

Millis Zoning Board of Appeals
October 17, 2017
Veterans Memorial Building
Room 130
Meeting opened at 7:30 pm

BOARD MEMBERS PRESENT:

Members, Peter Koufopoulos, Don Skendernian, and Associate member Joseph Copolla

Public Hearing:

670 Main Street:

Kelley Daron, for property located at 670 Main Street Millis, Massachusetts, Map#24, Parcel#96, Zoning District R-V, Millis, Massachusetts.

The Chairman called the hearing to order at 7:30 pm.

By application was filed with the office of the Millis Town Clerk, the petitioner, Kelley Daron for property located at 670 Main Street, Map #24, Parcel #96, R-V Zone.

The petitioner is seeking a finding and a 2 foot front yard setback variance for the construction of a 27' x 21' two story addition that 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 October 17, 2017 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.

Mr. Koufopoulos read the Notice of Hearing. It was communicated that the abutters had been notified, the notice of hearing had been advertised and no correspondence had been received.

The petitioner was present and explained the request.

No one spoke in opposition to the request.

Acting on a motion made by Mr. Coppola and seconded by Mr. Koufopoulos, the Board voted unanimously to close the public hearing.

Acting on a motion made by Mr. Coppola and seconded by Mr. Koufopoulos, the Board voted to grant a finding that the construction of a 27 x 21' two story addition will not be more detrimental to the neighborhood.

Acting on a motion made by Mr. Coppola, and seconded by Mr. Koufopoulos, the Board voted to grant a 2 foot front set-back variance

Therefore, the Millis Zoning Board of Appeals grants a 2 foot front yard setback variance for Kelley Daron for property located at 670 Main Street, Map #24, Parcel #96 for a 27' by 21' front

yard setback for a two story addition which will not be substantially more detrimental 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 to make a finding under Section IX B that the construction of a 27' by 21' two story addition for property located at 670 Main Street, Map #24, Parcel #96, will not be substantially more detrimental to the neighborhood. Also, the Millis Zoning Board of Appeal votes unanimously to grant a 2 foot front set back variance for the same property.

Public Hearing:
376 Orchard Street:

The Chairman called the hearing to order at 7:45 pm.

By application filed with the office of the Millis Town Clerk, the petitioner, the Mill Brook School Foundation, Inc. for property located at 376 Orchard Street, Map 9, Parcel #001/001H and R-T Zoning District.

Mr. Koufopoulos read the Notice of Hearing, a letter from the Planning Board dated October 10, 2017, and several correspondences from the public regarding the application.

Present for the Petitioner were Tim Casey and Bob Sylvain for the Mill Brook School Foundation, Inc., Matthew and Carol Haggerty, property owners, Daniel Merrikin of Merrikin Engineering, LLP and Robert Michaud of MDM Transportation Consulting, Inc.

Notice of the application was published in the Milford Daily News. A public hearing in accordance with said notice was held on October 17, 2017 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 petitioner has submitted a repetitive petition seeking the following:

1. A Finding/Determination under Section IX of the Millis Zoning Bylaw and MGL 40A, Section 6 that the proposed use of existing structures on a non-conforming lot for a non-profit private school is not substantially more detrimental to the neighborhood than the existing use of those structures.

Mr. Merrikin presented an overview of the fact this this is a repetitive petition of a previous denial filed with the Town Clerk on August 23, 2017, and noted that the Planning Board voted unanimously on October 3, 2017 to consent to the repetitive petition. Mr. Merrikin reviewed the statutory requirements under which the Zoning Board may consider a repetitive petition.

Mr. Merrikin noted that the property is non-conforming due to insufficient frontage.

Mr. Merrikin presented an overview of the proposal for the Mill Brook School Foundation, Inc. to open a private school utilizing the existing residential and agricultural structures and appurtenant facilities on the property at 376 Orchard Street. Mr. Merrikin noted that the new petition provides specific and materially different facts related to the conditions upon which the previous unfavorable action was based, which was traffic concerns. These facts include greater details about the proposed use; a revised driveway plan which includes widening and relocation; a screening proposal to the southerly abutter; and a traffic study performed in accordance with standard engineering practices.

Mr. Merrikin noted that at initial enrollment, the school expects to have 25-35 students and that the facility is expected to grow slowly over a period of many years. The maximum expected enrollment (many years in the future) is 200-240 children and that the range of grades is expected to be 3-8. Mr. Merrikin presented an overview of the proposed driveway improvements, screening improvements and interior circulation patterns and expected uses/renovation of the existing structures on the site. Mr. Merrikin noted that the school intends to incorporate the extensive open spaces on the site into their facility and curriculum and that the school intends to renovate and repurpose the existing structures for educational uses.

Mr. Michaud provided a traffic report and presented an overview wherein he indicated that MDM conducted a speed study, traffic count and sight distance analysis on Orchard Street at and around the driveway location. Mr. Michaud stated that the driveway location exceeds all recommended sight distances for safe entrance and egress and that at full expected enrollment, there will be no substantive impacts to traffic patterns on Orchard Street and that the driveway will operate at a level of service C, which is considered acceptable for such a facility in a location of this nature.

