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13 MAR 12 PM 6:00  
MILLBURY, MASS.

MILLBURY BOARD OF APPEALS

MINUTES

DATE: 1/30/13

TIME: 7:00 p.m.

Present: Chairman R.Valentino, Paul Nigosian, G. Hand, H. Proodian, D. Mezyski, G. Schold, R. Simmarano

Petition for Michael Wilczynski

Box 128, Millbury, MA for

Sp. Permit for 26 Wheelock Ave., Millbury, MA

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 Chairman Richard Valentino.

M. Wilczynski – We would like to demolish and build a new single-family home.

R. Valentino – For frontage and lot area and front setback.

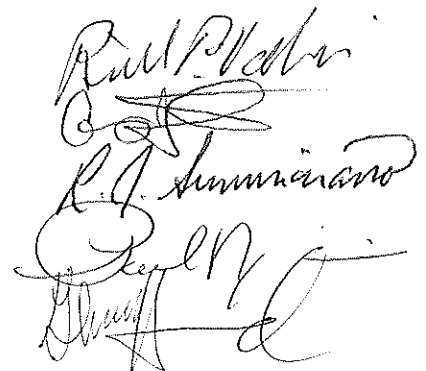
Abutter – We are o.k. with whatever he wants to do.

P. Nigosian – Is this the same footprint?

M. Wilczynski – No. The converted lot has the overlay. The frontage will be less non-conforming.

A motion was made by G. Hand and seconded by H. Proodian to close the public hearing, unanimous.

A motion was made by P. Nigosian and seconded by H. Proodian to grant the Sp. Permit at 26 Wheelock Ave., Map 16, Lot 138, Section 16.32 for single-family home for insufficient frontage and insufficient lot size and front setback. The Board voted unanimously in favor of this motion.



Paul Nigosian  
R. J. Simmarano  
H. Proodian

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13 MAR 12 PM 5:59  
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## MILLBURY BOARD OF APPEALS

### MINUTES

DATE: 1/30/13

TIME: 7:15 p.m.

Present: Chairman R.Valentino, H. Proodian, P. Nigosian, G. Hand, G. Schold, D. Mezynski, R. Simmarano

Petition for Variances for 47 Bayberry Lane, Millbury, MA, Lots 47 & 46

For Ucef and Mary Charmchi

8 Bayberry Lane, Millbury, MA

This is a continuation of a previous hearing on November 7, 2012. We are bringing it back for reconsideration of our vote. We voted to reconsider this. We wanted to get more information.

Attorney P. Keenan – You have allowed us to have this reconsideration, and we will present additional information. I have prepared a supplemental memo.

R. Valentino – So you want to build another house on the other lots?

Attorney Keenan – We submit this plan that shows two parcels. They want to construct another house on Parcel E. We are seeking three variances because when this lot was built on, there was insufficient lot area. The existing house has insufficient lot area and frontage. There are unique circumstances related to this by shape and topography. These two parcels were buildable lots, but the town changed the ordinance to make it insufficient frontage and lot area. The new brief that we just submitted shows evidence that there have been other variances granted in the recent past on Bayberry Lane. Two houses were constructed, and five other properties were granted variances for the house or other structures. I am not saying that you should grant because of this, but you have shown that there are unique circumstances on Bayberry Lane. That is why we stated hardship and the reason for them to construct a smaller house and sell their house.

The petitioner got two tax bills, one for house lot and one for other lot. The town has forever considered this a buildable lot. They tax the property as a buildable lot. They have to pay this bill. He is seeking the same relief that other neighbors have gotten. No abutters have objected. I feel that we show hardship on this parcel, and this is a case that calls for variances.

Ucef and Mary Charmchi

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G. Hand – Is there a different rate for buildable lots vs. non-buildable lots?

Attorney Keenan – The Town values the land that the house is on at \$99,600 and the other lot at \$186,900.

P. Nigosian – Did you file a tax abatement?

Petitioner – Yes, and our bill went up this year.

P. Nigosian – That must be a mistake. If you file an abatement, it should reduce that. You should have sought relief in the past.

H. Proodian – They do see it as two separate lots.

Petitioner – We sought relief last year and were denied.

P. Nigosian – How big is the small lot?

Attorney Keenan – 34,811 s.f., 1.798 acres. It is still assessed and taxed as a buildable lot.

R. Simmarano – I know the neighborhood, and the people up there, and they are all good people.

P. Nigosian – You are creating hardship. They can sell the house, and to build a second house makes the land that the house is on a non-conforming lot, and making the other a more non-comforming lot is a lot different.

D. Mezynski – The unique requirement of hardship means that his hardship is a little different from other hardships.

A motion was made to close the public hearing by H. Proodian, seconded by G. Hand, unanimous.

Motion was made by H. Proodian and seconded by D. Mezynski to grant the variances for property at Bayberry Ln., Map 89, Parcels 46 & 47, Millbury, MA for A lot area variance for Parcel B, (shown on plan), because of insufficient lot area, A lot area variance for Parcel E, (shown on plan), for insufficient lot area and frontage variance for Parcel E for insufficient frontage. The variances are to allow the petitioners to construct a home on Parcel E. The Board voted unanimously in favor of this motion with reasons set forth in the Findings of Fact that are attached to the decision.

