

MILLVILLE PLANNING BOARD MEETING MINUTES

Millville Town Hall | 290 Main Street

June 10, 2019

Board Members present: Brian Mullaly, William Coupe, Christopher Drew and Pamela Maloney. Also in attendance was Sarah Hoecker, Town Planner

Minutes

GENERAL BUSINESS

The meeting was called to order at 7:00pm.

On a motion made by Mr. Drew; seconded by Mr. Coupe, the board voted 3/0 (Drew, Coupe, Maloney in favor) to accept the meeting minutes of May 20, 2019 as written. Mr. Mullaly abstained, given his absence from the last meeting.

PLANNING BOARD FORUM

None

PUBLIC FORUM

None

PUBLIC HEARING -- 11 Prospect Street; Special Permit

The hearing was opened at 7:15pm. Anthony Felix, applicant was present. The applicant presented a timeline of interactions with members of the Millville Town Hall. They are attached. He also showed a number of before and after photos of the interior of the home, where he is looking for a special permit to officially make a 3-family home. The applicant explained that he'd done a considerable amount of work to bring the not permitted 3-family home up to compliance, and that all three residences were currently being occupied. The Board explained that without a permit he could be subject to fines for allowing the three units to be occupied when the home is only permitted for two-families. The applicant asked if he could retain two of his tenants. The board said he could, since that is how the home is currently listed on the deed. There was discussion with the applicant about the attached letter submitted by the Building Inspector, which did not recommend issuing a Special permit at this time, due to a list of very specific non-compliance issues. The applicant submitted a written request to continue the hearing until August 12th at 7:15pm, to allow for more time to meet the Building Department's requirements. On a motion made by Mr. Drew, seconded by Mr. Mullaly, the board voted unanimously to continue the hearing (4/0 Maloney, Mullaly, Coupe, Drew in favor).

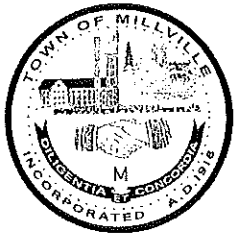
MISC. BUSINESS

- Mr. Mullaly signed the roster for the Registry of Deeds.

REC JUN 27 2019

AM 9:49

TOWN CLERK



TOWN OF MILLVILLE

MASSACHUSETTS 01529

Town Hall
290 Main Street
Tel: 508-883-0808
Fax: 508-883-2994

Anthony Felix
31 Howard St.
Milford, Ma. 01757

5 June 2019

Mr. Felix,

Thank you for allowing access to your property at 11 Prospect St. tonight. This visit was to evaluate your application for a special permit to transform this address into a 3 family dwelling from a two family dwelling. I was alarmed at the amount of work that had been done between my initial visit on 12 April 2018 and tonight. In my opinion a substantial amount of work has been done. There are walls that have been moved/removed, doorways filled in and a complete interior face lift. There are a number of new plumbing fixtures and pipes, ductless mini systems as well as new electrical wiring.

You were issued a building permit to replace the roof and windows and told me you would "chip away at things" and try to restore an apartment at a time. At that time (4/12/18) I advised you that in my opinion the property was a two family residence, was not zoned three family and would need a special permit from the planning board or variance from the Zoning Board of Appeals to achieve the three family designation. I also cautioned you to not engage in remodeling work without the proper permits. Subsequently you applied for and were granted a wiring permit for "change 2 gang meter to 4 gang and add 2 panels, clearly an indication you were adding a third apartment without the required appropriate change in designation.

At the time of this visit all three units appeared to be occupied and the Millville Post Office has called the Millville Town Hall asking why there were three tenants in a two family house. In my opinion you are in violation of **Massachusetts State Building Code 780 CMR R105.1 Required** "It shall be unlawful to construct, reconstruct, alter, repair, remove or demolish a building or structure; or to change the use or occupancy of a building or structure; or to install or alter any equipment for which provision is made or the installation of which is regulated by 780 CMR without first filing a written application with the building official and obtaining the required permit"

You are also in violation of Massachusetts Fire & Electrical Code **527 CMR 1.12.5 Misrepresentation.** Any attempt to misrepresent or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, represent for sale, falsify records, reports, or applications; or other related activity in violation of the requirements prescribed by this Code shall be a violation of this Code". You are in violation of the State Plumbing Code **248 CMR 3.05 (1) (b) Requirements 1.**

"Until a Permit has been issued by the Inspector, plumbing or gas fitting work shall not be: a. installed; b. altered; c. removed; d. replaced; or repaired" You are also currently in violation of the **Town of Millville Zoning Bylaw 100-302 (B), (6) Multi family**, which requires a special permit for a three family building in that zone be it Village Center or Commercial.

