

## Town of Millbury Board of Appeals

Paul Nigosian, Chairperson  
Robert Simmarano, Clerk  
Harold Proodian  
Ken Perro  
Daniel Mezynski  
Anna Lewandowski, Alternate member



MUNICIPAL OFFICE BUILDING  
127 ELM STREET  
MILLBURY, MA 01527

### Meeting Minutes

Wednesday, April 27, 2016

7:00 pm

**Board of Appeals Members Present:**

Paul Nigosian (Chairperson)  
Robert Simmarano (Vice Chairperson)  
Ken Perro (Clerk)  
Harold Proodian  
Daniel Mezynski  
Anna Lewandowski (Alternate)

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16 JUL - 7 PM 3:17  
MILLBURY, MASS

**Absent:** All board members were present

**Guests:** Steve Venecasa from Elite Home Builders

**I. Call to Order:**

**Paul Nigosian** called the meeting to order for the Millbury Board of Appeals on Wed. April 27<sup>th</sup> 2016 @ 7:10 pm, with four members and an alternate present, the applicant from Elite Homes was not yet present so the board moved to approve the meeting minutes from March 30<sup>th</sup> 2016 until the applicant arrived.

**II. Approval of Meeting Minutes from Wednesday, March 30<sup>th</sup>, 2016:**

**Paul Nigosian** entertained a motion to accept the minutes March 30<sup>th</sup>, 2016; **Ken Perro:** made the motion, **Robert Simmarano:** second, all in favor 5 - 0.

**Petition Purpose:** Elite Home Builders, P.O. Box 1205, Westborough, MA 01581 – For a variance in the Millbury Zoning Ordinance relative to property at Howe Avenue, Millbury, MA – Map# 37-45 Lot# 219-222 & 80-84.

Applicant desires to construct six, three story residential apartment buildings with a total of 72 units. Applicants seeks to **renew** a variance that allowed to install sloped roofs on 6 three story residential buildings with a height of 36' 10" high which would exceed the maximum height allowance of 30 feet, per Millbury Zoning By-law 22.3.

**III. Official Call to Order :** Having complied with the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, relative to advertising and notifying abutters, the Meeting was declared officially

opened by **Ken Perro** at 7:20 pm. All decisions of this board are final except as provided in Chapter 40A of the Massachusetts General Laws.

#### **IV. Public Hearing:**

**Petitioner:** Elite Home Builders, P.O. Box 1205, Westborough, Ma 01581 – For a variance in the Millbury Zoning Ordinance relative to: property at Howe Avenue, Millbury, Ma – Map# 45-37 Lot# 219-222 & 80-84

Petitioner: Steve Venecasa of Elite Home Builders LLC.

**Steve Venecasa of Elite Home Builders takes to the podium:** The multi-family development on Howe Ave., that was permitted by the Planning Board, the Earth Removal Board and the Conservation Commission and was brought before the Board of Appeals earlier, the Board of Appeals approved the variance for the sloped roof design, the reason for the hearing was that the Conservation Permit was appealed by an abutter that went to DEP on three separate appeals each time the appeal was in Elite Home Builders favor, the DEP has given the abutter every opportunity but the project will be approved and that the permit should be coming in from the DEP within days or weeks. The project has not moved forward because of the three appeals and the time it took the variance that was issued by the Board of Appeals 2 years ago has expired.

Steve Venecasa brought with him several design boards to show the board what is going to be built on the Howe Ave. property, the first design board shows an over view of the development the other design boards show a design of the buildings with and without the slope roof one at 30' height recommended in the bylaws and regulations the other with the sloped roofs putting the height at 36' 10", Mr. Venecasa also openly read from the application, Applicant desires to construct six three story residential apartment building with a total of 72 units; applicant believes that a sloped roof will have a more residential New England style architecture and will not be anymore detrimental to the neighborhood.

**Paul Nigosian asks to clarify:** Elite Home Builders has been to the Planning Board and that they have all the special permits to put the buildings up on the land through the Planning Board and that Elite Home Builders has all the approvals with the flat roof with the Planning Board and now Elite Home Builders is here because they just want a variance for the sloped roof that is basically aesthetic but it's going to exceed the maximum height that's allowed?

**Steve Venecasa responds:** Elite Home Builders is going for the extra height not to add more stories of living space not to make the buildings taller but just for the aesthetics of the roof.

**Paul Nigosian asks to clarify:** That the project has been approved and the buildings are going to be built regardless of the sloped roofs or not?

**Steve Venecasa responds:** Elite Home Builders has the permit from the Planning Board which is still valid and the Earth Removal Permit and the Conservation Permit from the Conservation Commission which has reviewed all the work and drainage; the appeal factor is from the drainage and the abutter's do not believe that the drainage works even though the drainage plans have been done by a professional engineer, it was approved and reviewed by the towns engineer consultant, Graves Engineering, and then the drainage was reviewed by DEP engineers and approved however the abutters just don't believe the engineering.

**Paul Nigosian asks to clarify:** All the appeals that were filed by the abutters, did Elite Home Builder's win against the appeals? (Yes, they have been successful each time it has gone to appeal).

