

# Town of Millbury Board of Appeals

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



MUNICIPAL OFFICE BUILDING  
127 ELM STREET  
MILLBURY, MA 01527

RECEIVED  
TOWN CLERK  
2019 JAN 9 1 PM 3:33  
MILLBURY MASS.

**Meeting Minutes**  
**Wednesday, January 09, 2019**  
**7:00 pm**

**Board Members Present:** Paul Nigosian (Chairman), Ken Perro (Vice Chairman), Robert Simmarano (Clerk), Daniel Mezynski and Anna Lewandowski (Alternate).

**7:00 PM:** Official Call to Order

**7:05 PM:** – Ucef and Mary Charmchi for the property located at 8 Bayberry Lane are seeking to separate the property Lot 46 & 47 to create a separate buildable lot for construction of a single family residence. Under Section 47.9 this property is located within an AWPOD (Aquifer Water Protection District) Area B, and states that; No lot shall be built upon or changed in size or shape except to be in-conformity of the specified Dimensional Requirement. Ucef and Mary Charmchi has filed an Appeal with the Board of Appeals due to the building inspectors determination based on the denial specifically found in finding #4 & #5 in accordance with Section 13.23 Appeals. Several years ago the Charmchi's were granted a dimensional and use variance by the Board of Appeals but has since expired and is null and void due to failure of filing for a building permit to activate the variance. Mary Charmchi tried to explain to the board why she is asking the board to Appeal the building inspectors final decision since they were approved several years ago however Paul Nigosian continued to remind Ms. Charmchi what was approved 3 years ago has nothing to do with what is in front of the board today, Ms. Charmchi feels they have a hardship due to misinformation but again Paul Nigosian stresses that what happened several years ago is here say and to no longer look back and to focus on what is happening today with this application for appeal.

Paul Nigosian then asked if there was anyone in the audience who would like to speak on behalf of the applicant's request. Steven Wilbur of 228 Main Street, Millbury his father of 84 owns the next lot over and Mr. Wilbur is the former owner of the house, Mr. Wilbur's concern is if the lot that the Charmchi's want to build on would create any problems to the plans the Wilbur's already have in place for their septic design and the footage that needs to be placed for a septic approval.

Kevin Granger of 15 Bayberry Lane, Millbury his house is situated right across the street from the Charmchi's, his concern is how will the water be disbursed in a proper way, there's always been a lot of water there and with this past season it is completely wet and if the property is developed where is the water going to go?

Paul Stringham explained to the board that the lot that the Charmchi's currently have their house on is on has 1.79 acres of land, the parcel they want to build on has 34,811 square feet that was subject to the zone but it wasn't subject to the water protection district but it hadn't been approved until three months later after the plans were created. Paul Nigosian pointed out that the Charmchi's want to create one non-conforming lot, the acreage requirement is 80,000sf almost 2 acres of land if they were approved to appeal to overturn the building inspectors decision the Charmchi's would then have to come in front of the board seeking several variances for both lots since both lots would now be considered non-conforming.

Paul Nigosian then asked if anyone else in the audience had anything else to add and then asked the board if they had anything else they needed to further discuss before they closed the public hearing.

Paul Nigosian entertained a motion to close the public hearing, Ken Perro made the motion second by Robert Simmarano, carried unanimously 5 – 0.

After further discussion between board members Paul Nigosian then entertained a motion:

Ken Perro made the motion and Daniel Mezynski second to approve the applicants request to Overturn the building inspectors decision to Ucef & Mary Charmchi for the property located at 8 Bayberry Lane, Millbury, Ma 01527 shown on Map# 89, Lot# 46 & 47, Suburban – I Aquifer Water Protection Overlay District "B" (AWPOD "B"), Duly Recorded at the Worcester Registry of Deeds Book# 40797, Page# 33 and create a separate buildable lot for construction of a single family residence. Under Section 47.9 this property is located within an AWPOD District Area B, and states that No lot shall be built upon or changed in size or shape except to be in-conformity of the specified Dimensional Requirement. The determination based on the denial specifically found in finding #4 & #5 in accordance with Section 13.23 appeals.