The Town of Millville Zoning Bylaw 100-607 Violations and penalties states "Any person, firm or corporation violating any section or provision of this bylaw shall be fined not more than \$300 for each offense. **Each day that said violation continues shall constitute a separate offense.**

Mass State Building Code 780 CMR states:109.4 Work Commencing Before Building Permit Issued. Any person who commences any work on a building or structure governed by this code before obtaining the necessary building permit shall be in violation of this code and subject to penalties. **114.4 Violation Penalties.** Any person who violates a provision of 780 CMR or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure, or makes a change of use in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of 780 CMR, shall be subject to penalties as prescribed by MGL c. 143§94(a).

MGL c. 143 Section 94: Powers and duties Section 94. The board shall have the following powers and duties: (a) To formulate, propose, adopt and amend rules and regulations relating to (i) the construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance and revocation of permits or licenses, installation of equipment, classification and definition of any building or structure and use or occupancy of all buildings and structures and parts thereof or classes of buildings and structures and parts thereof, except bridges and appurtenant supporting structures which have been or are to be constructed by or are under the custody and control of the department of highways, the Massachusetts Department of Transportation, the Massachusetts Bay Transportation Authority, the metropolitan district commission or the Massachusetts Port Authority or for which said agencies have maintenance responsibility; (ii) the rehabilitation and maintenance of existing buildings; (iii) the standards or requirements for materials to be used in connection therewith, including but not limited to provisions for safety, ingress and egress, energy conservation, and sanitary conditions; (iv) the establishment of reasonable fees for inspections, which fees shall be collected and retained by the city or town conducting such inspections.

Such rules and regulations, together with any penalties for the violation thereof, as hereinafter provided, shall comprise and be collectively known as the state building code.

Whoever violates any provision of the state building code, except any specialized code as described in section ninety-six, shall be punished by a fine of not more than **one thousand dollars** or by imprisonment for not more than one year, or both, for each such violation. **Each day during which a violation exists shall constitute a separate offense.** There are similar fines for the electrical and plumbing codes as well.

At this point in time in my opinion all of the apartments in this building were reconstructed/created without the proper permits outlined above and should be vacated. You have ten days to apply for and obtain the proper permits for all of the work done. Proof of pre-existing conditions is your responsibility and acceptance of said proof lies with the discretion of each individual inspector. You may be required to provide access for inspection of any area an inspector deems necessary. Failure to comply will result in immediate escalation of enforcement procedures.

