

**Town of Millbury
Board of Appeals**

2019 AUG -1 PM 1:44

Ken Perro, Chairman
Daniel Mezynski, Vice Chairman
Robert Simmarano, Clerk
Harold Proodian
Michael Georges
Anna Lewandowski, Alternate member



MILLBURY, MASS
MUNICIPAL OFFICE BUILDING
127 ELM STREET
MILLBURY, MA 01527

**Meeting Minutes
Wednesday, June 26, 2019
7:00 pm**

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

7:00 PM: – Official Call to Order

7:05 PM: – Timothy S. Cluett for the property located at 68 Riverlin Street, Millbury, Ma.
Mr. Cluett explained to the board that he is requesting a Special Permit to build an attached 28' x 36' (2) story, (2) two car garage with (2) two bedrooms and (1) one bath on the second floor, the said property is located in an Industrial I Zone not a Residential Zone, there will be an additional 1,080 square feet, (the garage does not count as a living space) to the existing 1920 build house.

Ken Perro entertained to close the public hearing; Harold Proodian made the motion second by Daniel Mezynski carried unanimously 5 – 0.

Ken Perro entertained a motion to approve; Daniel Mezynski entertained the motion to approve the application for Timothy Cluett for the property located at 68 Riverlin Street, Millbury, Ma for a Special Permit to construct an attached (2) two story (2) two car garage including (2) two bedrooms and (1) one bath on the second level at location Map# 46, Lot# 93, Industrial – I District, Duly Recorded at the Worcester Registry of Deeds Book# 52812, Page# 219, Harold Proodian second the motion carried unanimously 5 – 0.

7:15 PM: – Meeting Minutes from Wednesday, April 24th, 2019.

Harold Proodian made a motion to approve the meeting minutes from April 24th, 2019 second by Robert Simmarano carried unanimously 5 – 0.

7:16 PM: – Meeting Minutes from Wednesday, May 29th, 2019.

Harold Proodian made a motion to approve the meeting minutes from May 29th, 2019 second by Robert Simmarano carried unanimously 5 – 0.

7:20 PM: – Approval for payment to MediaGate for overage size for a previous advertisement.

Daniel Mezynski made the motion to approve the \$20.80 payment to MediaGate for an advertisement that ran longer than the average advertisements, Harold Proodian second the motion carried unanimously 5 – 0.

7:25 PM: – Brief Recess until next scheduled hearing for 7:30.

7:30 PM: – New England Power d/b/a National Grid for the property located at 150 Grafton Street, Millbury, Ma.
David Waterfall, representing New England Power d/b/a National Grid and company engineer Bill Hallissey explained to the board that they are seeking a Special Permit under Section 35.7 under the zoning bylaws that requires a Special Permit from the Board of Appeals for any fence that is taller than (6) six feet. National Grid owns a very large parcel off of Grafton Street that contains multiple electrical substations, the plan is to replace the perimeter security fence around (2) two of the substations known as Millbury #2 and Millbury #5 substations. The board has been supplied with a packet (please see attached) of an over head aerial shot of the parcel that includes the (2) two substations, one of the stations is located at the front of the property on Grafton Street known as Millbury #2, looking at the aerial shot Millbury #5 is located at the lower left hand corner. They will be replacing the fencing in the exact location of the existing fence they are not expanding the foot print of the substations in any

way. The reason for the replacement is that they are attempting to increase the physical security of the two substations, make it more difficult for anyone to enter the premises and to protect the assets that are in the substations to make sure that there is not any interference and that they provide electricity to the people and businesses in town. Currently there are chain link security fences around both of these locations at approximately (7) seven feet high with a foot of barbed wire on top, there are certain locations where the fence is leaning and is not in great shape and in addition to provide a more robust and physical security and that they are complying with the new company industry standards increasing the fence height to (8) feet of the mesh chain link topped with the (1) one foot of the barbed wire. They are just replacing fence that is already there it's going to be approximately a foot to a foot and a half taller than the existing, the mesh will be slightly different instead of the large two inch mesh it's going to be a one inch mesh which in theory will make it more difficult for someone to climb up and enter the premises. The zoning provision 35.7 explains how the standard for a special permit and that the board may grant a special permit if the fence will not endanger health safety or unreasonably impair vision or circulation of air, the point of the project is to really enhance public safety to try and make sure no one gets in there and gets hurt and trying to make sure that the fence is higher any barbed wire on the top will be farther from the ground so there's less chance of anyone would accidentally hurt themselves and with the chain link fence air circulation shouldn't be an issue.

Mr. Waterfall wanted to clarify with the board that the building inspector did provide the required letter that is required to go with the application in his letter he indicated that you can replace the fence with a height in excess of (6) six feet depending on site conditions it maybe increased up to (8) eight feet. The zoning provision does not provide any maximum fence height it's whatever the board feels is appropriate. Mr. Waterfall contacted the building inspector to clarify via email, (please see attached email letter), the zoning provision does set any (8) eight foot height limit? The building inspector responded; "No limitation in height that is correct". Mr. Waterfall wanted to submit to the board a copy of the email correspondence because the fence height will be (9) nine feet, the fence being (8) eight feet and the addition (1) one feet of barbed wire on top.