The motion was denied carried 2 – 3 (Paul Nigosian, Ken Perro and Anna Lewandowski were not in favor).

**7:50 PM:** – Ronald and Martha Bourdeau applied two separate application for the properties located at 30 & 32 Autumn Gate Circle, Millbury, Ma are seeking a Variance for frontage on both lots. The petitioners had the variances granted on November 2<sup>nd</sup>, 2005 and again on February 22<sup>nd</sup>, 2017.

Jennifer L. Kurzon for the Law Office of Jennifer L. Kurzon of 117 Old Millville Road, Uxbridge, Ma representing the Bourdeau's and explained to the board the two separate dimensional variances for frontage that they are seeking, 150 linear feet of frontage is required through the Millbury Zoning Bylaws the property located at 30 Autumn Gate Circle (Lot B) has only 35.30 linear square feet of frontage a variance of 114.70 linear square will be required, the property located at 32 Autumn Gate Circle (Lot A) has 146.70 linear feet of frontage a variance of 3.30 linear feet is needed, a granting will not cause substantial harm to the neighborhood, or does it nullify or substantially derogate from the intent or purpose of this by-law. In November of 2005 operations by law they ceased to exist and in February of 2017 the two variances were requested and operation by law that by requirement the house on 32 Autumn Gate Circle be torn down, it wasn't torn down within the year and that's why they are there for the third time. They would like to have the house raised and the properties to be developed within the year. The Bourdeau's are looking to build a new home for themselves on Lot B (30 Autumn Gate) during this construction they will remain in the house that exists on 32 Autumn Gate was the new house is finished in construction they will be moving into 30 Autumn Gate the old house on 32 Autumn Gate will be torn down and a building will be constructed to conform with the rest of the sub division.

Paul Nigosian asked the audience if anyone had anything to say for or against.

Alex Chang of 3 Autumn Gate Circle lives right behind the Bourdeau's hopes they are able to build their home and that he is all for it.

Dr. Bruce LaPine owns the property at 34 Autumn Gate which is an empty lot but feels that granting the Bourdeau's the variances so they can move forward with the plans for both lots can only add to the upgrade of the neighborhood and a positive situation.

**Paul Nigosian entertained a motion to close a public hearing, Daniel Mezynski made the motion second by Robert Simmarano, carried unanimously 5 – 0.**

**After further discussion with board members Paul Nigosian then entertained a motion:**

**(Motion 1): Robert Simmarano made the motion to grant the Variance to Ronald G. Bourdeau & Martha A. Bourdeau of 118 Grafton St., AKA 32 Autumn Gate Circle, Millbury, Ma 01527 to create two non-conforming lots (Lot A 32 Autumn Gate Circle and Lot B 30 Autumn Gate Circle, Millbury, Ma), the subject property 30 Autumn Gate Circle Map# 48, Lot# 88, Suburban – III District Duly Recorded at the Worcester Registry of Deeds Book# 22117, Page# 268. 150 feet of frontage is required through the Millbury Zoning Bylaws Section 23.33, the subject property has 146.70 feet of frontage a relief of 3.30 allowing the petitioner to re-obtain legal Zoning Relief under Millbury Zoning Bylaws Section 13.23 Variance from applicable provisions of Section 23.33 Suburban III District minimum lot frontage requirements. Daniel Mezynski second the motion carried unanimously 5 – 0.**

**(Motion 2): Robert Simmarano made a motion to grant the Variance to Ronald G. Bourdeau & Martha A. Bourdeau of 118 Grafton St., AKA 32 Autumn Gate Circle, Millbury, Ma 01527 for frontage for the property located at 32 Autumn Gate Circle, Millbury, Ma, Map# 48, Lot# 16, Suburban – III District Duly Recorded at the Worcester Registry of Deeds Book# 38088, Page# 132. 150 feet of frontage is required through the Millbury Zoning Bylaws Section 23.33, the subject property has 146.70 feet of frontage a relief of 3.30 allowing the petitioner to re-obtain legal Zoning Relief under Millbury Zoning Bylaws Section 13.23 Variance from applicable provisions of Section 23.33 Suburban III District minimum lot frontage requirements; Daniel Mezynski second the motion carried unanimously 5 – 0.**