Lincoln E Barber III



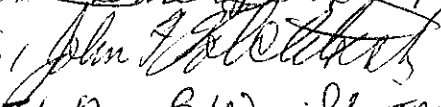


Building Commissioner

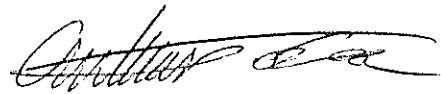
DATE	CATEGORY	ACTION
Apr-18	Walkthru	Initial walkthru with building inspector - confirms that the house is listed as a 2 family, but is a 3 family, and easier to keep as a 3 family
Apr-18	Walkthru	After meeting, building inspector tells Anthony to reach out to Tom (Zoning Dept) to start the process.
Apr-18	Initial Contact	Anthony reached out to Tom, who told him to reach out to Hillary.
May-18	Initial Contact	Met up with Hillary, Hillary implies we can go to the assessor's office when the house is finished and we can change the status on paper.
May-18	Roof	New roof installed
Aug-18	Septic	Brand new 5 bedroom septic installed
Oct-18	Electricity	Public meter installed, Apt 2 meter verified, and Apt 3 meter installed. Brand new panels installed and new electric installed, inspected, approved.
2-Jan	Process Kick-off	David Manzello - states that building inspector says the house is a 2 family and will need to go through zoning to be classified as a 3 family.
17-Jan	Permit	Went to town hall to see if I needed a special permit or variance to make the house a legal 3 family, was told to reach out to Tom (Zoning Dept)
17-Jan	Permit	Anthony emailed Tom (Zoning Dept) if he needed a special permit or variance
18-Jan	Initial Contact	Tom apologizes for delay - wrong email was used to contact him
18-Jan	Permit	Tom Zoning confirms Anthony needed a special permit not a variance to proceed
21-Jan	Site Plan	Building inspector request a hand sketched drawing of the layout of the house
22-Jan	Site Plan	Anthony dropped off hand sketches of house
23-Jan	Permit	Tom reconfirmed it was a special permit and that Anthony needed to go to the planning board, to start the process
7-Feb	Initial Contact	Initial contact with Chris Bennet, temporary planner who took over for Hillary
7-Feb	Abutters	Chris Bennet confirms Anthony needs to notify the abutters within a 300 foot radius of property before the Notice of Public hearing on February 25, 2019.
7-Feb	Permit	Chris Bennet says he will handle the application instead of Tom (Zoning Dept)
7-Feb	Hearing	Chris Bennet confirms that Anthony's Notice of Public hearing will be on February 25, 2019.
7-Feb	Process Kick-off	Anthony to David Manzello - initial email of house status with future status (2 family to 3 family)
13-Feb	Site Plan	Hand sketch layout rejected and now told needed a professional site plan
13-Feb	Abutters	Anthony follows up with Chris Bennet about getting the letter that is needed to send to abutters. Anthony unsuccessful following up with Tom (Zoning Dept) about getting the list of abutters.
13-Feb	Site Plan	Anthony asks Chris Bennet if he needs a stamped site plan or if it can be unstamped.
15-Feb	Site Plan	Chris Bennet confirms that an unstamped version should be fine for now.
17-Feb	Site Plan	Talked to a surveyor/architect to draw up plans for the house
20-Feb	Site Plan	Followed up with Chris to confirm version of site plan, to get a list of abutters, and requested a checklist of any other steps required to move forward.
20-Feb	Site Plan	Chris Bennet asked if the house had 3 families living there or just the capacity for 3? Anthony confirmed, capacity for 3, 1 current living there.
21-Feb	Initial Contact	Chris Bennet notifies Anthony he is having a difficult time getting a hold of the building inspector.
21-Feb	Abutters	David says that he has the abutters list and there is a \$10 fee
26-Feb	Initial Contact	Chris Bennet notifies Anthony he is having a difficult time getting a hold of the building inspector.
28-Feb	Site Plan	Building inspector confirms that a stamped site plan from an engineer must be submitted
28-Feb	Site Plan	Anthony asked Chris Bennet for a checklist of next steps. CB said once they have the plan and review it, they will let him know the next step.
18-Apr	Abutters	Anthony dropped check off at town hall
19-Apr	Abutters	Anthony requested the abutters letter and list
19-Apr	Hearing	Anthony asked for confirmation of next Notice of Public hearing.
19-Apr	Abutters	Chris Bennet is unable to access the abutters list without the assessor.
19-Apr	Abutters	Chris Bennet could not find the abutters list and emailed David
22-Apr	Abutters	Dave says he did not have a check from Chris
25-Apr	Abutters	Chris Bennet provided the letter to send to the abutters
27-Apr	Abutters	Abutter letters mailed out certified mail, 4/27
21-May	Site Plan	Chris Bennet no longer in Millville, now working with Sara Hoeker in lieu of Chris. She said that Anthony needed a stamped architect plan
21-May	Site Plan	Anthony informed Sarah that this was done in April 2019. All documents including the plans were accepted and approved. All abutters were mailed out certified letters.
23-May	Site Plan	Sarah said, Once the appropriate documentation is provided for the building inspector, we can proceed with the Notice of Public hearing on June 10, 2019.
23-May	Site Plan	Sarah spoke to board of health and said, all set
23-May	Hearing	Sarah said that the notice is posted for the public hearing on Monday, June 10. Sarah spoke to Chris, Chris stated he is not sure what the building inspector needs to move forward.
5-Jun	Walkthru	Building inspector does a walkthru. No report/follow up is provided.
10-Jun	Hearing	Notice of public hearing

6/10/19

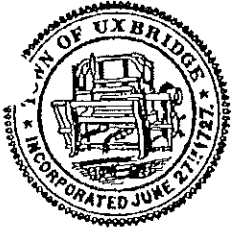
Sign-In Sheet for Public Hearing on
11 Prospect Street, Millville 01529
7:25p - Town Hall

Print Name	Contact Number	Signature
Justin Allen	401-636-2600	
PAM DEAN Kobetitsch	508-883-8268	
John F. Kobetitsch	508-883-8261	
ARW Realty TRUST	401-524-9562	B. Wright TRUSTEE

I Anthony Felix owner of 11 Prospect
Street would like to postpone public
hearing to August 12th 2019



6/10/2019



Town of Uxbridge
Planning Board
21 South Main Street
Uxbridge, MA 01569
(508) 278-8600, ext. 2013

Public Hearing Notice (*revised)

The Uxbridge Planning Board will hold the following Public Hearings/Meetings on ~~Wednesday~~
June 12, 2019 at 7pm in the Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main
Street, Uxbridge, MA to review the following proposals pursuant to M.G.L., Chapter 40A.

