

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
FEB 01 2018
10:21 AM

Meeting Minutes

Wednesday, January 31, 2018

7:00 pm

Board of Appeals Board Members Present:

Paul Nigosian (Chairman), Ken Perro (Vice Chairman), Robert Simmarano (Clerk) and Anna Lewandowski (Alternate)
(See attached sign in sheet from abutters)

7:20 PM: Official Call to Order:

7:25 PM: Request to postpone the hearing for Carl Erickson relative to the property at 13 Bayberry Lane / Hearing Cont. from Nov. 29, 2017, continued to January 31, 2018. Applicant request to postpone to April 25th 2018.

Paul Nigosian entertained a motion to except the postponement of the hearing; Ken Perro made the motion, Robert Simmarano second the motion, carried unanimously 4 – 0.

7:30 PM: Meeting Minutes from Wednesday December 27th, 2017. Paul Nigosian entertained a motion to approve the meeting minutes; Ken Perro made the motion, Robert Simmarano second the motion, carried unanimously 4 – 0.

Brief Recess: Paul Nigosian entertained a motion for a brief recess, Ken Perro made the motion, Robert Simmarano second the motion carried unanimously 4 – 0.

Let the Record Show: Before moving forward to each scheduled hearing Paul Nigosian informed the applicants, (James Ljunggren relative to the property at 37 Carleton Road at 7:35 PM, Mogren Family Trust relative to the property at 58 West Main Street at 8:15 PM and Lisa and Stephen Sacks relative to the property at 9 Leblanc Drive at 8:45 PM), that there were only four (4) board members present a super majority is required they would need four (4) yes votes, the board is one (1) member short if one member voted opposed the application would be denied, Paul Nigosian asked each applicant at the beginning of each hearing if they were comfortable with moving forward and each applicant was in agreement to move forward and proceed with their public hearing.

7:35 PM: James Ljunggren of 33 Santom Street Auburn, Ma relative to the property at 37 Carleton Road, Millbury is seeking a Special Use Permit to allow a wetland crossing. Mr. Ljunggren explained to the board that he had been approved for all the necessary permits through the planning board and the conservation commission and met all the wetland requirements. In December he received an extension for renewal through the conservation commission, he met with the building inspector, Paul Stringham, it was at that meeting Mr. Ljunggren was informed the first step that should have been taken prior to any other permits was to acquire a special use permit through the Millbury Board of Appeals in order to go through a flood plain area what the Army Corp of Engineers had already approved. As Mr. Ljunggren explained this is typically catching up on paper work that was an over sight on this bylaw, noting nothing changes on the design plan however there is a one foot difference, if the driveway on the plan was a foot lower he wouldn't need to apply for the special use permit. Abutter; Joe Royer of 35 Carleton Road asked several questions in regards to the Army Corp of Engineers, Mr. Ljunggren explained how the process works. Paul

Stringham explained to the board the processing of permits through the planning board, conservation commission, DEP etc... and how the special use permit was overlooked. He also explained several important reasons for this driveway and the much needed special use permit one in particular would be for the Millbury Fire Department and if there was an emergency they will be able gain safe and easy access to the upland area without causing detriment to the environment. Paul Nigosian then entertained a motion to close a public hearing, Ken Perro made a motion, Robert Simmarano second the motion carried unanimously 4 – 0.

Paul Nigosian entertained a motion to the board; Ken Perro made a motion to grant a Special Use Permit in the flood plain area to James D. Ljunggren for the property located on 37 Carleton Road, Millbury, Ma as shown on Map# 68, Lot# 14 as recorded on Book# 43355, Page# 215 with the Worcester District Registry of Deeds within the Suburban I, Aquifer Protection Overlay Area District “B”, and Section 36 of the Millbury Zoning Bylaws. To allow a wetland crossing and any fill placement required to create access to the upland area for a proposed residential dwelling; Robert Simmarano second the motion, the board voted unanimously 4 – 0.