**8:15 PM:** Board Reorganization Postponed for January 30<sup>th</sup>, 2019.

**8:20 PM:** Meeting Minutes from November 28<sup>th</sup>, 2018;

**Paul Nigosian entertained a motion to approve the meeting minutes; Daniel Mezynski made a motion to approve the meeting minutes from Wednesday November 28th second by Robert Simmarano the vote was carried unanimously 5 – 0.**

**8:30 PM:** Adjournment;

**Paul Nigosian entertained a motion to adjourn the meeting; Daniel Mezynski made the motion, Robert Simmarano second the motion; carried unanimously 5 - 0.**

Respectfully submitted by Nancy Young and submitted to Town Clerk.

Ucef & Mary Charmchi  
8 Bayberry Lane  
Millbury, MA 01527  
(508)865-4912 Email: kcharmchi@verizon.net

RECEIVED  
TOWN CLERK  
2018 DEC -4 PM 12:34  
MILLBURY, MASS.

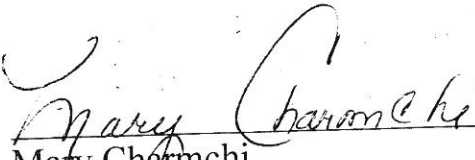
RE: Board of Appeals Meeting to be rescheduled for 1/9/2019

Dear Board of Appeals, it has been brought to our attention because of the holidays a full board would not be present on 12/26/2018 and would be scheduled for a future date of 1/9/2019. We are in agreement with the 1/9/2019 date.

