

**Millis Zoning Board of Appeals
August 14, 2013
Veterans Memorial Building
Room 206**

BOARD MEMBERS PRESENT:

Chairman Peter Koufopoulos, Member, Donald Roman and Associate Member, Jeff Butensky

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

Public Hearing:

John and Martha Kerns, 40 Auburn Street:

The Chairman opened the hearing at 7:30 pm.

The Board held a public hearing for the petition filed by applicant, John and Martha Kerns for property located at 40 Auburn Street., Map #23, Parcel 29, R-S Zone.

The applicant is seeking a finding that the division of an existing single family when divided into two conforming single family lots will not be more detrimental to neighborhood. The applicant is also seeking a 23.5 ft. front yard setback; a 27.2 ft. front yard setback; 26.5 front yard setback; a 20.2 ft. front yard setback variance to allow for a farmers porch (30.6 ft. by 10.7 ft.)

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.

Wayne Carlson was present to speak on behalf of the application.

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

Mr. Carlson recommended that the last sentence regarding the farmer's porch be deleted. This was incorrect. This is non-conforming for setback. He further explained that there are two lots being created, but the placement of the house makes it non-conforming since it is pre-existing. This will also need an ANR from the Planning Board. The intent is to keep the existing house. Lot B will conform with all the requirements. The single lot that is non-conforming without a variance or finding since it is non-conforming.

Abutter, 43 Auburn Rd.:

The abutter wanted clarity on where the new house will be going.

Mr. Carlson indicated that the new house will be going to the right. This house has been there since 1830.

The Board members reviewed the application and all documentation.

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

Mr. Butensky moved to grant a finding under Section IXB, non-conforming uses, structures and lots that, the division of an existing non-conforming single family home, when divided into two conforming single family lots of will not be more detrimental to the neighborhood and also to grant the following variances from Section VI table 2 the following: a 23.5 ft. front yard setback; a 27.2 ft. front yard setback; a 26.5 ft. front yard setback; and a 20.2 ft. front yard setback.

Mr. Roman seconded the motion. So voted the Board unanimously.

OPINION/DECISION

The requirements for the granting of a 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 current 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 40 Auburn Street, Map# 23, Parcel #29 that the division of an existing non-conforming single family home, when divided into two conforming single family lots of will not be more detrimental to the neighborhood.

OPINION/DECISION

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 petitioner is seeking a variance under Section VII, Table 2,

The Millis Zoning Board of Appeals finds:

1. The request is not unreasonable and would be a 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 grant for property located at 40 Auburn Street, Map 23, Parcel 29, variances from Section VI table 2 the following: a 23.5 ft. front yard setback variance; a 27.2 ft. front yard setback variance; a 26.5 ft. front yard setback variance; and a 20.2 ft. front yard setback.

Tamsen and Brian Durand, 171 Farm Street:

The Chairman opened the public hearing at 7:45 for the petition filed by applicant, Tamsen & Brian Durand for property located at 171 Farm St., Map 33, Parcel 01, R-S Zone.

The applicant is seeking a finding that the construction of an in-law apartment will not be more detrimental to the neighborhood. The applicant is also seeking a Special Permit to allow for an in-law apartment. The applicant is also seeking a 4.8 ft. side yard setback variance; a 4.7 ft. side yard setback; and a 1.3 ft. front yard setback to allow for a 23 ft. by 43 ft. accessory family unit to a conforming single story home for property located at 171 Farm Street., Map #33, Parcel 01, R-S Zone.

The public hearing notice of the application was published in the Milford Daily News on July 31st and August 7th, 2013.

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 was present.

Member Roman read the petition into the record.

The applicant Mr. Durand was present at the hearing.

Wayne Carlson who is a registered and certified land surveyor was also present.

Mr. Walter Breakey and Julia Stone, abutters at 177 Farm St. were present and expressed their lack of confidence in the accuracy of the location of the property line between their property and the petitioners. Mr. Carlson explained in detail how the lot line was determined and the subsequent side line variances. Mr. Walter Breakey and Julia Stone did not accept the explanation nor the accuracy of Mr. Carlson's measurements and stated that they opposed the application.

