

**Board of Appeals
Meeting Minutes
Wednesday, September 27, 2023
7:00 pm**

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MILLBURY, MASS.

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, September 27, 2023 at 7:00 p.m. in the Large Conference Room, Municipal Office Building, 127 Elm Street, Millbury, MA, and also available through Zoom.us/download.

The meeting was recorded and streamed by Millbury Public Access Cable Television. Chairman Ken Perro presided.

Present: Chairman Ken Perro, Dan Mezynski, Michael Georges, Harold Proodian, Adam Kobel, Robert Simmarano and Derek McGovern

7:00 p.m. Call to order

Meeting Minutes

Ken Perro entertained a motion to approve the meeting minutes of April 26, 2023.

Dan Mezynski made a motion to approve the meeting minutes of April 26, 2023, Michael Georges seconded, voted unanimously 5-0.

7:05 p.m. Petition to Amend Comprehensive Permit Rules & Regulations – Venincasa

Chairman Perro stated that this agenda item is not a public hearing and there will not be public input at this time. Steve Venincasa, addressed the Board and requested this agenda item be moved back on the agenda as he is awaiting the members of his team.

Adam Kobel made a motion to table the discussion until after the 6 John Street public hearing, Harold Proodian seconded, voted unanimously, 5-0.

7:06 p.m. Public Hearing – 6 John Street

Michael Georges opened the public hearing for 6 John Street.

Ed Mandella, 6 John Street, is seeking a Special Use Permit for a hobby kennel license. There will not be any dog breeding and the yard is fenced.

Harold Proodian inquired and Paul Stringham, Building Inspector, confirmed that the special use permit once granted is connected through the land lot.

Discussion ensued regarding the rules and regulations of the special use permit for the kennel license.

Dan Mezynski made a motion to close the public hearing, Harold Proodian seconded, voted unanimously.

Adam Kobel made a motion to approve the Special Use Permit for a kennel license, with no breeding and limited to six dogs for 6 John Street, Millbury Massachusetts, Map 11, Lot 14, Inspections to occur if there is a complaint or if the Inspector deems it necessary and there will be no breeding, Harold Proodian seconded, voted unanimously, 5-0.

7:33 p.m. Petition to Amend Comprehensive Permit Rules & Regulations – Venincasa
Steven Venincasa, 935 Main Street, Shrewsbury, MA, presented the Board the request to amend the fee structure for the 40B application.

Town Planner Conor McCormack stated that any amendments to the Comprehensive Permit rules and Regulations would be a simple majority vote of the Board and would apply for any future 40B projects.

Chairman Perro inquired and Planner McCormack stated that based on his research the fees have been in place for at least 17 years.

Discussion ensued regarding the use of the fees within the Town's general fund.

Harold Proodian inquired and Mr. Venincasa stated that he has been in front of other Town's for similar amendments to the BOA 40B application fees.

Chairman Perro inquired and Planner McCormack stated the he would be responsible for drafting the fee schedule page if the Board approved the request. He also stated that the current rules and regulations are Town mandated and not through the State. He stated that typically the fee schedule is based on the size of the project.

Michael Georges made a motion to deny the amendment request presented by Steven Venincasa, Dan Mezunski seconded, Adam Kobel, Harold Proodian and Ken Perro opposed.

Mr. Venincasa requested that the Board consider lowering the application fee to \$1,000.00 and the per unit pricing lowered to \$50.00.

Adam Kobel made a motion to table the discussion until the next BOA meeting, which is scheduled for October 11, 2023, Harold Proodian seconded, voted unanimously.

8:07 p.m. Public Hearing – 11 Stone Road

Michael Georges opened the public hearing for 11 Stone Road.

William Allison, 11 Stone Road, is seeking a Special Use Permit for a kennel license. Due to family situation they now have four dogs at the residence. There will not be a breeding business. The dogs will be licensed with the Town and in a fenced yard.

Chairman Ken Perro entertained a motion to close the public hearing.

Adam Kobel made a motion to close the public hearing, Harold Proodian seconded, voted unanimously.

Adam Kobel made a motion to approve the Special Use Permit for a kennel license located at 11 Stone Road, Millbury, Massachusetts, Map 66, Lot 1, as written on the application with the conditions of no breeding and a total of four dogs, Dan Mezynski seconded, voted unanimously.