Mr. Merrikin noted the proposed use of a private non-profit educational school is subject to the protection of the so-called Dover Amendment as provided for in MGL 40A Section 3. Mr. Merrikin notes the applicant's opinion that the proposed use of the site for a non-profit school will not be substantially more detrimental to the neighborhood than the existing use of the structures and that the applicant has properly demonstrated that traffic impacts will not be substantial and that Orchard Street provides safe and reasonable access to the property.

Various members of the public spoke for and against the proposal.

A motion was made by Joseph Coppola seconded by Don Skenderian to make a DETERMINATION/FINDING pursuant to Section IX of the Millis Zoning Bylaws that the applicant's proposed alteration and use of the existing structures on the non-conforming lot for a non-profit private school is not substantially more detrimental to the neighborhood than the existing use of the structures.

The Millis Zoning Board of Appeals voted unanimously to find for the applicant that the change of use on non-conforming property located at 376 Orchard Street, Assessors Map 9, parcel 1, from agricultural to a non-profit private school is not significantly more detrimental to the public good nor does it impair the purposes and intent of this By-Law .

The requirements for the granting of a Finding/Determination for a non-conforming property are:

1. The change of use of the existing structures not be substantially more detrimental to the neighborhood than the existing use of the structures.

It is noted that the applicant proposes to use the existing structures and that no expansion of these structures are proposed at this time.

FINDINGS:

1. The property consists of approximately 56 acres of land with approximately 28 acres lying in Millis.
2. The property includes a single-family residential house along with appurtenant residential and agricultural facilities such as a pool, a garage, a barn, stables, and outside paddocks/riding arenas.
3. The property has historically been used for a variety of agricultural purposes and portions of the property are currently subject to MGL Chapter 61A. The property has had a variety of historical traffic patterns, depending on the prior uses on the site.
4. The property has approximately 65.52 feet of frontage based on record information.
5. The property contains an existing driveway to Orchard Street, which is a major arterial road (Route 115).
6. The applicant proposes to repurpose the existing structures and facilities on the property for a non-profit private boy's school. Although specific plans may change as the facility is developed, the applicant currently proposes to utilize existing structures as follows:
 - a. The existing house for classroom and offices;
 - b. The existing barn for an auditorium;
 - c. The existing garage for classrooms;
 - d. The existing stables for art, shop and music space; and
 - e. Exterior agricultural features are planned to be integrated into the curriculum.
7. The applicant proposes to commence operations with approximately 25-35 students and 9-10 staff. The applicant intends to expand the facility over time and anticipates a maximum student enrollment of 200 to 240 students.
8. With these initial operations, the applicant does not plan to expand the footprint of any existing structures or to add any new structures to the site. The applicant will only renovate the existing structures for their new intended purposes.
9. The applicant has provided a plan to widen the existing driveway to 24-feet, which is suitable for two-way traffic.
10. The applicant has provided a plan to install a 6-foot high privacy fence and at least nine, six-foot high evergreen trees along the southerly abutter's property line for screening purposes.
11. The applicant has provided a traffic study prepared by MDM Transportation Consultants, Inc. The traffic study concludes that Orchard Street has ample capacity to accommodate the maximum proposed enrollment without resulting in delays or adverse impacts to local traffic patterns and further that the proposed driveway is in a safe location with adequate sight distances for proper turning movements into and out of the property.
12. Accordingly, the Board concurs with the decision of the Millis Planning Board that this new petition filed by the Millbrook School Foundation, Inc. has specific and material differences from the previous petition filed by the Millbrook School Foundation, Inc. for which a decision was recorded with the Town Clerk on August 23, 2017. The Board finds the following specific and material differences upon which the previous unfavorable action was based:
 - a. The applicant now proposes to widen and relocate the driveway away from the southerly abutter.

- b. The applicant now proposes to install screening trees and a six-foot high screening fence along the southerly abutter's property line.
- c. The applicant has provided a traffic study demonstrating that access to the site is safe and adequate for the proposed use of a non-profit private school.
- d. The applicant has provided additional specific information about the intended use of the property.

CONDITIONS:

The relief granted herein is based on and subject to the following conditions:

1. Prior to commencement of student classes, the driveway shall be widened and relocated as shown on the plan provided by Merrikin Engineering entitled "376 Orchard Street Circulation Sketch Plan of Land in Millis, MA" dated October 14, 2017 (the "Circulation Plan").
2. Prior to commencement of student classes, a six-foot high privacy fence and at least nine, six-foot tall evergreen trees shall be installed along the southerly abutter's property line substantially as depicted on the Circulation Plan.
3. Any future development of the property for new buildings, paved parking areas and other similar amenities will be permitted in accordance with all applicable state and local requirements.

On a motion made by Mr. Coppola and seconded by Mr. Skenderian, the hearing was closed.

Acceptance of Minutes:

Minutes:

August 15, 2017:

Acting on a motion made by Mr. Koufopoulos and seconded by Mr. Skenderian, the Board voted unanimously to approve the minutes for August 15, 2017.

Interested Members:

The Board has been seeking members to serve on the Zoning Board of Appeals. Residents interested in seeking appointment are Wayne Carlson, Don Rivers, and William Lawson. The Board recommends their appointment. Member Coppola will resign as associate member.

Bills:

The Chairman signed the bills as presented.

Adjourn:

On a motion made by Peter Koufopoulos and seconded by Don Skenderian, the Board voted to adjourn the meeting at 9:30 pm.

Respectfully Submitted,

Amy Sutherland

Secretary

Approved November 21, 2017

