

TOWN OF MILLBURY, MASSACHUSETTS
The Planning Board

NOTICE OF DECISION
ON MULTI-FAMILY SPECIAL PERMIT

1 JC LANE, MILLBURY, MASSACHUSETTS
Assessor's Map 48, Lot 12

Applicant & Owner

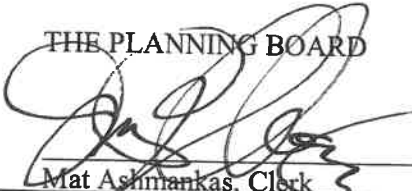
Date: June 22, 2020

Jeffrey D. & Cheryl Vassar
126 Grafton Street
Millbury, MA 01527

On Monday, April 27, 2020, the Millbury Planning Board held a public hearing on the application of Jeffrey D. and Cheryl Vassar for a multi-family special permit under Article 1, Section 14.11(a) of the Millbury Zoning Bylaws for a parcel of land located at One JC Lane, Millbury, MA, within a Suburban III District. The hearing was scheduled to take place at the Municipal Office Building, 127 Elm Street, Millbury, MA, however due to the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20, dated March 12, 2020, the public hearing was broadcast live on Millbury Public Access Television, live-streamed on the Millbury Public Access Television website, and live-streamed via ZOOM video and audio conferencing, allowing members of the public to follow the proceedings of the Planning Board while they were occurring and allowing members of the public to participate in the hearing through real-time active participation. No testimony was heard at the April 27, 2020 meeting due to insufficient public notice. With the Applicant's consent, the public hearing was continued to May 11, 2020, June 8, 2020 (no testimony taken), and June 22, 2020, on which date said hearing was closed.

After the public hearing was closed, the Planning Board voted to **GRANT** the special permit to allow construction of a duplex and associated improvements subject to conditions, safeguards, and limitations on time or use. Voted: Richard Gosselin yes Mat Ashmankas yes Bruce Devault yes Terry Burke Dotson yes Paul Piktelis yes. The decision of the Board, together with a detailed record of its proceedings stating the reasons for the decision, shall be filed within 14 days after the decision has been made, in the office of the Town Clerk. Decision filed with Clerk 6/23/2020.

IMPORTANT Any appeal from the decision of the Planning Board can be made only to the Court and must be made pursuant to Section 17, Chapter 40A (G.L.) as amended, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

THE PLANNING BOARD

Mat Ashmankas, Clerk

JEFFREY & CHERYL VASSAR
1 JC LANE MULTI-FAMILY SPECIAL PERMIT DECISION

JUNE 22, 2020
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TOWN OF MILLBURY, MASSACHUSETTS
The Planning Board

RECORD OF PROCEEDINGS
On Application For A Multi-family Special Permit

I, Mat Ashmankas, Clerk of the Planning Board, hereby certify that the following is a detailed record of its proceedings relative to the application of Jeffrey D. & Cheryl Vassar, property located at 1 JC Lane, Millbury, MA within a Suburban III District, shown on Town of Millbury's Assessor's Map 48, Lot 12, for a multi-family special permit under Article 1, Section 14.11(a) of the Millbury Zoning Bylaws.

The Applicant seeks approval for the construction of a duplex in conformance with the site plan entitled: "Site Plan, Vassar Estates, Definitive Subdivision Plan, Located on 126 Grafton Street, Millbury, Massachusetts", dated January 9, 2008, last revised December 2, 2008, prepared by Land Planning, Inc., 214 Worcester Street, Grafton, MA. Reference is made to the *Notice of Decision on Application For Definitive Plan Vassar Estates* dated April 14, 2008, filed with the Town Clerk on April 14, 2008 and last modified on April 22, 2019.

1. On March 30, 2020 an application of which a true copy marked "A" is made a part of this record, was presented to the Planning Board.
2. A legal ad, a true copy marked as Exhibit B, was published in the *Millbury Sutton Chronicle*, a newspaper of general circulation in Millbury, on April 9, 2020 and posted by the Town Clerk on March 30, 2020. Notice of the hearing was mailed postpaid to the Applicant, abutters of land within 300 feet of the property line being the same persons named in the Certified List of Abutters, to the Central Massachusetts Regional Planning Commission, and to the Planning Boards of every abutting community. A second legal ad was published in the *Worcester Telegram & Gazette*, a newspaper of general circulation in Millbury, on May 1, 2020, advertising the May 11, 2020 public hearing.
3. On Monday, April 27, 2020, a hearing was held via ZOOM video conferencing, however it was continued without testimony due to insufficient public notice. The public hearing was continued to May 11, 2020, June 8, 2020 (no testimony taken) and June 22, 2020, at which time opportunity was given to all interested to be heard in favor of or opposition to the application. Five members of the Planning Board were present at each session of the public hearing. After the public hearing was closed, the Planning Board voted to GRANT the following waivers from the Town of Millbury's Zoning Bylaws:
 - a. Section 12.44(a) – Topography of the land at 1' contour intervals.
 - b. Section 12.44(b) – Landscape Plan
4. On June 22, 2020, after closing the public hearing and voting on the requested waivers, the Planning Board voted to GRANT the multi-family special permit with conditions, safeguards, and limitations on time or use set forth as follows:
 - a. All rules and regulations of the Millbury Zoning Bylaw shall be adhered to.

