

**Millis Zoning Board of Appeals
June 20, 2017
Veterans Memorial Building
Room 130
Meeting opened at 7:30 pm**

BOARD MEMBERS PRESENT:

Chairman Don Roman, Peter Koufopoulos, and Joseph Coppola

Public Hearing: Ellen Realty Trust:

730 Main Street:

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

The application was filed with the office of the Millis Town Clerk, the petitioner, Ellen Realty Trust for property located at 730 Main Street, Map #21, Parcel #49 & 52 and I-P-2 Special Hazard District Zone.

Notice of the application was published in the Milford Daily News. A public hearing in accordance with said notice was held on June 20, 2017 and continued to June 27, 2017 at 7:30p.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 Ellen Rosenfeld and Dan Merrikin were present.

The petitioner is seeking the following:

1. Variance from Section VI.E and table 2 to allow less than 75% of the required minimum lot area to be outside of the watershed protection district or wetlands.
2. Variance from Section II definitions: parking space to allow parking spaces to be 9' wide by 18' deep.
3. Special permit from Section XI.4 to allow the following with the DEMA Zone A flood plain; construction of a building, parking area, driveway, stormwater management

The plans were reviewed.

Mr. Merrikin explained that the site is comprised of two adjacent parcels in common ownership, which have existed since 1974. The westerly parcel is assessed as a buildable lot. It meets all dimensional requirements except for the upland area. The easterly parcel is assessed as an unbuildable parcel. It does not meet the frontage and upland area requirements of the Bylaw. The applicant proposes to combine both parcels into a single, larger lot for the purposes of this development and to treat the cumulative land as a single lot for development purposes. The Property is constrained by the existence of flood plain and wetland areas. In combination with the proposed 24' parking aisle, the proposed parking space sizes are reasonable and appropriate

for the intended use and will allow the applicant to minimize work in the flood plain and wetland areas.

The Chairman suspended this hearing at 7:45 pm to then continue it at 8:00 pm so that the other scheduled hearing could be heard.

Mr. Merrikin explained that this Property has unique conditions relative to its location within a Zone A flood plain with no specific designated 100-year flood elevation and certain specific topographic conditions, which do not generally affect the I-P2 zoning district. These conditions are not the result of actions taken by the applicant subsequent to the adoption of the Bylaw.

Because the slightly smaller parking space size this would allow the applicant minimize work in flood plain and wetlands areas, the Board finds that the proposed development is not substantially detrimental to the public good, and will not nullify or substantially derogate from the intent or purpose of the Bylaw. It was further explained that the applicant suffers from hardships, which derive from the soil conditions and topography on the Property. Said soil condition and topography, which create the wetland and flood plain conditions, are unique. A literal enforcement of the Bylaw would require the applicant to disturb more wetlands and flood plain than is reasonably necessary for the intended use.

Mr. Merrikin explained that the Property lies partially within a Zone A flood plain, which is a flood plain area where FEMA has not conducted a detailed study to determine a flood profile and a discrete 100-year flood elevation.

The hardship for the variance was explained. The hardship is that the soil conditions and topography on the Property. Said soil condition and topography, which create the wetland and flood plain conditions, are unique. The applicant's family has owned the land since the early 1970s and one of the two parcels has been taxed as a buildable lot. The lot also lies within a Zone A flood plain, where the lack of a FEMA flood study creates ambiguity as to the actual extent of land which may be subject to flooding in a 100-year flood event. Without the benefit of the granted upland area variance, a literal enforcement of the Bylaw would render the Property unbuildable under the Bylaw.

The Board would like further information on this prior to making a decision.

On a motion made by Joseph Coppola and seconded by Peter Koufopoulos, the Board voted unanimously to continue the hearing to Tuesday, June 27, 2017 at 7:30 pm.

Public Hearing: Barbara & James Madison:

160 Dover Road:

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

By application filed with the office of the Millis Town Clerk, the petitioner, Barbara & James Madison for property located at 160 Dover Road, Map #51, Parcel #14, R-T Zone.

The petitioner is seeking a finding pursuant to Section IX.B (non-conforming) that the proposed demolition and replacement of an existing single-family dwelling on a non-conforming lot 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 June 20, 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.

Present were: Chairman, Donald Roman, Members; Peter Koufopoulos, and Associate Member Joseph Coppola (substituting for member Donald 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 petitioners were present.

Dan Merrikin from Merrikin Engineering, LLP was present to explain that this is a proposed demolition to an existing single-family dwelling.

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 8:00PM.

Acting on a motion made by Mr. Koufopoulos and seconded by Mr. Coppola, the Board voted grant a finding that the proposed demolition and replacement of an existing single-family dwelling on a non-conforming lot for property located at 160 Dover Road, Map #51, Parcel #14, will not be more detrimental to the neighborhood.

OPINION/DECISION

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 that the proposed demolition and replacement of an existing single-family dwelling on a non-conforming lot for property located at 160 Dover Road, Map #51, Parcel #14, will not be more detrimental to the neighborhood.

Acceptance of Minutes:

May 9, 2017:

- **On a motion made by Peter Koufopoulos, and seconded by Joseph Coppola, the Board voted unanimously to accept the minutes from May 9, 2017.**

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 Peter Koufopoulos and seconded by Don Skenderian, the Board voted to adjourn the meeting at 9:00 pm.

Respectfully Submitted,

Amy Sutherland

Secretary

Approved July 18, 2017