

**Millis Zoning Board of Appeals
July 19, 2016
Veterans Memorial Building
Room 104**

BOARD MEMBERS PRESENT:

Chairman Donald Roman, Peter Koufopoulos, and Don Skenderian.

40 B Public Hearings:

Chairman Roman opened the hearing at 7:30 pm for Kensington Place:

The Board is in receipt of a letter from the applicant regarding the request for a continuation. The applicant noted that the engineering peer review had not been completed.

The Board noted that one member, Jeff Butensky who participated in the original hearings was not able to be present. The applicant agreed that an audio recording of the hearing could be made that Mr. Butensky would review prior to the next hearing.

The Chairman announced that the hearing was being recorded.

The attorney for the applicant explained that the litigation involving the property has not been resolved. He further stated that the applicant will submit two versions of their plan. The preferred plan is as originally filed. An alternate plan was developed in the event the abutter's position prevails.

A brief discussion followed where the applicant's engineer described the differences between the two plans.

Continuation:

On a motion made by Don Skenderian and seconded by Peter Koufopoulos, the Board voted unanimously to continue the hearing for Kensington Place to August 16, 2016 at 7:30 pm.

Public Hearing, 233 Village Street:

The application for 233 Village Street was filed with the office of the Millis Town Clerk, by the petitioner, Thomas McDonough for property located at 233 Village Street, Map# 39, Parcel #12, R-S Zone.

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

The petitioner is seeking a variance from the required area, lot frontage and depth variance. The house is in disrepair and is to be raised and a new contemporary house is to be built. Notice of the application was published in the Milford Daily News. A public hearing was held on July 19, 2016 at 7:45 pm in accordance with said notice 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 Skenderian read the petition and supporting information into the record.

The applicant, Thomas McDonough, presented a plan dated April 14, 2016 prepared by Guerriere & Halnon, Inc. The applicant proposes to demolish an existing structure located on Parcel 12 of Assessor's Map 39 and replace it with a new single family dwelling. The subject property is in Zone R-S and is not located in the Groundwater protection district. The existing lot is pre-existing and non-conforming and does not meet current area, frontage and depth requirements. Additionally, the applicant proposes to add an adjacent property, referred to as Parcel A, to the property.

The applicant is requesting an area variance of 1,109 square feet, a depth variance of 21 feet and a frontage variance of 12 feet.

No abutters were present. No one spoke in opposition to the requested variances.

The Board also noted that no correspondence had been received regarding the application.

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.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to grant the following variances:

- 1.) An area variance of 1,109 square feet;**
- 2.) A depth variance of 21 feet;**
- 3.) A frontage variance of 12 feet.**

for Thomas McDonough for property located at 233 Village Street , Map #39, Parcel #12 shall not be substantially more detrimental to the neighborhood.

Therefore, the Millis Zoning Board of Appeals grants the following:

- 1.) An area variance of 1,109 square feet;
- 2.) A depth variance of 21 feet;
- 3.) A frontage variance of 12 feet.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to make a finding that the proposal meets the conditions described in Section IX Nonconforming Uses, Structures and Lots of the Millis Zoning By-law. The

extension/alteration of the subject property will not be 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 request is not unreasonable and would be on 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 finding under Section IX Nonconforming Uses, Structures and Lots of the Millis Zoning By-law for property located at 233 Village Street, Map# 39, Parcel #12, R-S Zone, will not be more detrimental to the neighborhood.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to close the public hearing.

Public Hearing: 34-36 Exchange Street:

The Chairman opened the hearing for 34-36 Exchange Street at 8:00 pm.

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

By application filed with the office of the Millis Town Clerk by the petitioner, Kerri Barrett, for property located at 34-36 Exchange Street, Map# 23, Parcel #48.

Notice of the application was published in the Milford Daily News. A public hearing in accordance with said notice was held on July 19, 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, Kerri Barrett (34-36 Exchange Street LLC,) is seeking a variance and finding for property located at 34-36 Exchange Street identified on Assessor's Map 23, Parcel 48. The property is located in the commercial CV zone and within the Millis Center Economic Opportunity Overlay District (MCEOD).