**Steve Venecasa responds:** Elite Home Builders will win the third appeal as well, they just received a copy of the draft of the appeal it just needs to be signed off by the commissioner, the attorney's have already drafted the appeal and it is in Elite Home Builders favor.

**Steve Venecasa continued:** The buildings are a few feet higher, just roof, it's not any more storage, it's not anymore building, it's just a slope of the roof, Elite Home Builders think it's a more aesthetically pleasing roof and building design and they will build the other building if the added height is not approved for the variance.

**Harold Proodian questioned:** The reason for the delay? Elite Home Builders ran out of time with the Board of Appeals because Elite Home Builders was in appeal?

**Steve Venecasa replied:** The drainage was approved by the town's Conservation Board but it was appealed and approved and then appealed again during this time the variance permit ran out of time and now Elite Home Builders needs it to be reapproved. (Paul Nigosian adds that a variance is only valid for 2 years.)

Mr. Venecasa continues on Elite Home Builders part that he had numerous conversations with abutters during the process of the original planning board and the zoning board of appeal and even though some of the abutter's weren't in favor did prefer the building with the sloped design and it's almost been unanimous with all the neighbors.

**Anna Lewandowski intervened:** The same aesthetic appearance could have been accomplished if you remove the top floor then you would have dropped the height where it should have been and it probably would not have been quite so unfavorable to look at, remove the top floor and put your sloped roof on, it would have kept you in your rules and regs but it would have been less money for you.

**All the Board responds and agrees:** Elite Home Builders would be losing a third of their money, that type of change would be a really big financial loss. (Paul Nigosian added that with or without the sloped roof there is going to be three floors of living space.)

**Abutter Jessica L. Waters of 62 Miles Steet takes to the podium :** Ms. Waters states that her property is the wet lands that abuts the largest part of the property; she reiterates that the statement that the neighbors are in favor of the pitched roof; she would agree that they would probably side more with Anna and that to her knowledge none of the neighbors wanted a three story flat roof or a three story pitched roof they were all hoping to keep the buildings at an assessable height limit, she just wanted to clarify that to her knowledge none of her neighbors were in favor of that height.

**Daniel Mezynski intervenes:** He was not at the meeting to prior approval but he trusts the board looked at it from all angles back then and he had no further questions.

**Paul Nigosian:** Asks if anyone has any further questions or anyone from the audience wishes to speak, he then entertains a motion to close a public hearing? **Harold Proodian** made a motion, **Ken Perro** second the motion all were in favor 5 to 0.

**Paul Nigosian:** The meeting closed and he asked if there is any discussion amongst the board? (No questions from the board) and continues; This meeting comes down to where the board was two years ago, it's the aesthetics of the building, the buildings are going to be there, the densities are going to be the same whether it's a pitched roof or not the roof does have its benefit aesthetic wise but it is adding almost 7 feet of height, there was a lot of opposition the last time, (2 years prior).

**Paul Nigosian:** Asked if anyone wants to make a motion?

**Harold Proodian** made the first motion to grant a variance to Elite Home Builders, P.O. Box 1205, Westborough, Mass 01581 relative to the property at Howe Avenue, Millbury, MA – Map# 37-345 Lot# 219-222 & 80-84 to install sloped roofs on 6 three story multi-family dwellings with a height of 36' 10" high which would exceed the maximum height allowance of 30 feet, per Millbury Zoning By-law 22.3, maximum proposed height will not exceed 36'10" (6'10"). **Paul Nigosian** asks the board for a second motion; **Daniel Mezynski** second the motion, all board members were in favor 5 to 0.

**Paul Nigosian:** Instructs the petitioner that there is a 20 day waiting period from when it is filed with the town clerk's office and as long as there isn't an appeal you can apply for your permit.

**Paul Nigosian:** Instructs the board that there is an application for a special permit and that there will be a meeting scheduled for May 25<sup>th</sup>.

**Harold Proodian:** Regarding the application; Harold had a suggestion; one of the questions should be if the applicant had been through any of the other boards prior to each meeting and if so which ones; for instance if an applicant has already appeared in front of the BOA and it was denied so then the applicant goes to the planning board it should say on the application that the applicants request was presented to the BOA and denied, this way the other boards are able to keep account which applicant has been denied or not and with confidents move forward with a possible Granted or Denial. The entire board was in favor 5 – 0.

**V. Adjournment**

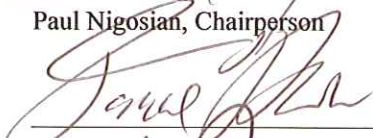
Motion to adjourn by Chairperson Paul Nigosian at 8:00 pm, **Harold Proodian** made the motion, **Ken Perro** second the motion carried unanimously 5 - 0.

Respectfully submitted by Nancy Young and submitted to Town Clerk.



Paul Nigosian, Chairperson

Robert Simmarano, Vice Chairperson



Daniel Mezynski



Harold Proodian



Ken Perro, Clerk

Anna Lewandowski, Alternate