

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 SEP 27 PM 3:31
MILLBURY, MASS.

Meeting Minutes Wednesday, August 29, 2018 7:00 pm

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

7:00 PM: Official Call to Order

7:05 PM: Steven and Lori Christy for the property located at 20 Woodridge Road, Millbury, Ma are seeking a special permit to obtain a Kennel License. For the record Paul Nigosian (Chairman) stepped down for this hearing and Vice Chairman Ken Perro took over however Paul Nigosian voted as a member. Steve Christy was not aware that if an owner had more than three (3) dogs that a kennel license was mandatory to obtain a license for their fourth dog. They're not looking to board dogs or obtain anymore dogs than the four that they already have. Currently the family owns four dogs; One male Shih Tzu puppy weighing around 10 lbs., one male Bigone Shih Tzu puppy weighing around 10 lbs. (both puppies will be neutered once they are old enough), one female 6 year old spayed Bassett Hound weighing 40 to 50 lbs. and a male neutered Golden Retriever weighing around 100 lbs. The yard is fenced in, they don't let their dogs run free in the neighborhood, the only time the dogs come out of the yard is when they walk the dogs on a leash. They don't plan on boarding or breeding and once these dogs are retired they don't plan on getting anymore dogs. As far as their neighbors are concerned they didn't even realize that they had the two new puppies. The dogs are quiet and are never left unattended due to the Fisher Cats in the area. Ken Perro entertained a motion to close the public hearing, Daniel Mezynski made the motion second by Robert Simmarano carried unanimously 5 – 0. Daniel Mezynski made the motion to GRANT the Special Permit for a Kennel License to Steven and Lori Christy for 20 Woodridge Road as shown on Map# 40, Lot# 11 as recorded in the Book# 35897, Page# 346 with the Worcester District Registry of Deeds within the S-3, Section 23.2 zone of the Millbury Zoning Bylaws to allow for four (4) dogs only to be housed on said property. Any additional animals would require the applicant to apply for a new permit. The dogs are to be retained within an enclosed outside area and leashed when off the property. No boarding or breeding of animals will be allowed, Paul Nigosian second the motion the vote was carried unanimously 5 – 0.

7:20 PM: Meeting Minutes from July 25th, 2018; Paul Nigosian entertained a motion to approve the meeting minutes; Ken Perro made a motion to approve the meeting minutes from Wednesday July 25th second by Daniel Mezynski the vote was carried unanimously 5 – 0.

7:25 PM: Carl Erickson for 2 Bayberry Lane is seeking a fourth continuance starting from November 29, 2017, January 31st, 2018, April 25th, 2018 and now August 29th, 2018. For the record Daniel Mezynski read the letter of request provided by Carl Erickson's Attorneys Keenan and Trudell (please see attached). Daniel Mezynski made the motion to accept the fourth continuance request from August 29th, 2018 to November 28th, 2018 second by Robert Simmarano carried unanimously 5 – 0.

7:30 PM: Advertising Rate Increase; The Millbury BOA is now being invoiced \$40.00/ per ad (an \$80.00 fee charged to the applicant for two ads posted prior to the hearing) the ad will be increased to \$42.00/ per ad a \$2.00 increase (please see attached letter). Daniel Mezynski made the motion to approve of the (\$2.00) increase second by Robert Simmarano carried unanimously 5 – 0. The board also discussed the current filing fees for an application and the general funds the board agreed that they will discuss this further in the next September meeting.

7:35 PM: Ucef and Mary Charmchi; Hearing continued from Wednesday July 25, 2018, Ucef and Mary Charmchi for the property at 8 Bayberry Lane. Mr. Charmchi requested a continuance as his attorney (please see attached

denying the request. After more discussion, Mr. Charmchi requested to withdraw his application prejudice. A motion was made by Daniel Mezynski and seconded by Robert Simmarano to vote on his request without prejudice. The board voted unanimously 5 - 0 to approve Ucef Charmchi's request.

