

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
2018 JUN - 8 PM 3:33
MILLBURY, MASS

Meeting Minutes Wednesday, April 25, 2018 7:00 pm

Board Members Present: Paul Nigosian (Chairman), Robert Simmarano (Clerk), Daniel Mezynski, Harold Proodian, Ken Perro (Vice Chairman) was unable to attend Anna Lewandowski resided as the alternate.

7:00 PM: Official Call to Order:

7:00 PM: A letter was received from Keenan and Trudell Attorneys at Law to request a postponement for the hearing for Carl Erickson relative to the property at 13 Bayberry Lane / Hearing Cont. from Nov. 29, 2017, continued to January 31, 2018, continued to April 25, 2018, applicant request to postpone to August 29, 2018. (Daniel Mezynski read the letter for public record; (please see a copy of attached letter)
Paul Nigosian entertained a motion to except the postponement of the hearing; Harold Proodian made the motion, Daniel Mezynski second the motion, carried unanimously 5 – 0.

7:05 PM: Meeting Minutes from February 28, 2018; Daniel Mezynski made a motion to approve second by Robert Simmarano carried 3 – 0. Executive Meeting Minutes from November 29, 2017; Harold Proodian made a motion to approve second by Robert Simmarano carried 4 – 0. Executive Meeting Minutes from February 28, 2018; Daniel Mezynski made a motion to approve second by Robert Simmarano carried unanimously 4 – 0.

7:10 PM: Brief Recess until 7:35.

7:35 PM: John Santa Maria relative to the property at 87 Sycamore Street is seeking a Variance to allow the applicant to become eligible for an Approval Not Required (ANR) permit to purchase 1,668.50 square feet of land from abutter at 85 Sycamore Street and added to a nonconforming lot due to no frontage being present. Zachary Gless from Existing Grade, Inc Land Surveyors – Civil Engineers representing John Santa Maria explained to the board the applicant, John Santa Maria, currently gains access through an easement along the west side of 85 Sycamore Street, with both properties sharing a common paved drive as shown on plan. (Please see attached). The property predates zoning bylaws and is currently protected as a pre-existing nonconforming lot. The land to be transferred is maintained lawn and would not create any additional nonconformity in regards to lot area, zoning setbacks or existing frontage. Due to the configuration of the surrounding lots it is not feasible to purchase any abutting land to gain the required 100' of frontage to create a conforming lot. The applicant wishes to retain their legal pre-existing nonconforming status of the lot and would need a variance to convey the Approval Not Required (ANR). Any other method of obtaining the land requested would result in an illegal lot.
Paul Nigosian entertained the motion to close the public hearing; Harold Proodian made the motion second by Daniel Mezynski carried unanimously 5 – 0.

After further discussion Paul Nigosian entertained a motion to grant the Variance for the approval for and ANR; Daniel Mezynski made the motion to Grant the Variance to John Santa Maria for the property located on 87 Sycamore Street Millbury Ma as shown on Map# 62, Lot# 6A as recorded in Book# 4649, Page# 542 with the Worcester District Registry of Deeds within the Residential – I District, Section 13.22 of the Millbury Zoning Bylaws. To allow for the additional land of 1,668.50 square feet to be purchased and added to a nonconforming lot due to no frontage being present. This will still remain as a legal pre-existing nonconforming lot. A variance under section 13.22 of the Millbury Zoning Bylaws to allow the applicant to become eligible for an Approval Not Required (ANR) permit to square off the lot, second by Harold Proodian carried unanimously 5 – 0.

8:00 PM: Adjournment: Paul Nigosian 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.

KEENAN AND TRUDELL
ATTORNEYS AT LAW
18 CANAL STREET
MILLBURY, MASSACHUSETTS 01527-3207
TELEPHONE (508) 865-1091
FAX (508) 865-0311
www.keenantrudell.com

HEATHER L. TRUDELL
htrudell@keenantrudell.com

Of Counsel:
PETER F. KEENAN, JR.
pkeenan@keenantrudell.com

April 13, 2018

Honorable Board of Appeals
Town of Millbury
127 Elm Street
Millbury, MA 01527

Re: Carl Erickson, Trustee of the MD Realty Trust
2 Bayberry Lane, Millbury, Massachusetts

18 APR 17 AM 9:55

Dear Honorable Board of Appeals:

Please accept this request on behalf of the applicant to continue the public hearing in the above-referenced matter to your board meeting scheduled for August 29, 2018.

