

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

2018 JAN 11 PM 3:31
RECEIVED
TOWN CLERK
MILLBURY, MASS.

Meeting Minutes
Wednesday, November 28, 2018
7:00 pm

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

7:00 PM: Official Call to Order

7:10 PM: – Paul Giorgio & Clay Street Properties LLC for the property at 0 West Street, Millbury is seeking a Variance for “The Mean Building Height”. Atty. Steve Barbarian with Fletcher & Tilton representing Paul Giorgio explained to the board of the property located on the corner of West & Cherry Street is currently a parking lot and 90% of the property is currently paved the property has roughly over 22,000 square feet with 150 feet of frontage on both West and Cherry Street. Mr. Giorgio is looking to construct a three (3) story, twelve (12) unit one (1) bedroom apartment with a building height of 38’6”. The height variance in an R – I Zone has a limit of 30 feet, finishing off the third floor of the apartment would be a little over 27’ when they add the pitched roof it comes to 38’6” and that’s the reason for the height variance. From the view point looking at it giving the building a peak roof would give it a better residential appearance rather than a flat roof therefore a variance for the 8’6” is needed so they can have a sloped roof on the property. There will be 24 parking spaces with an access drive coming in from Cherry Street. A blue print was provided for showing of the building with and without the pitched roof, (please see attached). Without the peak roof the building would come to 27’ therefore being under the required 30’. Theoretically being under the 30’ they could do it however they feel the pitched roof would give a better appearance with the residential and a better scenario. To move forward they will need the height variance from the Board of Appeals and a Special Permit and Site Plan from the planning board.

Richard Croteau of 10 Summer Street: voiced his concerns for the parking spaces and that there would be no additional parking for visitors. Paul explained that Mr. Croteau’s concerns will need to be voiced at the planning board public hearing.

Heather Keddy of 12 Cherry Street: asked if it was possible to keep it within the R – I zoning rules and have it only be two stories? In response: from the view point of the costs of everything and the pavement, no... After viewing both plans, one with the pitched roof and the other without Ms. Keddy asked if the builder would consider a different plan that would be more fitting to the 100 year old community. Again Paul needed to reiterate that her question could be handled with the planning board and then explained how to file an appeal.

Don Allison of 6 Summer Street: with the height variance being 30 feet does that height include the AC units, in this case the systems will be most likely located on the ground in close proximity to each unit.

Paul Gagne of 61 Main Street: Was wondering why are they there and that the rules are set in place for a height restriction of 30 feet. Paul explained how a variance works and how each individual can have that right.

Paul Stringham explained to the abutters what the building mean is of the building.

Robert Grubinskas of 21 Cherry Street: Lives right across the street and wanted to know if there will be another access driveway on West Street and the answer was no...

Paul Stringham explained that most apartment sites usually places the parking in the rear of the building for appearance and traffic reasons.

Heather Keddy: explained some concerns in regards to another vacant parking around the corner, would this building be opening a Pandora’s Box with the future possibility that another apartment building could go up in that vacant lot.

Ken Perro had a question for Paul Stringham that if this variance was granted could the builder instead go to a four story with a flat roof, Paul Stringham explained that each variance is set in its approval if the builder wanted to go with the fourth floor in place of the pitched roof they would have to apply for a new variance.

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

After further discussion between board members Paul Nigosian then entertained a motion:

Harold Proodian made the motion to approve the Variance to Paul Giorgio & Clay Street Properties LLC for the property located at 0 West Street, Millbury as shown on Map# 45, Lot# 10 as recorded in Book# 57814 and Page# 290 with the Worcester District Registry of Deeds within the Residential I District Section 22.24 to waive the height of the building from 30 – feet to add a maximum of 3’ feet 6” inches to the mean building height, motion was second by Robert Simmarano; motion was denied carried 3 – 2 (Paul Nigosian and Ken Perro were not in favor).

8:05 PM: – Peter & Donna Beresford for the property at 28R Tainter Hill Road, Millbury and Anthony & Paula Kowszik Jr. for the property at 26 Tainter Hill Road, Millbury are seeking two (2) Variances for frontage relief.

Peter Beresford explained to the board that he was seeking easement for a 20x24 piece of property at the corner of his property, he has always maintained this small parcel as did the owners prior. His neighbor, Anthony Kowszik owns this small piece of property and wants to give it to the Beresford’s, the Beresford property 28R Tainter Hill Road and the Kowszik property 26 Tainter Hill Road both properties are non compliant, the property at 28R Tainter Hill has no legal frontage a variance of 100 feet is required and the property at 26 Tainter Hill has only 75.04 feet seeking a variance of 24.96 is required.

