

**Millis Zoning Board of Appeals
October 18, 2016
Veterans Memorial Building
Room 130**

BOARD MEMBERS PRESENT:

Chairman Don Roman, Peter Koufopoulos, Don Skendarian and Jeff Butensky.

40 B Continuation Public Hearing:

Chairman Roman opened the continuation hearing at 7:30 pm.

Attorney Brian Levy was present on behalf of the applicant. The members are in receipt of a memo dated October 6, 2016 from Law Offices of Jerry C. Effren. The memo indicates that the Micciles have no objection to the 13.1 foot setback between proposed Unit 12 and their new property line which will be adopted under the parties agreement. The settlement has been cleared. Attorney Levy indicated that the consultant comments will be ready for the next meeting. There were minimum revisions needed. The roadway entrance will be the same.

61 Van Cleek:

This resident would like a 6 ft. fence along the perimeter of the back lot with additional arborvitaes.

Board is in support of 13.1 setback for unit 12. And continue with settlement agreement. Motion contingent upon overall approval will allow 13.1 side setback for unit 12. Contingent upon overall approval of project.

On a motion made by Peter Koufopoulos and seconded by Jeff Butensky, the Board voted unanimously to approve the 13.3 foot side setback between proposed Unit 12 and the adjacent Miccele property. The approval is contingent of approval by the Board of Selectmen and a final approval of this project by the Zoning Board of Appeals.

Continuation:

On a motion made by Peter Koufopoulos and seconded by Jeff Butensky, the Board voted unanimously to continue the hearing until November 15, 2016 at 7:30 pm.

Public Hearing: Thomas Howie:

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

Notice of the application was published in the Milford Daily News. A public hearing in accordance with said notice was held on October 18, 2016 at 7:45 p.m. in the Veterans Memorial Building, Room 130.

By application filed with the office of the Millis Town Clerk, the petitioner, Thomas Howie, seeks a variance from Section XV Groundwater Protection District, 4. Special Use Regulations,

d. Permitted in Zone A, (2) from the requirement of 40,000 sq. feet. Minimum lot size for the construction of a single family dwelling unit in the groundwater protection district.

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.

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

No other correspondence was received.

The applicant Mr. Howie was present.

The petitioner seeks a variance from the requirement of 40,000 sq. feet. minimum lot size for the construction of a single family dwelling unit in the groundwater protection district.

The parcel lies within two zoning districts – RV and IP. The portion of the parcel that lies within the RV zone and has sufficient area to meet dimensional requirements of the zoning bylaw for the construction of a single family residence. It does not have sufficient area to meet the 40,000 square foot area requirement specified for the groundwater protection district. The total parcel does meet the requirements for construction within the groundwater protection district.

The petitioner noted that the lot is unable to conform to the requirements of either zoning district within the groundwater protection district since the parcel lies in two separate zoning districts.

The Board members reviewed the plan.

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

Mr. Skenderian moved to grant a variance of 23,965 square feet for the portion of the property within the R-V district to allow for the construction of a single family dwelling. So voted the Board unanimously.

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. A variance of 23,965 from the I-P district to the R-V district to allow for the construction of only one single family dwelling on the portion of the map #25, Parcel #135.
2. The request is not unreasonable and would be a benefit to the general community.
3. The proposed change and alteration will not be substantially more detrimental to neighborhood.
4. A hardship exists since in the absence of a variance, the parcel cannot be developed.

Minutes:

July 19, 2016:

On a motion made by Peter Koufopoulos and seconded by Don Skenderian, the Board voted to accept the minutes from July 19, 2016 as written.

August 16, 2016:

On a motion made by Peter Koufopoulos and seconded by Don Skenderian, the Board voted to the minutes from August 16, 2016 as written.

Bills:

On a motion made by Peter Koufopoulos and seconded by Don Skenderian, the Board signed the bills as presented.

Special Permit: 33 Myrtle Street:

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

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

By application filed with the office of the Millis Town Clerk, the petitioner, Robert McIntosh, is seeking a Special Permit under Section V Table 1 Use Regulations, Agricultural #5 to be allowed to keep up to two horses.

Notice of the application was published in the Milford Daily News. A public hearing in accordance with said notice was held on October 18, 2016 at 8:00 p.m. in the Veterans Memorial Building, Room 130. 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.

There were no abutters in opposition

Board members reviewed the application.

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

Mr. Koufopoulos moved to approve the following Special Permit:

The Special Permit will be for Robert McIntosh for property located at 33 Myrtle Street, Map 46, Parcel #29, R-T Zoning District. This Special Permit will be for only two horses and will need to be renewed on a yearly basis.

The following stipulations will be noted.

1. There will be no more than two horses on the property.
2. The manure must be in a sealed contained which will be disposed of on an as needed basis.

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

The requirements for the granting of a Special Permit 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:

5. The request is not unreasonable and would be on benefit to the general community.
6. The proposed change and alteration will not be substantially more detrimental to neighborhood.
7. 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 property located at 33 Myrtle Street, Map #46, Parcel #29 pursuant to Section V Use Regulations of the Town of Millis Zoning Bylaw.

Tuckerdale:

Mr. McDonough was present to speak to the Board about the release of bond for Tuckerdale. The Board informed Mr. McDonough that the past practice is that the town/engineer check to make sure all the work is completed and then a recommendation is made to the Zoning Board of Appeals to release. This was always done through the Town Administrators office. Mr. McDonough will follow-up.

Adjourn:

On a motion made by Jeff Butensky and seconded by Don Skenderian, the Board voted to adjourn the meeting at 8:40 pm.

Respectfully Submitted,

Amy Sutherland
Secretary