8:05 PM: J.H. Lynch & Sons (Granger Lynch Corp.) for the property located at 18 McCracken Road, Millbury are seeking a Special Use Permit to demolish an existing metal warehouse building and construct a new building of the same approximate location and size (1,400sf) for a product testing laboratory and offices. This parcel is located within the Millbury Aquifer Water Protection District (AWPOD Zone A). The asphalt plant was constructed prior to this bylaw and is a legal non-conforming use. The parcel is also located within a known FEMA Flood Plain Zone AE with a base line flood elevation BFE of 408.00 ft. Jason Dubois of DC Engineering & Survey, Inc. spoke on behalf of J.H. Lynch & Sons explaining to the board that they are proposing to demolish the existing building and replace it with a new building with the same square footage with a slightly different foot print dimension wise but it's 1400sf which is currently there now the reason for the change was after they had the building there they actually slid it over 15 feet or so towards an existing fence line that's there because they lease out portions of the area where the building is so they are trying to maximize the space for the tenant that is currently using that portion of the area. They also added a recharge system underground the detail of that is a storm tech chamber that comes off the corner of the building with roof leaders and it will recharge the clean roof water back into the ground. They worked with a wet land consultant, Eco Tech out of Worcester, after they submitted the plan to the zoning board, they submitted it to the conservation and they had a few additional items and this was one of them, on the plan shows the septic system design same area same size. The building is located within the flood zone most of the site is a pre-existing non-conforming site so they are looking for a special permit for being within the flood zone, they are decreasing the impervious area slightly with the septic system that will be grass and with the additional roof recharge they are adding water back to the aquifer. David Delollis, General Superintendent for J.H. Lynch, explained to the board the reason they have to do this is that they do a lot of Mass Highway work to manufacture asphalt Mass Highway mandated that they update their lab. After a short discussion Paul Nigosian asked the board if there were any further questions and then entertained a motion to close the public hearing, Ken Perro made the motion second by Robert Simmarano carried unanimously 5 - 0. A Motion to approve was made by Daniel Mezynski and second by Ken Perro to GRANT the Special Use Permit to J.H. Lynch & Sons of 18 McCracken Road (PO Box 319), Millbury, Ma 01527, for the property located at 18 McCracken Road, Millbury, Ma 01527 as shown on Map# 35, Lot# 10 & 11 as recorded in Book# 7298, Page# 77 with the Worcester District Registry of Deeds within the Industrial - I and the section Aquifer Watershed Protection Overlay District "A" (AWPOD "A") also within the FEMA FLOOD Plain Zone AE. To demolish the existing metal warehouse building and construct a new building to be used for a product testing laboratory and offices within the same approximate location. The board voted unanimously 5 - 0.

8:35 PM: Executive Session: Paul Nigosian entertained a motion for the board to go into an Executive Session to discuss concerns of the building inspector; Ken Perro made the motion second by Daniel Mezynski carried unanimously 5 - 0 only to return to adjourn.

9:00 PM: Adjournment: Paul Nigosian entertained a motion to adjourn the meeting; Ken Perro 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
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FAX (508) 865-0311
www.keenantrudell.com

PETER F. KEENAN, JR.
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Also admitted to New Hampshire Bar

HEATHER L. TRUDELL
htrudell@keenantrudell.com

August 23, 2018

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

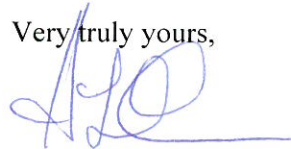
Dear Honorable Board of Appeals:

RE: 2 Bayberry Lane, Millbury, MA
Carl Erickson

Please accept this request on behalf of the applicant to continue the public hearing in the above-referenced matter from August 29, 2018 to your board meeting scheduled in November 2018. Once your meeting schedule has been set for November, kindly advise as to what date the Board plans to have its November meeting.

Thank you in advance for your assistance in this regard.

Very truly yours,



Heather L. Trudell

HLT/
cc: Carl Erickson

August 15, 2018

Millbury Zoning Board of Appeals
127 Elm Street
Millbury, MA 01527

ATTN: Tish Hayes

Dear Tish,

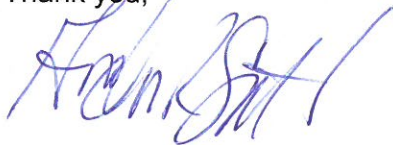
As a community partner, we would like to thank you for working with The Millbury Sutton Chronicle and Central Mass Classifieds to provide legal notifications that affect the residents in the towns of Millbury and Sutton.