Daniel Merrikin of Merrikin Engineering, LLP made a presentation for the applicant. The subject property is a non-conforming parcel does not meet current requirements for area, frontage, lot depth and parking. It is classified as a pre-existing non-conforming parcel. The applicant proposes to alter and extend the current structure by adding a second floor with space for five (5) residential apartment units. A conceptual plan was presented. Mr. Merrikin indicated

that the design of the proposed building would attempt to complement the new structures in the district.

In order to proceed, two actions would be required by the Zoning Board of Appeals:

- 1.) A finding from the Board that the proposed alteration/extension of the pre-existing non-conforming structure would not be more detrimental to the neighborhood and,
- 2.) A variance to permit the applicant to apply to the Planning Board for a multi-use development under Section XIII.P - Millis Center Economic Opportunity Overlay District.

Mr. Merrikin explained that the applicant would like to improve the property and pursue potential opportunities under provisions of the Millis Center Economic Opportunity Overlay District.

The Board raised some questions about the adequacy of parking on site and issue of the existing setback. Mr. Merrikin indicated that these issues would be reviewed with the Planning Board who has some flexibility under the regulations to consider off-site and adjacent site parking options.

During the open discussion, no one spoke in opposition to the requested variance and findings.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to close the public hearing.

Voting in favor of the motion were Donald Roman, Peter Koufopoulos and Donald Skenderian.

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.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to grant the following variances:

- 4.) An area variance of 4,862 square feet;
- 5.) A setback variance of 52.8 feet.

Voting in favor of the motion were Donald Roman, Peter Koufopoulos and Donald Skenderian.

Public Hearing: 33 Myrtle Street:

The Chairman opened the public hearing was opened at 8:15 pm.

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

The application was filed with the office of the Millis Town Clerk by the petitioner, Robert McIntosh, for property located at 33 Myrtle Street, Map #46, Parcel #33 R-T Zone.

The applicant, Robert McIntosh, is requesting a Special Permit under provisions of Section V Table 1 Use Regulations, Agricultural #5, to be allowed to keep two (2) horses on the property.

A public hearing was held in accordance with said notice was held on July 19, 2016, Memorial Building, Room 130. Notice of the application was published in the Milford Daily News on July 5th and 12th, 2016. 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 petitioner was present.

In reviewing the application, it was noted that the property description was incorrect. The application referenced Assessor's Map 46, Parcel 33. There is no Parcel 33 on Map 46. Due to this error, the publication of the public hearing was incorrect and therefore, invalid.

Mr. McIntosh requested permission to withdraw his application without prejudice in order for him to file a corrected application.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to permit the requested withdrawal without prejudice.

Voting in favor of the motion were Donald Roman, Peter Koufopoulos and Donald Skenderian.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted close the public hearing.

Public Hearing: O Farm Street:

The Chairman opened the public hearing at 8:30 pm.

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

The applicant, Sabine Jonsson, is seeking a Special Permit for property located at 0 Farm Street identified as Parcel 93, Assessor's Map 23. The property is located in the commercial (CV) zone and is not in the Groundwater Protection District. The applicant is seeking a Special Permit as specified in Table 1 -Use Regulations, Agricultural #6, Commercial Kennel.

The public hearing notice of the application was published in the Milford Daily News on July 5, and July 15, 2016. A public hearing in accordance with said notice was held on July 19, 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 has operated a dog day care facility at 7 Pleasant Street since June 2015 under a Special Permit granted by the Zoning Board of Appeals. The applicant has acquired use of the adjacent property at 0 Farm Street and would like to operate a similar facility at that site that would accommodate up to forty (40) dogs. The two sites would be separate.

The facility would only operate during the day – dogs would not be boarded on the property. The Board noted that no complaints have been received concerning the operation of the existing site.

No abutters were present. No one spoke in opposition to the requested Special Permit.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to close the public hearing.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to approve the Special Permit requested to allow the operation of a dog day care facility at 0 Farm Street with a capacity of up to forty (40) dogs.

Therefore, the applicant does meet the requirements necessary for granting of a Special Permit to allow under Section V, Table 1 Use Regulations Agricultural 6 Section 1XB, for property located at 0 Farm Street to be allowed to have a 40 dog daycare.

Public Hearing: 128 Curve Street:

The Chairman opened the hearing for 128 Curve Street at 8:45 pm.

The application was filed with the office of the Millis Town Clerk by the petitioner, Michele M. Washek for property located at 128 Curve Street, Map# 24, Parcel #30.

