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MILLBURY, MASS.

MILLBURY BOARD OF APPEALS

MINUTES

DATE: 2/27/13

TIME: 7:00 p.m.

Present: Chairman R.Valentino, G. Hand, G. Schold, R. Simmarano

Petition for Mid State Repair (Thomas & Peter Stratford)

237 Riverlin Street, Millbury, MA

Variance

R. Valentino – We only have four members here tonight, and you need 4 out of 5 votes in your favor. If you would like to wait until we have five members, we can do that, or you can continue tonight.

Petitioner – I would like to continue.

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.

Petitioner – I would like to buy, fix and sell cars and equipment.

R. Valentino – This is to sell and repair used cars and your own equipment.

Petitioner – Buy and sell equipment.

Wm. Fox – I own land on Silver Fox Drive. I would like to see the plans and find out more about what is happening. I would like to see what is going on.

R. Valentino – All we have is a plan of his land. He wants to repair his equipment, and he needs a permit to do this. He wants to get a used car license so that he can sell them. This is an industrial area.

S. Fox – My concern would be how they are going to show their product. If they want to repair and sell equipment that is one issue. Even though this is industrial land, it is really a residential area. I do not think he should park cars in front of the street. He is mostly a heavy equipment operator. We had to go through strict regulations when we built there. We put in the road, and did a lot. I do not object to his doing this, but it should be in the back lot and not in the front.

Petitioner – I am not trying to hurt the neighborhood.

R. Simmarano – How big is this? He is in a spot where there is hardly anything going on. It is not a real heavy traffic road. I do not see why he should not do this.

Petitioner – 18,000 s.f. 180'x80'

*Richard Valentino*  
*Robert J. Simmarano*

Mid –State Repair

2/27/13 Pg. 2

G. Hand – What is the plan here? The Bldg. Insp. just said repairs. I thought the license was just to do auto repairs. What kind of equipment would you repair?

Petitioner – I repair equipment and would like to buy and sell cars, six cars for the showing.

G. Hand – Where do you show the cars?

Petitioner – in the front.

R. Valentino – Whatever we put on the special permit, the selectmen still have to issue the used car license. The selectmen cannot issue used car license without our special permit. As far as equipment, we can put down different stipulations.

Petitioner – I will not make it an eye sore.

R. Simmarano – He still has a lot of things to go through. It is not like he is getting a free pass. You can oppose this at the next level, but we just do our part and move on.

S. Fox – It is one thing to say what you are going to do, but I want to know exactly what he is going to do, like we had to do.

R. Valentino – With all due respect, what we put down is what he can do and what he cannot do. If he doesn't follow this, then we can pull the permit. He will go to the selectmen to vote on whether or not to grant the license to sell and repair used cars and possibility equipment. We can tell him exactly where it can be done. When you came before us, I was on the Board and there were concerns.

S. Fox – We just want that area to be maintained as it is. The houses there were zoned industrial so we rezoned, but we created the buffer there to make that a nicer area.

Motion to close by G. Schold and seconded by G. Hand, unanimous.

G. Schold – I would like to have something about hours of operation, no Sundays and maybe 7:00 a.m. to 6:00 p.m .

G. Hand – I thought this was something else. I do not want to see a used car business there on Riverlin St.

R. Simmarano – These cars are mostly going to be sold on line or the newspaper. There is not going to be flags, etc. there.

P. Nigosian – I know, in the past, we shot down a used car business on Grafton St. We shot it down because of the residential homes around the neighborhood, even though it was industrial. Once you give him the control, there is not much that can be done.

A motion was made by G. Schold and seconded by G. Hand to grant the Variance, and the Board voted unanimously in favor of this, with reasons and conditions attached.

Approval subject to the following conditions:

1. License to sell autos, only three to be allowed at one time.
2. No cars to be parked in front of the office.
3. Hours of operation: Monday through Saturday 7:00 a.m. to 7:00 p.m.
4. No more than three automobiles to be parked in front of the building.
5. No heavy equipment to be parked in front of the building.
6. All repairs to be done in the back of the building.
7. All subject to approval of the Millbury Board of Selectmen.

