

**Millis Zoning Board of Appeals
January 11, 2012
Veterans Memorial Building
Room 104**

BOARD MEMBERS PRESENT:

Chairman Peter Koufopoulos, Vice Chairman, Joseph Coppola; Member, Donald Roman and Alternate Member Charlotte McEnroe

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

Public Hearings:

The Zoning Board of Appeal will hear the following petitions requesting relief from the Millis Zoning Bylaws, Wednesday, January 11, 2012, in the Veterans Memorial Building, Room 130.

Public Hearing:

Manuel Goes, 270 Plain Street:

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

Member Roman read the petition into the record.

By application was filed with the office of the Millis Town Clerk, the petition for a Special Permit for applicant, Manuel Goes, for property located at 270 Plain Street, Map# 29, Parcel # 88, Zoning District R-V Millis, Massachusetts.

The applicant is seeking a Special Permit under Section XII (O) for an Accessory Family Unit.

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.

Mr. Goes explained to the Board that the Accessory Family Unit will be for his mother-in-law. The other section will be occupied by him.

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

Mr. Coppola moved to approve the following Special Permit for an Accessory Family Unit for Manuel Goes for property located at 270 Plain Street, Map 29, Parcel 88 subject to provisions of the Millis Zoning Bylaw Under Section XIII (O).

Ms. McEnroe seconded the motion. The Board voted unanimously to approve the Accessory Family Unit.

The opinion and decision is noted below:

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 and Accessory Family Unit Apartment for property located at 270 Plain Street, Map #29, Parcel #88 pursuant to Section XIII Special Permit (O) Accessory Family Unit, of the Town of Millis Zoning Bylaw.

Robert Pettis, 102 Acorn Street:

Chairman Koufopoulos called the hearing to order at 7:40 p.m.

Member Roman read the appeal into the record.

The applicant Robert Pettis filed with the office of the Millis Town Clerk, an Appeal of the Building Commissioner's Decision for property located at 102 Acorn Street, Map# 34, Parcel # 101, Zoning District R-S Millis, Massachusetts.

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. The applicant is seeking an Appeal of the Building Commissioner's Decision that commercial activity is allowed as pre-existing, non-conforming use. The applicant maintains that the property is residential only and current use should not be allowed.

Mr. Pettis was present at the meeting along with Mike Giampetro, the Building Commissioner.

The Building Commissioner communicated that he has researched town records and has visited the site and finds no violation of the Town of Millis Zoning Bylaw and that the alleged activity is protected under MGL 40, Section 6, pre-existing non-conforming uses.

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

Mr. Coppola moved to uphold the decision of the Building Commissioner, Ms. McEnroe seconded the motion. The Board voted unanimously to uphold the decision of the Building Commissioner.

Greg Whelan, 246 Pleasant Street:

Chairman Koufopoulos called the hearing to order at 7:45 p.m.

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

The application was filed with the office of the Millis Town Clerk, by the petitioner, Greg Whelan for property located at 246 Pleasant Street, Map# 43, Parcel #32.

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. No other correspondence was received.

The applicant Mr. Whelan was present.

The Board members reviewed the plan.

The petitioner is seeking a finding under Section IXB, non-conforming uses, structures and lots that the demolition of the existing structure and construction of single family dwelling with a two car garage will not be more detrimental to the neighborhood.

Several abutters were present and questioned whether the design of the new structure would be consistent with existing homes in the neighborhood.

The applicant indicated that he is willing to make some design changes to alter the appearance of the new structure.

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

Ms. McEnroe moved to grant a finding under Section IXB, non-conforming uses, structures and lots that the demolition of existing structure and construction of single family dwelling with a two car garage, Mr. Coppola 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:

1. The single family home is currently pre-existing and non-conforming.
2. The request is not unreasonable and would be on benefit to the general community.
3. The proposed change and alteration will not be substantially more detrimental to neighborhood.

Therefore, the Millis Zoning Board of Appeal votes unanimously to find for property located at 246 Pleasant Street, Map# 43, Parcel #32 that the demolition of existing structure and construction of single family dwelling with a two car garage, will not be more detrimental to the neighborhood.

Mr. Bethony:

Chairman Koufopoulos called the continuation hearing to order at 8:00 p.m.

The petitioner is seeking a finding under Section IXB, non-conforming uses, structures and lots to allow the construction of a 60 by 60 detached garage for tenant parking and this will not be more detrimental to the neighborhood.

No other correspondence was received.

The applicant Mr. Bethony was present and indicated that he did meet with the building inspector. The original request was 60 by 60 and the Board requested that this be smaller. Mr. Bethony decreased the barn to 60 by 40.

The Board is comfortable with the reduction in garage size.

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

Mr. Coppola moved to grant a finding under Section IXB, non-conforming uses, structures and lots and modified the original request of 60 x 60 to 60 x 40 for a detached garage for tenant parking which this will not be more detrimental to the neighborhood, Mr. Roman 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

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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:

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.

Therefore, the Millis Zoning Board of Appeal votes unanimously to find for property located at 331 Village Street, Map# 40, Parcel #13 that the construction of a 60 x 40 detached garage for tenant parking will not be more detrimental to the neighborhood.

Voting on this petition were: Peter Koufopoulos, Joseph Coppola, Donald Roman and Charlotte McEnroe.

Minutes:

On a motion made by Don Roman and seconded by Joseph Coppola, the Zoning Board voted unanimously to accept the minutes of November 30, 2011.

Bills:

On a motion made by Charlotte McEnroe and seconded by Don Roman, the Zoning Board of Appeals voted unanimously to sign the bills.

Adjourn:

On a motion made by Charlotte McEnroe 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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