Ann Marie Gagne Hancock: explained to the board her past experiences with her neighbors the Beresford’s and her concerns over this small parcel and that it will entangle her and her property with the transfer. After discussion with Paul Nigosian it was made clear that this small parcel transfer will hold no bearing on her land, she does currently have a fence on this parcel and it was recommended by the owner Anthony Kowszik that when she removes this fencing that there should be a police presence.

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

After further discussion with board members Paul Nigosian then entertained a motion:

Harold Proodian made the motion to approve the two Variances; First approved Variance to Anthony & Paula Kowszik Jr. for 26 Tainter Hill Road, Millbury as shown on Map# 35, Lot# 37 as recorded in Book# 17606 and Page# 325 with the Worcester District Registry of Deeds within the Residential II District Section 13.22 of the Millbury Zoning Bylaws. This parcel 2 has only 75.04 feet of legal frontage, lacking 24.96 feet of frontage for the Residential – II District. Second approved Variance to Peter & Donna Beresford for the property at 28R Tainter Hill Road, Millbury; this property has no legal frontage as shown on Map# 35, Lot# 36 as recorded in Book# 34743 and Page# 352 with the Worcester District Registry of Deeds with the Residential – II District Section 13.22 of the Millbury Zoning Bylaws. This parcel has no legal frontage a variance of 100 feet is required.

Daniel Mezynski second the motion carried unanimously 5 – 0.

8:35 PM: Carl Erickson for 2 Bayberry Lane this hearing was open a continuation however the board has received a letter from the applicant for a postponement the board then received a second letter addressed to the board from Heather L. Trudell of Keenan and Trudell Attorneys at Law on behalf of Carl Erickson to withdraw the petition for a Variance without prejudice. For the record Robert Simmarano read the letter, (please see attached).

Paul Nigosian entertained a motion to withdraw the application Daniel Mezynski made the motion second by Harold Proodian carried unanimously 5 – 0.

8:45 PM: Meeting Minutes from Sept. 26th, 2018; Executive Session Meeting Minutes from Aug. 29th, 2018

Paul Nigosian entertained a motion to approve the meeting minutes; Robert Simmarano made a motion to approve the meeting minutes from Wed. Sept. 26th second by Harold Proodian the vote was carried 3 – 0.

Paul Nigosian entertained a motion to approve the Executive Session Meeting Minutes; Daniel Mezynski made the motion to approve the Executive Session Meeting Minutes from Wed., Aug. 29th second by Harold Proodian carried 4 – 0.

9:00 PM: Adjournment;

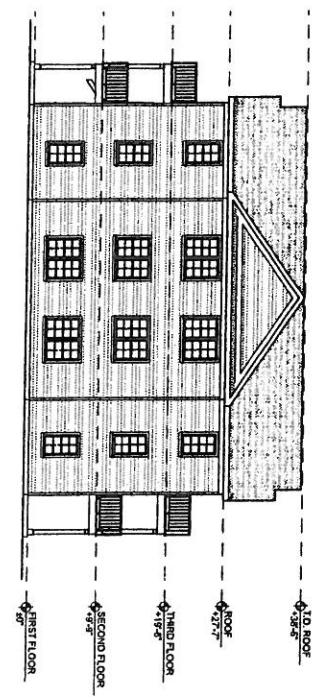
Paul Nigosian entertained a motion to adjourn the meeting; Ken Perro made the motion, Daniel Mezynski second the motion; carried unanimously 5 - 0.

Respectfully submitted by Nancy Young and submitted to Town Clerk.

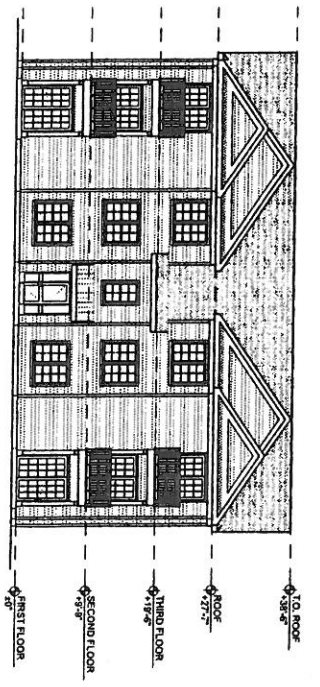
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Giorgio - Modular Apartments Prototype - 2
 Massachusetts

