

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

Meeting Minutes Wednesday, October 28, 2020 7:00 pm

Due to the COVID-19 pandemic and associated State of Emergency, the Municipal Office Building was closed to the public. This meeting was being recorded and streamed by Millbury Public Access Cable Television. This meeting was also available through Zoom.us/download. <https://zoom.us/j/87224970857> - ID# 872 2497 0857, One tap mobile; +13126266799,,87224970857# & +19292056099,,87224970857#
Anyone that was interested in participating through Zoom.us/download was informed to state their name and address before speaking.

(The Meeting started late (7:20) due to one of the members having difficulties logging into the Zoom hearing)

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

Roll Call: Due to the COVID-19 pandemic and associated State of Emergency this meeting was held through Zoom, for the record a roll call was taken; Ken Perro asked each member to confirm their presence with an (I);

Ken Perro (confirmed), Daniel Mezynski, Robert Simmarano, Michael Georges and Harold Proodian all responded with an (I).

7:20 PM: – Meeting Minutes from Wednesday, October 28th, 2020.

(Members present for 10/28/2020: Ken Perro, Robert Simmarano, Daniel Mezynski, Harold Proodian and Michael Georges)

Ken Perro entertained a motion to approve the Meeting Minutes:

Daniel Mezynski made a motion to approve the meeting minutes from Wednesday, October 28th, 2020 second by Harold Proodian carried unanimously 5 – 0.

Roll Call Initiated by Ken Perro (Chairman) with an (I) for the approval for the meeting minutes:

Daniel Mezynski (I), Robert Simmarano (I), Michael Georges (I), Harold Proodian (I); Carried unanimously 5 – 0.

7:25 PM: First Hearing: Michael & Maria Minden for the property located at 47 MacArthur Drive, Millbury

Maria Minden explained to the board that she was there for a Special Permit for an existing fence to allow fence height plus 30" access along Montgomery Drive. There was presently a six (6) foot stockade fence when the Minden's purchased the property at 47 MacArthur Drive, 7 to 10 years late a car drove through the fencing leaving it beyond repair, the fencing was replaced with a white vinyl fence (same height & length). Paul Stringham was inspecting the adjacent property that was previously purchased from the Town of Millbury at auction and noticed the Minden's fence was out of code, he explained to Maria Minden that they will need to apply for a Special Permit for the fence height and 30" access along Montgomery Drive.

Dennis Capurso of Capurso Development LLC of 3 MacArthur Drive purchased the adjacent property at auction from the Town of Millbury, Daniel Mezynski explained to the board that he did meet with Mr. Capurso and explained to him the situation with the fencing at 47 MacArthur Drive, Mr. Capurso received the abutters notice but was not interested in attending the hearing because he had no concern with the fence.

Recently Paul Stringham had installed a "Blind Driveway" sign to assist in the safety on coming vehicles.

Ken Perro then asked if anyone in the public had anything that they wanted to add to please speak.

Thirty Five (35) abutters were notified but there weren't any in attendance therefore no one spoke on their behalf.

7:40 PM: Ken Perro entertained a motion to close the public hearing;
Michael Georges made the motion second by Harold Proodian carried unanimously 5 – 0.

Roll Call Initiated by Ken Perro (Chairman) with an (I)
Daniel Mezynski (I), Harold Proodian (I), Michael Georges (I), Robert Simmarano (I) carried unanimously 5 – 0.

Motion: Ken Perro asked the board if they had any further discussion for the Special Permit and if not then to entertain a motion; the board members had no further discussion or questions;
A Motion was made by; Michael Georges, second by Daniel Mezynski to approve a Special Permit to Michael & Maria Minden of 47 MacArthur Drive, Millbury, MA 01527 for the property located at 47 MacArthur Drive, Millbury, Ma; Map# 17, Lot# 11, Residential – III Zoning District Duly Recorded with the Worcester County Registry of Deeds Book# 24758, Page# 199; said Special Permit to allow a pre-existing non-conforming white vinyl fence that is in excess of 30-inches high and is sited along Montgomery Avenue with the Millbury Zoning Bylaws Section 35.7 fences.

