

Millis Zoning Board of Appeals  
Minutes August 8, 2012  
Accepted September 12, 2012

**Millis Zoning Board of Appeals  
August 8, 2012  
Veterans Memorial Building  
Room 130**

**BOARD MEMBERS PRESENT:**

Chairman Peter Koufopoulos, Member, Donald Roman, Donald Skenderien, and Associate Member Charlotte McEnroe

The meeting was opened the meeting at 7:30 pm.

**Deirdre Wassell, 34 Village Street:**

The applicant is seeking a Special Permit under Section V use regulations Table 1 Agricultural #5 to be allowed to keep three hens.

Chairman Koufopoulos called the hearing to order at 7:30 p.m.

Member Roman read the petition into the record

By application filed with the office of the Millis Town Clerk, the petition is for a Special Permit for applicant, Deirdre Wassell, for property located at 34 Village Street, Map# 28, Parcel # 14, Zoning District R-S Millis, Massachusetts.

The public hearing notice of the application was published in the Milford Daily News on July 25<sup>th</sup> and August 1, 2012.

A public hearing in accordance with said notice was held on August 8, 2012 at 7:30 p.m. in the Veterans Memorial Building, Room 130.

Notice of the hearing was provided to the petitioners, abutters, and appropriate town boards and officials. Notice of the hearing was posted in the Veterans Memorial Building.

The applicant Ms. Wassell was present at the hearing.

There were five photographs presented to the Board members showing the hens, movable coop, the porch, surrounding topography, and compost bin/ground clean-up.

There were no abutters present.

Mr. Roman moved to close the hearing. Ms. McEnroe seconded the motion. So voted the Board unanimously.

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Mr. Roman moved to approve the following Special Permit for three hens for property located at 34 Village Street, Map #28, Parcel #14 and subject to provisions of the Millis Zoning Bylaw Under Section V use regulations Table 1 Agricultural #5 to be allowed to keep three hens.

Ms. McEnroe seconded the motion. The Board voted unanimously to approve the Special Permit to allow for three hens.

The Millis Zoning Board of Appeals finds:

1. The request is not unreasonable and would be of benefit to the general community.
2. The proposed change and alteration will not be substantially more detrimental to neighborhood.
3. The desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such By-law.

Therefore, the applicant does meet the requirements necessary for granting of a Special Permit for three hens for property located at 34 Village Street, Map #28, Parcel #14 and subject to provisions of the Millis Zoning Bylaw Under Section V use regulations Table 1 Agricultural #5 to be allowed to keep three hens.

**Douglas Atkinson, 30 Dean Street:**

The Chairman opened the public hearing for applicant Douglas Atkinson, for property located at 30 Dean Street., Map #46, Parcel 13, RT Zone was opened at 7:40 pm.

Member Roman read the petition and supporting information into the record.

The applicant is seeking a variance and finding that the construction of a 28 by 16 two story addition with 8.6 x 4.8 bulkhead and construction of porch 30.6 x 10.7 will not be more detrimental to the neighborhood. The applicant is also seeking a finding that the construction of a 24 x 28 detached garage will not be more detrimental to the neighborhood and requesting any additional variances as required.

Notice of the application was published in the Milford Daily News.

Notice of the hearing was provided to the petitioners, abutters, and appropriate town boards and officials. Notice of the hearing was posted in the Veterans Memorial Building.

There was additional information added into the record. There was a letter written by Robert Sullivan, 14 Dean Street. The letter indicated no opposition to the construction. The Board is also in receipt of a letter from Paul & Theresa Knowles, 20 Dean Street. They are in support of the addition. The Board of Health supplied a letter indicating that the Health Department will be approving the plan with the Board of Health variance request.

The applicant Doug Atkinson was present along with Wayne Carlson who will represent his client.

The Board members reviewed all the documentation.