FY19-27, Definitive Subdivision Application- The Owner and applicant of record, **O'Keefe Properties, LLC**, is seeking approval of a **Preliminary Subdivision Plan** to create an **Industrial Subdivision, Veteran's Industrial Park, comprised of 13 Lots and Parcel A**. Property is located on **726 Quaker Highway, Uxbridge, MA**. The property is shown on the Town of Uxbridge Assessor's Map 51, Parcel 126. The title to said land is recorded in the Worcester District Registry of Deeds Book 60081 Page 72 and is free of encumbrances. Property is located in Industrial Zone B.

To appear in the Worcester Telegram & Gazette on Wednesday, *May 22nd & May 29th.

Copies of the proposals are on file and available for review during regular business hours.

Cc: Town Clerk
Applicant/Representative
Abutters, T&G
TM/& TM Asst.
PB
CC
DPW
BOH
Bldg. Dept.
PSC
Assessors

MAY 13 '19 PM 3:53

Posted by
Uxbridge
Town Clerk

Presented 6/10/19

BUSINESS CERTIFICATE QUESTIONNAIRE

Business Name and Address: A.R.D. Fence 12 Lincoln St. Apt B Millville MA 01529

The following questionnaire has been developed in order to identify whether additional local approvals are necessary for the operation of the business registering with the Town of Millville. Should approval by a local board be necessary, it is requested that all approvals be obtained prior to filing for a Business Certificate.

GENERAL

Is the Business a new Business? Yes

If the business is not new, when was the business created? Yes, 4/8/2019

What is the nature of the business? Fencing

Planning
Board Approved
6/10/19

What are the hours of the business? 7:30am - 3:30pm

Please state the number of employees working at the site of the business: 2

Please state how many employees do not live at the place of the business: 1

TRAFFIC/VEHICLES

Please state the number and type of vehicles/equipment used with the business: 1 / Truck

Please state the number of employee vehicles parked on the premises of the business: 1

Please state the number of customers/clients visiting the business at any one time: 0

ZONING/BUILDING COMMISSIONER

Does the business conform to zoning? _____

Is the business being conducted as a home occupation? Yes

Was/is a special permit required for the operation of the business? No

FIRE

List any flammable/combustible chemicals/materials used as a necessary process of the business:

No

Are the amounts of chemicals/materials greater than the amount found in a typical household? If so, list quantities:

Is there any storage of fuel on the premises? (Fuel tanks for home purposes such as heating, hot water, or appliances are exempt. Fuel stored for equipment such as lawn mowers, snow mobiles, snow blowers that are for the maintenance or enjoyment of a typical home is also exempt.)

HEALTH

Does the business involve the preparation of food for the sale or consumption outside of the place of business? No

Has the business owner received necessary approvals from the Board of Health for a vendor's license? No

For Internal Review Only (Circle Appropriate Determination)

Fire: Approve / Disapprove / Time Expired

Board of Health: Approve / Disapprove / Time Expired

Planning: Approve / Disapprove / Time Expired

Building Dept.: Approve / Disapprove / Time Expired

BUSINESS CERTIFICATE
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF MILLVILLE

Date: 4-8-19

In conformity with the provisions of Chapter 110, Section 5 of the Massachusetts General Laws, as amended, the undersigned hereby declare(s) that a business under the title of:

Business Name: A.B.D. Fence

is conducted at:

12 Lincoln St. Apt B. Millville MA 01529 774-287-9161
Address Telephone

By the following named persons: EIN _____

Full Name (Please Print)

Residence

Marcel A. Dion DOB: 8/27/70 12 Lincoln St. Apt B Millville MA 0152
DOB: _____

Mailing Address (if different from Residence): _____

Signed:

Marcel Dion
Signature

Signed:

Signature

The Commonwealth of Massachusetts

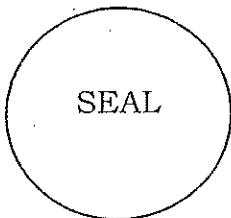
_____, ss. Date: _____

Personally appeared before me the above-named: _____
and made oath that the foregoing statement is true.

A Certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.

Expiration Date: _____

Title



Note: The issuance of a Business Certificate requires the completion of the questionnaire on the reverse side of this application, which shall be reviewed by Town Departments.

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