This Special Permit has been Approved by the Millbury Board of Appeals under MGL Chapter 40a under the Millbury Zoning Bylaws to/for the property at 47 MacArthur, Millbury, Ma Map# 17, Lot# 11, Residential – III Zoning District, Duly Recorded in the Worcester County Registry of Deeds in Book# 24758, Page# 199.

The Board voted unanimously 5 – 0

Roll Call Initiated by Ken Perro (Chairman) with an (I) for the approval of the Special Permit to the applicant Michael & Maria Minden for the property located at 47 MacArthur Drive, Millbury, Ma

Daniel Mezynski (I), Michael Georges (I), Harold Proodian (I), Robert Simmarano (I), Ken Perro (I);
Carried unanimously 5 – 0.

7:45 PM: Second Hearing: Robert & Ann Mondor for the property located at 7 Singletary Road, Millbury
Robert Mondor explained to the board that they are there seeking a Special Use Permit for the property located at 7 Singletary Road Map 85 Lot 44, this is their new residence they moved in late summer, what they would like to do is build a single story addition with an attached two car garage, from what Mr. Mondor can understand that there is a Special Use Permit required to obtain a building permit, Paul Stringham has done some research on the property he does have a summary of finding and the property is basically a non-conforming land and a non-conforming building. Looking at the certified plot plan where the proposed addition would be placed, the garage will be angled on the northwest property line mainly because after living here since the summer we realized that people fly down Singletary Road making it really difficult to back out of the driveway so they want to orientate the garage so they are not driving into the front of the garage and with that put in a “U Shape” driveway so they can pull in and out making it a little less risky and a little more safe. The physical boundaries of the lot are more aligned with the map and page but the certified plan determined different setbacks, the proposed building is on the property but is outside the setbacks somewhat.

Robert Mondor continued to explain to the board the certified plot plan and the placement of the proposed addition with further questions from board members in its placement and the placement of the addition in the setback and that a variance wasn't necessary because the house was rebuilt in 1988 there were two houses on the property a building permit was granted and under the restoration component being grandfathered the original plan showed the house being built in compliance but the building inspector never got an add build which goes back to those part time days, the new owner, (Robert & Ann Mondor) found out during the project that the corner of the house actually goes over the other line and didn't conform to what the original proposal was. (Ken) for all intense purposes the board doesn't have to worry about the setback being in there. Because it is a totally legal pre-existing lot prior to zoning and there were structures on the lot so it's grandfathered to protect, if it was a vacant piece of land then there would be needed variances but the Special Permit will cover everything. Mr. Mondo is seeking a “Special Use Permit”, under Chapter 6 Special Use Permit allowing the non-conforming structure to be increased either based on the plan, based on what is negotiated or what the board feels in reasonable the board will just have to do different findings in regards to the grandfathering issues. This house dates back to the initial survey from the owner's information a wall out back shows around 1941.

As far as the height of the proposed addition, it's a single story addition and it won't be any higher than the existing. Ken Perro then asked if there was anyone in the public that would like to speak.

Abutter Michael Whitney of 10 Singletary Road, spoke on his behalf and on his neighbor's behalf, **Philomena Pollier of 6 Singletary Road,** he explained that he called the town hall but was unable to get any sort of plan on paper and was wondering if that was available; looking at the house from the opposite side of the street that the garage was going on the right hand side of the house and yes it is. Mr. Whitney explained his neighbor's concerns that the proposed addition would limit their water view and therefore decreasing the value of her house, she's been living in that house for 20 years. Michael Mondor explained that Philomena Pollier's property is set back far from the road and there's a section of woods that actually blocks her view of the water, as of today she doesn't have a

water view. Harold Proodian questioned if the town has a rule "Blite of Site Water Views" is there a rule where someone can vote against something if somebody can no longer has the view that they normally had or is that bylaw non-existing, he knows that some towns do carry this bylaw. Paul Stringham explained that's why the town has put a maximum of height of build in different zoning districts.

Mr. Whitney's other concern was for the property at 9 Singletary Road which is under contract for sale and thinks that the new owners don't even know that there is an addition being build next to the property. Paul Stringham explained that the current owner at 9 Singletary Road has been notified of the proposed addition and if there is anything in their real estate agents due diligence disclosure then that's between the client and the real estate agent. After further discussions about setbacks, boundary lines, height of proposed addition the board was clear on all that is being proposed for the build of the addition.

