

**TOWN OF MILLBURY, MASSACHUSETTS
The Planning Board**

**NOTICE OF DECISION
ON ACCESSORY DWELLING UNIT SPECIAL PERMIT & SITE PLAN REVIEW**

Owner/Applicant:

Earl E. & Marguerite M. Duncan
6 Keith David Drive
Millbury, MA 01527

Date Issued: March 8, 2021

Date Filed: February 1, 2021

Premises Affected:

6 Keith David Drive
Millbury, MA 01527

On Monday, March 8, 2021, the Millbury Planning Board held a public hearing on the application of Earl E. & Marguerite M. Duncan for an accessory dwelling unit special permit under Article 1, Sections 14.11(e) and 12.4 of the Millbury Zoning Bylaws for a parcel of land located at 6 Keith David Drive, Millbury, MA, within a Suburban IV District. 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, in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20, dated March 12, 2020. After the public hearing was closed, the Planning Board voted to **GRANT** the special permit for accessory dwelling unit and site plan approval 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 March 12, 2021.

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

2021 MAR 12 PM 3:56
MILLBURY, MA
TOWN CLERK

TOWN OF MILLBURY, MASSACHUSETTS
The Planning Board

RECORD OF PROCEEDINGS
On Application For An Accessory Dwelling Unit Special Permit &
Site Plan Review Approval

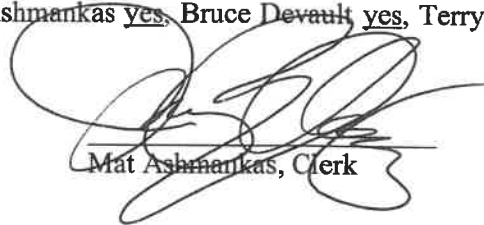
I, Mat Ashmankas, Clerk of the Planning Board, hereby certify that the following is a detailed record of its proceedings relative to the application of Earl E. & Marguerite M. Duncan, property located at 6 Keith David Drive, Millbury, MA within a Suburban IV District, shown on Town of Millbury's Assessor's Map 22, Lot 56, for an accessory dwelling unit special permit and site plan review under Article 1, Sections 14.11(e) and 12.4 of the Millbury Zoning Bylaws.

The Applicant desires to construct a one-bedroom accessory dwelling unit above a new two-car garage that is attached to an existing single family home in conformance with the site plan entitled: "Site Plan of Land Showing Proposed New Addition and Existing Conditions, Earl E. & Marguerite Duncan, 6 Keith David Drive, Millbury, MA 01527", prepared by Bryan G. Parmenter.

1. On February 1, 2021 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 February 18, 2021 and February 25, 2021 and posted by the Town Clerk on February 1, 2021. 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 March 8, 2021, a hearing was held 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 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. The Applicant shall work with the Board of Health and the Building Inspector to ensure compliance with Title 5.
 - 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. Accessory dwelling design shall conform to the elevation and floor plans entitled "6 Keith David Dr Addition, Millbury, MA", dated October 5, 2020, prepared by R.C. Searles Associates, 17 Glenwood Street, Holden, MA. Any change in design is subject to Planning Board review and approval.
- g. The Applicant shall pin all property corners.
- h. All construction debris shall be disposed of in compliance with applicable local and state laws.
- i. Hours of operation related to construction of the project shall be limited to 7:00 am to 5:00 pm. Monday through Friday and 8:00 am to 4:00 pm Saturday.
- j. 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. The as-built plan shall show that bounds were installed at all lot corners in accordance with the Site Plan and depict any change from the approved plan.
- k. 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).
- l. 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: Earl E. & Marguerite M Duncan

STREET: 6 Keith David Drive CITY/TOWN: Millbury

STATE: MA ZIP: 01527 TELEPHONE: C 774-276-1332/ H 508-865-2724

NAME OF PROPERTY OWNER (if different from Applicant) _____

Deed recorded in the Worcester District Registry of Deeds Book: 18494 Page: 0012

SITE INFORMATION:

STREET AND NUMBER: 6 Keith David Drive, Millbury, MA 01527.

ZONING DISTRICT: Suburban 4 (S-4). ASSESSOR'S MAP/LOT #(S): 22/56, Lot 34.

LOT SIZE: 21,369 FRONTAGE: 115 Feet

CURRENT USE: Single Family Dwelling.

PROJECT PLAN INFORMATION:

PLAN TITLE: In-Law Apartment/Accessory Dwelling Unit.

PREPARED BY (name/address of PE/Architect): R.C. Searles Associates Inc, 17 Glenwood Street,

Holden MA.

DATES: October 5, 2020

USES FOR WHICH SPECIAL PERMIT IS SOUGHT (refer to the Zoning Bylaw – Use Regulation Table): Accessory Dwelling Unit.

CITE ALL APPROPRIATE SECTIONS OF THE ZONING BYLAW WHICH PERTAIN TO THIS APPLICATION; USE AND SITE: Section 14. Special Permits. 14.1 Authority, 14.11 (e) Planning Board Authority for Accessory Dwelling Unit.

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

Property Owner's Signature (if not Applicant) _____

Ednbut B



TOWN OF MILLBURY

DEPARTMENT OF PLANNING & DEVELOPMENT

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508/865-4754 • 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 at 7:15 p.m. on Monday, March 8, 2021 on the application of Earl & Marguerite Duncan, property located at 6 Keith David Drive, Millbury, MA, for an Accessory Dwelling Special Permit under Article 1, Section 14.11(e) of the Millbury Zoning Bylaws. Applicant proposes to construct a 794 sq. foot accessory dwelling over a two car garage that will be attached to the single family home.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting of the Millbury Planning Board will be conducted via remote participation via ZOOM (Meeting ID: 813 3200 6188, call-in number 929-205-6099). This meeting will be recorded and streamed by Millbury Public Access Cable Television. It will be available live on public access channels Charter 191 and Verizon 26. It will also be available through Zoom.us/download. While no in-person attendance will be permitted, every effort will be made to ensure that the public can adequately access the proceedings and provide comment in real time using technological means.

For more information concerning this application, to view application materials, or to submit written comments in advance of the hearing, contact the Department of Planning & Development at 508-865-4754 or scollins@townofmillbury.net. Application materials may be viewed on the municipal webpage at <https://www.millbury-ma.org/planning-board/pages/projects-permitting-phase> or by appointment in the Department of Planning & Development, Municipal Office Building, 127 Elm Street, Millbury.

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 February 18, 2021 and February 25, 2021.