



TOWN OF SUTTON ZONING BOARD OF APPEALS  
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ZONING BOARD OF APPEALS  
MEETING MINUTES  
October 2, 2008

Approved by: AK

Date: 11/6/08

Board Members Present: Arthur Keown, Chairman; Richard Deschenes, Clerk;  
Gerald Page; Russell Sylvia  
Staff: Lynn Dahlin  
Board Members Absent: Jeffrey Fenuccio  
Others in attendance: Herb Chase; Paul Krause; Chris Dauphinais;  
Arline Dauphinais; Gary Maynard; Paul Dauphinais;  
Cheryl Triolo; Dominic Triola; Carol & Michael Gagner;  
Thomas Vassar; Steve O'Connell; T. Perry; and  
David Lavallee

7:30pm

Arthur Keown entered into the record his affidavit certifying his examination of the September 11, 2008 meeting video.

Continuation:

Public Hearing for Thomas P. Vassar of 16 Old County Road, for a front setback variance pursuant to §III(B)(3)(Table II) of the zoning bylaws in order to construct a garage.

R. Deschenes motioned, R. Sylvia seconded and the vote was unanimous to reconvene the hearing.

No further information was submitted to the board.

R. Deschenes motioned, R. Sylvia seconded and the vote was unanimous to close the hearing.

7:40pm

Continuation: Public hearing to consider the petition of Dauphinais Concrete for a Special Permit pursuant to §III (A)(4)(G)(2) of the Town of Sutton Zoning Bylaws to permit the use of a Concrete Batching Plant to be located at property known as 7 Kamaitis Road.

R. Deschenes motioned, R. Sylvia seconded and the vote was unanimous to reconvene the hearing.

Steve O'Connell represented the petitioner and noted the following:

- There is an adequate turning radius to allow the trucks to enter and exit the site via Rte 146.
- Trucks heading north will use the Central Turnpike exit rather than making U-turns at the Boston Road intersection.
- Internal operations of the site to include materials storage and conveyance. Materials to include sand, different size stone, conveyor, cement silo, as well as water.
- 12 truck storage spots for trucks not in use.
- 8 employee parking spaces for truck drivers.
- Office location to house 6 employees.
- Proposed structure to have the appearance of a barn in order to fit in with the character of Sutton.
- Water to be supplied from a private well.
- Petitioner has ownership of 8 Cement mixers. The proposal is for 3-4 trips each per day plus materials drop off. Anticipating a total of 80 trips per day which is felt to be insignificant to Mass Highways traffic counts of 30,000+ along that same stretch of highway.
- Sight distance in excess of 1,600 ft.
- Hours of operation to be Monday-Friday (5:30am to 3:30pm / 4pm), Saturday hours to vary, and Sundays committed to high level emergencies only.

R. Sylvia questioned acceleration / deceleration lanes and whether Mass Highway had been approached on the issue and it was answered that they had not though it was felt by Paul Dauphinais that the new trucks have a quick acceleration rate.

R. Deschenes requested the total height of the plant and was answered just under 65-ft from ground to top of Silo and 35-ft from ground to ridge line of plant.

R. Deschenes questioned where the trucks were currently registered and it was answered Sutton.

R. Deschenes questioned the loading of trucks other than their own and it was noted by Paul Dauphinais that it would happen occasionally.

A. Keown questioned if they felt they could be limited to the use of the eight trucks and it was answered that it was hoped that if things went well they would be able to expand.

A. Keown noted that currently the request was for 8 trucks with a certain number of loads, but if left open ended, then it may turn into 24 trucks with associated loads and the board needed to look at safety issues. The applicant was asked how many haulers would be bringing in fill to the site on a daily basis and was answered that they anticipated approximately 10 deliveries a day.

All present in favor or opposition:

Herb Chase, 34 Sibley Road – Questioned hours of operation. It was noted that he had knowledge of the batching plant in N. Grafton where employees report to work at 2-3am and

he wanted it specified in the permit that no work would start before 5:30am if that is the agreed time.

Michael Gagner, 6 Waters Road, -stated that there are already 30-35,000 vehicles traveling the highway everyday. He then noted that if there were people who want to invest in the town, and it appeared that the applicant had done his homework, it was felt that the town ought to look favorably on the application.

Site inspection was not scheduled as all board members were familiar with the site.

