

**Town of Millbury
Board of Appeals**

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Paul Nigosian, Chairperson
Robert Simmarano, Clerk
Harold Proodian
Ken Perro
Daniel Mezynski
Anna Lewandowski, Alternate member



MUNICIPAL OFFICE BUILDING
127 ELM STREET
MILLBURY, MA 01527

Meeting Minutes

Wednesday, December 2, 2015

7:00 pm

Board of Appeals Members Present:

Paul Nigosian
Harold Proodian
Robert Simmarano
Daniel Mezynski
Anna Lewandowski

Absent:

Ken Perro

I. Call to Order: Having complied with the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, relative to advertising and notifying abutters, the Meeting was declared open by Paul Nigosian at 7:00 pm. All decisions of this board are final.

II. Public Hearing:

1. Michael & Magdalena Meagher, 83 Griggs Rd, (Map 97 Lot 21; S-1)

Petitioner: Michael & Magdalena Meagher, 328 West Sutton Road, Sutton

Petition Purpose: Variance on accessible road frontage

Magdalena Meagher spoke saying that in 2012 they purchased approximately 2 acres at 83 Griggs Road in Sutton but the back of the lot is in Millbury, the previous owners had a variance in 2006 but that expired; they need a variance for the law in Millbury that says all properties need frontage and they will never have frontage in Millbury. They are building their house in Sutton but the property is in both towns. It will be a single story Mediterranean home. She asked for an expedited decision; Chairman Nigosian explained that

they have to abide by the 20 days appeal period, but they will try to move it along. There was no other discussion.

A motion was made by Harold Proodian, and seconded by Anna Lewandowski, to close the public hearing. Motion carried

Chairman Nigosian said that this is a true hardship.

A motion was made by Harold Proodian and seconded by Anna Lewandowski to grant the Variance to Michael & Magdalena Meagher for 83 Griggs Road, Sutton at Davis Road, Millbury Map #97, Lot 21, S1 in the Aquafer Protection District B per Millbury Zoning Section 21.5 for a variance waiver. Board members voted to approve the requested Variance.

Chairman Paul Nigosian explained that there are 20 days waiting period for anyone to appeal the decision and you will be notified by the Town Clerk's office.

Having complied with the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, relative to advertising and notifying abutters, the Meeting was declared open by Paul Nigosian at 7:00 pm. All decisions of this board are final.

2) MPE, Inc. (Map 36; Parcel 10; Zoning District I-1)

Petitioner: MPE Inc., Robert Ceppi

Petition Purpose: variance for required road frontage.

Mr. Ceppi spoke saying that the lot is owned by Elizabeth Aubin who is present. This lot used to be the access to the old Rt. 146; it is now an exit ramp. They do not have any frontage for this lot; it would be deeded access easement to get to the lot from McCracken Road. When they changed Rt. 146 this property got altered and landlocked. They are looking for the variance for the 150 foot frontage requirement. Regardless of the business that wants to go there; the land cannot be used because there is no legal frontage; in order for the owner to lease the land there needs to be a variance. Gary Gover, Millbury Ave, said that the State is the one that took the frontage away so therefore it is a hardship. Right now it is taxed as a buildable lot; they cannot get anyone to look at their property because there is no frontage, he continued saying that they do not know what the land will be used for. Chairman Nigosian explained that in the Brief for Variance that was submitted with this application it states that the potential buyer of this lot is proposing to use it for the storage of propane in two 30,000 gallon tanks. Mr. Ceppi stated that most of the propane will come by rail.

A motion was made by Daniel Mezynski, and seconded by Harold Proodian, to close the public hearing.
Motion carried.

Discussion: Daniel Mezynski said this area is extremely industrial and this looked like a hardship, he has no issues; Anna Lewandowski said that here we have land that they have been paying taxes on and they cannot put anything on it; Harold Proodian can see both sides of this argument; he is worried about the tanks going under the bridge that takes many people to the mall every day. Robert Simmarano said that this stuff is safe. Chairman Nigosian said that this might be a detriment to the public; he does not want to give an open ended variance. Mr. Gover and Mr. Ceppi tried to convince the board that the propane tanks would not necessarily be going in; they just want the variance in case they get a buyer. Anna Lewandowski pointed out that the paperwork all states 2 propane tanks. Elizabeth Aubin stated that she is just trying to make a living. Discussion regarding the tanks, pro's and con's.

5 Minute Recess was taken

Chairman Nigosian explained that this application is for the purchase of the land to install two 30,000 gallon LP tanks. He would like to get more information.

A motion was made by Harold Proodian to continue the public hearing to the December 30, 2015, seconded by Anna Lewandowski.

Motion carried unanimously.

Chairman Nigosian said that he will get a written legal opinion from town counsel.

II. Approval of Meeting Minutes:

Upon a motion by Robert Simmarano with a correction and seconded by Daniel Mezynski, the Board voted unanimously to approve the minutes of the September 30, 2015 meeting.

III. Approve Linda Koninski's time card

Motion to accept the time card for Linda Koninski for December 7, 2014 motion by Harold Proodian and seconded by Ken Perro, the Board voted unanimously to approve.

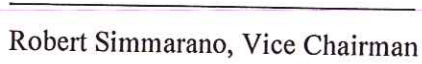
IV. Adjournment

Motion to adjourn by Harold Proodian at 8:45 pm, seconded by Anna Lewandowski motion carried unanimously.

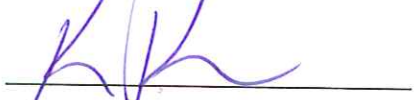
Respectfully submitted by Tish Hayes, submitted to Town Clerk on: 12/30/2015




Paul Nigosian, Chairman



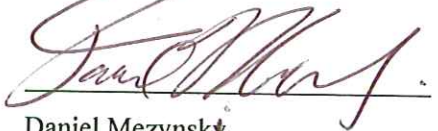
Robert Simmarano, Vice Chairman




Ken Perro, Clerk



Harold Proodian



Daniel Mezynsky



Anna Lewandowski, Alternate