

Town of Millbury Board of Appeals

Ken Perro, (Chairman)
Daniel Mezynski, (Vice Chairman)
Michael Georges, (Clerk)
Harold Proodian
Robert Simmarano
Adam Kobel (Alternate Member)



MUNICIPAL OFFICE BUILDING
127 ELM STREET
MILLBURY, MA 01527

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SEP 30 AM 7:4
MILLBURY, MASS

Meeting Minutes Wednesday, August 25, 2021 7:00 pm

Board Members Present: Ken Perro (Chairman), Michael Georges (Clerk), Harold Proodian, Robert Simmarano and Adam Kobel (Alternate).

7:00 PM: – Meeting Minutes from Wednesday, June 30th, 2021

Ken Perro entertained a motion to approve the meeting minutes from Wednesday, June 30th, 2021

Adam Kobel made a motion to approve the meeting minutes from Wednesday, June 30th, 2021,

Second by; **Michael Georges** carried unanimously 5 – 0.

7:05 PM: – Applicant David Alexander for the property located at 13 Harris Ave, Millbury Ma Continued from Wednesday June 30th, 2021 and Wednesday July 28th, 2021:

David and Karen Alexander is seeking a Use Variance from provisions of **Section 41 Home Occupations** to continue their small engine repair business, “Alexander’s Small Engine Repair Services.” In their appeal they are petitioning to continue to run their at home business; (business hours are Mon. thru Fri. 8:00am to 5:00pm & Sat. 8:00am to 12:00pm), to have equipment outside the garage to be worked on and returned at the end of the work day then put away and not be seen, to allow customer drop off of equipment in need of repair, to allow the two decorative signs on the carport that have nothing to do with the business and be able to have customer walk-in door during business hours.

The property is located at 13 Harris Ave. in a Suburban – II District this property contains a Single Family Dwelling, 1- Story Garage and a Metal framed Storage shelter with associated paved driveway areas with access along both 13 Harris Ave. and 27 Hemlock Drive where the applicants David and Karen Alexander have been operating a small Home Occupation out of their garage and storage shelter providing small engine repair services.

Home Occupation is a Permitted Accessory Use identified in the Millbury Zoning Bylaws in **Section 22.14** within Residential Districts and in **Section 23.14** within the Suburban District. Millbury Zoning By Laws under **Section 41 Home Occupations** is setup as being the overall governing provisions of “ALL” Home Occupations and must comply within the *Town of Millbury*; the applicants David & Karen Alexander have been informed that the current Exterior Storage and Display is not permitted or allowed.

The applicants have been allowing deliveries of equipment to be dropped off out front of the property located on 27 Hemlock Drive, a Front Yard Setback in this district is 25-feet except for permitted accessory parking which must be a minimum of 10-feet from the actual front property line not from the paved roadway surface and must be maintained.

Home occupations within Residential neighborhoods they must be low impact in every way via traffic, noise, number of employees and appearance and character of the operation.

David & Karen Alexander have been running their small engine repair service for four years since 2016, David & Karen Alexander are the only employees of the small engine repair service with the exception of a relative who fills in for Karen if she needs to step away and take care of her elderly mother needs, appointments, etc... While their mother continues to reside at the home of David & Karen Alexander they would like to continue the small engine repair service and sometime in the later future seek a larger commercial facility for the repair business.

Abutters and Public Podium:

Jennifer Bohanan of 15 Harris Ave. – Is in support for the applicants.

Kelly Jones of 26 Hemlock Drive – Is in support for the applicants

Michael Boll of 23 Hemlock Drive – Is not in support, feels the business creates too much traffic.

Judith O’Connor of 25 Hemlock Drive – Is in support for the applicants.

James (Soraya) Takoulas of 21 Hemlock Drive – Is not in support for the applicants business.

Paul DiCicco formerly of 16 Hemlock Drive – Is in support for the applicants.
Lucille Ward of 18 Hemlock Drive – Is not at all in support of the applicants (refer to the two attached emails).
David Delaney (not an abutter) of Alpine St., Millbury – Is in support of the applicants.
Jerry Kirkland of Brenda Drive – Is in support for the applicants.

7:45 PM: – Submitted letters and emails from Mary T. Wright of 35 Hemlock Drive and 2 letters from Lucille Ward of 18 Hemlock Drive were read into the record by Ken Perro (please see attached also included but not read into the record a letter from Millbury Police Chief Brian S. Lewos).