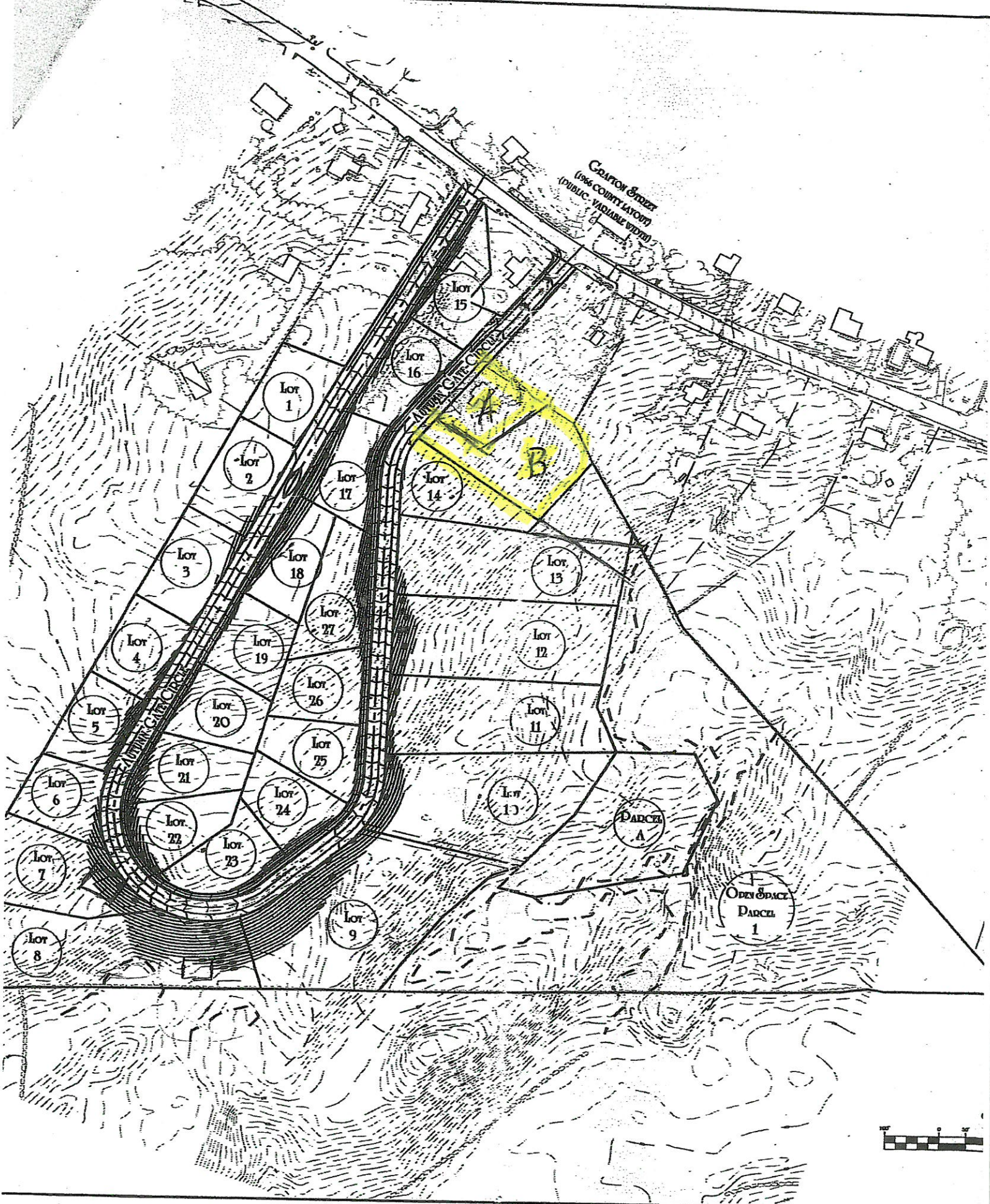
Respectfully,

  
\_\_\_\_\_  
Ucef Charmchi

12-4-2018  
Date

  
\_\_\_\_\_  
Mary Charmchi

12/4/2018  
Date



GRANTON STREET  
(1966 COUNTY LAYOUT)  
(PUBLIC - VARIABLE WIDTH)

