

Town of Millbury Board of Appeals

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



RECEIVED
TOWN CLERK
MUNICIPAL OFFICE BUILDING
127 ELM STREET
MILLBURY, MA 01527

Meeting Minutes Wednesday, January 31, 2023 7:00 pm

In accordance with Chapter 40A of the Massachusetts General Laws and the Zoning Ordinances with the Town of Millbury, a public hearing was held on Wednesday, January 31, 2023 at 7:00 p.m. in the Large Conference Room at the Municipal Office Building of 127 Elm Street, Millbury, MA 01527

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

7:00 PM: – Meeting Minutes from Wednesday, November 30th, 2022

Ken Perro entertained a motion for the meeting minutes from Wednesday, November 30th, 2022.

Michael Georges made a motion to approve the meeting minutes from Wednesday, November 30th, 2022,

Robert Simmarano second the motion **Carried unanimously 5 – 0.**

Chairman Perro informed Daniel Mezynski that he would need to report to the Planning Office the next day to sign the meeting minutes. Ken Perro then advised Daniel to call the Planning Department to see if his signature was necessary.

7:05 PM: – **New Business:**

Conor McCormack, the Town Planner, informed the Board members that the town is anticipating a 40 B application on the site of 17 Rice Road. Conor walked the Board through an overview of the comprehensive permit process for a 40 B project. Conor used the broad overview from Judy Barrett's presentation prepared for the Board of Selectman on May 10, 2022-just as a refresher to prepare the board of what to expect. The Town Planner informed the Board he will not be going into the LIP (Local Initiative Program) Agreement which has already been executed with the Town and is available online for review. Conor informed the Board that due to legislation enacted in 1969 forming a regional housing program to address affordable housing needs. Currently Millbury's affordable housing is at 4% which is lower than the 10 % threshold set by the state. Communities that are at or above the 10% mark are not required to entertain a Chapter 40 B permit. The town also does not meet the Safe Harbors criteria which would allow the town to reject a 40 B permit. As per the presentation, The Board of Appeals will be the sole permitting authority for the Chapter 40 B project. The Board has the jurisdiction over all approvals under local regulations such as zoning, wetlands, septic system regulations as well as the authority to issue waivers necessary to allow the construction of the proposed development. The full discussion of the 40B project can be viewed on the Millbury Public Access VOD page on the town's webpage.

Conor McCormack proposed that the applicant must include an electronic submission of plans for easier use in sharing. So the change to Section 4.4 shall state that the applicant shall submit two copies to the Town Clerks office along with an electronic copy in a pdf format or similar format as approved by the Board. Harold Proodian made the motion to approve which was seconded by Michael Georges. **Motion carried unanimously 5-0.**

Conor McCormack proposed the same change to the Special Permits and Variances portion of the application to include an electronic copy and also to change the plans that are submitted currently 8 X 11 inches and change to they may be submitted to the following sizes 24 x 36 inches or 13 x 17 inches as to be easier for the Board to read. Harold Proodian made a motion to approve as proposed by the Town Planner. Michael Georges seconded the motion to approve. **Motion carried unanimously 5-0.**

Conor McCormack then addressed the Rules to Hiring Outside Consultants, Chapter 44 Section 53 G which states the rules for hiring an outside consultant as well as how the unspent funds would work. Per the Town Manager's recommendation Harold Proodian made a motion to adopt the rules for hiring an outside consultant as proposed by the Town Planner. Robert Simmarano seconded the motion to adopt. **Motion carried unanimously 5-0.**

Conor McCormack then asked the Board to approve their meeting schedule for the last Wednesday of the month for the rest of the year. Harold Proodian made a motion to approve the meeting schedule for 2023. Michael Georges seconded the motion. **Motion carried unanimously 5-0.**

Conor McCormack advised the Board that with their current meeting schedule and the protentional of the 40 B project coming before them. They only have 180 days to approve the project so the Board may have to schedule additional meetings on an as needed basis. Conor also informed the Board that the Mullen Rule would apply which would require the Board members to attend the meetings with the rule that Board members may miss up to one meeting during the public hearing process. Town Manager Hendricks informed the Board that their associate (alternate) should in fact be seated and attending the meetings in the event that one of the members becomes disqualified. Town Manager Hendricks also instructed the Board that the decisions would require a majority vote of the Board.

8:32 PM: – Adjournment

With no further New Business **Chairman Ken Perro** entertained a motion to adjourn;

Michael Georges made the motion to adjourn second by Robert Simmarano. **Motion carried unanimously 5-0.**

Next Scheduled Meeting:

Wednesday, February 22, 2023

Respectfully submitted by **Amy Riordan** Millbury Board of Appeals Administrator

Minutes Approved and Accepted on February 22, 2023 by:



Ken Perro, Chairman




Daniel Mezynski, Vice Chairman



Michael Georges, Clerk



Harold Proodian



Robert Simmarano



Adam Kobel