This letter is to provide formal notice of an overall increase for our publication rates of approximately 3 percent. This affects all areas of advertising including classifieds and legal notices.

Legal notices in Millbury Sutton Chronicle are now \$42 for ads up to 4 inches with an additional cost of \$10.40 per inch beyond that. Probate and Foreclosure notices are \$17.25 per column inch.

Also, please note that the deadline for placing a legal notification is now Friday at 3:00pm.

Thank you,



Gordon Smith
Classified/Legal Advertising
Gatehouse Media
Millbury Sutton Chronicle

July 2018

Dear Local Business Leader,

Thank you for your business and continued support of local journalism this past year. The advertising investment you make not only helps grow your business but it also funds the reporting and photography of our area's important local story telling.

Earlier this year Holden Landmark Corporation was acquired by Gatehouse Media. We want to assure you we continue to be committed to providing quality local professional journalism. We continue to invest in both print and digital products and services as part of our desire to offer you options for a broader scope within the Gatehouse community of publications.

As part of this, our print editions will transition from a modular ad size format to a column inch format beginning on August 6. We will also be moving our websites to a new platform as part of the Gatehouse family, with a slight change in ad sizes. Your media sales rep along with our creative services team is working on this conversion and will be reaching out to you in the next few weeks to discuss resizing of your current ad(s). New ad sizes available are shown on the reverse side of this letter.

Thank you again for your continued business and support of local journalism.

Kathy Real

Kathy Real, Publisher
Worcester Magazine & baystateparent

Barbara Brown

Barbara Brown, General Manager
Community News Publishing



TOWN OF MILLBURY

ATTENDEE SIGN-IN SHEET

BOA HEARINGS WEDNESDAY, August 29th, 2018

7:05pm Steve & Lori Christy for 20 Woodridge Rd., Millbury, Ma

7:35pm Ucef & Mary Charmchi for 8 Bayberry Lane, Millbury, Ma

8:00pm J. H. Lynch & Sons for 18 McCracken Rd., Millbury, Ma

PLEASE PRINT NAME

YOUR ADDRESS

HEARING ATTENDING

Steve Christy

20 Woodridge Rd.

Christy

Lori M Christy

20 Woodridge RD

Christy

Philip Nyberg

21 Bayberry Ln

Charmchi

Ucef Charmch

8 Bayberry Lane

Charmchi

Kevin Granger

15 Bayberry Lane

Charmchi

Ucef & Mary Charmchi
8 Bayberry Lane
Millbury, MA 01527
(508)735-4783
kcharmchi@verizon.net

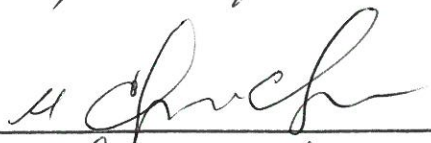
August 29, 2018

Millbury Board of Appeals
Millbury Town Hall
127 Elm St. Millbury, MA 01527


RE: Requesting Continuance
Ucef & Mary Charmchi
8 Bayberry Ln.
Millbury, MA 01527

Dear Board of Appeals:
We Ucef & Mary Charmchi, 8 Bayberry Lane, Millbury, Mass. 01527 are requesting a continuance of tonight's meeting, August 29th, 2018. Our Attorney is not able to be present tonight, Aug. 29th, 2018. We would like to be scheduled for next Board of Appeals meeting for September 26th, 2018. Thank you.

Respectfully,



Ucef Charmchi



Mary Charmchi 8/29/18


**Town of Millbury
Board of Appeals**

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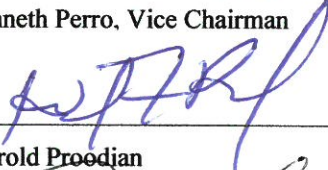
**Board of Appeals Approval Signatures
Meeting Minutes from Wednesday, August 29th, 2018**



Paul Nigosian, Chairman

Kenneth Perro, Vice Chairman

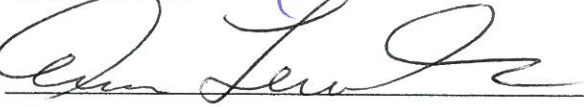
Daniel Mezynski



Harold Proodian



Robert Simmarano, Clerk



Anna Lewandowski, Alternate