8:30 PM: – Ken Perro entertained a motion to close the public hearing;
Harold Proodian made a motion to close the public hearing second by Michael Georges carried unanimously 5 – 0.

Ken Perro entertained a motion for the applicants David & Karen Alexander dba Alexander's Small Engine Repair Services for the property located at 13 Harris Ave. using 27 Hemlock Road for business access.

Adam Kobel made a motion to David & Karen Alexander of 13 Harris Ave., Millbury, MA 01527, for a Use Variance to allow a **Home Occupation** in a Suburban – II District under **Section 41 Home Occupations**. To continue the small engine repair business, Alexander's Small Engine Repair Services, to allow for a Home Occupation on said property using 27 Hemlock Drive for the business access providing small engine repair services a Use Variance under **Section 13.22 Variances** Millbury Zoning Bylaws by the Millbury Board of Appeals under MGL Chapter 40a under the Millbury Zoning Bylaws to for the property at 13 Harris Ave. using 27 Hemlock Drive as the business access, Millbury, Ma Map# 86, Lot# 3, Suburban – II District, Duly Recorded in the Worcester County Registry of Deeds in Book# 43845, Page# 262.

Adam Kobel made a motion second by Harold Proodian carried unanimously 5 – 0.

The applicants David and Karen Alexander for the property located at 13 Harris Ave. dba Alexander's Small Engine Repair Services using 27 Hemlock Drive as the business access to continue business under the granted and approved business permit and use variance must maintain and abide by the following Amends voted by the Millbury Board of Appeals; Ken Perro (Chairman), Michael Georges (Clerk), Harold Proodian, Robert Simmarano and Adam Kobel (Alternate).

Adam Kobel made a motion; The Use Variance for the Home Occupation **Section 13.22 Variance & Section 41 Home Occupations** will be limited to One (1) year, August 25th, 2022.

Harold Proodian second the motion carried unanimously 5 – 0.

Adam Kobel made a motion; for limited signage and not to exceed the current already existing three (3) signs.

Harold Proodian second the motion carried unanimously 5 – 0.

Adam Kobel made a motion; A limit to two (2) employees; currently the owners David and Karen Alexander are the employees with the exception of the volunteer help of a relative,

Harold Proodian second the motion carried unanimously 5 – 0.

Adam Kobel made a motion; No Additional Outer Buildings on the property.

Harold Proodian second the motion carried unanimously 5 – 0.

Adam Kobel made a motion; The Business Permit and Use Variance exists as sole ownership to the current owners David and Karen Alexander for the property located at 13 Harris Ave. the Business Permit and Use Variance are non-transferable with the sale of the property.

Harold Proodian second the motion carried unanimously 5 – 0.

8:50 PM: – Applicant Erica Feldblum for the property located at 25 Ramshorn Road continued from Wednesday, July 28th, 2021:

Erica Feldblum was unable to attend the hearing and drafted a signed letter for representation (please see attached) and read into the record by Ken Perro.

Representing Erica Feldblum were Architect Ken Hurd of Kenneth Hurd & Associates, Inc. of Lincoln, MA and Builder Scott Renstrom of Renstrom Homes Inc. of Shirley, Ma

The applicant, Erica Feldblum, is seeking two (2) Variances **Section 13.22 Variances**, first for a **0-frontage Variance** and a second for a **Dimensional Variance** for Land Area in the amount of **36,162-sqft**. The lot located at 25 Ramshorn Road is recorded with the Worcester County Registry of Deeds in Book 62671 & Page 51 that contains a single family ranch style home constructed circa 1940. The lot is also shown in Plan Book 394 page 122 as being lot 12 and contains two (2) parcels of land in common ownership. Parcel 1 contains 16,200-sqft of land and Parcel 2 contains 7,183-sqft of land for a combined 23,383-sqft of land area. Suburban – I Zoning District requires 60,000-sqft and 150-ft of Legal Street. This lot has a 15-ft wide private access, this private access road provides access and rights to pass and re-pass to other lot owner's, the way leads to a public way located within the Town of Sutton not in Millbury.

By obtaining both Variances this will fully legalize the property and to bring the property located at 25 Ramshorn Road into full compliance with the Millbury Zoning Bylaws.

