Appeal, this Certificate of Decision, and a copy of the complete recording, including Registry Book and Page, has been submitted to the Planning Board and receipt thereof acknowledged in writing to the Applicant/Developer by the Planning Board.**
3. Initial restrictions and conditions are hereby imposed upon the Applicant/Developer, BHT Oakham LLC, and upon the Owner of the Site/Property, ZOVL Properties LLC.
 - a. **No construction activity shall commence until BHT Oakham LLC and/or ZOVL Properties LLC have obtained all required approvals and permits.**
 - b. Construction activity shall be limited to general preparation of the site for the stated purpose of storage of vehicles.
 - c. Site surfacing shall be limited to pervious materials, including crushed stone, stone dust, and/or recycled milled/ground road pavement.
 - d. No new building(s) shall be constructed until BHT Oakham LLC and/or ZOVL Properties LLC have presented specific details of facility requirements at a scheduled meeting of the Planning Board.
 - e. At least sixty days before the conveyance or lease of the facility by BHT Oakham LLC and/or ZOVL Properties LLC, either shall notify the Planning Board in writing with the identification and contact information of the prospective purchaser or lessee.
 - f. Members, Agents or other designees of the Planning Board shall have the right to enter the site at reasonable times during business hours, with or without notice, to gather all information, measurements, photographs and/or other materials needed to ensure compliance with the terms of this Decision. The Planning Board may designate Town of Oakham official(s), or Consultants paid for by the Applicant/Developer and reporting to the Planning Board, as Agents to act on its behalf.

4. Following lease or conveyance of the site by BHT Oakham LLC and/or ZOVL Properties LLC, to a facility operator:
 - a. **No construction activity shall commence** until the facility operator has obtained all required approvals and permits.
 - b. The Board recognizes that a portion of the premises is subject to the provisions of the Wetlands Protection Act and the abutting lands of the Massachusetts Division of Conservation and Recreation. No work shall be performed nor any operations conducted within such areas without first obtaining all necessary permits from the Oakham Conservation Commission and/or the Massachusetts Department of Environmental Protection.
5. After commencement of facility operator's commercial sales operation:
 - a. No sale of vehicle components on site.
 - b. No stacking or crushing of vehicles on site.
 - c. No off-site signage.
 - d. On-site signage limited to the existing size and shape at the Coldbrook Road entrance, non-illuminated.
 - e. To minimize the impact of commercial vehicles transporting motor vehicles to and from operator, the facility operator shall direct all arrival and departure via Coldbrook Road to and from Old Turnpike Road.
 - f. Hours of operation: The normal business hours during which customers may visit the site shall be limited to 8:00 a.m. through 5:00 p.m. Monday through Friday. Trucks making pickups and deliveries shall be permitted only during the normal business hours above stated, and occasionally before and after the normal business hours above stated, but never before 7:30 a.m. and never after 6:00 p.m.
 - g. Office staff and building maintenance and snow removal staff may work at the premises beyond normal customer hours or on weekends even though the facility would be closed for customer business.
 - h. Except as set forth above, there shall be no customers or deliveries on Saturdays, Sundays, and the six following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas.
 - i. Maximum number of employees limited to five. For any proposed increase, facility operator shall notify the Planning Board for review.
 - j. Applicant has stated that use of the site will be limited to "overflow and emergency use, fifteen to twenty cars". Total number of vehicles on the site shall not exceed one hundred. Any proposed increase shall require a public review by the Planning Board.
 - k. **Night illumination** shall be limited to security and safety at the buildings and employee parking areas. ~~Storage areas~~ and perimeter fencing shall not be illuminated. Fixtures shall be of the horizontal cut-off type, to minimize off-site light dispersion.


For the Planning Board: Phillip Warbasse, Chairman

cc: Town Clerk Board of Selectmen Conservation Commission Board of Health Assessors
Zoning Enforcement Officer / Building Inspector Fire Department Police Department
Parties in Interest Town Counsel



Town of Oakham
Town Clerk
2 Coldbrook Road, Unit 4
Oakham, MA 01068-0057
Tel: 508-882-5549 ext. 4; Fax: 508-882-3060
townclerk@oakham-ma.gov

"CERTIFICATE OF " NO APPEAL"

Special Permit issued to: BHT Oakham LLC

Location of Property: 358 Coldbrook RD, Oakham MA 01068

Assessor's Map 406 Parcel 106.3

Owner of Propert: ZOVL Properties LLC

555 Anglers Avenue, Suite 27

Fort Lauderdale, FL 33312

The undersigned, being the Town Clerk of the Town of Oakham, hereby certifies that the foregoing decision was filed with the Town Clerk on; that twenty (20) days have elapsed after the filing of the February 27, 2024 decision, and that no notice of any action appealing the decision has been filed with the office of the Town Clerk during this twenty (20) day period. The (20) day period ended March 18, 2024.

Certified this 1st day of April, 2024.

Edna Holloway

Edna Holloway

Town Clerk

Office hours: Monday 6:00 P.M. to 7:30 P.M., Friday 10:00 A.M. to 12:00 P.M.

ATTEST: WORC Kathryn A. Toomey, Register