Thanking you for your cooperation and assistance in this regard, I remain,

Very truly yours,



HEATHER L. TRUDELL

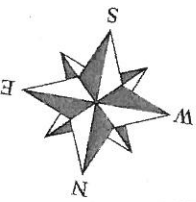
HLT/cas
Enclosure
Cc: Carl Erickson

**ZONE RESIDENTIAL-1
(R-1)**

*LOT AREA (REQUIRED)	*12,500 S.F.
LOT AREA (PARCEL 6)	±19,421.76 S.F.
LOT AREA (PARCEL 6A)	±24,546.80 S.F.
FRONTAGE (REQUIRED)	100'
FRONTAGE (PARCEL 6)	144.54'
FRONTAGE (PARCEL 6A)	—
FRONT YARD (REQUIRED)	25'
FRONT YARD (PARCEL 6)	28.7'
FRONT YARD (PARCEL 6A)	33.7'
SLIDE YARD (REQ'D)	10'
SLIDE YARD (PARCEL 6)	27.3'
SLIDE YARD (PARCEL 6A)	20.3'
REAR YARD (REQ'D)	10'
REAR YARD (PARCEL 6)	72.6'
REAR YARD (PARCEL 6A)	91.3'
BUILDING COVERAGE (MAX)	30%
REAR YARD (PARCEL 6)	5.3%
REAR YARD (PARCEL 6A)	7.0%

*LOT AREA REDUCED TO 12,500 S.F. FROM 40,000 S.F. DUE TO TOWN WATER AND SEWER CONNECTIONS.

MAP 62 LOT 5
N/F
LEE, ROBERT E.
DB. 491.46 PG. 55



FOR REGISTRY USE ONLY

NO DETERMINATION AS TO THE COMPLIANCE WITH THE ZONING LAWS OR OTHER REGULATIONS OF THE TOWN OF MILLBURY HAS BEEN MADE OR IS INTENDED BY THIS ENDORSEMENT

DATE

LOCUS PLAN
1" = 500'±

- GENERAL NOTES**
- RECORD OWNERS: 85 SYCAMORE STREET LOGUZ INCORPORATED
 - HACKER COURT - 2ND FLOOR WORCESTER, MASSACHUSETTS 01603 DEED BK. 55323 PG. 285
 - 87 SYCAMORE STREET SANTA MARIA, JOHN B N/F 87 SYCAMORE STREET CAROL A MILLBURY MASSACHUSETTS 01527 DEED BK. 4849 PG. 542
 - PROPERTIES ARE SHOWN AS PARCELS 6 AND 6A ON ASSESSORS MAP 62 AND APPEAR TO LIE WITHIN THE RESIDENTIAL-1 (R1) ZONING DISTRICT PER THE MOST RECENT TOWN OF MILLBURY ZONING MAP AND ASSESSORS INFORMATION.
 - PROPERTY LINES SHOWN WERE DERIVED FROM AN ON THE GROUND SURVEY CONDUCTED IN JULY OF 2017 BY EXISTING GRADE, INC. LINES OF OCCUPATION, AND FOUND MONUMENTATION.
 - PARCEL #87 APPEARS TO PARTIALLY LIE WITHIN THE FLOOD ZONE "A" AND "B" PER FIRM MAP 20072007E PANEL 917 OF 1075. LAST REVISED JULY 04, 2011, AS SHOWN ON THE FEMA WEBSITE.
 - EXISTING CONDITIONS SHOWN HEREON WERE COMPILED FROM AN ON THE GROUND SURVEY CONDUCTED IN JULY OF 2017 BY EXISTING GRADE, INC. AND FROM PLANS ON RECORD.
 - ORIGIN OF BEARING FROM PLAN BOOK 629 PAGE 12 AS RECORDED AT THE WORCESTER COUNTY REGISTRY OF DEEDS.
 - SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR OTHER MATTERS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