The applicant, Erica Feldblum, would like to obtain a legal Building Permit that would allow for a renovation or expansion of the single-family residence.

9:05 PM: – Ken Perro entertained a motion to close the public hearing;

Adam Kobel made a motion to close the public hearing second by Harold Proodian carried unanimously 5 – 0.

Ken Perro entertained a motion for the applicant Erica Feldblum for the property located at 25 Ramshorn Road.

Michael Georges made a motion to approve the petition second by Harold Proodian to Erica Feldblum of 25 Ramshorn Road, Millbury, MA 01527, for an 0-Frontage Variance for zero frontage and a Dimensional Variance for land in the amount of 36,162-sq.ft. on the property located at 25 Ramshorn Road Millbury, Ma, Map# 122, Lot# 12, Suburban – I Zoning District Duly Recorded with the Worcester County Registry of Deeds in Book# 62671, Page# 51; By obtaining both variances this will fully legalize the legal status of the lot in accordance with the Millbury Zoning Bylaws Section 13.22 Variances that will provide the applicant, Erika Feldblum to obtain a legal Building Permit.

Board Members voted 4 – 1 with four (4) board members in favor that the petition be GRANTED.

Ken Perro (Chairman), Michael Georges (Clerk), Harold Proodian and Robert Simmarano voted in favor – Adam Kobel (Alternate) voted opposed.

9:15 PM: – Meeting Minutes from Wednesday, July 28th, 2021

Ken Perro entertained a motion for the meeting minutes from Wednesday, July 28th, 2021

Adam Kobel made a motion to approve the meeting minutes from Wednesday, July 28th, 2021,

Second by; Michael Georges carried unanimously 5 – 0.

9:25 PM: – Adjournment

Chairman Ken Perro entertained a motion to adjourn;

Michael Georges made the motion to adjourn second by Adam Kobel carried unanimously 5 – 0.

Next Scheduled Meeting: Wednesday, September 29th 2021 @ 7:00pm

7:05pm for Joseph Hall for the property located at Davis Road, Millbury, Ma

Respectfully submitted by Nancy Young Millbury Board of Appeals Administrator

Mary T Wright (timmarywright@gmail.com) has sent you a message via your contact form (<https://www.millbury-ma.org/user/27/contact>) at Millbury MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.millbury-ma.org/user/27/edit>.

Message:

Good afternoon, Board members,

As I am unable to attend tonight's hearing, I am writing in regards to the Variance request for 13 Harris Avenue. I would like to state that I have no objection to Mr. Alexander's request to allow him to conduct his small business on his property. I find him to be considerate of his neighbors.

I would object to any zoning change that would allow more businesses to be conducted in residential homes in the Laurel Heights area. Hemlock Drive already has a daycare (Brenda Drive) and Mr. Alexander's business, and I would not like to see the character of the neighborhood change with the addition of more businesses.

Respectfully submitted,

**Mary T. Wright
35 Hemlock Drive
508-865-7442**

To Millbury Board of Appeals

Re: Variance being applied for by Dave's Small Engine Repair for 13 Harris Ave

Access being used to service this business is clearly on Hemlock Drive, which is a residential use cul-de-sac. In fact if you google Hemlock Dr, Alexanders Small Engine Repair which is also how the business is known, comes up at 27 Hemlock, which is the address being used to advertise the business on their website, alexandersrepair.com.

According to public records there is no number 27 Hemlock; it is actually 13 Harris.

There is regular traffic of vehicles delivering and picking up lawnmowers and other equipment, usually involving pick-up trucks and trailers, including those vehicles owned by the business. This on a loop street that is used by children playing, bike riding, young mothers walking with baby carriages and dogs, older residents exercising as well as everyone in between.

In our view the traffic for a business like this is not suited to the neighborhood, and may even present an unnecessary hazard for residents. While we have no objection to the business itself, we believe that the traffic should be more properly put on a main road with commercial space.

It would seem reasonable that if a variance is issued for 13 Harris, it should come with a provision that only 13 Harris is used for access. Otherwise the fictitious 27 Hemlock will continue to be used, and indeed use would actually increase.

Originally when Mr. Alexander started the small repair business it seemed harmless enough. It is no longer a small business; just check the website. We think that granting this variance as proposed will increase the traffic in our neighborhood in an unfair and unreasonable way.

