

Town of Millbury Board of Appeals

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



MUNICIPAL OFFICE BUILDING
127 ELM STREET
MILLBURY, MA 01527

2019 SEP 23 PM 1:25
MILLBURY, MASS.

Meeting Minutes
Wednesday, July 31, 2019
7:00 pm

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

7:00 PM: – Official Call to Order

7:05 PM: – Pearson Development for the property located at 208 North Main Street, Millbury, Ma. Benjamin Pearson explained to the board that they are interested in the lot on 208 North Main Street which is still owned by James & Rita Boucher of 6489 Waters Edge Drive, Rocky Mount, NC, the reason they are in front of the board is that the lot has the right required square footage and frontage but due to a utility easement which is fifteen (15) feet for water and sewer, which he did not realize after he went to the planning board, Millbury has a bylaw that you cannot count utility easements as part of the properties square footage, he has the square footage but with the bylaw the frontage is shy 15 to 20 feet. Ken Perro pointed out that the property did receive an approved variance back in 2007/2008, Mr. Pearson explained that the owners were going to apply for an extension on the Variance but due to the conditions of a Variance a building permit must be filed within one year of date of the recording of the Variance to validate such Variance, records indicate that no building permit was filed. Harold Proodian was on the board when the first Variance was approved and it appears on the present application that nothing has changed. Daniel Mezynski noted from the plot plan it looks like there will be no construction on the easement area. Mr. Pearson agreed that there will be no construction on the easement; the easement from the far right hand side is just water and sewer which goes all the way up to Martin Street. The construction could come within 35 to 40 feet of the easement. On the previous Variance back in 2007/2008 it states, "single family home" Mr. Pearson would like the opportunity to go in front of the Planning Board for the Special Permit to construct a multi dwelling, Ken Perro pointed out that he would have to based on the Residential – I Zoning.

Ken Perro then asked if anyone in the audience would like to speak in regards to this hearing.

Abutter: Shiela Moss of 214 North Main Street: Ms. Moss and her husband are the owners of Mike's Truck Service, the proposed construction is going to be next door to the business and she would like to know how close to their business is this going to be and how much of an impact will it have on their business. Ken Perro pointed out that there are setback requirements; on the plan the front yard has a 25 foot setback, side yard has 18 feet and in the rear is 10 feet which means they can bring the structure right up to the side yard within 10 feet of the property line.

Paul Stringham, Building Inspector: Explained that a series of permits, providing what the final outcome of the construction will be (single or multi dwelling), the planning board has strict guidelines that need to be followed through where the bylaws are concerned, all abutters will be notified as this process is followed through and there will be further hearings and permits that will be needed to be obtained before construction even begins.

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; Michael Georges entertained the motion to approve a Dimensional Variance for 208 North Main Street to the applicant Pearson Development of 27 Dewitt Road, Sutton, Ma and the owners James P. & Rita M. Boucher of 6489 Waters Edge Drive, Rocky Mount, NC for the property located at 208 North Main Street, Millbury to construct a residential dwelling with a Dimensional Variance of 80-feet +/- due to a sewerage easement on the property located at 208 North Main Street, Millbury, Mass., Map# 36, Lot# 34, Residential – I Zoning District Duly Recorded with the Worcester Registry of Deeds Book# 18421, Page# 138 with the Millbury Zoning Bylaws Section 13.22 Variances for lot frontage, the applicant will have to file for a building permit within one (1) year of the granting. Harold Proodian second the motion; the motion was carried unanimously 5 – 0.

7:25 PM: – Brief Recess until next scheduled hearing for 7:35.

7:35 PM: – Donna Marie Erickson for the property located at 7 Phillips Drive, Millbury.

Donna Marie Erickson provided to the board a packet of information of the property, pictures of the dogs, health records of the dogs, etc. (please see attached). She currently owns five (5) dogs four (4) Bulldogs and one (1) Pug.

Dog 1 - Desarea: Born 2018 (One year spayed female Bulldog)

Dog 2 - Lowie: Born 2007 (12 year male Pug)

Dog 3 - Noah-Blue: Born Jan. 2019 (Puppy Bulldog)

Dog 4 - Cody-Ray: Born June 2017 (2 year Bulldog)

Dog 5 - Remington: Born Oct. 2018 (1 year Bulldog)

The female is spayed one the males is neutered and the other two males are not. Ms. Erickson explained to the board Bulldogs are very sensitive animals and that they cannot go out under 46 degree weather and no higher than 76 degree, the kennel is only used depending on the weather they are mostly indoor with the owner, they are not a barking dog, Ms. Erickson is there in front of the board asking for permission for her 10 x 10 kennel that was installed last July.

Ken Perro asked if Ms. Erickson planned on having anymore dogs than she already has, her response was no, the older dog has some health complications when the time comes and he goes she does not intend on replacing him.

