

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

2019 FEB 28 PM 3:34
RECEIVED
TOWN CLERK
MILLBURY, MASS.

Meeting Minutes
Wednesday, January 30, 2019
7:00 pm

Board Members Present: Paul Nigosian (Chairman), Ken Perro (Vice Chairman), Robert Simmarano (Clerk) and Harold Proodian

Before the hearing opened Paul Nigosian informed Daniel Remeika Jr. that the panel is only consisting of four board members and that he will need all four board members to vote in favor of his application it will be Mr. Remeika's decision to move forward if not the hearing can be opened and then postponed to a later date next month; having been informed Daniel Remeika agreed to move forward with the hearing knowing the circumstances of the four member panel.

7:00 PM: – Official Call to Order

7:00 PM: – Daniel Remeika Jr. for the property located at 6 Forrest Drive, Millbury for a Dimensional Variance. Daniel Remeika explained to the board that their original plan was to stay within the required side setbacks unfortunately they ran into an extra significant amount of ledge but when they dug on the far left side they ran into the sewer line coming out of the home so it had to be relocated, with Paul Stringham doing the inspection they had maxed out the limit to moving over as far as they could and snuck the foundation wall right to the pipe so they ended up a little bit over on the far right, therefore the setbacks are at 9.2 and 9.9 looking for a dimensional variance for 10 inches and 3 inches for the side lot line.

Paul Nigosian then asked if there was anyone in the audience who would like to speak on behalf of the applicant's variance.

Abutter: Thomas Austin of 4 Philips Drive, Millbury; stated his home is directly below Mr. Remeika's garage and has a main concern of water run-off, he has lived there for 26 years and has never had a water concern and doesn't want to start seeing water running into his foundation or basement, his concerns are about the drainage.

Abutter: Rich Gosselin of 99 South Main; stated that the garage really didn't make that much of a difference especially where he is located but when he received the notification and it got him to thinking that they were working with some really close tolerances; assuming Mr. Remeika is working with a certified plot plan that was recently done showing the dimensional set-backs, he has a general concern that if they're not the town becomes liable; if you accept a prior survey that hasn't been addressed by the surveyors stamp, if it's a mortgage survey then it's most likely garbage and you should never be accepting a mortgage survey. Paul Nigosian informed Mr. Gosselin that this survey is from B & R Survey dated November 30, 2018 and that the board has a lot of experience and knowledge when it comes to legitimate surveys.

Town Building Inspector Paul Stringham; stated that if this was a square lot then they wouldn't have been required to go before the board looking for relief. Because of the topography, they encountered a lot more ledge than they figured they were going to hit, he had to make close to four inspections while Mr. Remeika was working on the foundation and trying to do something about the yard location of the sewer line which was installed in the sixties when the house was originally constructed, he can work with the property owner trying to help out and mitigate some of the concerns of the abutter with the water drainage.

Paul Nigosian entertained a motion to close the public hearing, Harold Proodian made the motion second by Ken Perro, carried unanimously 4 – 0.

After further discussion between board members Paul Nigosian then entertained a motion to approve the applicant's request:

Harold Proodian made the motion to approve the applicants request second by Robert Simmarano to Daniel Remieka Jr. of 6 Forrest Drive, Millbury, Ma 01527, for the property at 6 Forrest Drive, Millbury, Ma 01527 as shown on Map# 63, Lot#38, Duly Recorded with the Worcester Registry of Deeds Book# 57455, Page# 182 to construct a (2) two car garage on a pre-existing foundation. Zoning Front Setback of 25-feet the garage addition was aligned with the existing home therefore the statute of limitation has expired on front yard setback deviation for the original house therefore the alignment of the new addition would be granted an exemption under Section 32.2 Yards allowing the 1.3-foot front yard setback to remain. The side yard setback requires a minimum of .8-foot Dimensional Side Yard Set Back Variance from the Millbury Board of the Appeals to correct this non-compliance under Section 13.22 Variances.

The motion was **GRANTED** and carried unanimously 4 – 0 with the conditions that Daniel Remeika Jr. works with the building inspector Paul Stringham to oversee all drainage requirements.

7:25 PM: Meeting Minutes from January 09th, 2019;

Paul Nigosian entertained a motion to approve the meeting minutes; Ken Perro made a motion to approve the meeting minutes from Wednesday January 9th, 2019 second by Robert Simmarano the vote was carried 3 – 0 (Harold Proodian was not present for the January meeting therefore didn't vote).

7:30 PM: Board Reorganization Postponed until February 27th, 2019.

7:45 PM: Adjournment;

Paul Nigosian entertained a motion to adjourn the meeting; Ken Perro made the motion, Robert Simmarano second the motion; carried unanimously 4 - 0.

Respectfully submitted by Nancy Young and submitted to Town Clerk.

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**Board of Appeals Approval Signatures
Meeting Minutes from Wednesday, January 30th, 2019**

Paul Nigosian, Chairman




Kenneth Perro, Vice Chairman

Daniel Mezynski



Harold Proodian



Robert Simmarano, Clerk

Anna Lewandowski, Alternate