8:20 PM: Ken Perro entertained a motion to close the public hearing;

Michael Georges made the motion to close second by Harold Proodian carried unanimously 5 – 0.

Roll Call Initiated by Ken Perro (Chairman) with an (I),

Daniel Mezynski (I), Harold Proodian (I), Michael Georges (I), Robert Simmarano; Carried unanimously 5 – 0.

Motion: Ken Perro asked the board if they had any further discussion for the Special Use Permit and if not then to entertain a motion; the board members had no further discussion or questions;

A Motion was made by Michael Georges, second by Daniel Mezynski to approve and grant a Special Use Permit; said addition will be located within the side setback and to construct a single story addition with basement including an attached two (2) car garage in accordance with applicable provisions of MGL Ch. 40A ss 6 and Millbury Zoning Bylaws Section 16.32 Change, Extension or Alteration to;

Robert & Ann Mondor for the property located at 7 Singletary Road, Millbury, Ma; Map# 85, Lot# 44, Suburban – I Zoning District Duly Recorded with the Worcester County Registry of Deed Book# 62349, Page# 301 with the Millbury Zoning Bylaws Section 16.32.

This Special Use Permit Contains the Following Findings:

1. This is a legal and pre-existing lot.
2. The said existing lot is protected under Section 6.
3. The condition is incidental to this property.
4. There are no negative impacts to other properties within the zoning district.
5. The Special Use Permit would have no detriment to the public good.
6. The proposed location and orientation of the garage accommodates entry and exit on the side improving the safety of egress and entry from to the property of Singletary Road utilizing a "U" shaped driveway.
7. The addition is to be constructed in accordance with a plan engineered by Alpha Omega Engineering Inc. and titled "Proposed Addition Plot Plan" locate at 7 Singletary Road, Millbury, Ma – Owned by and prepared for Robert M. Mondor, Dated Sept. 30, 2020.

This Special Use Permit has been Approved by the Millbury Board of Appeals under MGL Chapter 40a under the Millbury Zoning Bylaws to/for the property at 7 Singletary Road, Millbury, Ma Map# 85, Lot# 44, Suburban – I Zoning District, Duly Recorded in the Worcester County Registry of Deeds in Book# 62349, Page# 301.

Roll Call Initiated by Ken Perro (Chairman) with an (I in favor),

Robert Simmarano (Clerk) (I in favor), Harold Proodian (I in favor), Michael Georges (I in favor), Daniel Mezynski (Vice Chairman) (I in favor) carried unanimously 5 – 0.

8:30 PM: Adjournment.

Ken Perro entertained a motion to adjourn:

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

Roll Call Initiated by Ken Perro (Chairman) with an (I),

Harold Proodian (I), Daniel Mezynski (I), Robert Simmarano (I), Michael Georges; Carried unanimously 5 – 0.

Next scheduled meetings:

Wednesday, November 18th 2020 @ 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
Alternate member



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MILLBURY, MA 01527

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Board of Appeals Approval Signatures

(VOTED ON WEDNESDAY, DECEMBER 2nd, 2020)


Approval Electronic Signatures for the Meeting Minutes from Wednesday, October 28th, 2020



Ken Perro, Chairman **(FAVOR / OPPOSED / ABSTAIN)**



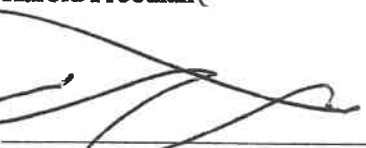
Daniel Mezynski, Vice Chairman **(FAVOR / OPPOSED / ABSTAIN)**



Robert Simmarano, Clerk **(FAVOR / OPPOSED / ABSTAIN)**



Harold Proodian **(FAVOR / OPPOSED / ABSTAIN)**



Michael Georges **(FAVOR / OPPOSED / ABSTAIN)**

Alternate **(FAVOR / OPPOSED / ABSTAIN)**

WEDNESDAY, DECEMBER 2, 2020