

TOWN OF MILLBURY, MASSACHUSETTS
The Planning Board

NOTICE OF DECISION
ON ACCESSORY DWELLING SPECIAL PERMIT

Owner/Applicant:

James Lipscomb
3 Laurel Drive
Millbury, MA 01527

Date Issued: April 13, 2020

Date Filed: February 27, 2020

Premises Affected:

3 Laurel Drive
Millbury, MA 01527

On Monday, April 13, 2020, the Millbury Planning Board held a public hearing on the application of James Lipscomb for an accessory dwelling special permit under Article 1, Section 14.11(e) of the Millbury Zoning Bylaws for a parcel of land located at 3 Laurel Drive, Millbury, MA, within a Suburban II District. The hearing was scheduled for March 23, 2020 at the Municipal Office Building, 127 Elm Street, Millbury, MA however that meeting did not take place due to the Covid-19 Virus pandemic. Notice of continuation of the public hearing to April 13, 2020 was posted on the front door of the Municipal Office Building and filed with the Town Clerk on March 23, 2020. Notice of the April 13th public hearing was also mailed to abutters within 300', the Planning Boards of every abutting community and the Central Massachusetts Regional Planning Commission. The public hearing held on April 13, 2020 was via ZOOM video conferencing. After the public hearing was closed, the Planning Board voted to GRANT the special permit to allow construction of an accessory dwelling unit within the existing footprint of a single-family structure 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 April 16, 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

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TOWN OF MILLBURY, MASSACHUSETTS
The Planning Board

RECORD OF PROCEEDINGS
On Application For An Accessory Dwelling 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 James Lipscomb, property located at 3 Laurel Drive, Millbury, MA within a Suburban II District, shown on Town of Millbury's Assessor's Map 79, Lot 39, for an accessory dwelling special permit under Article 1, Section 14.11(e) of the Millbury Zoning Bylaws.

The Applicant seeks approval for the construction of a one-bedroom dwelling unit within the existing footprint of a single-family structure in conformance with the site plan entitled: "Existing Conditions Plan Prepared for James W. Liscomb, 3 Laurel Drive, Millbury Massachusetts", dated December 11, 2020, prepared by Jarvis Land Survey, Inc., 29 Grafton Circle, Shrewsbury, MA.

1. On February 27, 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 March 5, 2020 and March 12, 2020 and posted by the Town Clerk on March 2, 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.
3. On Monday, April 13, 2020, a hearing was held via ZOOM video conferencing 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 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 (c) – Isometric line drawing.
 - c. Section 12.44 (a) and (e) – Building elevation and façade plans.
4. On April 13, 2020, after closing the public hearing and voting on the requested waivers, the Planning Board voted to GRANT the accessory dwelling 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. The Applicant shall comply with all applicable laws, by-laws, rules, regulations, codes, and obtain all necessary permits and approvals.
 - c. In accordance with the State Building Code, the entire home 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. Smoke detectors and carbon monoxide detectors shall have battery backup.

- d. Any substantial change shall require application for a new special permit. The Planning Board shall determine what constitutes a significant change.
- e. All required fees associated with this application shall be paid.
- f. Dwelling unit design shall conform to the floor plans prepared by Gallant Architecture and dated November 1, 2019. Any change in design is subject to Planning Board review and approval.
- g. 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).
- h. 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