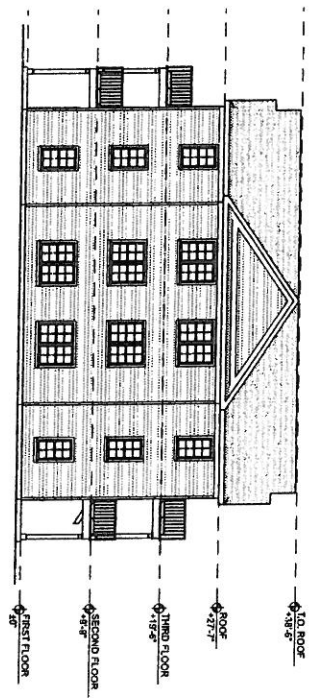
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DATE: 01/23/18		SCALE: 1/8" = 1'-0"



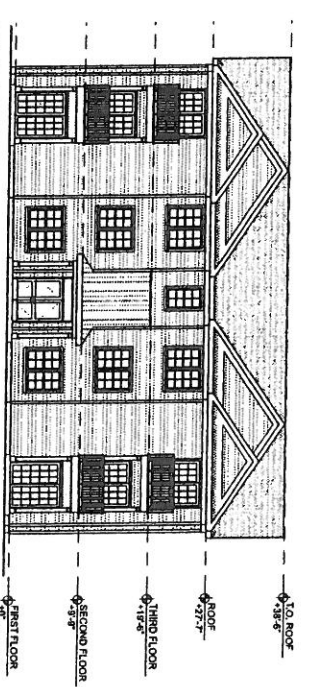
4 LEFT ELEVATION
 SCALE 1/8" = 1'-0"



2 REAR ELEVATION
 SCALE 1/8" = 1'-0"



3 RIGHT ELEVATION
 SCALE 1/8" = 1'-0"



1 FRONT ELEVATION
 SCALE 1/8" = 1'-0"



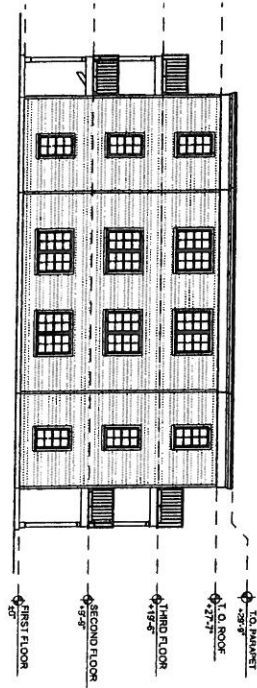
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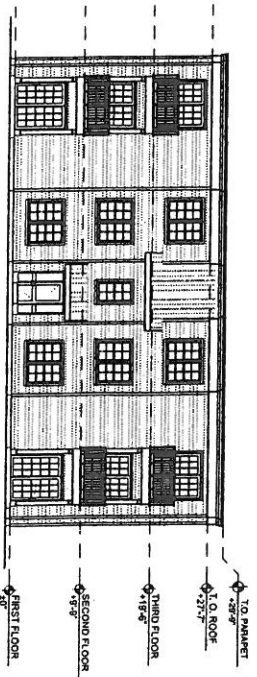
A3	BUILDING ELEVATIONS	DATE: 02/20/12	SCALE: 1/8" = 1'-0"
		DESIGNER: [Name]	DATE: 10/11/11

Giorgio - Modular Apartments Prototype - 2

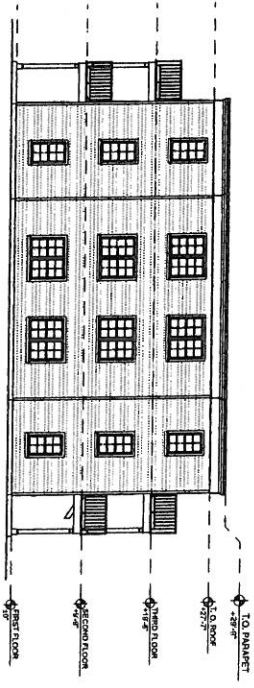
Massachusetts



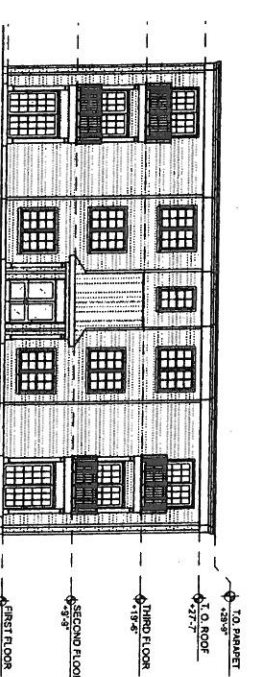
4 LEFT ELEVATION
 SCALE 1/8" = 1'-0"