Ken Perro also stated rules to the permit that she will have to abide by: There will be no dogs for sale; it's not a home business; no dog training; no boarding or dog sitting (basically watching other people's dogs while they are away on vacation or such).

Abutter: Rich Gosslen of 99 South Main Street: Attended hearing to speak on behalf of the neighbor who couldn't be there they had just bought the property at 97 South Main Street that abuts 7 Phillips Drive; he explained that his neighborhood is fairly quiet and has concerns for obsessive barking.

Abutter: Debbie & Jim Symak of 92 South Main Street: Also had concerns of the very quiet residential neighborhood, there are neighbors who also have dogs for pets and they seem to keep the noise under control however when one starts barking in the neighborhood they all start barking, they also had concerns and hope that Ms. Erickson will abide by the rule that has been expressed in maintaining the dogs on her property.

Abutter: Jessica Bariunek of 14 Woodland Street: Ms. Bariunek also owns a dog that she likes to walk and run with her dog through the neighborhood on one occasion Ms. Erickson's dogs got loose and chased them down the street, not knowing the behavior of the dogs she was in fear of any aggression towards her and her dog. Ms. Erickson explained she was bringing the dogs out to the back for some air when the puppy got excited seeing another dog and wanted to play causing the other four dogs to follow. Ms. Erickson, her daughter and some neighbors came to help to get the dogs together. Ms. Erickson called the dog officer and informed him of what had happened and promised it will never happen again. Now when Ms. Erickson takes the dogs out they are on a harness until they reach the fenced in back yard so they won't be able to run off as they previously did that day.

Abutter: Debbie Symak of 92 South Main Street: Wanted to know if Millbury has some sort of ruling as to how many dogs a family can own. Ken Perro explained that a family can license up three (3) dogs and after the third dog they have to apply for a permit and come here in front of the board for a kennel license/permit, that's why Ms. Erickson is here, it's controlled and prevents it from becoming a business, the board has the right to place conditions on the permit. (Per-household)

Abutter: James Flaherty of 14 Woodland Street: Asked what the maximum amount of dogs that a kennel can go to while a license is granted? Ken explained; in Ms. Erickson's case she has five (5) dogs and that will be in the condition no more dogs than she already has under that license.

Paul Stringham, Building Inspector: To clarify; for a Special Permit, based on the facts that you have, if the applicant wants to keep five (5) dogs that's what goes with the property unless it is abandoned, if they should need to go more or there are any deviations to the permit they have to come before the board for any prior modifications to the permit.

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; A motion was made by; Michael Georges, second by Harold Proodian to approve a Special Use Permit for the kenneling of five (5) dogs subject to the following restrictions and/or conditions; The Permit will be limited to five (5) dogs; it will be for non-commercial hobby usage; no additional boarding of dogs; no breeding; no kenneling any additional dogs other than your own family of dogs; if the use of the special permit is abandoned after two (2) years from the date of the issuance of the permit the permit shall lapse; the dogs themselves should not be placed outside before 6:00am in the morning and after 8:00pm at night subject to the weather conditions; This Special Use Permit shall go to Donna Marie Erickson of 7 Phillips Drive, Millbury, Ma and or the record title standing in the names of John and Constance Hovagimian Trust, Trustee Margaret Carlson of 19 Manor Road, Shrewsbury for the property located at 7 Phillips Drive, Millbury, Ma to construct a 10 foot x 10 foot dog kennel for Donna Marie Erickson's five (5) dogs on the property located at 7 Phillips Drive, Millbury, Ma; Map# 63, Lot# 1, Residential – III Zoning District Duly Recorded at the Worcester Registry of Deeds, South District Book# 41186, Page# 389 in accordance with the Millbury Zoning Bylaws Section 14.12 Special Permits .

The motion was carried unanimously 5 – 0.

8:05 PM: – Jonathan Wojtowicz for the property located at 150 Wheelock Ave, Millbury.

Jonathan Wojtowicz explained to the board that he and his wife Mikaela have been living at 50 Wheelock Ave. for the past six (6) years they are expecting their first child in December and would like to have an addition, the house is only 917 square feet so they would like to add a 24'x 22' addition off of the front of the house. They are the fifth owners since 1987 they believe that the house has been sold so many times because it isn't big enough to raise a family. The building inspector has reviewed their request and they require a Special Permit from the board due to street setbacks. They've talked to most of their neighbors/abutters, whom are present there at the hearing for support they also have some letters of support as well. They've taken some pictures of the house and some existing houses that abut theirs and some of these houses are even closer to the road than theirs will be once the addition is added. (Please see attached pictures). The property is on town sewerage and water so there are no issues with a septic system.

Abutter: Sandy Christo of 2 Christo Lane: Spoke in support of the Wojtowicz's, the house on 50 Wheelock Ave. has had many owners come and go and it would be nice to finally have a young couple who want to stay and raise their family.

