

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

Meeting Minutes

Wednesday, December 27, 2017

7:00 pm

RECEIVED
TOWN CLERK
18 FEB - 2 PM 4:10
MILLBURY, MASS.

Board of Appeals Board Members Present:

Paul Nigosian (Chairman), Ken Perro (Vice Chairman), Robert Simmarano (Clerk), Harold Proodian and Daniel Mezynski
(See attached sign in sheet from abutters)

7:00 PM: Official Call to Order:

7:05 PM: Gary & Kerry Haines of 2 Sunset Dr. relative to the property at 2 Sunset Drive, Map# 89, Lot# 23, Book# 47807, Page# 146, S - 1 Aquifer B District. Gary and Kerry are applying for a special permit for a solid vinyl privacy fence to be installed between their property and the Ramshorn Dam property. They explained to the board that they have owned and lived at 2 Sunset Drive since September 2011 their property abuts Ramshorn Dam that the town of Millbury has recently updated and revised to make it more appealing to the public as a recreational area. Gary and Kerry's property has a line of 20 foot high bushes that use to create some privacy from the dam site but since the revision of the dam some of those bushes were cut back leaving the Haines property open and visual to the visitors at the dam. The fence they are seeking to have installed will vary in height from 4 feet, 6 feet to 8 feet with a possible span of 135 feet in length starting from the driveway down to the water edge, with this fencing they will have all the bushes removed and as Paul Nigosian pointed out that the 20 foot high bushes are in violation they shouldn't exceed 6 feet high. The board discussed with Gary & Kerry Haines concerns for the height, length and placement of the fence and trying to come to a more precise measurements. Paul Nigosian then entertained a motion to close the public hearing; Harold Proodian made a motion, second by Daniel Mezynski all members were in favor 5 - 0. The board agreed that they need more precise measurements; length, height, section length of each fence panel and details to what type of fence they are installing and a more precise map lay out. The board agreed it would be best to continue the hearing.

Paul Nigosian entertained a motion to reopen the public meeting so it can be continued; Daniel Mezynski made a motion, second by Harold Proodian all members were in favor 5 - 0.

Paul Nigosian then made a motion to continue the public hearing regarding 2 Sunset Drive for February 28, 2018 @ 7:05pm; Harold Proodian made the motion, second by Ken Perro all members were in favor 5 - 0.

7:40 PM: Jonathan Capomacchio of 5 Durham Rd. relative to the property at 5 Durham Rd., Map# 15, Lot# 69, Book# 52953, Page# 59, S - IV District. Regarding a land trade; Jonathan Capomacchio explained to the board that he is just trying to make things more convenient for both neighbors. When the current residents on 3 Upton Street acquired the property they renovated the house and with that renovation they repositioned the side entrance of the

house to the back placing a part of their porch right on top of Jonathan Capomacchio property line, later the residents on 3 Upton Street had a shed installed that is completely on Mr. Capomacchio property, both property owners were in knowledge of this even after the land was surveyed by Rich Gosselin land surveyor. Both properties are non conforming lots and what Mr. Capomacchio would like to do is give a portion of his back property where 3 Upton Streets shed is standing and in trade take a portion of 3 Upton Streets frontage property line leaving 3 Upton Street frontage from 40 feet to 30 feet. Patricia White of Ashford Ct. (Jonathan Capomacchio's mother) explained to the board the history of all three properties which was originally owned by her great grandparents. Paul Stringham, the town building inspector, explained to the board his perspective on the zoning, non conforming lots, land swapping, grandfathered properties, the corner lot frontage on 3 Upton Street, etc... and Robert Frederico's, former town building inspector, he was the one who originally denied the land swap.

Paul Nigosian entertained to close the public hearing; Harold Proodian made the motion, second by Daniel Mezynski all members were in favor 5 – 0.