Brief Recess: Paul Nigosian entertained a motion for a brief recess; Ken Perro made the motion, Robert Simmarano second the motion carried unanimously 4 – 0.

8:15 PM: Mogren Family Trust of 25 Forrest Drive relative to the property at 58 West Main Street, Millbury, Ma, is seeking Two (2) Dimensional Zoning Variances and a Special Use Permit. Let the record show: Before moving forward Ken Perro read his disclosure; “On the Massachusetts Ethics Commission Guidelines I must give the board and general public notice, I know the applicant, in my opinion I can act independently and impartial to the applicant due to the fact we have a four member board I invoke the rule of necessity I wish to proceed in this public hearing”. Paul Nigosian asked if anyone had any objections no one came forward the board proceeded with the public hearing. Michael McGovern explained to the board that there is currently a structure on the property that had a fire and is now deemed condemned they have currently received a demolition permit and now are just waiting to get further approval on permits before starting the demolition. The new units to the proposed project would be going from a three story six (6) unit apartment to a two story five (5) unit town house style apartment with two bedrooms each, the square footage would be less than the current structure and further away from the road. The current structure is about 36 feet high the new structure will be an estimated 24 feet high, a whole story less. These will be rental units and not to be sold as condos. Abutter Cory Narkawicz of 57 West Main Street resides across the street and explained some concerns for the parking situation; each unit will have its own driveway and a one car garage therefore accommodating two vehicles. The building will be flipped the current structure’s front entrance is on 58 West Main Street the proposed structure’s front entrance will be on Gould Street also causing concern for Cory Narkawicz and that his visual view from his house would be looking at the back side and any possible outings taking place with the residing tenants. Michael McGovern assured that with the new building there will also come new landscaping and some privacy will be there from bushes and trees. Paul Stringham explained some dimensional corrections that needed to be noted for the zoning variances and the district is Residential vs. Suburban. Paul Nigosian then entertained a motion to close a public hearing; Ken Perro made a motion, Robert Simmarano second the motion, motion carried unanimously 4 – 0.

Paul Nigosian entertained a motion to grant the Special Use Permit to the Mogren Family Irrevocable Trust for the property located at 58 West Main Street, Millbury as shown on Map# 61, Lot# 25 as recorded in Book# 31565, Page# 225 with the Worcester District Registry of Deeds within the Residential – I Bramanville District under MGL Chapter 40A Section 6 and Section 13.21, 13.22 and Section 14.12 of the Millbury Zoning Bylaws that the proposed change will not be more detrimental or cause public harm to the neighborhood, Anna Lewandowski made the motion, Ken Perro second the motion carried unanimously 4 – 0 approved.

Paul Nigosian then entertained a motion to grant a Dimensional Zoning Variance to allow for construction within 10.5 feet of a front yard setback in the amount of 14.5 feet under Section 13.22; Ken Perro made the motion, Robert Simmarano second the motion carried unanimously 4 – 0 approved.

Paul Nigosian then entertained a motion to grant a Dimensional Zoning Variance to allow maximum total building coverage in excess of 30% the proposed coverage to be 32.8% under Section 13.22; Robert Simmarano made the motion, Ken Perro second the motion carried unanimously 4 – 0 approved.

