

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

BOARD MEMBERS PRESENT:

Chairman Donald Roman, Peter Koufopoulos, Jeff Butensky and Don Skenderian.

40 B Public Hearings Kensington Place:

Chairman Roman opened the continued 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.

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 October 18, 2016 at 7:30 pm.

Public Hearing: 33 Myrtle Street:

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

Member Butensky 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 #29 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.

The Board is in receipt of a request for continuation until their next meeting which will be October 18, 2016.

On a motion made by Peter Koufopoulos and seconded by Donald Skenderian, the Board unanimously voted to continue the hearing until October 18, 2016 at 7:45 pm.

Public Hearing: 984 Main Street:

Chairman Roman called the public hearing for 984 Main Street to order at 8:15 p.m.

The application was filed with the office of the Millis Town Clerk by the petitioner, Sean Currivan, Trustee of KSK Realty Trust for property located at 984 Main Street, Map# 23, Parcel #106, MCEOD Zone.

The petitioner is seeking review of determination of building commissioner as to the meaning of the bylaw.

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 appeal and supporting information into the record.

The Board was in receipt of the following:

- Email dated June 22, 2016 from Building Inspector.
- Section V Use Regulations Zoning Bylaw page 23.

Under provisions of the Millis Zoning By-Law, Section XII – Administration and Enforcement, paragraph P., the applicant has appealed the decision of the Inspector of Buildings that a site plan review is required for the changes proposed. The applicant has asked the Zoning Board of Appeals for an interpretation of the meaning of the relevant by-laws as they apply to site plan review.

It was noted that the Zoning Board of Appeals had previously approved a Special Permit for the property to allow the conversion of a second floor office to a residential apartment.

The Board reviewed Section V – Use Regulations, paragraph E. – Site Plans and, Section XIII – Special Permit Conditions, paragraph C. Site Plan Review and Approval for Commercial and Industrial Structures and Developments.

No abutters were present. No one spoke in opposition to the request.

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

It is the opinion of the Zoning Board of Appeals that the language in these sections indicate that site plan review is required “... where a commercial or industrial structure is to erected or externally enlarged or any parking lot or driveway is to be constructed or changed.” In this case, none of these conditions are met. Therefore, the Zoning Board of Appeals finds that site plan review is not required. The decision of the Inspector of Buildings is vacated.

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

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, Jeff Butensky and Donald Skenderian.

Acceptance of Minutes:

- The minutes from July 19, 2016 will be approved at the next meeting.

Signing of Bills:

- The Zoning Board of Appeals signed the presented bills.

The meeting adjourned at 8:30 pm.

Respectfully Submitted,

Amy Sutherland

Approved August 16,2016