The fencing will be installed by March 2020. The substation Millbury #2 will also include a small piece of fence internally so not just in the perimeter but a small piece of internal fence that was not reflected on the site plan that was submitted with the application but they do have the revised drawing that shows this, (please see attached).

Currently there are no plans to revise the fencing for the other substations, particularly the ones that are located along Providence Street.

Ken Perro entertained to close the public hearing; Michael Georges made a motion second by Robert Simmarano second the motion carried unanimously 5 – 0.

Ken Perro entertained a motion to approve; Daniel Mezynski made a motion to approve the application for a Special Permit by New England Power Company for security fence replacement at Millbury #2 and Millbury #5 substations located at 150 Grafton Street, Millbury, the fencing will be built in the same location as the existing fences at (8) eight feet tall plus a foot of barbed wire on top to a total of (9) nine feet; any changes or modifications within two years can be brought before the board under this same Special Use Permit, this Special Permit will lapse after two (2) years if they don't act on it; location of property is located on 150 Grafton Street, Millbury, Ma Map# 54, Lot# 127B, Industrial – I District duly recorded at the Worcester Registry of Deeds Book# 2565, Page# 66, this permit relates to Section 35.7 fences under the Millbury bylaws; Motion was second by Harold Proodian carried unanimously 5 – 0.

7:55 PM: – Anna Lewandowski retires from the Board of Appeals.

8:00 PM: Adjournment.

Harold Proodian made a motion to adjourn second by Daniel Mezynski carried unanimously 5 – 0.

Next scheduled meeting: Wednesday, July 31st, 2019 @ 7:00pm.

Respectfully submitted by Nancy Young and submitted to Town Clerk.


Town of Millbury Board of Appeals

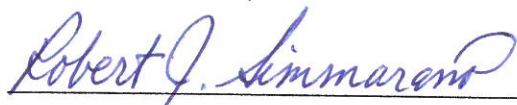
Ken Perro, Chairman
Daniel Mezynski, Vice Chairman
Robert Simmarano, Clerk
Harold Proodian
Michael Georges
N/A, Alternate



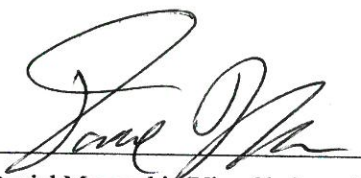
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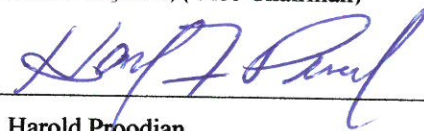
Board of Appeals Approval Signatures Meeting Minutes from Wednesday, June 26th, 2019



Ken Perro, (Chairman)

Robert Simmarano, (Clerk)

Michael Georges

Daniel Mezynski, (Vice Chairman)

Harold Proodian

N/A (Alternate)

40 Sylvan Rd, Waltham, MA

(7:20 Approval for payment to Media Gate)

BOARD OF APPEALS

Wednesday, June 26, 2019

When an applicant applies for a Permit or Variance through the Board of Appeals, along with the application fee, they are also responsible for the advertising fees at \$42.00 each week at a total of \$84.00 for two weeks of advertising.

Attached is a copy of the original advertisement for Chris Windle for the property at 34 Grafton St., hearing held on Wed., Feb. 27, 2019 that was posted in the Millbury Chronicle on Thursday, Feb. 7th and the Feb. 14th, unfortunately this ad was slightly longer than any previous ads that I have posted for other applicants. Chris Windle paid the appropriate fee of \$84.00 (\$42.00 per week) however I was charged \$104.80 (\$10.40 extra per ad / \$20.80 total).

I, (Nancy Young, BOA Secretary), is asking the members of the Board of Appeals to approve that the funds of \$20.80 can come out of the BOA Account (xx.xxx.xxxx.27176.000.50) to pay this overdue amount to MediaGate of New England.

Thank you,
Nancy Young
BOA Secretary

RECEIVED
TOWN CLERK
JUN 27 PM 2:32
MILLBURY, MASS.

BOARD OF APPEALS

In accordance with Chapter 40A of the Massachusetts General Laws and the Zoning Ordinances of the Town of Millbury, a public hearing will be held in the hearing room of the Municipal Office Building, 127 Elm St, Millbury, MA on: Wednesday, February 27, 2018 at: 7:05 p.m. To act on a petition from the applicant: Chris Windle / 34 Grafton Street Realty LLC of 6 Old Country Rd., Sutton, MA 01590 is seeking a Variance for frontage relief relative to the property at 34 Grafton St., Millbury, MA, Map# 54, Lot# 110, Industrial - I, Duly Recorded at the Worcester Registry of Deeds Book# 21934, Page# 366, the Millbury Zoning Bylaws require 150 feet of frontage the proposed property has 125 feet a relief of 25 feet will be needed the Millbury Zoning Ordinance. A proposed plan is to re-develop a legal pre-existing non-conforming lot and raise the existing dwelling and construct a two (2) story commercial building with associated parking. In action taken on **July 25, 2018** the Board of Appeals issued a ~~denial~~ to this request for a Variance recorded in Worcester Deeds Book 21934, Page# 366. Pursuant to Massachusetts General Law Chapter 40A, Section 16 the Planning Board reviewed the repetitive application of Christopher Windle for a Variance for the property located at 34 Grafton Street. On January 14, 2019 the Planning Board held a public hearing to discuss the repetitive petition application. After taking testimony and public comment the Planning Board voted 4 - 0 to consent to application for reconsideration by the Board of Appeals. All interested parties are invited to attend.