8:14p.m. Public Hearing – 202 Main Street

Michael Georges opened the public hearing for 202 Main Street.

Kevin Keisler, representing Permit Solutions, presented the project updates to the Board. The applicant is seeking a use variance. The flooding issues at the property are due to the topography of the lot. The site plan has been updated to detail the lot subdivision. Lot 1 will have no dimensional variances required as it is a conforming lot. They are seeking approval on the two dimensional variances and have a use variances to maintain as a three family dwelling. Lot 2 will be a single family home. They have provided abutter support letters.

They are seeking the necessary variances to subdivide the parcel to build another house on the lot.

Discussion ensued regarding the current topography and driveway on the lot.

Harold Proodian inquired and Mr. Keisler stated that the new construction will follow the updated regulations and would include a french drainage system and dry wells.

Discussion ensued regarding the request for hardship filing. The hardship is not resolved by the submitted plan and the topography will need to be resolved.

Chairman Perro inquired and Paul Stringham stated that the plan will need to be updated to detail the proposed drainage system and updated topography.

Mark Martocci, 193 Main Street, Millbury, expressed concerns regarding the maintenance of the property and associated landscaping. He would like to see the property maintained.

Jeannine McKinney, 196 North Main Street, Millbury, expressed privacy concerns if the second structure was approved to be constructed. She requested that trees be planted on that side of his property.

Stephan Nakollari, 310 May Street, applicant, stated that his plans to live in the single family house if the variance is approved. He is planning to renovate the second and third floor apartments.

Chairman Ken Perro entertained a motion to close the public hearing.

Dan Mezynski made a motion to close the public hearing, Michael Georges seconded, voted unanimously.

Michael Georges made a motion to deny the applicant, Kevin Keiler of Permit Solutions, on behalf of the property owner, Stephan Nakollari, a Special Use Variance and Dimensional Variance, for the premises at 202 North Main Street, Millbury, MA, Map 36, Lot 37, due to the fact that the applicant did not meet the minimum threshold for a Special Use and Dimensional Variance. Specifically finding that the applicant did not show a hardship to the premises, the land or other cognizable reasons or relief that the BOA can grant, Dan Mezynski seconded, voted 5-0 opposed. Application denied.

8:49 p.m. Public Hearing – 5, 7-9 Latti Farm Road

Michael Georges opened the public hearing for Latti Farm Road.

Andrew DeSenzo, attorney representing the applicant, came in front of the board seeking a use variance for sales and service of tractor trailer trucks and trailer at 5, 7-9 Latti Farm Road. The property is located within an industrial park.

Tony Russell, 75 Southwest Cutoff, stated that they have a potential tenant for the building pending the use variance approval.

Harold Proodian inquired and Mr. Russell confirmed that the site will operate for commercial vehicles sales and maintenance. It will not be a personal vehicle dealership.

Mr. Russell stated that once the variance is approved they will submit site plan review approval in front of the Planning Board and will follow all bylaws and regulations.


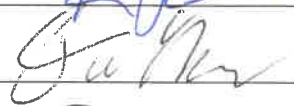




Harold Proodian made the motion to close the public hearing, Adam Kobel seconded, voted unanimously 5-0.

Michael Georges made a motion to approve the Use Variance to permit the sales and service of tractor trucks and trailers along with all associated preventive maintenance for the applicant, Tonuse, Inc., 75 Southwest Cutoff, for premises located at 5, 7-9 Latti Farm Road, Millbury Massachusetts, Map 14, Lot 29&31, specifically finding that it would be a hardship to deny the application for financial or oth., The building abuts a high travelled area within an industrial park with adjacent travel in the commercial and industrial area, Adam Kobel seconded, voted unanimously 5-0.

Harold Proodain made a motion to adjourn; seconded by Adam Kobel, voted unanimously 5-0.
Meeting adjourned at 9:19 p.m.

Respectfully submitted,
Stephanie Collins, Millbury Board of Appeals Administrator

Attest:

	Ken Perro, Chairman
	Daniel Mezynski, Vice Chairman
	Michael Georges, Clerk
	Harold Proodain
	Robert Simmarano
	Adam Kobel