Additional Information:

- Mr. Sullivan was present and a letter was submitted dated August 6, 2012 written by Abutter, Robert Sullivan, 14 Dean Street, in support of granting variance.
- Letter dated June 12, 2012 written by neighbor Paul & Theresa Knowles, 20 Dean Street in support of granting variance.
- Letter dated August 6, 2012 written by Alan Burch, 10 Dean Street in support of granting variance.
- Mr. Dewey was present to speak in support of finding and variance.
- The Board of Health supplied a letter indicating that the Health Department will be approving the plan with the Board of Health variance request.
- Wayne Carlson supplies photographs to explain the project.

Mr. Roman moved to close the hearing. Ms. McEnroe seconded the motion. So voted the Board unanimously.

Mr. Roman moved to approve a finding under Section IXB, non-conforming uses, structures and lots that the a finding under Section IXB, of the Millis Zoning Bylaw (Nonconforming Uses, Structures and Lots that the construction of a detached garage (24ft. x 28 ft.); farmers porch (30.6 ft.x 10.7 ft); and a two story addition (16 ft. x 28 ft.) to a single family lot will not be more detrimental to the neighborhood.

Ms. McEnroe seconded the motion. So voted the Board unanimously.

The requirements for the granting of a finding, as outlined in M.G.L. c. 40 A, Subsection 6 are (a) Pre-existing non-conforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority designated by ordinance or by-law, and (b) That such change or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

The Millis Zoning Board of Appeals finds the nature of the alterations and extensions to the existing non-conforming structure will significantly improve the property and will not be a detriment to the community.

Therefore, the Millis Zoning Board of Appeal votes unanimously to approve for property located at 30 Dean Street, Map# 46, Parcel #13 that the proposed finding under Section IXB, of the Millis Zoning Bylaw (Nonconforming Uses, Structures and Lots that the that the construction of a detached garage (24ft. x 28 ft.); farmers porch (30.6 ft. x 10.7 ft.);

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and a two story addition (16 ft. x 28 ft.) to a single family lot will not be more detrimental to the neighborhood.

Mr. Roman moved to approve a variance under Section VI, table 2 Setback Requirements and is seeking a 15.2 ft. side yard setback; a 15.7 ft. side yard setback; and a 30.3 ft. side yard setback to allow for a farmers porch (30.6 ft. by 10.7 ft.) and also a variance under Section VI table 2 Setback Requirements and is seeking a 14.9 ft. side yard setback; 21.5 rear yard setback; a 20.1 ft. rear yard setback to allow for a two story addition (28.0 ft. by 16 ft.),

Ms. McEnroe seconded the motion. So voted the Board unanimously.

The requirements for the granting of a Variance, as outlined in M.G.L. c. 40 A, Subsection 10, are:

(a) Owing to circumstances relating to the soil conditions, shape, or topography of such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of provisions of the By-Law would involve substantial hardship, financial or otherwise, to the petitioner, and

(b) Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantial derogating from the intent or purpose of such By-law.

The Millis Zoning Board of Appeals finds:

1. The request is reasonable since based on the photographs presented it is clear there is a hardship in soil conditions, shape or topography.
2. The proposed change and alteration will not be more detrimental to neighborhood but will in fact improve and make the neighborhood more desirable.

Therefore, the Board voted unanimously to approve a variance under Section VI, table 2 Setback Requirements for a 15.2 ft. side yard setback; a 15.7 ft. side yard setback; and a 30.3 ft. side yard setback to allow for a farmers porch (30.6 ft. by 10.7 ft.); along with a variance under Section VI table 2 Setback Requirements to allow a 14.9 ft. side yard setback; 21.5 rear yard setback; a 20.1 ft. rear yard setback to allow for a two story addition (28.0 ft. by 16 ft.)

**Acceptance of Minutes:**

- **June 13, 2012**

**Other Business:**

- **Sign Bills**
- **Secretary Payroll**

**Adjourn:**

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**On a motion made by Peter Koufopoulos and seconded by Don Roman, the Zoning Board voted unanimously to adjourn the meeting at 8:15 pm.**

**Respectfully Submitted,**

**Amy Sutherland  
Recording Secretary**

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