

**DECISION
GRAFTON PLANNING BOARD**

SPECIAL PERMIT (SP 2019-17) & SITE PLAN APPROVAL

**Automotive Repair Facility
20 Milford Road, S. Grafton, MA 01560**

**J. White's Automotive, LLC (Applicant)
Richmond Properties, Inc. (Owner)**

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Decision of the Grafton Planning Board (hereinafter the BOARD) on the petition of J. White's Automotive, LLC, (hereinafter the APPLICANT), for a Special Permit (SP 2019-17) and Site Plan Approval to change the use to allow for an Automotive Repair Facility on property located at 20 Milford Road, Grafton, MA, (hereinafter the SITE) which is located in the Office/Light Industry (OLI) zoning district and shown on Grafton Assessor's Map 131, Lot 20, and owned by Richmond Properties, Inc. (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 21585, Page 108. The application was formally received on November 6, 2019.

I. BACKGROUND

The above referenced application for Special Permit (SP 2019-17) and Site Plan Approval (hereinafter the Application) was submitted on November 6, 2019. Notice of the public hearing and the subject matter thereof was published in the Grafton News on November 21 & 28, 2019, and posted with the Town Clerk's Office on November 18, 2019. Abutters were notified by First Class Mail.

The public hearing on the Application was opened on December 9, 2019. The following Board members were present throughout the public hearing: Chair David Robbins, Vice Chair Robert Hassinger, Clerk Justin Wood, Members Linda Hassinger and Prabhu Venkataraman, and Associate Planning Board member Vikram Dave. Shirley Warren, managing partner of J. White's Automotive presented the Application to the Board. At the public hearing, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on December 9, 2019. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

- EXHIBIT 1.** Original Application Submission, received November 6, 2019 to include the following.
- a. Application for a Special Permit, signed by Shirley Warren (Applicant) and Armand Gariepy (Owner), dated October 4, 2019, date stamped by the Town Clerk on November 6, 2019 and date stamped received by the Planning Board on November 6, 2019, 1 page.
 - b. Application for a Site Plan Approval, signed by Shirley Warren (Applicant) and Armand Gariepy (Owner), dated October 4, 2019 and date stamped received by the Planning Board on November 6, 2019, 1 page.
 - c. Certificate of Good Standing, signed by Beth Schrottman, dated October 4, 2019 and date stamped received by the Planning Board on November 6, 2019, 1 page.

- d. Abutters Listing for 20 Milford Road, Map 131, Lot 20, dated October 17, 2019, signed by Kenneth O’Brien, MAA, Grafton Data Collector and date stamped received by the Planning Board on November 6, 2019, 1 page.
 - e. Narrative entitled “Automotive Use at 20 Milford Road, Grafton: Written Description of the Proposed Use,” and date stamped received by the Planning Board on November 6, 2019, 1 page.
 - f. Photos: Copies of Seven photographs “taken on October 9, 2019 to exemplify a typical day in our shop,” and date stamped received by the Planning Board on November 6, 2019, 3 pages.
 - g. Plan: entitled “20 Milford Road, Grafton, MA: Building Layout,” prepared by the Stubblebine Company Corfac International and dated stamped received by the Planning Board on November 6, 2019, 1 page (8.5 x 11”).
 - h. Waiver Request Form, date stamped received by the Planning Board on November 6, 2019, 3 pages
- EXHIBIT 2. Plan: “Parking Inventory and Restriping Plan” dated October 24, 2019, prepared by Land Planning, Inc., and received by the Planning Board on November 6, 2019, 1 sheet (24” x 36”).
- EXHIBIT 3. Public Hearing Notice, date stamped by the Town Clerk on November 18, 2019, 1 page.
- EXHIBIT 4. Email from Katrina Koshivos, Zoning Board of Appeals, dated December 2, 2019 and date stamped received by the Planning Board on December 3, 2019, 1 page.
- EXHIBIT 5. Email from Nancy Connors, Health Department, dated December 2, 2019 and date stamped received by the Planning Board on December 3, 2019, 1 page.
- EXHIBIT 6. Email from Sergio Braga dated December 4, 2019 and date stamped received by the Planning Board on December 4, 2019, 2 pages.
- EXHIBIT 7. Email from Maher Kharroubi dated December 4, 2019 and date stamped received by the Planning Board on December 4, 2019, 1 page.
- EXHIBIT 8. Memorandum: “Staff Review of 20 Milford Road – J. White’s Automotive,” from Joseph Laydon, Town Planner, to the Planning Board, dated December 6, 2019, 8 pages.
- EXHIBIT 9. Photos: entitled “J. White’s Automotive- Refurbishment, Restoration; Specializing in Land Rover Repairs, Service, Maintenance” includes photos of work that would be done at this site, 7 pages.
- EXHIBIT 10. “Public Hearing Sign-In Sheet,” dated December 9, 2019, 1 page