Statement of reasons for action of Board of Appeals: Motion made by G. Schold and seconded by G. Hand to allow Thomas and Peter Stratford to do business at LVI, LLC, 237 Riverlin Street, Map 24, Lot 30, Millbury, MA with the above stated conditions, and feeling that this does not cause substantial harm to the neighborhood, nor does it nullify or intentionally derogate from the intent or purpose of the by-law. The Board voted unanimously in favor of this motion.

This Variance shall not take effect until a copy is recorded hereof

With the Worcester District Registry of Deeds pursuant to General Laws, Chapter 40A, Section 11, as amended; and further that said recording shall be accomplished not later Than six months from the date of this decision; and further that any construction hereunder must commence no later than one year from the said recording.

It was ordered by the Board that persons notified of the hearing be notified of the foregoing decision.

Any appeal to this decision must be made to the Superior Court within 20 days after the filing of this decision with the Town Clerk, in accordance with Section 17 of Chapter 40A of Massachusetts General Laws.

Signed: Richard P. Uchita / FAU  
G. J. Schold / FAU  
R. J. Scrimmarano / FAU  
[Signature] / (FAU)

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MILLBURY BOARD OF APPEALS

MINUTES

DATE: 2/27/13

TIME: 7:20 p.m.

Present: Chairman R.Valentino, P. Nigosian, G. Hand, G. Schold, R. Simmarano

Petition for NERP Holding and Acq. Co

For sp. Permit for Worc.-Prov Tpke, 146 & Boria Ln., 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. Sm. – Prof. Eng. With Bohler Eng. Co. and J. Statulik, Developer of property to represent petitioner.

M. Sm. – presented his case to the board, (brief attached).

R. Valentino – This has all been approved by the Planning Board and Conservation, and they have gone through all most every board except ours. They have attached a flood plain plan.

R. Simmarano – How soon would this happen?

M. Sm. – Under construction pretty quickly. It takes about 20 weeks.

G. Schold – Pulling out onto 146 is tough.

M. Sm. – We did have discussions with town planer and town manager, and thought about issues before we finalized the deal. There is limited access and egress.

R. Valentino – It is not like they will be getting 150 cars a day.

G. Schold – It is not like a coffee shop where people will be coming and going.

R. Valentino – You are slowly getting more things up on 146.

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

A motion was made by P.Nigosian and seconded by G. Hand to grant the Sp. Permit with all the reasons stipulated on the attached, and the Board voted unanimously in favor of this motion.

*Richard P. Valentino*  
*Robert J. Simmarano*  
*[Signature]*

Statement for action of Board of Appeals: The applicant wishes to construct a 19,000+ s.f. tractor supply co. retail store with outdoor sales area. This work includes site grading modifications and alters the existing 100 yr. flood boundary and volume. The proposed improvements provide comp. flood storage in excess of existing condition (approx. 8,618 cubic yards total). This will yield a net increase of approx. 418 cubic yards of storage. Applicant is requesting approval to construct improvements shown on site development plans. The proposal will comply with Section 36.4 of the Zoning By laws, with the building constructed in conformance with the State building code. The site improvements will not result in increased flood heights, impact public safety or create nuisances.

This Sp. permit shall not take effect until a copy is recorded hereof

With the Worcester District Registry of Deeds pursuant to General Laws, Chapter 40A, Section 11, as amended; and further that said recording shall be accomplished not later Than six months from the date of this decision; and further that any construction hereunder must commence no later than one year from the said recording.

It was ordered by the Board that persons notified of the hearing be notified of the foregoing decision.

Any appeal to this decision must be made to the Superior Court within 20 days after the filing of this decision with the Town Clerk, in accordance with Section 17 of Chapter 40A of Massachusetts General Laws.