R. Deschenes motioned, R. Sylvia seconded and the vote was unanimous to close the hearing.

8:00pm

Continuation:

Public Hearing for Michael & Carol Gagner, 6 Waters Road, for a front setback variance pursuant to §III(B)(3)(Table II) of the zoning bylaws in order to construct an addition.

R. Sylvia motioned, R. Deschenes seconded and the vote was unanimous to reconvene the hearing.

A. Keown questioned if there was any additional information to be presented to the board and hearing none requested a motion.

R. Deschenes motioned, R. Sylvia seconded and the vote was unanimous to close the hearing.

8:05pm

Continuation:

Public Hearing for Caren Raad, 115 Uxbridge Road, for a Special Permit for on site Income Tax Services to the public.

R. Deschenes motioned, R. Sylvia seconded and the vote was unanimous to reconvene the hearing.

R. Deschenes questioned the existing Sp. Permit on file for 18 Singletary Ave. and Arthur Keown stated that it would be terminated . He noted that the board was simply moving the Sp. Permit to another address with the same restrictions.

R. Deschenes noted that he wanted it made clear that though the applicant would continue to own both properties, she would only be permitted for one.

R. Sylvia motioned, R. Deschenes seconded and the vote was unanimous to close the hearing.

8:10pm

Continuation:

Water View Commons, Boston Road: Comprehensive Permit

A. Keown read correspondence from Kevin Rabbitt dated October 16, 2008 requesting a continuance to the November meeting in order to allow further reviews by the town.

R. Deschenes motioned, R. Sylvia seconded and the vote was unanimous to continue the hearing to November 6, 2008, time to be determined.

## General Business:

### Correspondence:

- MHP State Grant for Comprehensive Permit Consultant: Water View Commons.  
MHP willing to grant \$5,000 in additional grant money for projects that meet certain criteria. Connie Kruger of MHP noted that the board met the criteria in regards to the Water View Commons project.  
Board approval given to request the additional \$5,000 from the MHP for payment of John Thomas's consultant fees. The board agreed that they were a year into the project with little progress and the remaining grant money totaled just under \$2,000.  
L. Dahlin to move forward with the request process.
- Distribution of Citizen Planner Training Collaborative 2008 Coarse Schedule.
- Planning Board approval on the repetitive petition application for property located at 48 Griggs Road.
- Web Site Overview: Russell Sylvia to submit a mission statement to the board.

### Approval of Minutes

R. Deschenes motioned, R. Sylvia seconded and the vote was unanimous to approve the meeting minutes of September 11, 2008.

## Decisions

### Caren Raad, 115 Uxbridge Road: Special Permit

R. Sylvia motioned, R. Deschenes seconded and the vote was unanimous to grant the Special Permit as requested.

### Findings:

The board finds that the conditions for the business have not changed, only moved to another location.

R. Sylvia – wanted it noted in the permit that it was conditioned on the termination of the existing special permit for the business located at 18 Singletary Ave.

### Conditions:

- No More than 3 customers on site at any given time.
- Hours of operation during tax season: 9:00am-8:00pm  
Hours of operation outside of tax season: 9:00am – 5:00pm
- The permit is not transferable upon sale of the property.
- The petitioner must relinquish the Special Permit currently on file for 18 Singletary Ave.

### Michael & Carol Gagner, 6 Waters Road: Variance

R. Sylvia motioned, R. Deschenes seconded and the vote was unanimous to grant the Variance as requested.

Findings:

- The new construction would be less non-conforming than the existing structure.
- The existing wetlands to the rear of the property create a hardship

Thomas Vassar, 16 Old County Road: Variance

R. Sylvia motioned, R. Deschenes seconded and the vote was unanimous to grant the Variance as requested.

Findings:

Proposed garage to be 23-ft. off of the centerline of the discontinued Road called Old County Rd. The board finds that the lot could not support a garage at any other location.

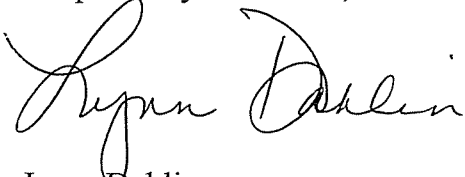
The board finds that the subject property is located at the end of the discontinued Rd and will not affect any abutters.

Dauphinais Concrete, 7 Kamaitis Road: Special Permit

Tabled to the November 6, 2008 Meeting

8:45pm – Meeting Adjourned

Respectfully submitted,



Lynn Dahlin  
ZBA Secretary