

**Millis Zoning Board of Appeals
April 10, 2013
Veterans Memorial Building
Room 104**

BOARD MEMBERS PRESENT:

Chairman Peter Koufopoulos, Member, Donald Roman, and Jeffrey Butensky

The Zoning Board of Appeals meeting was opened at 7:30 pm.

Public Hearing:

Morgan & MaryAnn Stetson:

The Board opened the continued hearing for the applicant Morgan and MaryAnn Stetson property located at 107 Pleasant St., Map #34, Parcel 040, R-V Zone.

Vice Chairman read into the petition a letter from MaryAnn Stetson dated April 9, 2013. seeking to withdrawal the application.

On a motion made by Don Roman and seconded by Jeff Butensky, the Zoning Board of Appeals votes unanimously to accept the withdrawal without prejudice from Mary Ann Stetson for property located at 107 Pleasant Street.

Mrs. Stetson has also resubmitted an application to build a single family house on the same footprint. The hearing for this will be on May 8, 2013 at 7:30 pm.

The Vice Chairman referenced the Gail decision which stipulated that one can only build on the same footprint.

The Zoning Board of Appeals would like follow-up in regards to the fence on that property. The abutters are concerned that the fence is not stable. The Board wants to make sure the resident is complying with the previous order which was given to her by the Building Zoning Officer.

The abutters are concerned about the fence and it was suggested that it be put in writing.

Public Hearing:

Francis Kingsley, 625 Main St.:

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

The Chairman informed the applicant and since additional material has come to light from the previous hearing, the submittal needed a new public hearing.

It was reviews that the original variance granted for this property was in 1986. At that time, the Zoning Board of Appeals was allowed to grant a use variance. In 2005, through a town meeting vote, the bylaw was changed and essentially disallowed use variances. The Zoning Board of Appeals no longer has the ability to grant a use variance. The Chairman indicated that he did

speak with Town Counsel. They have provided written recommendations for the Board. The Zoning Board of Appeals has no power to amend this.

The Chairman further followed up with the Building Inspector. The original variance has three specific uses. The management consultant use is not defined within our current bylaw. It was suggested that the applicant look at the term management consulting and see if their type of business can be classified as such. The applicant did indicate that their accounting is management consulting since they manage their twelve clients money.

The building inspector is the one who determines if this type of business falls into this category.

One of the employees noted that they provide management consulting to some of the clients.

It was communicated that the Mr. Kingsley will need to prove to the building inspector that the business does management consulting.

Member Roman indicated that managing and business are equivalent terms.

The applicant indicated that no signage will be put up.

Abutter 642 Main ST.:

The abutter indicated that there was initially there was a variance for this property. This was revoked in 1986 and there was very specific language. In 1988, another variance was granted. The owner did not act within a year, so the variance was null and void. The abutter indicated that she is not objecting to this type of business.

The old variances have never been recorded so they do not exist.

Mr. Kinsley has will get an appointment with the building inspector.

On a motion made by Jeff Butensky and seconded by Don Roman, the Board voted unanimously to close the public hearing.

The Board communicated that based on the information from Town Counsel, the Zoning Board did not have the authority to act on this application and the matter will be referred to the building inspector.

Minutes:

On a motion made by Don Roman and seconded by Jeff Butensky, the Zoning Board of Appeals voted unanimously to accept the minutes from February 27, 2013.

Payment of Bills:

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

Minutes:

Adjourn:

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

Respectfully Submitted,

Amy Sutherland

Approved May 8, 2013