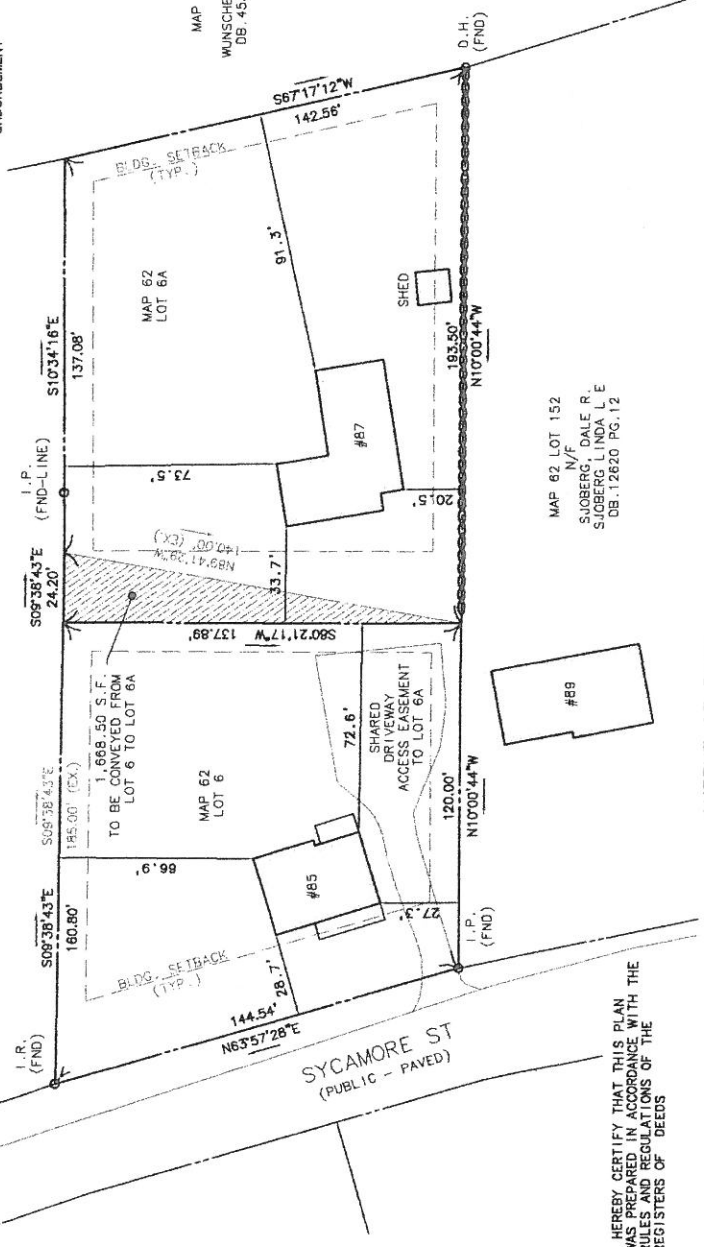
PLAN REFERENCES
(RECORDED AT THE WORCESTER COUNTY REGISTRY OF DEEDS)
PLAN BOOK 929 PAGE 12

DEED REFERENCES
(RECORDED AT THE WORCESTER COUNTY REGISTRY OF DEEDS)
DEED BOOK 55323 PAGE 285
DEED BOOK 49146 PAGE 55
DEED BOOK 4849 PAGE 542
DEED BOOK 12620 PAGE 12

APPROVAL NOT REQUIRED PLAN FOR 85 & 87 SYCAMORE STREET MILLBURY, MA. 01527

PROJECT NO. 1713
DATE: 03/06/18
SHEET NO. 1 OF 1

MILLBURY PLANNING BOARD APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED



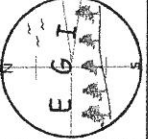
INTENT OF PLAN

THE INTENT OF THIS PLAN IS TO CONVEY A PORTION OF LOT 6 (1,868.50 SQ.F.T.) AS DESCRIBED IN DEED BOOK 55323 PAGE 285, RECORDED AT THE WORCESTER COUNTY REGISTRY OF DEEDS, TO LOT 6A AS SHOWN HEREON.



PROFESSIONAL LAND SURVEYOR DATE

Existing Grade Inc.
Surveyors & Civil Engineers
62 Riedell Road
Douglas, MA. 01516
508-694-6501 Ph/Fax



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS

CLIENT
LOGUZ INCORPORATED
5 HACKER COURT - 2ND FLOOR
WORCESTER, MASSACHUSETTS 01603

NO.	DATE	BY	REVISIONS

**Town of Millbury
Board of Appeals**

Paul Nigosian, Chairman
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Harold Proodian
Daniel Mezynski
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MUNICIPAL OFFICE BUILDING
127 ELM STREET
MILLBURY, MA 01527

Board of Appeals Approval Signatures for Meeting Minutes from Wednesday, April 25th, 2018

Paul Nigosian, Chairman

Kenneth Perro, Vice Chairman

Daniel Mezynski

Harold Proodian

Robert Simmarano, Clerk

Anna Lewandowski, Alternate