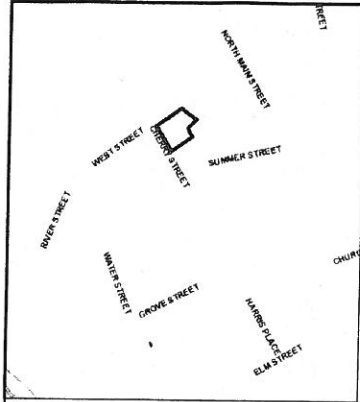
2 REAR ELEVATION
 SCALE 1/8" = 1'-0"



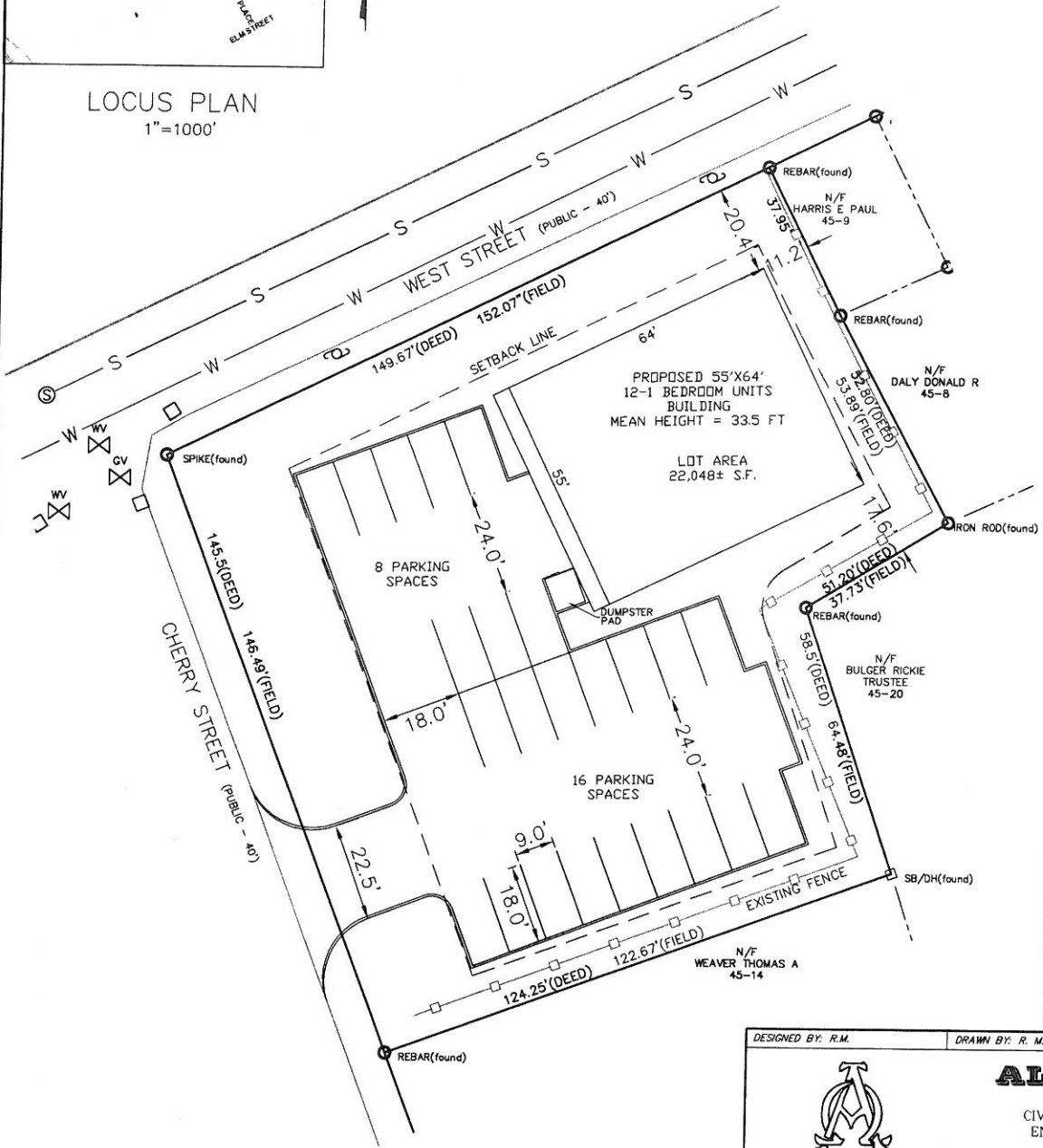
3 RIGHT ELEVATION
 SCALE 1/8" = 1'-0"



