

**Millis Zoning Board of Appeals
February 21, 2017
Veterans Memorial Building
Room 130
Meeting opened at 7:30 pm**

BOARD MEMBERS PRESENT:

Chairman Don Roman, Peter Koufopoulos, and Joseph Copolla

261 Union Street:

The Chairman called the hearing to order at 7:15PM.

Mr. Roman, Mr. Koufopoulos and Mr. Coppola were present. Mr. Roman announced that Associate Member Coppola would be substituting for Mr. Skenderian.

By application filed with the office of the Millis Town Clerk, the petitioner, Wayne Carlson for property located at 261 Union Street, Map #19, Parcel #123, R-V Zone.

The petitioner is seeking a finding and a 33 ft. front yard setback variance for the construction of an addition (8 x 12) to the first floor apartment 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 December 20, 2016 and continued to February 21, 2017 at 7:15p.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.

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

The petitioner was present.

Mr. Carlson explained his request. His property includes a two-family home located at 261 Union Street. The property is pre-existing non-conforming as it does not meet the front set-back requirement. He is seeking a finding that the addition of an 8' by 12' structure on the first floor apartment will not be more detrimental to the neighborhood. The proposed addition meets all set-back requirements.

Additionally, he is seeking a variance for the replacement of the front steps and the construction of a landing to meet current building requirements. The new structure will be within 7' of the front property line. Current zoning requires a 40' set-back.

Mr. Carlson responded to questions raised by the Board.

No one spoke in opposition to the requests.

Acting on a motion made by Mr. Koufopoulos and seconded by Mr. Coppola, the Board voted unanimously to close the public hearing at 7:25PM.

Acting on a motion made by Mr. Koufopoulos and seconded by Mr. Coppola, the Board voted to grant a finding that the construction of an 8' by 12' addition to the first floor apartment will not be more detrimental to the neighborhood.

Acting on a motion made by Mr. Koufopoulos and seconded by Mr. Coppola, the Board voted to grant a front set-back variance of 33' to permit the replacement of the front steps and the construction of a landing.

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.

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 33 front yard setback variance for Wayne Carlson for property located at 261 Union Street, Map #19, Parcel #123 for the addition of a 8 x 12 ft. addition to the first floor apartment which will not be substantially 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 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 the 8 x 12 ft. addition to the first floor apartment for property located at 261 Union Street, Map #19, Parcel #123, will not be more detrimental to the neighborhood.

84 Orchard Street:

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

By application filed with the office of the Millis Town Clerk, the petitioner, Toll Bros., Inc., is seeking a Special Permit under Section 9 Zoning Bylaw Section C Watershed Protection District and Section XI – Special Flood Hazard District.

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

A public hearing in accordance with said notice was held on December 20, 2016 and Continued to February 21, 2017 at 7:30 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.

Mr. Roman, Mr. Koufopoulos and Mr. Coppola were present. Mr. Roman announced that Associate Member Coppola would be substituting for Mr. Skenderian.

Mr. Koufopoulos read the Notice of Hearing.

Mr. Roman noted that abutters had been notified, the notice of hearing had been advertised and no correspondence had been received.

The applicant explained their Special Permit requests. In order to develop the property, construction will need to take place in 6 areas on the property that are either within the Watershed Protection District or the Special Flood Hazard District. The work is required to complete infrastructure improvements to the property including installation of a water line, sewer lines and reconfiguration of existing wetlands crossings.

The applicant's attorney and engineer responded to questions from members of the Board.

Acting on a motion made by Mr. Koufopoulos and seconded by Mr. Coppola, the Board voted unanimously to close the public hearing at 7:42PM.

Acting on a motion made by Mr. Koufopoulos and seconded by Mr. Coppola, the Board voted unanimously to grant Special Permits to allow construction within the Watershed Protection District and the Special Flood Hazard District as shown on plans dated August 30, 2016 and revised September 20, 2016.

The requirements for the granting of a Special Permit, 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.

Therefore, the applicant does meet the requirements necessary for granting of a Special Permit.

50 Morse Avenue, Map 19, Parcel 47:

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

Mr. Roman, Mr. Koufopoulos and Mr. Coppola were present. Mr. Roman announced that Associate Member Coppola would be substituting for Mr. Skenderian.

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

A public hearing in accordance with said notice was held on February 21, 2017 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.

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

The applicant explained that he is seeking a finding that the demolition of an existing home located at 50 Morse Avenue and the construction a new home will not be more detrimental to the neighborhood.

The new home will meet all zoning set-back requirements. It was noted that the property lies within the Groundwater Protection District which has an area requirement of 40,000 square feet. However, since a home already exists on the property, it is afforded grandfather protection.

The applicant noted that the existing cesspool will be filled and the new home will be served by municipal sewer thereby reducing groundwater impact.

One abutter spoke at the hearing and asked a question but did not oppose the project.

Acting on a motion made by Mr. Koufopoulos and seconded by Mr. Coppola, the Board voted unanimously to close the public hearing at 7:55PM.

Acting on a motion made by Mr. Koufopoulos and seconded by Mr. Coppola, the Board voted unanimously to grant a finding that the demolition of an existing home located at 50 Morse Avenue and the construction of a new home will not be more detrimental to the neighborhood provided that the existing cesspool be filled and the new home is connected to the municipal sewer system

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 finding for Lorusso Building & Remodeling, Inc. that the demolition of an existing home located at 50 Morse Avenue and the construction of a new home will not be more detrimental to the neighborhood provided that the existing cesspool be filled and the new home is connected to the municipal sewer system.

Donald Sacchetine, Lavender Street, Parcel 0024-0159-000:

The Chairman called the hearing to order at 8:00PM.

The appeal was filed with the office of the Millis Town Clerk, by the petitioner, Donald Sacchetine, for property located at Lavender Street, Parcel #0024-0159-000.

Notice of the application was published in the Milford Daily News. A public hearing in accordance with said notice was held on February 21, 2017 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.

Mr. Roman, Mr. Koufopoulos and Mr. Coppola were present. Mr. Roman announced that Associate Member Coppola would be substituting for Mr. Skenderian.

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

Mr. Sacchetine was represented by attorney Stephen Kenney. Mr. Kenney explained that the Building Inspector had issued a letter indicating that the current use – a firewood processing and storage operation – was in violation of the Millis Zoning By-law in that the use was not permitted in a commercial zone. Attorney Kenney explained the rationale for appealing this decision.

Attorney Kenney and Mr. Sacchetine responded to questions from members of the Board.

Attorney Scott Wolf represented a group of abutters who were in attendance. The abutters opposed the appeal and felt that the decision of the Building Inspector should be upheld.

A discussion followed regarding a change in the Zoning By-law made at the town meeting on November 11, 2009, that may have an impact on the use. The change was reviewed and found not to be relevant to the current situation.

A further discussion as held regarding the meaning of various uses such a ‘forestry’ and whether this could be interpreted to include the current operation.

Acting on a motion made by Mr. Koufopoulos and seconded by Mr. Coppola, the Board voted unanimously to close the public hearing at 8:30PM.

Acting on a motion made by Mr. Koufopoulos and seconded by Mr. Coppola, the Board voted unanimously to affirm the Building Inspector’s decision.

Minutes:

December 20, 2016:

On a motion made by Peter Koufopoulos, and seconded by Don Skenderian, the Board voted unanimously to accept the minutes from December 20, 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 9:00 pm.

Respectfully Submitted,

Amy Sutherland
Secretary

Approved April 18, 2017