

# TOWN OF SUTTON

ZONING BOARD OF APPEALS  
4 UXBRIDGE ROAD • SUTTON, MA 01590 • (508) 865-8723 • FAX (508) 865-8721

November 9, 2023

To Whom It May Concern:

The members of the Board of Appeals hereby certify that the following is record of the Board's proceedings regarding the petition of Chad Boardman of Eastland Partners Inc. The subject property is located at 100 Worcester Providence Turnpike, aka Route 146 which is property owned by the Sutton Motor-In Trust and affected by this special permit request. The deed to the property is duly recorded at the Worcester Registry of Deeds in Book: 9774 / Page: 388 with the Plan of record recorded in Book #138 as Plan #52.

The property is located in the Business-Highway (B-2) Zoning District and identified on Assessor's Map #10 as Lot #18.

The petition to the Board is dated July 13, 2023.

The petitioner seeks a Special Permit (VII.A.2) pursuant to Section III.A.4 of the Town's Table of Use Regulations (Auto repair) for the service and repair of tractor trailers.

A notice of the public hearing was published in the Millbury – Sutton Chronicle on July 20, 2023 and July 27, 2023.

The public notice was posted in a conspicuous place at the Town Hall on July 13, 2023.

Mailings were sent to abutters of the property on July 18, 2023.

The public hearing for the petition was opened on August 3, 2023 with continuation dates of September 7, 2023, October 5, 2023 and November 2, 2023. All meetings were held by way of a Hybrid style proceeding which included in-house attendance and Zoom video-conferencing.

## Document List:

1. Completed Application for Special Permit (VII.A.2) pursuant to Section III.A.4 of the Town's Table of Use Regulations (Auto repair) for the service and repair of tractor trailers.
2. Traffic Study: GPI (Greenman-Pederson, Inc.) dated July 3, 2023; Subject: Sutton, MA – Trailer Repair Facility
3. Site Plan Sheet Title: "Zoning Board of Appeals Preliminary Site Plan", Project Name: Site Development Northeast Great Dane, 100 Worcester-Providence Turnpike, drawn by Turning Point Engineering on June 27, 2023 with revision dates of 9/5/23 and 10/25/23 and stamped by Bruce E. Wilson Jr., Registered Professional Land Surveyor
4. Graves Engineering, Inc. Peer Review letter, Subject: 100 Worcester-Providence Turnpike "Special Permit Plan Review," Dated September 7, 2023.
5. Chappell Engineering Traffic Peer Review letter for "Trailer Repair Facility, 100 Worcester-Providence Turnpike, Sutton, MA", dated September 29, 2023.
6. GPI Traffic Study Responses to 9/29/2023 CEA Peer Review Comments dated 10/26/2023
7. GPI Truck Turn Plan for Northeast Great Dane, 100 Worcester Providence Turnpike dated 10/23/2023, pages: 1-3

8. Chappell Engineering 2<sup>nd</sup> Peer Review letter for "Trailer Repair Facility, 100 Worcester-Providence Turnpike, Sutton, MA", dated November 1, 2023.

Opportunity was given to all Parties of Interest to be heard in favor or opposition to said petition:  
See public record

The following members of the Board were present at the public hearings and during deliberations:  
Richard Deschenes, Chairman; Richard Haskins, MGL.ch. 39§23.D; Chris Matera, MGL.ch. 39§23.D;  
Kyle Bergeson; Patrick O'Hara, Associate Member.

Following the close of the public hearing on November 2, 2023 the Board of Appeals conducted deliberations and made their decision:

The Board of Appeals voted 5-0 in favor to approve the requested Special Permit for the service and repair of tractor trailers at the location of 100 Worcester-Providence Turnpike with conditions. The approval was based on the submitted preliminary site plan having a last revision date of 10/25/2023.

**Conditions:**

- Permitted hours for moving Trailers in the yard:  
6:00am-8:00pm, Monday through Friday  
7:00am-4:00pm on Saturdays
- No paint/spray booth
- A Maximum of fifty (50) trailer parking spaces is permitted with an allowance for an additional 10% to be used for emergencies only. Ten (10) trailer spaces permitted within the proposed Building.
- Submittal of As-Built Foundation Plan
- Must maintain vegetation along Worcester Providence Turnpike (Route 146) to insure clear sight lines for entering and exiting the site. All landscaping to be maintained at two (2) feet or less in height within the sight triangle.
- Facility and property/driveway signage indicating no tractor trailer turns at Boston Road must be installed.
- Must provide a copy of MA DOT's approval for the issuance of the Building Permit.