Daniel Mezynski made a motion to Grant a variance to Jonathan Capomacchio for property located at 5 Durham Road, Millbury, Ma, as shown on Map# 15, Lot# 69 as recorded in Book# 52953, Page# 59 listed with the registry of deeds within the Suburban – IV district relating to article 2 section 15.32 of the Millbury zoning laws to provide a land trade between 3 Upton Street, Millbury, Ma Map# 15, Lot# 68 and 5 Durham Road, Millbury, Ma Map# 15, Lot# 69. Lot A to become part of Lot 69 for Michael and Doreen Ciuffredo Book# 44153, Page# 213, total lot area of 4,833 square feet plus or minus square foot remains the same the swap of 765 square feet plus or minus square foot which is .017 acres plus or minus does not change the original total lot area and reducing the frontage by 10 feet. Lot B to become part of Lot 68 from Patricia A. Capomacchio and Robert F. White of 5 Durham Road, Book# 18235, Page# 89 a total lot area of 10,560 square feet plus or minus remains the same, the swap of 765 square feet plus or minus which is .017 acres plus or minus does not change the original lot area but adding 10 feet of frontage. Harold Proodian second the motion. The board voted 3 – 2 (Daniel Mezynski, Harold Proodian and Robert Simmarano were in favor, Paul Nigosian and Ken Perro were opposed, motion was denied).

8:30 PM: Thomas Stratford, Mid State Properties LLC of 237 Riverlin St. relative to the property at 239 Riverlin St., Map#17, Lot# 57, Book# 48776, Page# 337, Industrial – 1 District. Paul Nigosian pointed out, for the record, that this is a hearing regarding for a clarification of an allowed use, he stated that it was advertised differently and that he wanted to clarify. Robert Murphy (Robert G. Murphy & Assoc. Inc., Environmental Consultants) explained to the board that the owner is seeking site plan approval and stone water management permit at 239 Riverlin Street, what they are proposing is to develop two (2) separate buildings, one building would be commercial industrial use and the second building the applicant would like to develop the property, as allowed, to build a 7,000 square foot warehouse where 25% (1200 square feet) of the area for a single family residence the bylaw for the incremental use is allowed, the clarification is to be determined from the board how to define the incremental use of the property. Peter Stratford is the co-owner of the property and is the one who wants to live on the property, the majority of the building will be for maintaining the property and housing the vehicles for the business, Mid State Sewerage, his living on the property will also provide security due to some vandalism that has occurred on the property in the past. Paul Stringham explained to the board how a clarification of an allowed use works and an incidental use it is up to the board to determine what the defined clarification would be. Paul Nigosian entertained a motion to close the public hearing, Harold Proodian made the motion, Ken Perro second the motion all members were in favor 5 – 0.

Paul Nigosian entertained a motion regarding the property at 239 Riverlin Street, regarding the clarification of the intent of the bylaw regarding Industrial I, regarding incidental use for a residence or an apartment does not conflict with the integrity of the neighborhood... Paul Nigosian passed this on to Ken Perro.

Ken Perro made a motion to clarify the intent definition of the bylaw for an incidental use at 239 Riverlin Street, Mid State Properties LLC, Book# 48776, Page# 337, to be allowed to have an incidental use and to have a residential occupancy and not to exceed 1200 square feet. Second by Daniel Mezynski the board voted 4 – 0, Paul Nigosian was opposed.

9:30 PM: Meeting Minutes from Wednesday, November 29, 2017

Paul Nigosian entertained a motion to approve the meeting minutes from Wednesday, November 29th, 2017; Harold Proodian made the motion, second by Robert Simmarano, members were in favor 3 – 0.

9:35 PM: Adjournment

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

Respectfully submitted by Nancy Young and submitted to Town Clerk.



TOWN OF MILLBURY

ATTENDEE SIGN-IN SHEET

BOA HEARINGS WEDNESDAY, November 29th, 2017

7:05 Garry & Kerry Haines, 2 Sunset Dr., Millbury, Ma

7:20 Jonathan Capomacchio, 5 Durham Rd., Millbury, Ma

7:45 Thomas Stratford, 239 Riverlin St., Millbury, Ma

PLEASE PRINT NAME

YOUR ADDRESS & HEARING ATTENDING

(example) John Doe

(example) 123 Main St. Millbury, Jane Doe

Garry & Kerry Haines

2 Sunset Dr. Millbury - Haines

Christopher Ryll

5 Mason Rd. Millbury, Ryll

Jonathan Capomacchio

5 Durham Road Millbury

Patricia White Inyall

777 Western Rd. Ashford Ct

Paul Springman

Inspector of Building

Bob Murphy

239 Riverlin St

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Board of Appeals Approval Signatures for Meeting Minutes from Wednesday, December 27th, 2017

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Kenneth Perro, Vice Chairman

Daniel Mezynski

Robert Simmarano, Clerk

Harold Proodian

Anna Lewandowski, Alternate