Paul Nigolian, Chairman
Millbury Board of Appeals
February 07, 21, 2019

BOARD OF APPEALS

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Paul Nigosian, Chairman
Millbury Board of Appeals

February 07, 2019
February 14, 2019

**Town of Millbury
Board of Appeals**

Ken Perro, Chairman
Daniel Mezynski, Vice Chairman
Robert Simmarano, Clerk
Harold Proodian
Michael Georges
Anna Lewandowski, Alternate




MUNICIPAL OFFICE BUILDING
127 ELM STREET
MILLBURY, MA 01527


Board of Appeals Approval Signatures from Wednesday, June 26th, 2019

For payment to MediaGate for \$20.80

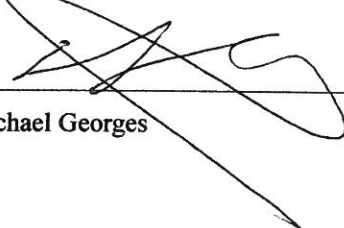
From BOA Account 27.176.5200.27176.000.50



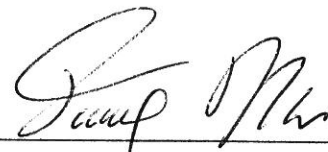
Ken Perro, (Chairman)



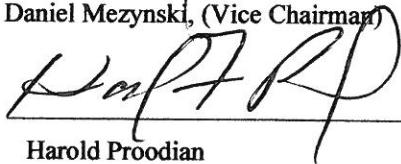
Robert Simmarano, (Clerk)



Michael Georges



Daniel Mezynski, (Vice Chairman)



Harold Proodian

Anna Lewandowski, (Alternate)

Timothy S. Cluett
68 Riverlin St
Millbury Ma 01527
508-981-9499

Board of Appeals
Town of Millbury
127 Elm St
Millbury Ma 01527

June 26, 2019

Dear Board of Appeals,

I am writing to request for a variance / special permit to my land at 68 Riverlin St so I could build a 2 car garage with 2 bedrooms and a bathroom on the left side of my house.

My understanding that my house at 68 Riverlin St is in Industrial 1 zone and not residential which I am requesting a variance / special permit for my project. The following plans will show that the garage will be attached to the rear of the house and that Conservation planning has already been done and approved.

Sincerely,



Timothy S Cluett

Waterfall, David

From: Paul Stringham <PStringham@townofmillbury.net>
Sent: Thursday, May 30, 2019 3:25 PM
To: Waterfall, David
Subject: RE: EXT || 50 Grafton St Sub-station Fencing Determination

No limitation in height that is correct

From: Waterfall, David [mailto:David.Waterfall@nationalgrid.com]
Sent: Thursday, May 30, 2019 9:31 AM
To: Paul Stringham
Subject: RE: EXT || 50 Grafton St Sub-station Fencing Determination

Good morning Mr. Stringham,

I appreciate the letter that you sent me last night. I've included it with my application package and I'm filing it tomorrow.

I just have one question. The fence that we intend to construct will be 8 feet tall with an additional foot of barbed wire on top, so a total height of 9 feet. Your letter seems to say that the fence could only have a maximum height of 8 feet, although I don't see such a limitation in Section 35.7 of the Zoning Bylaw. Is there a 8 foot limit that I'm not aware of? I'm just wondering how to address this issue if the Board asks because the 8 feet plus one foot of wire is the new company security standard that we need to comply with.

Thank you,
Dave

From: Paul Stringham <PStringham@townofmillbury.net>
Sent: Wednesday, May 29, 2019 9:22 PM
To: Waterfall, David <David.Waterfall@nationalgrid.com>
Subject: EXT || 50 Grafton St Sub-station Fencing Determination

Dear Mr. Waterfall,

As requested attached please find the necessary determination letter requested for your fence upgrading proposed project.

Paul F. Stringham
Inspector of Buildings

This e-mail, and any attachments are strictly confidential and intended for the addressee(s) only. The content may also contain legal, professional or other privileged information. If you are not the intended recipient, please notify the sender immediately and then delete the e-mail and any attachments. You should not disclose, copy or take any action in reliance on this transmission.

You may report the matter by contacting us via our [UK Contacts Page](#) or our [US Contacts Page](#) (accessed by