8:45 PM: Lisa & Stephen Sacks of 9 Leblanc Drive, Millbury, Ma relative to the property at 9 Leblanc Drive, Millbury, Ma is seeking a Section 6 Finding and a Special Permit. Speaking on behalf of Lisa & Stephen Sacks was Byron Andrews of Andrews Survey he explained to the board that the Sacks existing kitchen is structurally unsound so they want to replace that and add on to the house a two story addition. Where the present kitchen exists the beams were placed the wrong way, horizontally instead of vertically, so they are going to tear that entire section out and rebuild to code on top of the already sound foundation. The current living space is 1500+ square feet the new addition will be 1700 square feet more than doubling the living space, they're only finishing the main floor level and using the upper floor as an attic space for storage, their intention is when their children inherit the house they will have a larger family so they could easily convert the attic space into another living space. Right now Lisa Sacks wants her garage back that is presently being used for a storage area. Paul Nigosian pointed out that the Sacks are obviously making this two story addition so it can be, in sometime, converted into a livable space. This is a non-conforming lot and they are doubling the size of the living space and the second floor is causing some concerns. The existing homes septic system is rated for a three bedroom and the home is currently a two bedroom. Paul Stringham showed the board the current building plans and that the second floor won't be a full second floor and is not considered a living space. Paul Stringham also wanted to make the record show that the Sacks had gone before the conservation committee and that they had no issues with the expansion. Paul Nigosian then asked the public and the board if they had any further questions; Paul Nigosian then entertained a motion to close the public hearing; Ken Perro made the motion, Robert Simmarano second the motion carried unanimously 4 – 0. The board had concerns with the unfinished second floor attic space and to place in the findings that the space is a non livable space and for the Sacks to finish this space at a later date they would have to apply for a special permit and have that finding omitted from the decision. Ken Perro made a motion to grant the Special Permit to Stephen and Lisa Sacks for the property located on 9 Leblanc Drive, Millbury, Ma as shown on Map# 94, Lot# 30 as recorded in Book# 45857, Page# 98 with Worcester District Registry of Deeds within the Suburban I, Aquifer Protection Overlay Area "B" District also under MGL Chapter 40A Section 6 and the Millbury Zoning Bylaws Section 13.21 and Section 14.12. To allow that the proposed construction will not be a detriment or cause public harm to the neighborhood and will be in harmony with the Aquifer/ Water Resource Overlay District and that the second floor of the proposed addition to remain unfinished and for storage only; Robert Simmarano second the motion carried unanimously 4 – 0 approved.

9:30 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.



TOWN OF MILLBURY

ATTENDEE SIGN-IN SHEET

BOA HEARINGS WEDNESDAY, January 31st, 2018

~~7:05 Carl Erickson, 2 Bayberry Lane, Millbury, Ma~~

7:35 James D. Ljunggren, 37 Carleton Rd., Millbury, Ma

8:15 Mogren Family Trust, 58 West Main St., Millbury, Ma

8:45 Lisa & Stephen Sacks, 9 Leblanc Dr., Millbury, Ma

PLEASE PRINT NAME

YOUR ADDRESS & HEARING ATTENDING

(example) John Doe

(example) 123 Main St. Millbury, Jane Doe

hee Joseph

hee Joseph

10 Gynecen Cr
Shrews MA

JAMES Ljunggren

PAUL F. DiCicco

37 CARLETON ST.

Mr & Mrs Royer

37 Carleton Rd.

Donald Bellman

#37 Carleton Rd

Maria Woodward

37 Carleton Rd

Thomas Woodward

"

Paul Sirofyan

Burd Inspector

Eva Shaman

16 Gould St.

Acidrey Mogren

8 Gould St

Florence Powers

95 Elm St.

Cory NarkAwicz

57 W. Main St

JAnn NarkAwicz

57 W. Main St

Michael McGovern

234 Menchan Rd So Han

Susan Mogren

62 Ashhad St Holliston

Scott Mogren

62 Ashhad St Holliston



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(example) John Doe

(example) 123 Main St. Millbury, Jane Doe

LISA & Stephen SACKS

9 LEBLANC Dr


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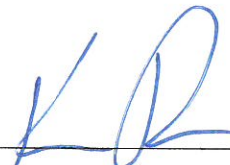


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Board of Appeals Approval Signatures for Meeting Minutes from Wednesday, January 31st, 2018



Paul Nigosian, Chairman



Kenneth Perro, Vice Chairman

Daniel Mezynski


Robert Simmarano, Clerk

Harold Proodian

Anna Lewandowski, Alternate