III. FINDINGS

At their meeting of January 13, 2020, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Wood), voted 5-0 to make the following Findings:

- F1.** That the application for Special Permit is being sought to establish an auto repair facility at the existing industrial building located at 20 Milford Road. The Applicant, per the submitted narrative (Exhibits #1.e and #9), proposes a facility to repair, maintain, refurbish and restore vehicles, specializing in Land Rovers, Jeep, and Toyotas such as Land Cruisers. No auto body work is proposed at the facility. The shop is not a general repair facility and is a “destination” shop with low shop volume and “some jobs taking more than a year to complete.”

- F2.** That the Site is located within the Office/Light Industry (OLI) District and the property improved with existing metal building. The existing building area is 16,141 sq. ft. in area and currently houses a linen business that will be relocating following sale of the property.
- F3.** That the number of employees are two (2) owners who work full time, five (5) full time technicians, two (2) full time administrators, two (2) part time administrators, one (1) part time shop assistant. That the hours of operation will be Monday through Friday 8 am to 6 pm, it will not be open to the public on Saturday and employees will typically work 8 am to 5 pm. The business will not open on Sundays (Exhibit #1.e).
- F4.** That during the public hearing the Board and the Applicant discussed the parking plan that was submitted (Exhibit #1). The Town Planner noted that calculations were reviewed with the Building Inspector and it was deemed that 33 parking spaces (rounded up from 32.36) were needed for the business. It was noted the Parking calculations are in the top right corner of the site plan (Exhibit #2). The Town Planner recommended that the calculations will be finalized at time of preparing final site plan, pending any comments from the Board.
- F5.** That the Applicant will be installing minimal signage in accordance with Section 4.4 of the ZBL.
- F6.** That determinations regarding the above referenced Findings are based upon the plans identified in this Decision, as well as the information submitted and presented in association with the Application.
- F7.** That during the public hearings the Board received testimony, verbal and written, from:
 - a. Sergio Braga, 21 Milford Road. Mr. Braga (Exhibit #6) expressed concern about living across the street from the automobile repair facility and impacts such as noise, loss of privacy, dust and pollution, additional traffic impacts due to vehicles visiting the site, and loss of resale value should he sell the house.
 - b. Maher Kharroubi, 17 Milford Road. Mr. Kharroubi (Exhibit #7) expressed concern that the proposed facility would make his family, property, and neighborhood less safe; that there would be loss of privacy; and loss of property values.
- F8.** That determinations regarding the above referenced Findings are predicated on the satisfactory maintenance of the site in accordance with this Decision, as well as all applicable federal, State, and Local regulations, except where modified by this Decision.
- F9.** That Section 1.3.3.2 of the ZBL requires that the procedure for Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
- F10.** That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board. The Board further finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure.
- F11.** That pursuant to Section 1.3.3.4 of the ZBL, the Applicant requested waivers from the following requirements for preparing site plans, as listed in Section 1.3.3.3:
 - (d) certain site plan requirements, including various details and information to be shown on plan, as further described in the ZBL and as presented in the Waivers section of this decision;
 - (e) stormwater management hydrological study;

- (f) report, if applicable, showing calculations of the volume of earth material to be removed from or delivered to the site, including a description of such removal or fill activity.
- (g) Written statements from engineer / architect preparing the plans indicating that the plans comply with the performance standards of Section 4/1 of the ZBL; and applicant / owner indicating site will be maintained with standards set forth in Section 4.1 of the ZBL.

