

**Millis Zoning Board of Appeals
December 20, 2016
Veterans Memorial Building
Room 130
Meeting opened at 7:15 pm**

BOARD MEMBERS PRESENT:

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

14 Shannon Lane:

The Chairman reopened the continued hearing for 14 Shannon Lane.

The petitioner seeks a depth lot variance of 27 ft. on the westerly side and a 6.3 variance on the easterly side of the lot for the construction of a single family home on the portion of the Map #19, Parcel #43 for the construction of a single family dwelling unit in the groundwater protection district.

Notice of the application was published in the Milford Daily News.

A public hearing in accordance with said notice was held on November 15, 2016 and continued and closed on December 20, 2016 at 7:45 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.

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

No other correspondence was received.

Mr. Perry and Wayne Carlson were present.

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 depth lot variance of 27 ft. on the westerly side and a 6.3 variance on the easterly side of the lot for the construction of a single family home on the portion of the map #19, Parcel #43, Mr. Koufopoulos 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:

1. Grants a depth lot variance of 27 ft. on the westerly side and a 6.3 ft. variance on the easterly side of the lot for the construction of a single family home on the portion of the map #19, Parcel #43.
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.

The Board finds that the property in question is comprised of three adjacent lots owned by Mr. Perry. None of the lots meets current zoning requirements for depth and the area requirement for construction within the Groundwater Protection District. Under the common ownership doctrine, the three lots are considered a single lot for zoning purposes. By combining the lots, the 40,000 sq. ft. area requirement is met. Only one residential unit can be constructed on the new lot.

Therefore, the Millis Zoning Board of Appeal votes unanimously to grant a depth lot variance of 27 ft. on the westerly side and a 6.3 ft. variance on the easterly side of the lot for the construction of a single family home on the portion of the map #19, Parcel #43.

40 B Continuation Public Hearing:

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

The ZBA is in receipt of a correspondence from the DPS dated December 20, 2016.

The Board is in receipt of the draft decision provided by Town Counsel. This document was also provided to the Attorney Levey and applicant. There were red-line revisions which were discussed.

The draft decision was reviewed by the members and town counsel. The following items were discussed:

- Page 9: #3 shall be in accordance with local regulations.
- Page 9: #8: delete since the applicant provided a lighting plan.
- Page 9: #9 remove since peer review was done.
- Page 9: #11: remove, not applicable and have a landscaping plan.
- There is no phasing for the project since it is only 12 units.
- Town is part of the regulatory agreement and language explains this agreement.
- Goal is to make sure the affordability aspect is maintained.
- Town will be the enforcing authority.

- Eliminate #26, #29, and #33.
- #36 should show the location of dumpster on plan.
- The binder needs to be put in at the end – put second to last occupancy permit for binder at 10 of 12 units.
- The stamping and certification of plans will be required by the building inspector.
- Include language that once all is finalized needs review and peer review of the DPW if necessary.

The Chairman suspended the hearing at 8:24 pm to open another hearing.

Toll Brothers: 84 Orchard Street:

The Chairman opened the public hearing for the Toll Brothers.

The petition was read into the record.

The petition was filed by applicant Toll Bros., Inc., for property located at 84 Orchard Street, Assessor’s Map 1, Parcels 1,2,3,3B & 4; Map 5, Parcel 35.

The applicant is seeking two special permits pursuant to M.G.L. Chapter 40A, Section 9 and the Town of Millis Zoning Bylaw Section X – Watershed Protection District, and Section XI – Special Flood Hazard District.

Edward Cannon from Doherty, Ciechanowski, Dugan & Cannon, P.C. was present representing the applicant. The members were made aware that the plans were circulated to the distribution list of departments and boards. The applicant also indicated that he has appeared in front of the Planning Board, Conservation Commission, Board of Health and the Board of Selectmen in relation to this project.

There were no comments received. The Chairman would like the secretary to put out an email to the boards and committees seeking any comments.

Mr. Cannon explained that the Planning Board granted a special permit on April 1, 2008 for the Glenn Ellen Senior Residential Community District. The first permit the applicant is seeking is for work regulated by the Millis Zoning Bylaw Section X which pertains to the watershed protection district and the second permit is to work regulated by the bylaw Section XI which is the special flood hazard district. The work proposed within the watershed protection district includes utilization of an existing wetland crossing for the purposes of providing emergency access to a portion of the project in the northwest corner of the property. This was noted on the plan. There will be limited grading in this area. The work in this area will not have direct impacts to the mapped wetland resource areas.

The work that is proposed in the special flood hazard district is related to the extension and replacement of the existing water main which is located in Orchard Street. This includes a sanitary sewer force main connecting the proposed wastewater treatment facility to the leaching field. This project proposes about 7,000 linear feet of water main replacement or extension. The water main does not require temporary excavation within the special flood hazard district but

does have permanent alteration or filling of land within this area. This plan has been designed to avoid the mapped 100 year flood plan.

The project also is going to construct a sanitary sewer force main to convey treated effluent from the proposed wastewater treatment facility to the proposed leaching fields located in the northeast corner of the property. This does require that the work be performed in the special flood hazard district. This is to be installed by way of directional drilling, which will enable the project to minimize disturbance. This does not propose permanent alteration or filling of land within the special flood hazard district.

The Board reviewed the exhibits showing the project and the relationship with the Special Flood Hazard District and the Water Protection District. Engineer Boehler reviewed the seven areas within the jurisdictional area.

Abutter Burns:

This abutter was asking about the crossings. The Engineer noted that there are two culverts and the project will have little impact.

Abutter Fiske:

This abutter wanted to know if there are open space areas on the plan. The Engineer noted that there are 107 acres of open space.

At the conclusion of the hearing, the members agreed that there is no need for peer review. The Chairman did recommend that an email be sent to the Boards and Committees seeking comments.

Continuation:

On a motion made by Don Roman and seconded by Don Skenderian, the Board voted unanimously to continue the hearing until January 17, 2017 at 7:30 pm.

The 40 B hearing was reconvened at 8:45pm.

Recommendations:

- Sidewalks asphalt not concrete cement. Board ok with this change as long as it is noted on plan.
- Grant subject to review of the DPS for technical requirements.

Waivers:

On a motion made by Jeff Butensky and seconded by Peter Koufopoulos, the Zoning Board of Appeals voted unanimously to grant the waivers as revised by both attorney's within the draft decision.

Approval:

On a motion made by Jeff Butensky and seconded by Peter Koufopoulos, the Zoning Board of Appeals voted unanimously to grant the approval for the comprehensive permit for Kensington Place subject to review of the final decision document with the noted revisions.

Continue Hearing:

On a motion made by Jeff Butensky and seconded by Peter Koufopoulos, the Zoning Board of Appeals voted unanimously to continue the hearing until January 17, 2017 at 7:45 pm where the final revised decision will be presented to the Board for a final vote.

Minutes:

November 15, 2016:

On a motion made by Jeff Butensky, and seconded by Don Skenderian, the Board voted unanimously to accept the minutes from November 15, 2016.

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 February 21, 2017