Mr. Carlson replied that to do a full survey will be a cost for the applicant. This is a mathematical formula which was used. The deed will reference a plan. This information is on the plan. The line is struck mathematically from marks on street and plans of record. There was a town layout done in 1958, this shows the points and record at the registry. This is all built on plans.

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

Mr. Roman moved to approve the finding under Section 1XB, non-conforming use structure and lots that the extension, alteration, and construction of an in-law apartment will not be more detrimental to the neighborhood, and to allow a Special Permit under Section XIII Accessory Family Unit, to allow for the in-law apartment for Mr. Durands mother; and to grant a 4.8 ft. aide yard setback variance, a 4.7 ft. side yard setback variance, and a 1.3 ft. front yard setback variance as depicted on the drawing for a Proposed Addition for Tamsen P. and Brian P. Durand, Dated July 8, 2013 for property located at 171 Farm Street.

Mr. Butensky seconded the motion. The Board voted unanimously to approve the finding under Section 1xB, non-conforming use structure and lots that the extension, alteration, and construction of an in-law apartment will not be more detrimental to the neighborhood, and to allow a Special Permit under Section XIII Accessory Family Unit, to allow for the in-law apartment for Mr. Durands mother; and to grant a 4.8 ft. aide yard setback variance, a 4.7 ft. side yard setback variance, and a 1.3 ft. front yard setback variance for property located at 171 Farm Street.

OPINION/DECISION

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 to allow for the construction of an in-law apartment will not be more detrimental to the neighborhood, and to allow a Special Permit under Section XIII Accessory Family Unit, to allow for the in-law apartment

OPINION/DECISION

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 not unreasonable and would be a benefit to the general community.

2. The proposed change and alteration will not be substantially more detrimental to neighborhood.

Therefore the Board grants a 4.8 ft. aide yard setback variance, a 4.7 ft. side yard setback variance, and a 1.3 ft. front yard setback variance for property located at 171 Farm St.

Warren and Linda Champagne, 266 Pleasant Street:

The Chairman opened the public hearing for the petition filed by applicant Warren and Linda Champagne at 8:15 pm. for property located at 266 Pleasant Street, Map 46, Parcel 8, 9, R-S Zone.

The applicant is seeking a special permit under Section XI, Special Flood Hazard District that the demolition of a non-compliant septic system and the installation of a new septic system within the flood plain with required fill of 316 cy, for property located at 266 Pleasant Street.

The public hearing notice of the application was published in the Milford Daily News on July 31st and August 7th, 2013.

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 7:45 p.m.

Member Roman read the petition into the record.

The applicant Mr. Champagne was present at the hearing.

Wayne Carlson was also present.

There were abutters present in support of the application.

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

Mr. Roman moved to approve a Special Permit under Section XI, Special Flood Hazard District that the demolition of a non-compliant septic system and the installation of a new septic system within the flood plain with required fill of 316 cy, for property located at 266 Pleasant Street.,

Mr. Butensky seconded the motion. The Board voted unanimously to approve the Special Permit to allow the demolition of a non-compliant septic system and the installation of a new septic system within the flood plain with required fill of 316 cy.

OPINION/DECISION

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 to allow the demolition of a non-compliant septic system and the installation of a new septic system within the flood plain with required fill of 316 cy. subject to provisions of the Millis Zoning Bylaw Under Section 1XB.

70 Spring Street:

The Chairman reopened the public hearing for the petition filed by applicant, Thomas McDonough for property located at 70 Spring Street., Map #30, Parcel 16, R-V Zone. The applicant is seeking a variance and relief from the depth requirement for Zone R-V.

On a motion made by Don Roman and seconded by Jeff Butensky, the Board voted unanimously to continue the hearing for 70 Spring Street until September 11, 2013 at 7:40 pm.

Minutes:

On a motion made by Jeff Butensky and seconded by Don Roman, the Zoning Board of Appeals voted unanimously to accept the minutes from June 12, 2013.

Adjourn:

On a motion made by Jeff Butensky and seconded by Don Roman, the Zoning Board of Appeals voted unanimously to adjourn the meeting at 9:00 pm.

Respectfully Submitted,

Amy Sutherland