

Town of Millbury Board of Appeals

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



2022 JAN 15 PM 3:20
MUNICIPAL OFFICE BUILDING
127 ELM STREET
MILLBURY, MA 01527

Meeting Minutes Wednesday, September 29, 2021 7:00 pm

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

7:00 PM: – Meeting Minutes from Wednesday, August 25th, 2021

Ken Perro entertained a motion to approve the meeting minutes from Wednesday, August 25th, 2021.

Harold Proodian made a motion to approve the meeting minutes from Wednesday, August 25th, 2021,

Second by: Michael Georges, (Daniel Mezynski was not present for the August 25th, 2021 hearing therefore could not vote on the meeting minutes, as an alternate Adam Kobel voted) carried unanimously 5 – 0.

7:05 PM: – Applicants Joseph & Nilmini Hall for the property located at 44 Davis Road Millbury Ma:

Joseph and Nilmini Hall are seeking two (2) Legal Dimensional Variances from provisions of the Millbury Zoning Bylaws Section 47.8 Dimensional Requirements for both Frontage and Land Area for said property to build a two level, three (3) bedroom, three and a half (3.5) bath single family cape style home on the property located at 44 Davis Road Millbury, Ma, Map# 94, Lot# 74, Suburban – I Zoning District (AWPODB) Duly Recorded with the Worcester County Registry of Deeds in Book# 61077, Page# 111; By obtaining both Legal Dimensional Variances in accordance with the Millbury Zoning Bylaws this will assist in providing the applicants to obtain a legal Building Permit.

This lot is known as M 94 L-74 and created by way of an ANR Sub-Division Approval and was recorded in the Worcester County Registry of Deeds as being Lot# 2 shown on Plan Book 428 Plan 48 in 1976, at the time of recording the plan said property met the Suburban-I District requirements until an amendment to the Zoning Bylaws were adopted to create the Aquifer and Watershed Protection Overlay District under Section 47. Said property was protected by zoning freeze rights for a period of 5-years however no building permit activity ever occurred in that 5-year period leaving said property now a non-buildable lot of land.

To receive a Building Permit a Legal Dimensional Variance from provisions of the Millbury Zoning Bylaws Section 47.8 Dimensional Requirements for both Frontage and Land Area for said property to build a single family cape style home will need to be approved by the Millbury Zoning Board of Appeals under MGL Chapter 40a under the Millbury Zoning Bylaws.

(Portions of a letter submitted from Joseph Hall with the application)

In 1976 Joseph Hall's grandmother, Agnes Lachance, subdivided a portion of the homestead to each of her four children so they could use for future generations to build a home of their own. Joseph Hall's mother, Renee Hall/Lachance, has kept that lot of land for the next 45 years with the hope that Joseph Hall or one of his siblings would build on that land.

In 2019 Joseph Hall purchased the lot from his mother with the hopes to build a home. Joseph Hall's mother is currently 88 years old and Mr. Hall would like to be closer to her. Mr. Hall was unaware that in the 1990's an amendment to the Zoning Bylaws created an Aquifer and Watershed Protection Overlay District which rendered the lot non-buildable due to changes in street frontage and overall lot size.

The applicant, Joseph Hall, claims his hardship is that he cannot increase the size of the lot to meet current dimensional requirements for the current zoning. Both lots on either side of said property has been developed with homes leaving no way to meet Millbury Zoning Bylaw requirements.

Abutters and Public Podium:

Linda Lachance for 32 Davis Road, Millbury.
Mr. Hebert for 46A Davis Road, Millbury.
Mr. Abdolrahim for 42 Davis Road, Millbury
Renee Hall/Lachance (Mother to applicant Joseph Hall)

7:30 PM: – Ken Perro entertained a motion to close the public hearing;

Daniel Mezynki made a motion to close the public hearing second by **Michael Georges** carried unanimously 5 – 0.

7:40 PM Ken Perro entertained a motion for the applicants **Joseph & Nilmini Hall** for the property located at 44 Davis Road.

7:45 PM Motion: A Motion was made by; **Michael Georges**, second by **Harold Proodian** to approve a **Legal Dimensional Variance** to the applicants **Joseph & Nilmini Hall** of 25 Purchase Street, Framingham, Ma for the property located at 44 Davis Road, Millbury, Ma Map# 94, Lot#74, Suburban – I Zoning District (AWPODB) Aquifer Water Protection Overlay District, Duly Recorded with the Worcester County Registry of Deeds in Book# 61077, Page# 111;

This lot is known as M 94 L-74 and created by way of an ANR Sub-Division Approval and was recorded in the Worcester County Registry of Deeds as being Lot# 2 shown on Plan Book 428 Plan 48 in 1976, at the time of recording the plan said property met the Suburban-I District requirements until an amendment to the Zoning Bylaws were adopted to create the Aquifer and Watershed Protection Overlay District under **Section 47**. Said property was protected by zoning freeze rights for a period of 5-years however no building permit activity ever occurred in that 5-year period leaving said property now a non-buildable lot of land.

To receive a **Building Permit** a **Legal Dimensional Variance** from provisions of the Millbury Zoning Bylaws **Section 47.8 Dimensional Requirements** for both Frontage and Land Area for said property to build a single family cape style home will need to be approved by the Millbury Zoning Board of Appeals under MGL Chapter 40a under the Millbury Zoning Bylaws.

Ken Perro entertained a motion to **Amend the Final Decision** to include the Dimensional Variances for Frontage and Land Area in the Final Reading;

The surveyed site map created by Christopher P. Charlton of Continental Land Survey, LLC of 105 Beaver Street, Franklin, Ma, has the said property listed as

44 Davis Road, Millbury, Ma. This property consists of 167-feet of Frontage; in a Suburban – I Zoning District 200-feet is required a relief of 33-feet is needed, the land area of the property has 1.51 Acres (65,776-feet) in a Suburban – I Zoning District 80,000-feet is required a relief of 14,225-feet is needed.

Harold Proodian made the motion second by **Michael Georges** all members fully accepted this Amend and carried unanimously 5 – 0.

7:55 PM: – Adjournment

Chairman Ken Perro entertained a motion to adjourn;

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

Next Scheduled Meeting:

Wednesday, October 27th, 2021 - No Applications Filed - Cancelled

Wednesday, November 24th, 2021 – Thanksgiving Holiday Cancellation

Wednesday, December 15th, 2021 @ 7:00pm via Zoom for David W. Perkins for 33 Sutton Road

Wednesday, December 29th, 2021 – Holiday Season Cancellation

Wednesday, January 26th, 2022 – Pending

Respectfully submitted by **Nancy Young** Millbury Board of Appeals Administrator


**Town of Millbury
Board of Appeals**

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



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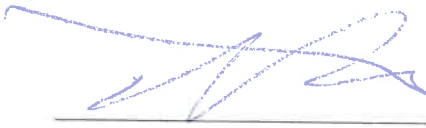
**Board of Appeals Approval Signatures
Meeting Minutes from Wednesday, September 29th, 2021**



Ken Perro, Chairman



Daniel Mezynski, Vice Chairman



Michael Georges, Clerk



Harold Proodian

Robert Simmarano

Adam Kobel, Alternate