LAWRENCE CIRCLE

LAWRENCE CIRCLE

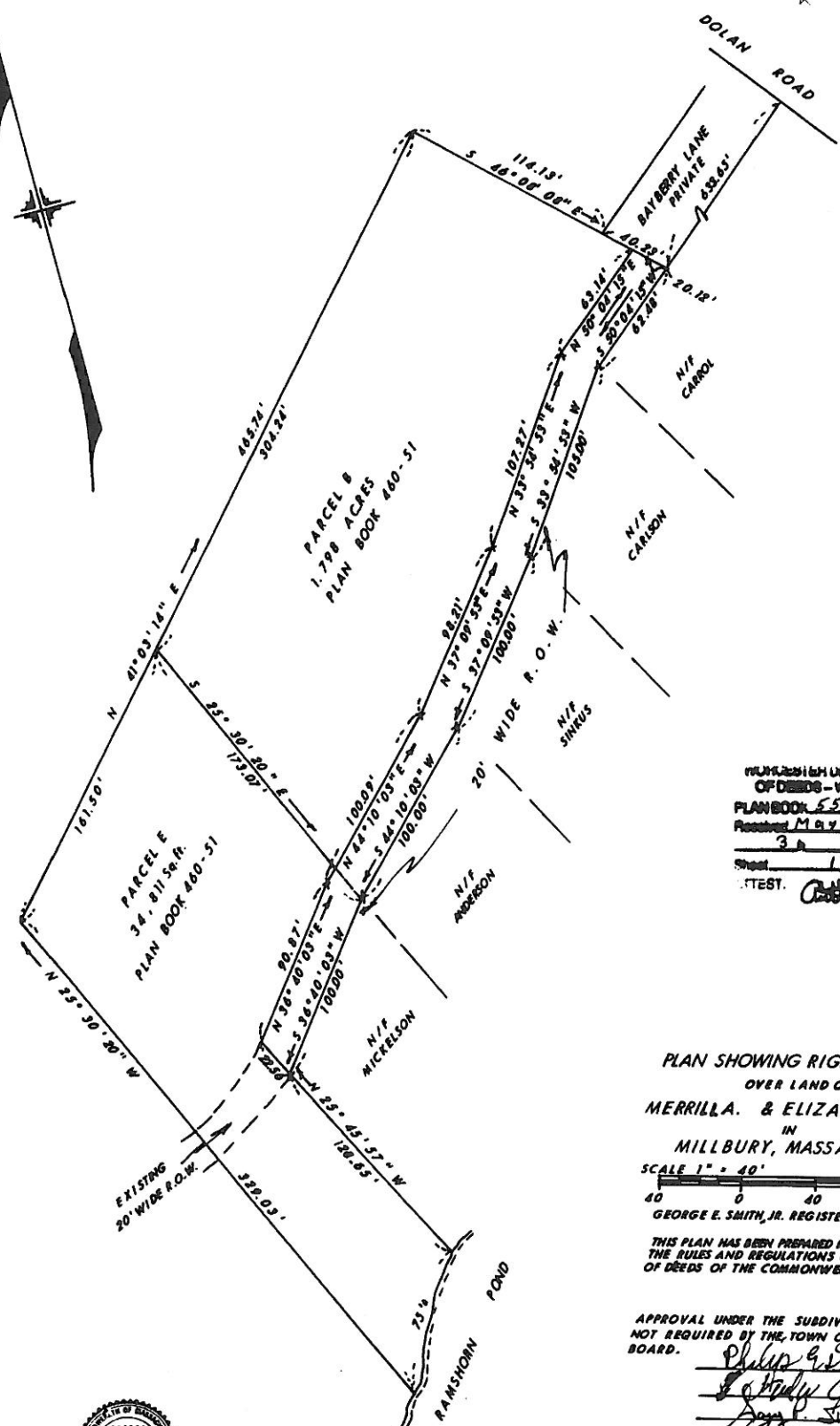
OPEN SPACE  
PARCEL  
1

PARCEL  
A

PARCEL  
B



RECORDS DISTRICT DEEDS  
 MAY 21 3 31 PM '86  
 REGISTER



COMMONWEALTH OF MASSACHUSETTS  
 DEEDS - WORCESTER, MA  
 PLAN BOOK 554 PLAN C4  
 RECORDED MAY 21, 1986  
 3 31 PM  
 REGISTER

PLAN SHOWING RIGHT OF WAY  
 OVER LAND OF  
 MERRILLA & ELIZABETH L. DANA  
 IN  
 MILLBURY, MASSACHUSETTS  
 SCALE 1" = 40'  
 FEBRUARY 21, 1986  
 GEORGE E. SMITH, JR. REGISTERED LAND SURVEYOR

THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH  
 THE RULES AND REGULATIONS OF THE REGISTERS  
 OF DEEDS OF THE COMMONWEALTH OF MA.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW  
 NOT REQUIRED BY THE TOWN OF MILLBURY PLANNING  
 BOARD.

*Philip G. ...*  
*...*  
*...*  
 3/24/86



George E. Smith Jr.

224-42

# Untitled Map

Write a description for your map.

## Legend



17 Bayberry Ln

8 Bayberry Ln





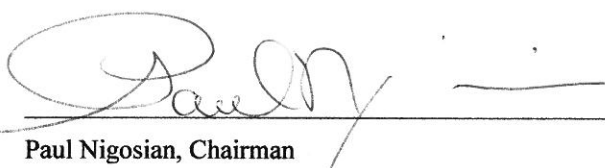
# Town of Millbury Board of Appeals

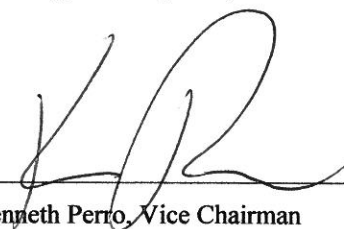
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## Board of Appeals Approval Signatures Meeting Minutes from Wednesday, January 09<sup>th</sup>, 2019

  
Paul Nigosian, Chairman

  
Kenneth Perro, Vice Chairman

\_\_\_\_\_  
Daniel Mezynski

\_\_\_\_\_  
Harold Proodian

  
Robert Simmarano, Clerk

\_\_\_\_\_  
Anna Lewandowski, Alternate