Thank you,
Lucille and Michael Ward
18 Hemlock Drive
Millbury MA 01527

508-277-0186

Hello Board of Appeals,

Lucille Ward (luleerose@yahoo.com) has sent you a message via your contact form (<https://www.millbury-ma.org/user/27/contact>) at Millbury MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.millbury-ma.org/user/27/edit>.

Message:

I am writing with regard to letters that went out to neighbors about a commercial business running in a residential zoned neighborhood on Hemlock Drive in Millbury. I think it is called Dave's small engine repair.

My list of questions are below:

1. I am writing to the correct department
2. Not all neighbors received letters, if so why.
3. Was there a meeting?
4. If there was a meeting what was decided?

This is not zoned commercial. I do know the front of the house address is on Windwood in Sutton and the back is on Hemlock in Millbury.

For me it not the noise from his business but the increased traffic of pick trucks going up and down our cul-de-sac street with trailers and not going as slow as they should be.

They really need to find a commercially zoned location for their business. He seems to be growing leaps and bounds and good for him not us.

Thank you for your time.

Lucille Ward

Thank you for your fast reply.

Why didn't all neighbors get a letter?

If his address is Harris Road and variance was approved for that address.

He customers should use that access not Hemlock Drive.

Good Morning Ms. Young and Mr. Perro,

I have done some research in regards to Alexander's Small Engine Repair Services and learned that retired Chief Desorcy worked with the Alexander's in November 2017. Chief Desorcy assisted with making sure that when someone dialed 911 from the garage landline it would display the address of 27 Hemlock Drive for safety reasons.

The number #27 was assigned by Chief Desorcy (not officially) to the garage because of the gap between the residence at #25 Hemlock and the next residence at #31 Hemlock. I am not sure what the frontage or acre has to be to build new construction between #25 and #31 but it does not appear that two house could be built on this parcel of land, therefore the numbers 27 and 29 are available to be assigned.

I went and toured the property with the Alexander's on Tuesday, August 10th and learned that they typically do not use the driveway that is shared with #15 Harris Avenue. From a safety stand point any medical or fire personnel responding to a call for service at #13 Harris Avenue should travel to this residence using Hemlock Drive. It is faster, easier and more efficient to reach the residence from Hemlock Drive.

If it is possible could the entire property at 13 Harris Avenue be re-addressed to 27 Hemlock Drive? Could this possibly solve the issue with the garage address?

Please contact me if you have any questions or need anything else.

Thank you,

Brian S. Lewos
Chief of Police

Millbury, 08-20-2021

To the Town of Millbury,

I, Erica Feldblum, of 25 Ramshorn Road, Millbury, Ma, do hereby authorize, Scott Renstrom, of Renstrom Homes, and Ken Hurd, of K.E.H.A., to act on my behalf in all matters relative to, 25 Ramshorn Road.

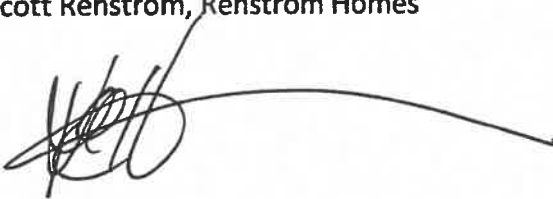
With best regards,

A handwritten signature in cursive script, appearing to read "Erica", followed by a long, sweeping horizontal line.

Erica Feldblum, Owner

A handwritten signature in cursive script, appearing to read "Scott", followed by a long, sweeping horizontal line.

Scott Renstrom, Renstrom Homes

A handwritten signature in cursive script, appearing to read "Ken", followed by a long, sweeping horizontal line.

Ken Hurd, K.E.H.A.


Town of Millbury Board of Appeals

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Daniel Mezynski, Vice Chairman
Michael Georges, Clerk
Harold Proodian
Robert Simmarano
Adam Kobel, Alternate member



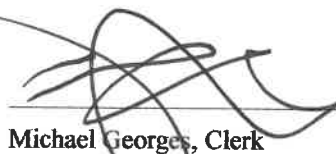
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127 ELM STREET
MILLBURY, MA 01527

Board of Appeals Approval Signatures Meeting Minutes from Wednesday, August 25th, 2021




Ken Perro, Chairman


Daniel Mezynski, Vice Chairman




Michael Georges, Clerk



Harold Proodian



Robert Simmarano



Adam Kobel, Alternate