F12. That pursuant to Section 8.2.1 of the ZBL, the Applicant requested waivers from the requirement for a Traffic Study as listed in Section 8.2 – Traffic Study Required.

IV. WAIVERS

W1. At their meeting of January 13, 2020, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Wood), voted 5-0 to grant the Applicant's request for waivers from the following requirements of *Section 1.3.3.3* of the ZBL with regard to preparing site plan for the reasons stated within the Findings of this Decision:

- *Section 1.3.3.3 (d)*
 - (15) Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/ landscaped areas
 - (17) Calculations of the volume of earth material to be removed or filled
 - (21) Landscaping
 - (22) Lighting
 - (23) Proposed signs
 - (28) Utilities and their exterior appurtenances
 - (29) Provisions for dust and erosion control
 - (31) Other information deemed necessary by the Planning Board due to the unique nature of the property
- *Section 1.3.3.3(e)*: Stormwater management hydrological study.
- *Section 1.3.3.3(f)*: Report, if applicable, showing calculations of the volume of earth material to be removed from or delivered to the site, including a description of such removal or fill activity.
- *Section 1.3.3.3(g)*: Written statements from engineer / architect preparing the plans indicating that the plans comply with the performance standards of Section 4/1 of the ZBL; and applicant / owner indicating site will be maintained with standards set forth in Section 4.1 of the ZBL.
- *Section 1.3.3.3(h)*: Any other information, materials, reports, etc. deemed necessary by the Planning Board, due to the special nature of the proposed use /activity.

W2. At their meeting of January 13, 2020, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Wood), voted 5-0 in favor to grant the Applicant's request for a waiver from the requirements of *Section 8.2 – Traffic Study*.

V. CONDITIONS

At their meeting of January 13, 2020, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Wood), voted 5-0 to grant the Special Permit with the following conditions:

- C1.** This Special Permit (SP 2019-17) application specifically authorizes the establishment of an auto repair facility at the existing industrial building located at 20 Milford Road, which the primary purpose of which will be to repair, maintain, refurbish and restore vehicles, specializing in Land Rovers, Jeep, and Toyotas such as Land Cruisers (Exhibits #1.e and #9); that no auto body work will be conducted at the facility; and that the shop is not a general repair facility and that repair and inspections of vehicles is accessory to the principal use of vehicle restoration as described within the above referenced Exhibits and Findings of this Decision.
- C2.** The work authorized by this Special Permit shall be solely for the purposes as stated within the above referenced Conditions of this Decision. Changes to the application presented in this Application, such as alteration of the business to general repair facility, may be made only upon the authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the application presented within the Exhibits of this Decision and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.
- C3.** Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any such signage.
- C4.** That the Applicant shall prepare a final site plan with a typed parking calculation table submission and endorsement by the Board for recording with the Decision.
- C5.** This Special Permit and Site Plan Approval shall not take effect until the Decision and amended site plan have been recorded at the Worcester District Registry of Deeds (WDRD) and the Planning Board and the Building Department have been provided with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
- C6.** By recording this Special Permit and Site Plan Approval Decision in the WDRD, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

VI. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to GRANT the Special Permit (SP 2019-17) Application with Conditions for auto repair facility specializing in the repair, maintain, refurbish and restore vehicles of specialty vehicles at the existing industrial building located at 20 Milford Road, based on the information received at the public hearing and the aforementioned findings.

*DECISION - GRAFTON PLANNING BOARD
Special Permit (SP 2019-17) & Site Plan Approval
Automotive Repair Facility – 20 Milford Road, Grafton, MA
J. White's Automotive, LLC (Applicant)
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<u>David Robbins, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>Robert Hassinger, Vice Chairman</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>
<u>Justin Wood, Clerk</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



William Scanlan, Interim Town Planner

11/16/2020

Date

- cc: Applicant / Owner
- Building Inspector
 - Assessors
 - Conservation Commission

To Whom It May Concern: This is to certify and verify that the twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no such appeals have been filed in the reference to the same, or that, if such appeal has been filed, it has been dismissed or denied.

Kandy Lavallee, Town Clerk

Date