Signed: Ajib P. Choti (Fav)  
Camille Hall (Fav)  
Robert J. Summarano (Fav)  
Debra M. [unclear] (Council)  
[unclear] (Fav)



# BOHLER

ENGINEERING

352 Turnpike Road  
Southborough, MA 01772  
PHONE 508.480.9900  
FAX 508.480.9080

January 31, 2013

Town of Millbury  
Board of Appeals  
Attn: Richard Valentino, Chairman  
c/o Town Clerk  
127 Elm Street  
Millbury, MA 01527

Re: NERP Holding & Acquisitions Company, LLC  
Proposed Tractor Supply Company  
Route 146 & Boria Lane  
Millbury, MA

Dear Mr. Valentino:

The Applicant, NERP Holding & Acquisitions Company, LLC, is proposing to construct a Tractor Supply Company retail store with associated site improvements at the former Millbury Savings Bank located at the southeast intersection of Route 146 and Boria Lane (aka Water Street). On behalf of the Applicant, we have enclosed an Application for Special Permit under Section 36 of the Zoning Bylaws as required for the work proposed within the Floodplain District. In support of the application and per our discussions, the following documents have been provided:

- One (1) Board of Appeals Application For Special Permit;
- One (1) Owner Authorization Letter;
- One (1) original full size set of Site Plan drawings, revised 1/18/13
- Sixteen (16) copies of 11x17 sets of Site Plan drawings, revised 1/18/13
- One (1) copy of the Drainage Report, revised 1/22/13
- Check #14809 for \$365.00 payable to the Town of Millbury (Special Permit fee in Industrial Zone); and
- Check #14808 for \$80.00 payable to The Landmark Corp. (to cover public advertising).

The existing 2,300 ± sq. ft. bank will be demolished and a new 19,100 ± sq. ft. Tractor Supply Company store with outdoor display and sales areas will be constructed. Proposed site improvements include, but are not limited to, parking, stormwater management improvements, new utilities and site landscaping.

The site is located within the Industrial Zone I-1 and is also located within the Route 146 Highway Corridor Overlay District (HCO) – Node Classification II, the Wellhead Protection Overlay District and portions of the site are within the 100-year floodplain (Floodplain District). The mapped 100-year flood elevation on-site is at approximately elevation 395' as shown on the site plan documents. The proposed development includes grading alterations within the Floodplain District and will require a Special Permit per Zoning Bylaws Section 36 – Floodplain District Requirements.

The existing site contains a 100-year flood storage volume of approximately 8,200 cubic yards. The proposed project provides a net increase of approximately 418 cubic yards of flood storage (8,618 cu. yds. provided). The proposed Stormwater management improvements will be constructed in accordance with the Massachusetts Stormwater Management Policy. In addition, the project has been reviewed by the Town's Conservation

#### OTHER OFFICE LOCATIONS:

• Albany, NY 518.438.9900	• Ronkonkoma, NY 631.738.1200	• Warren, NJ 908.668.8300	• Center Valley, PA 610.709.9971	• Chalfont, PA 215.996.9100	• Philadelphia, PA 267.402.3400
• Towson, MD 410.821.7900	• Bowie, MD 301.809.4500	• Sterling, VA 703.709.9500	• Warrenton, VA 540.349.4500	• Fort Lauderdale, FL 954.202.7000	• Tampa, FL 813.379.4100

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Commission and Planning Board's peer review consultant. We believe that the proposed Project complies with the Town's Zoning By-Laws Section 36 and the proposed site improvements will not result in increased flood heights, impact public safety or create nuisances.

We trust the enclosed information is sufficient for your review, but if you should need anything further please do not hesitate to contact either of us at (508) 480-9900. We look forward to reviewing this project with the Board at the February 27<sup>th</sup> hearing.

Sincerely,

BOHLER ENGINEERING

James J. Cranston

John A. Kucich, P.E.

Enclosures

Cc: Mark D'Addabbo, NERP Holding & Acquisitions Company, LLC

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