

**Millis Zoning Board of Appeals  
November 15, 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.

The following representatives were also present at the hearing:

- Brian Levey, Attorney for applicant
- Bruce Wilson, Guerriere and Halnon, Engineer for applicant
- Darnell Baptiste, Stormwater Engineer
- Tom McDonough, applicant
- Town Counsel Ilana Quirk
- Interim Town Administrator, Suzanne Kennedy
- DPS Director, Jim McKay

The members were provided an update that there was settlement regarding the adverse possession. The Board of Selectmen will need to provide approval of this. Attorney Levey indicated that all the technical issues have been addressed. The road was lengthened per the Fire Chief recommendation. The paved width will be 20 ft.

Engineer Wilson from Guerriere and Halnon explained that there is agreement with the placement of the fence. Landscaping and trees were added.

Engineer Darnell Bapiste provided an overview of the drainage. The profile showed the site layout. It meets all the state regulations. The sewer will be an 8 inch line. The water line will be 8 inches and will have enough pressure for the 12 units. There will be no looping due to site constraints. There will be 20 ft. easement at the end.

DPS Director McKay was present and provided a memo to the Zoning Board of Appeals.

There was a question about if looping is required at some point, whose is responsible?

Attorney Levey indicated that the applicant does not believe that the looping is necessary, but in the future, the town would need to deal with the Homeowner's Association.

The underground for each home is maintained by the association.

The easement will be given to the town and only would be for over applicant's property to town property for looping in future.

A concerned resident wants to make sure that there will not be an easement though her property.

Mr. McKay agrees with the applicants approach.

Attorney Levey clarified that the easement was not proposed by the applicant but the town.

A resident indicated concern about the easement in the future.

The town answered that the property is being developed right now and if system does not work, then we will have the easement in place.

Town Counsel indicated the following comments:

- Make sure the plan has the revision date is 11/9/2016.
- Review of the waiver list
- Include determination of permits which need to be sought regarding water and sewer connection.
- Deadline is December 23, 2016.
- Town Counsel will prepare a draft decision
- There were no changes to the memorandum of understanding

Town Counsel will prepare a draft decision for the next meeting.

**On a motion made by Peter Koufopoulos, and seconded by Jeff Butensky, the Board of Appeals voted unanimously to continue the hearing until December 20, 2016 at 7:30 pm.**

**Public Hearing: 9 Maple:**

Amy Whittaker for property located at 9 Maple Avenue, Map# 16, Parcel #25, R-V Zone.

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

Member Don Skenderian read the petition and supporting information into the record.

The petitioner was present.

By application filed with the office of the Millis Town Clerk, the petitioner, Amy Whittaker for property located at 9 Maple Avenue, Map# 16, Parcel #25, R-V Zone.

The petitioner is seeking a finding under Section IX non-conforming uses, structures and extension and alteration that the removal of existing shed (8x14) and replacement with 8 x 14 shed for property located at 9 Maple Avenue, Map #16, Parcel #25, R-V Zone will not be more detrimental to the neighborhood.

Notice of the application was published in the Milford Daily News. A public hearing in accordance with said notice was held on November 15, 2015 at 7:45p.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 Board also noted that no correspondence had been received regarding the application.

The applicant explained that the existing shed was in disrepair and needed to be replaced. The new shed will be the same size and in the same location as the existing shed.

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

Mr. Koufopoulos moved to grant a finding for Amy Whittaker under Section IX non-conforming uses, structures and extension and alteration, that the removal of existing shed (8x14) and replacement with 8 x 14 shed for property located at 9 Maple Avenue, Map #16, Parcel #25,

R-V Zone will not be more detrimental to the neighborhood, Mr. Skenderian 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 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 finding under Section IX non-conforming uses, structures and extension and alteration that the removal of existing shed (8x14) and replacement with 8 x 14 shed for property located at 9 Maple Avenue, Map #16, Parcel #25, R-V Zone will not be more detrimental to the neighborhood.

#### **14 Shannon Lane:**

The Chairman opened the hearing for 14 Shannon Lane.

Wayne Carlson was present to represent the applicant.

The applicant Edward Perry was also present.

The petition was read into the record.

The petition was filed by applicant Edward Perry, for property located at 14 Shannon Lane, Map #19, Parcel #43, Zone R-S.

The applicant is seeking a finding and variance under Section IX for the construction of a single family home 27.5' x 92' and also a depth setback variance from 123' & 143.7 will not be more detrimental to the neighborhood.

It was explained that the three lots cannot be built on separately. The applicant wants to build a single family home. The plan referenced was from 1947. These were common ownership.

Abutter: Matthew Reardon has no objection  
Ray Garcia, no objection only concern is that the house goes on one lot.

The Board discussed that this could be granted as a contiguous lot indicating that this is a preexisting non-conforming lot. This would also not be allowed to be subdivided. There would still need to be a variance for the lot depth of 27ft. and 6 ½ ft. for Lots 5, 4, and 3. It was suggested that the language of a potential granting be discussed with counsel. Page 56 of bylaw was referenced. The Chairman will follow-up with town counsel about the language of a vote on this application.

**On a motion made by Peter Koufopoulos and seconded by Don Skenderian, the Board voted to continue the hearing until December 20, 2016 at 7:15 pm.**

**PUBLIC HEARING:**

Thomas Waters & Rebecca Abalutzk for property located at 69 Lavender Street, Map# 24, Parcel #50, R-V Zone.

Chairman Roman called the hearing to order at 8:15 p.m.

Member Don Skenderian read the petition and supporting information into the record.

By application filed with the office of the Millis Town Clerk, the petitioner, Thomas Waters & Rebecca Abalutzk for property located at 69 Lavender Street, Map# 24, Parcel #50, R-V Zone.

The petitioner is seeking a finding under Section IX, non-conforming use structure & lots, part B, extension and alteration, that a (20' x 30') addition and second floor renovation to a single family home and a 25 ft. front setback variance will not be more detrimental to the neighborhood.

Notice of the application was published in the Milford Daily News. A public hearing in accordance with said notice was held on November 15, 2015 at 8:15p.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 Board also noted that no correspondence had been received regarding the application.

The petitioner was present along with Wayne Carlson. The plan of the proposed addition and renovation was reviewed.

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

Mr. Koufopoulos moved to grant a finding and a 25 ft. front yard setback variance for Thomas Waters and Rebecca Abalutzk for property located at 69 Lavender Street, Map #24, Parcel #50, R-V, and Mr. Skenderian seconded the motion. 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 substantially 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 Millis Zoning Board of Appeals grants a 25 ft. front setback variance for a (20' x 30') addition and second floor renovation to a single family home for Thomas Waters and Rebecca Abalutzk for property located at 69 Lavender Street, Map #24, Parcel #50 shall not be substantially more detrimental to the neighborhood.

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 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 finding under Section IX B, that a (20' x 30') addition and second floor renovation to a single family home for property

located at 69 Lavender Street, Map #24, Parcel #50, R-V Zone will not be more detrimental to the neighborhood.

**Minutes:**

**October 18, 2016:**

**On a motion made by Peter Koufopoulos and seconded by Don Skenderian, the Board voted to accept the minutes from October 18, 2016 as written.**

**Bills:**

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

**Adjourn:**

**On a motion made by Jeff Butensky and seconded by Don Skenderian, the Board voted to adjourn the meeting at 9:15 pm.**

Respectfully Submitted,

Amy Sutherland

Secretary

Approved December 20, 2016