Abutter: Darlene Papalardo owner of 8 Christo Lane: Spoke in full support of the Wojtowicz's, they keep the yard pristine, they're the first ones there to help anyone out in the neighborhood.

Abutter: Larry Boutilier of 5 Christo Lane: Also spoke in full support of the Wojtowicz's, he agrees with the rest of the abutters, their great people, their spotless and they fit in good to the neighborhood.

Abutter: Steve Brisson of 12 Hemlock Drive: He was one of the six owners of 50 Wheelock Ave. at the time they would rent it out. His wife and brother-in-law were both born in the house so they are very familiar with the property. Mr. Brisson also spoke in full support of the Wojtowicz's.

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

Ken Perro entertained a motion to approve; A motion was made by; Michael Georges, second by Harold Proodian to approve the Special Permit to the applicant Jonathan Wojtowicz; after hearing testimony that the Special Permit is an extension that is consistent to this particular zoning district not a substantial change in the nature of the use of the premises. Mr. Wojtowicz of 50 Wheelock Ave. shall be entitled to construct and attached 24 foot x 22 foot, two (2) story addition containing a living room and upstairs bedroom on the property located at 50 Wheelock Ave., Millbury, Ma 01527, Map# 16, Lot# 132, Residential – III District, Duly Recorded in the Worcester County South District Registry of Deeds in Book# 50891, Page# 248; said parcel is a legal pre-existing non-conforming grandfathered lot, the existing dwelling is within the 25-foot front yard along Cristo Lane the proposed addition will encroach into the 25-foot front yard along Cristo Lane and Wheelock Ave. In accordance with the Millbury Zoning Bylaws Section 16.42 and as provided for the Mass General Laws Chapter 40A subsection 6 the proposed addition is an extension of a legal non-conforming structure. The zoning relief of a Special Permit from the Millbury Board of Appeals under Section 16.32 Special Permits will allow for the Building Department to issue a Building Permit. The applicant also has two (2) years on this approval otherwise this Special Permit shall lapse and they'll have to come back.

8:20 PM: – Meeting Minutes from Wednesday, June 26th, 2019.

Harold Proodian made a motion to approve the meeting minutes from June 26th, 2019 second by Daniel Mezynski carried unanimously 5 – 0.

8:30 PM: Adjournment.

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

Next scheduled meeting: Wednesday, September 11th, 2019 @ 7:00pm.

Respectfully submitted by Nancy Young and submitted to Town Clerk.

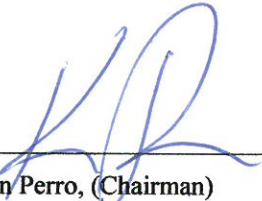
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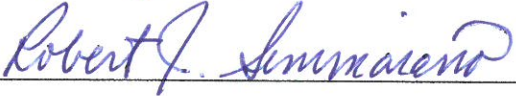


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**Board of Appeals Approval Signatures
Meeting Minutes from Wednesday, July 31st, 2019**



Ken Perro, (Chairman)

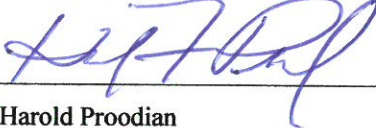


Robert Simmarano, (Clerk)



Michael Georges

Daniel Mezynski, (Vice Chairman)



Harold Proodian

N/A (Alternate)

Wednesday, September 11th, 2019



TOWN OF MILLBURY

ATTENDEE SIGN-IN SHEET

BOA HEARINGS WEDNESDAY, July 31st, 2019

7:05pm: Pearson Dev./ James & Rita Boucher for 208 No. Main Street

7:35pm: Donna Marie Erickson for 7 Phillips Drive

8:05pm: Jonathan Wojtowicz for 50 Wheelock Ave.

PLEASE PRINT NAME YOUR ADDRESS ADDRESS OF THE HEARING ATTENDING

Sheila I Moss 214 No Main St 208 No Main

Wayne S. Moss 214 No Main St 208 No Main

Jim Offord 92 S. MAIN ST 7 PHILLIPS DR

Debbie Dymek " " "

Ben Pearson 208 No Main

Dave Pearson 208 No Main

James Flaherty 14 Woodland Street

Jessica Barunek 14 Woodland Street

Eraine Austin 4 Phillips Drive 7 Phillips Drive

Donna Marie Erickson 7 Phillips Dr

Rick Gosson 99 So Main St 7 Phillips Dr

Jonathan Wojtowicz 50 Wheelock Ave 50 Wheelock Ave

Mikaela Wojtowicz 50 Wheelock Ave 50 Wheelock Ave

Mary Marie Brisson 12 Hemlock Drive

Robert PAPAardo 8 Lakeview Rd 8 Cristo Lane

J.P. Bantlin 5 CRISTO LN

Sendef " Jude Cristo a Cristo lane 46 Wheelock