- b. Any substantial change shall require application for a new special permit. The Planning Board shall determine what constitutes a significant change.
- c. All required fees associated with this application shall be paid.
- d. The Applicant shall comply with all applicable laws, by-laws, rules, regulations, codes, and obtain all necessary permits and approvals.
- e. Multi-family design shall be in conformance with the elevation drawings marked as Exhibit "D", which consist of four sheets. One of the dwelling units shall consist of no more than two bedrooms and the other shall consist of no more than three bedrooms. A bedroom shall be defined as any inhabitable room in a dwelling, other than a living room, dining room, kitchen, utility room, or bath is such room exceeds sixty (60) square feet. Any change in design is subject to Planning Board review and approval.
- f. Prior to construction activities, the Applicant shall submit floor plans of the units for Planning Board review and approval.
- g. If blasting occurs, no perchlorate shall be used. The Applicant shall sample and analyze all wells for compounds contained in the proposed blasting materials prior to any blasting if those wells are located within five hundred (500) feet of the blast area. These wells shall also be tested for quantity prior to any blasting. The blast area shall be defined as the limits of construction. All structures within five hundred (500) feet of the blast area shall be reviewed for cracks prior to any blasting. The Applicant shall alert homeowners within five hundred (500) feet of a blast area, via certified mail, when blasting is complete.
- h. The Applicant shall install a 6' tall white vinyl stockade fence 1' off the property line where the subject parcel abuts the property N/F owned by Steven Giro. In accordance with Zoning Bylaws, Section 35.7, the fence shall not exceed 30" in height within 20' of JC Lane's intersection with Grafton Street.
- i. All construction debris shall be disposed of in compliance with applicable local and state laws.
- j. Hours of operation related to the construction of the project shall be limited to 7:00 AM to 5:00 PM, Monday through Friday, 8:00 AM to 4:00 PM Saturday.
- k. In accordance with the State Building Code, the structure shall comply with 527 CMR 24 and 527 CMR 31. Hardwired smoke detectors and hardwired or plug-in carbon monoxide detectors shall be required on each level and outside of each bedroom. A carbon monoxide detector shall be required in every room next to or above the garage. Smoke detectors and carbon monoxide detectors shall have battery backup.
- l. Prior to issuance of an occupancy permit, the Applicant shall file two copies of the "as-built" plan, certified by a registered land surveyor, with the Planning Board and the Building Inspector depicting any change from the approved plan.
- m. The special permit shall lapse if a substantial use thereof or construction has not begun, except for good cause, within 18 months of special permit approval (excluding such time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17).

- n. Each condition of this permit shall be construed as separate to the end, and if any condition shall be held invalid for any reason, the remaining conditions shall continue in full force and effect.

Members present: Richard Gosselin yes Mat Ashmankas yes Bruce Devault yes
Terry Burke Dotson yes Paul Piktelis yes .



Mat Ashmankas, Clerk

Exhibit A

**TOWN OF MILLBURY
APPLICATION FOR SPECIAL PERMIT**

APPLICANT:

NAME Jeffrey D. and Cheryl E. Vassar

STREET 126 Grafton Street CITY/TOWN Millbury

STATE Ma ZIP 01527 TELEPHONE 508-865-6098

NAME OF PROPERTY OWNER (if different from Applicant) _____

Deed recorded in the Worcester District Registry of Deeds Book 22129 Page 221

SITE INFORMATION:

STREET AND NUMBER 126 Grafton Street

ZONING DISTRICT S3 ASSESSOR'S MAP/LOT #(S) 48/12

LOT SIZE 2.22 Ac FRONTAGE 71.37'

CURRENT USE Vacant residential lot

PROJECT PLAN INFORMATION:

PLAN TITLE Vassar Estates

PREPARED BY (name/address of PE/Architect) Norman Hill, PE

DATES 03.10.2018

USES FOR WHICH SPECIAL PERMIT IS SOUGHT (refer to the Zoning Bylaw - Use Regulation Table): Multi-family Special Permit exception. Millbury Zoning Bylaw Section 23.2(a)

CITE ALL APPROPRIATE SECTIONS OF THE ZONING BYLAW WHICH PERTAIN TO THIS APPLICATION; USE AND SITE: 23.2(a)

TO THE MILLBURY PLANNING BOARD:

The undersigned, being the Applicant named above, hereby applies for a Special Permit to be granted by the Planning Board and certifies that, to the best of applicant's knowledge and belief, the information contained herein is correct and complete.

Applicant's Signature Cheryl E. Vassar

Property Owner's Signature (if not Applicant) _____

Exhibit B



TOWN OF MILLBURY

DEPARTMENT OF PLANNING & DEVELOPMENT

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-0438 • FAX. 508 / 865-0857

MILLBURY PLANNING BOARD PUBLIC HEARING NOTICE

In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, the Millbury Planning Board will hold a public hearing on Monday, April 27, 2020 at 7:20 p.m., in the Municipal Office Building, 127 Elm Street, Millbury, MA, on the application of Cheryl & Jeffrey Vassar, property located at 126 Grafton Street, Millbury, MA for a Multi-family Special Permit under Article 1, Section 14.11(a) of the Millbury Zoning Bylaws. Applicant proposes to construct a two bedroom duplex and associated parking per unit.

Application is available for review in the Planning Department during normal business hours. Anyone wishing to be heard on this matter should appear at the time and place specified above.

Richard Gosselin
Chairman

Please publish in the Millbury Sutton Chronicle on April 9, 2020 and April 16, 2020.