

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

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TOWN CLERK
2019 APR 26 PM 3:33
MILLBURY, MASS.

Meeting Minutes Wednesday, February 27, 2019 7:00 pm

Board Members Present: Ken Perro (Vice Chairman), Robert Simmarano (Clerk), Daniel Mezynski, Harold Proodian and Anna Lewandowski (Alternate)

Paul Nigosian (Chairman) was unable to attend this hearing therefore Ken Perro sat in on the Chairman's behalf.

7:00 PM: – Official Call to Order

7:05 PM: – Atty. Brian Beaton of Beaton & Petersen Attorneys at Law and the attorney for the applicant explained to the board that back on July 25th, 2018 two variance requests were brought before the board, one for lot area the other for frontage relief, for this hearing, (Wednesday, February 27th), they are here for a variance request for the frontage relief. The variance is necessary because the property does not comply with the frontage requirements set forth in the Millbury Zoning Bylaw. Back on January 14th, 2019 the Planning Board held a public hearing to discuss the repetitive petition application, after taking testimony and public comment the Planning Board voted 4 – 0 to consent to application for reconsideration by the Board of Appeals. Given the nature of this relief the petitioner has filed a repetitive petition request with the Millbury Planning Board according to the MGL chapter 40A section 16. The petitioner is asking the Planning Board to determine that there are specific and material changes in the conditions upon which the previous decision of the Board of Appeals. This request for relief is different in nature because the proposed configuration of the property has changed from that shown on the plan denied by the Board of Appeals; the rear lot line has been reconfigured and the size of the property is proposed to increase by 1,500 square feet. The total proposed area of the property is now 30,896 square feet. The nature of this request is also different because it has recently been determined the section 16.34 of the bylaw applies to the property and a variance for lot area is not required.

Ken Perro then asked if there was anyone in the audience who would like to speak on behalf of the applicant's variance. (No abutters were present for the hearing therefore there wasn't anyone present to speak on their own behalf.)

Ken Perro entertained a motion to close the public hearing, Harold Proodian made the motion second by Daniel Mezynski, carried unanimously 5 – 0.

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

1st Motion: Due to finding the Zoning Board must file a special change in condition upon previous actions based on specific and material changes in the conditions upon which the previous action was based; adjusted lot lines and increase in lot area find in accordance with M.G. Laws Chapter 40A Section 16. Harold Proodian made the motion to approve the "Finding" second by Daniel Mezynski the board voted unanimously 5 – 0.

2nd Motion: A Motion was made by Anna Lewandowski, second by Harold Proodian to 34 Grafton Street Realty LLC, Chris Windle of 6 Old Country Road, Sutton, MA 01590, for a Variance for frontage relief for the property at 34 Grafton St., Millbury, Ma Map# 54, Lot# 110, Industrial – I District, Duly Recorded at the Worcester Registry of Deeds Book# 21934, Page# 366, the Millbury Zoning Bylaws require 150 feet of frontage the proposed property has 125 feet a waiver of 25 feet is needed.

The motion was **GRANTED** and carried unanimously 5 – 0.

7:30 PM: Meeting Minutes from January 30th, 2019;

Ken Perro entertained a motion to approve the meeting minutes; Harold Proodian made a motion to approve the meeting minutes from Wednesday January 30th, 2019 second by Robert Simmarano the vote was carried 3 – 0 (Harold Proodian and Anna Lewandowski were not present for the January meeting therefore did not vote).

7:35 PM: Board Reorganization Postponed until the next meeting.

7:45 PM: Adjournment;

Ken Perro entertained a motion to adjourn the meeting; Harold Proodian made the motion, Daniel Mezynski second the motion; carried unanimously 5 - 0.

Respectfully submitted by Nancy Young and submitted to Town Clerk.

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**Board of Appeals Approval Signatures
Meeting Minutes from Wednesday, February 27th, 2019**

Paul Nigosian, Chairman

Daniel Mezynski

Robert Simmarano, Clerk

Kenneth Perro, Vice Chairman

Harold Proodian

Anna Lewandowski, Alternate