1 FRONT ELEVATION
 SCALE 1/8" = 1'-0"



LOCUS PLAN
1"=1000'



PARKING CALCULATIONS

USE	REQUIRED	PROPOSED
12 x 1 BEDROOM APARTMENTS	24	24

THE STRUCTURE IS LOCATED WITHIN FEDERAL FLOOD ZONE X PER HUD MAP # 25027C COMMUNITY # 0809E DATED 07/04/2011

I CERTIFY THAT THE PROPOSED BUILDING LOCATION CONFORMS TO THE DIMENSIONAL SETBACK REQUIREMENT OF THE ZONING BYLAW OF THE TOWN OF MILLBURY, MA.

PROPOSED BUILDING HEIGHT DOES NOT CONFORM TO THE HEIGHT REQUIREMENT OF THE ZONING BYLAW OF THE TOWN OF MILLBURY, MA. VARIANCE FROM ZONING BOARD OF APPEALS IS REQUIRED.



JON L. FAGERSTROM P.L.S. #49205

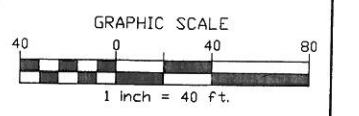
LOCUS REFERENCES:

- ID: 45-10
- DEED BK. 57814, PG. 290
- OTHER REFERENCES:
PLAN BK. 204, PL. 62
PLAN BK. 810, PL. 23

RECORDED @ WORCESTER REGISTRY OF DEEDS

ZONING:	R-1
REQ.	REQ.
LOT AREA:	12,500 S.F.*
FRONTAGE:	100'
FRONT SETBACK:	25'
SIDE SETBACK:	10'
REAR SETBACK:	10'
LOT COVERAGE:	30%
BLDG. HEIGHT:	30 FT

* WITH WATER AND SEWER



LEGEND

- SETBACK LINE
- IRON PIPE FOUND
- W — WATER LINE
- S — SEWER LINE
- WETLAND LINE
- ABUTTER LINE
- ⊙ UTILITY POLE
- ⊙ SEWER MANHOLE

DESIGNED BY: R.M. DRAWN BY: R.M. DATE: 08/30/2018



ALPHA OMEGA
ENGINEERING INC.
CIVIL ENGINEERS, LAND SURVEYORS
ENVIRONMENTAL CONSULTANTS
25 HIGHLAND VIEW DR
SUTTON, MA 01990
508-865-9551

WWW.ALPHAOMEGAENG.NET
INFO@ALPHAOMEGAENG.NET

VARIANCE PLOT PLAN
LOCATED AT
WEST ST. AND CHERRY ST.
MILLBURY, MA
OWNED BY AND PREPARED FOR
CLAY STREET PROPERTIES LLC
48 CENTRE STREET
NANTUCKET, MA

KEENAN AND TRUDELL

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

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2018 NOV 28 PM 2: 30

MILLBURY, MASS.

HEATHER L. TRUDELL
htrudell@keenantrudell.com

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

November 6, 2018

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

RE: Carl Erickson, 2 Bayberry Lane, Millbury, Massachusetts

Dear Sir/Madam:

Please accept this request on behalf of the applicant to withdraw our Petition for Variance without prejudice with regard to the above-referenced matter.

If you should have any questions, please feel free to contact me. Thank you in advance for your assistance in this regard.

Very truly yours,



HEATHER L. TRUDELL

HLT/cas
Cc: Carl Erickson

**Town of Millbury
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Daniel Mezynski
Anna Lewandowski, Alternate member



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127 ELM STREET
MILLBURY, MA 01527

**Board of Appeals Approval Signatures
Meeting Minutes from Wednesday, November 28th, 2018**

Paul Nigosian, Chairman

Kenneth Perro, Vice Chairman

Daniel Mezynski

Harold Proodian

Robert Simmarano, Clerk

Anna Lewandowski, Alternate