The applicant is seeking a finding under Section IX Nonconforming Uses, Structures and Lots that the proposed addition will not be more detrimental to the neighborhood. Additionally, the applicant is seeking a front setback variance for the existing structure.

Notice of the application was published in the Milford Daily News. A public hearing in accordance with said notice was held on July 19, 2016 at 8:45 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.

The applicant, Michele M. Washek was present and is the owner of property located at 128 Curve Street, Millis, MA and identified as Parcel 30 on Assessor's Map 24. The property is located in Zone R-V and is not located in the Groundwater Protection District. The property is pre-existing non-conforming in that the principle structure does not meet setback requirements. The applicant proposes to alter the existing structure by adding a deck and stairways.

The applicant presented a plan dated April 22, 2016 prepared by Cheney Engineering Co., Inc. The applicant described the improvements he wishes to make to the property.

During the open discussion, no one spoke in opposition to the requested finding and variance. **On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to close the public hearing.**

Voting in favor of the motion were Donald Roman, Peter Koufopoulos and Donald Skenderian.

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 petitioner is seeking a 20 ft. setback variance.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to grant a setback variance of 20 ft.

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 128 Curve Street Street, Map 24, Parcel 30, a 20 ft. setback variance.

The Board finds that the requested variance is the result of a pre-existing nonconformity that is unique to the property and will not cause substantial detriment to the public good or impair the purposes and intent of the by-law.

Voting in favor of the motion were Donald Roman, Peter Koufopoulos and Donald Skenderian.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to make a finding that the proposal meets the conditions described in Section IX Nonconforming Uses, Structures and Lots of the Millis Zoning By-law. The extension/alteration of the subject property will not be more detrimental to the neighborhood.

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 building is currently pre-existing and is 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 128 Curve Street, Map# 23, Parcel #41 that the proposed finding under Section IXB, of the Millis Zoning Bylaw (Nonconforming Uses, Structures and Lots that the addition of exterior deck and stairs will not be more detrimental to the neighborhood.

Public Hearing: Dover Road:

The Chairman opened the hearing at 9:00 pm for Dover Rd.

The application was filed with the office of the Millis Town Clerk, the petitioner, William D. and Phyllis J. Dillon For property located at 54 Dover Road, Map# 26, Parcel #7, R-S Zone.

The petitioner seeks a dimensional variance to construct a residential dwelling.

Notice of the application was published in the Milford Daily News. A public hearing was held on July 19, 2016 at 9:00 pm in accordance with said notice 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. Chairman Roman called the hearing to order at 9:00 p.m.

Member Skenderian read the notice of the hearing into the record.

The applicants, William D. and Phyllis J. Dillon, own property located at 54 Dover Road – identified on Assessor’s Map 26, Lot 7. The property is located in the R-S zone. While the property is located in the Groundwater Protection District, it is exempt from provisions of Section XV as it has been afforded ‘grandfather’ protection.

The applicants are requesting a depth variance of 14 feet on the southern side of the property and 20 feet on the opposite (northern) side.

The applicant explained that they acquired the property from the Town of Millis in 1998. The Town of Millis acting through the Board of Selectmen, requested depth variances on the property prior to the sale. In a decision dated December 9, 1998, the Zoning Board of Appeal voted to grant the requested variances. Due to a clerical error, the variance was never filed with the Norfolk Registry of Deeds and has lapsed. The applicants now wish to build a single family dwelling on the property and need the variances in order to proceed.

Several abutters were present and asked questions about the proposed building. No one spoke in opposition to the requested variances.

No abutters were present. No one spoke in opposition to the requested variances.

The Board also noted that no correspondence had been received regarding the application.

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 Board finds that due to the topography of the property a variance can be granted.

Additionally, the applicant purchased the property with the understanding that a variance had been granted. Since the variance had not been filed by the Town, the applicant cannot build on the property and would suffer a financial hardship.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to grant the following variances:

- 1.) A depth variance of 14 feet on the southern side of the property,
- 2.) A depth variance of 20 feet on the opposite side of the property.

Voting in favor of the motion were Donald Roman, Peter Koufopoulos and Donald Skenderian.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to close the public hearing.

Acceptance of Minutes:

There was no meeting on May 17, 2016.

The meeting adjourned at 10:00 pm.

Respectfully Submitted,
Amy Sutherland
Transcribed from tape
Approved 10/18/16