

**Millis Zoning Board of Appeals  
Wednesday February 16, 2016  
Veterans Memorial Building  
Room 130**

**BOARD MEMBERS PRESENT:**

Chairman Don Roman, Peter Koufopoulos, and Jeff Butensky.

**Continuation Hearing: Kensington Place:**

The Chairman opened the continued hearing at 7:30 pm.

The Board is in receipt of an email seeking continuation to the next meeting which is scheduled for March 15, 2016.

**Hearing Continuation:**

**On a motion made by Jeff Butensky and seconded by Peter Koufopoulos, the Board voted to continue the hearing for the Kensington Place public hearing until Tuesday, March 15, 2016 at 7:30 pm. Room 130.**

**Continuation Public Hearing: Pine View Condominium Trust:**

The Chairman opened the continued public hearing for Pine View Condominium Trust.

It was explained that the Board requested additional documentation from the petitioner to explain the reasoning for the requested variances/findings. The petitioner agreed to provide additional documentation to the Board and agreed to continue the hearing to Tuesday, February 16, 2016 at 7:30 in the Veteran's Memorial Building Room 130.

On February 16, 2016, Mr. Roman reconvened the public hearing. Mr. Roman, Mr. Koufopoulos and Mr. Butensky were present.

The petitioner and a representative from Land Planning, Inc. explained that the existing rear decks are in various states of disrepair and need to be replaced. The existing decks measure 10' by 4' and due their size, are inadequate. The condominium association proposes to replace all of the decks in the complex with new decks measuring 10' by 12'. Twelve of the decks will encroach further into the rear setback; one deck will encroach further into the side setback.

In reviewing the plans, the Board noted that there are thirty-three units in the complex. Twenty of the units have sufficient space to permit the replacement of the existing decks with 10' by 12' decks and will meet setback requirements. Therefore, no action is required by the Board for these units.

For the remaining thirteen units, twelve of the existing decks are pre-existing non-conforming structures as they do not currently meet the rear setback requirement; one exiting deck is a pre-existing non-conforming structure as it does not meet the side setback requirement. Since these

thirteen decks are pre-existing non-conforming structures, under provisions of Section IX of the Zoning By-law, a finding (rather than a variance) is required in order for the reconstruction to take place.

Following discussion, in which the Board noted that while the extension to decks at units # 4-13 will result in a limited setback, the new decks will not be more detrimental to the neighborhood since the adjacent properties are separated by a wooded hill that will continue to serve as a buffer between the properties.

Mr. Butensky moved to close the public hearing. So voted the Board unanimously.

Mr. Butensky moved to grant a finding that the removal and reconstruction of the thirteen decks described in the attached spreadsheet will not be more detrimental to the neighborhood, is reasonable and would be of benefit to the community. The trust would like a indicating to rebuild the existing porches to 10'(width) x 14'(length), and also seeking a setback variance since the following units do not meet the 50' requirement.

The following units are 4- (11'), 5-(28'), 6-(29'), 7-(33'), 8-(31'), 9-(42'), 10-(39'), 11-(39'), 12-(39'), 13- (43'), 22-(13'), 23-(31'), 33-(18').

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

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 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.

**Voting on this petition were: Donald Roman, Peter Koufopoulos, and Jeffrey Butensky.**

**Acceptance of Minutes:**

- The minutes of January 27, 2016 will be tabled until the next meeting which is scheduled for March 15, 2016.

Mr. and Mrs. Sgourakas were present at the meeting and presented the Zoning Board with a letter requesting a change to the minutes from January 27, 2016. The Chairman explained that the Board just received the draft minutes. The members will review what Mr. & Mrs. Sgourakes provided and will act on the minutes at the next meeting which is scheduled for Tuesday, March 15, 2016.

**Bills:**

**On a motion made by Jeff Butensky and seconded by Peter Koufopoulos, the Board voted to pay the bills as presented.**

**Future Meeting Dates:**

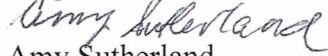
- **Tuesday, March 15, 2016**

**Adjourn:**

**On a motion made by Jeff Botensky and seconded by Peter Koufopoulos, the Millis Zoning Board of Appeals voted unanimously to adjourn their meeting.**

The meeting adjourned at 8:30 pm.

Respectfully Submitted,



Amy Sutherland

Secretary

Approved 3/15/16