



TOWN OF MILLIS

MILLIS ZONING BOARD OF APPEALS

900 Main Street • Millis, MA 02054

Minutes of the Millis Zoning Board of Appeal, February 21, 2023

Attending: Peter Koufopoulos
Michael Giampietro
Robert Fogarty
Bonnie J. MacDonald
Don Rivers

The Chairman called the hearing to order at 7:00 PM.

Present were: Chairman, Peter Koufopoulos. Members; Michael Giampietro, Bonnie MacDonald, Bob Fogarty, and Don Rivers.

A petition was filed by Edward Daniels, for property located at 12-14 Exchange Street Map #23, Parcel #70 and CV Zone.

The applicant seeks a finding and a setback variance for the removal of the existing storage area for the purpose of access to soil required to be removed under DEP REM Plan, and also the rebuilding of a new storage area. This is a pre-existing non-conforming structure.

Notice of the application was published in the Milford Daily News. A public hearing in accordance with said notice was held on Tuesday, February 21, 2023.

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 and noted that abutters had been notified, the notice of hearing has been advertised.

There was not any additional correspondence entered into the record.

The petitioner Edward Daniels was present.

The petitioner explained that he would like a finding and a variance for the removal of the existing storage area for the purpose of access to soil required to be removed under DEP REM Plan, and also the rebuilding of a new storage area. This is a pre-existing non-conforming structure. The applicant provided a plan from the current assessor map from the Town of Millis dated November 5, 2018.

The following variance is sought:

- A 16 ft. sideline setback variance.

There were no abutters present to oppose the petition.

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

Acting on a motion made by Mr. Giampietro and seconded by Mr. Rivers, the Board voted to grant the following:

- A finding that the removal of the existing storage area and rebuilding of a new storage area will not be more detrimental to the neighborhood.
- A 16 ft. sideline setback variance for the proposed expansion of storage area.

OPINION/DECISION

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 of 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 non-conforming uses, structures and extension and alteration that the removal of the existing storage area and rebuilding of a new storage area at 12-14 Exchange Street will not be substantially more detrimental to the neighborhood than the existing non-conformity.

OPINION/DECISION

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:

FINDINGS:

1. The Board makes the following findings relative to the requirements of a Variance:
 - a. This Property has unique conditions with respect to soils and topographical conditions along with the shape of the property which derive hardships.

- b. The Board finds that the granting of this variance will not cause a substantial detriment to the public good or impair the purposes and intent of the By-law.
- c. The area is not to be used for future business.
- d. The storage area is not to be used by the tenant but only as personal storage for the owner.

Therefore, the Millis Zoning Board of Appeal grants a finding and variance for property located at 12-14 Exchange Street.

The meeting adjourned at 8:15 pm

Respectfully Submitted,

Amy Sutherland
Secretary