

**Millis Zoning Board of Appeals
September 12, 2012
Veterans Memorial Building
Room 101**

BOARD MEMBERS PRESENT:

Chairman Peter Koufopoulos, Member, Donald Roman, and Donald Skenderien

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

Ermanno Santospago, 46 Timberline Rd.

The public hearing for applicant Ermanno Santospago, for property located at 46 Timberline Rd., Map #16, Parcel 101, R-V Zone was opened on September 12, 2012 at 7:30 pm, in room 101 at the Millis Municipal Center.

The applicant is seeking a special permit under Section V Table 1 agricultural #5 to be allowed to keep chickens on property with less than five acres.

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.

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

Member Roman read the petition into the record. The petition was filed on July 9, 2012.

The following documents were also entered into the record.

- A Cease and Desist Order letter from the Building Commissioner.
- Walpole Times July 28, 2012
- A letter from Children's Hospital Boston, Karamah Hawah, MD.
- A letter from Children's Hospital Boston, Mike Bright, CCC-SLP dated May 17, 2012
- Letter from Michelle & Rob Santospago dated August 4, 2012
- Photographs were included
- Letter from the Board of Health, dated June 12, 2012
- Letter from Town Administrator, dated June 5, 2012
- A letter from Christine Heinrichs Camvria, CA, dated July 16, 2012

There was also a petition which was signed by ten residents which was filed with the Town Clerk on July 3, 2012 for the opposition of this Special Permit.

Attorney Talerman was present to represent Mr. Santaspago.

Attorney Talerman communicated that he is wondering if the Special Permit is even required. The chickens are primarily used as therapy for the Santaspagos son. The care which is given to the chickens from his son is the prime motivation behind having these pets.

It was communicated by Attorney Talerman that there are other homes in the area which have chickens. There is not a manure problem. There was reference to the Town of Millis Bylaws in relation to the definition of Agriculture.

It was suggested that the members of the Zoning Board of Appeals visit the site before making any determination.

Member Roman communicated that the Zoning Board of Appeals is not the enforcing agent. This was brought to the Board by the Building Inspector since a cease and desist was issued.

Attorney Talerman noted that as part of a Special Permit there are specific criteria which needs to be met. He further explained that there is no negative risk to the public. There are no roosters and there are enclosures to mute any sound. The character of the neighborhood is not effected since there is a farm near by. Chickens in backyards are common. It is not more detrimental.

Attorney Talerman asked if there were any other Special Permits for other residential homes?

Member Roman responded that there may be a few but none that have come as a cease and desist order.

Attorney Talerman noted that there is not a record of people complaining. The applicant is open to any conditions and believes that a site visit will help to assist with the decision.

The Chairman opened the discussion to the public.

Resident Selter, 44 Timberline:

Mr. Selter communicated that he is afraid about his water being contaminated. He also explained that there was manure in the yard and it does smell on hot days. He has no problem with Mr. Santaspagos doing this for his son, but it needs to be done at a farm not in a residential area. This is within 100 ft. of his yard. He is in opposition of this special permit.

Resident Sims, 9 Southwood:

The question from Mr. Sims was if there is a regulation that chickens must be on 5-acres. This determination was made by the State for some reason.

Resident 42 Timberline:

The neighbors do not want this type of thing in our neighborhood. It was explained that there is nothing wrong with what he wants to do, but not in a neighborhood. Mr. Santaspagos is renting his home and he has choices to move this to another location where this can be done. We as property owners pay a lot of money to keep our neighborhood the way we like it. He should have paid a fine since he was in violation.

Resident, 40 Timberline:

It was communicated that when there are cookouts in the summer, you can smell the manure and hear the chickens. This must stop.

Resident , 51 Timberline Rd.:

The Board was provided literature relative to Board of Health issues with raising chickens. There should also be a maintenance plan.

Mrs. Santaspago responded that the area is totally enclosed. In relation to fishercats, they eat porcupines not chickens. There are no animals which can get the chickens. They are enclosed completely. The compost is clean. She further explained that her son plays and sits with the chickens.

The Zoning Board of Appeals will determine a date and time to visit the site.

On a motion made by Don Roman and seconded by Don Skenderien, the Zoning Board of Appeals voted unanimously to continue the hearing until October 10, 2012.

Wayne Carlson came the ZBA and noted that he made a mathematical error with the numbers for the Atkinson decision. He provided the amended calculations.

Payment of Bills:

On a motion made by Don Roman and seconded by Don Skenderien, the Zoning Board of Appeals voted unanimously to sign and pay the bills as submitted.

Minutes:

On a motion made by Don Roman and seconded by Don Skenderien, the Zoning Board of Appeals voted unanimously to accept the minutes from August 8, 2012 with the noted revisions.

Adjourn:

On a motion made by Don Roman and seconded by Don Skenderien, the Zoning Board of Appeals voted unanimously to adjourn the meeting at 8:30 pm.

Respectfully Submitted,

Amy Sutherland

Approved October 10, 2012