**Findings:**

1. **The Board finds that the specific site is appropriate and eligible as a location for the proposed use based upon the following:**
  - The parcel of land is situated along the southbound side of Worcester Providence Turnpike (Route 146) in the Business-Highway (B-2) District and consists of 9+ acres of land formally used as a Drive-in Movie Theatre.
  - Nature of relief requested: A Special permit pursuant to Section III (A)(4) of the Table of Use Regulations (Automotive Repair) for the construction and operation of a 28,000+/- s.f. building for the service and repair of tractor trailers.
  - The Town's Zoning Bylaws under I.B (Definitions) paragraph (2) specifies that "Uses listed in the Table of Use Regulations under classes of Retail, Service Trades, Wholesale Trade and Manufacturing, shall be defined or clarified by the North American Industrial Classification System (NAICS)". The Board finds that NAICS's classification for General "Automotive Repair" expressly includes repair of passenger cars, trucks, vans, and all trailers making the applicant's request eligible for consideration on this 9+/- acre site.



- 2. The Board finds that there will be Adequate Septic and water systems**
  - Both a septic system and well are currently located on site for the former Drive-In Movie Theatre. The applicant will install a new and compliant septic system and well to replace the existing.
- 3. The Board finds that the proposed use will not cause substantial detriment to the neighborhood.**
  - All repair work will be performed within the proposed building.
  - The northerly abutter conducts a similar use.
  - In good faith to the abutters, the applicant has agreed to maintain a 200-ft buffer between the principle use and residential property lines which is an additional 100-ft more than required.
- 4. The Board finds that there will be no undue nuisance or serious hazard to vehicles or pedestrians.**
  - Traffic Studies and Peer reviews were conducted and support the project.
  - The use is a low traffic generator
  - Sight lines needed for safe entering and exiting the site will be kept clear through perpetual maintenance. Shrubs and low lying landscaping to be kept at two (2) feet in height or lower.
  - The Board finds that the applicant is required to and will work with MA DOT to insure safe entering and exiting of the site.
- 5. Whether adequate and appropriate facilities will be provided to ensure the proper operation of the Proposed use.**
  - The Applicant has stated that the site will be developed and the building will be constructed specifically for the proposed use ensuring that all aspects of the business operation are accounted for. For this reason, adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure, or condition.

The following Board Members voted:

Richard Deschenes, Chairman, voted to approve

Christopher Matera, voted to approve

Kyle Bergeson, voted to approve

Richard Haskins, voted to approve

Patrick O'Hara Associate Member voted to approve

Note: The Approval of this Special Permit does not relieve the applicant from applying for and securing any/all necessary permits/licenses as may be required by other Departments/Commissions/Boards of the Town of Sutton.

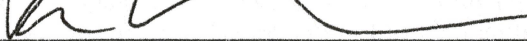
Pursuant to the vote taken by the Zoning Board of Appeals on January 7, 2021, the following signatures are made in accordance with M.G.L.c.110G and pursuant to the Board's electronic signature authorization vote recorded on January 25, 20021 with the Worcester Registry of Deeds in Bk: 64305 / Pg: 377.

Richard Deschenes  \_\_\_\_\_, Chairman

Daniel Petrelli  \_\_\_\_\_, Clerk

Richard Haskins  \_\_\_\_\_, Member

Christopher Matera  \_\_\_\_\_, Member

Kyle Bergeson  \_\_\_\_\_, Member

Patrick O'Hara  \_\_\_\_\_ Associate Member

**Any appeal to this decision must be made to Superior Court within (20) days of the date of this filing with the Town Clerk.**

**Any granted use for this variance/special permit shall not begin until this Decision is recorded with the Registry of Deeds and that all licenses and permits are acquired through the proper town and state authorities.**

       All rights to a variance and finding if not acted upon within one (1) year from the date of approval shall lapse.

  Y   All rights to a Special Permit if not acted upon within two (2) years from the date of approval shall lapse.

Filed in the Town Clerks Office this 15th day of November 2023.

  
\_\_\_\_\_  
Laura J. Caruso - Town Clerk

**I hereby certify that twenty (20) days have lapsed since the filing of the above referenced decision in the Town Clerks Office and that no appeal has been filed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.**

\_\_\_\_\_  
Laura J. Caruso - Town Clerk

cc: Certified Abutters  
Town Boards