

TOWN OF MILLIS

MILLIS ZONING BOARD OF APPEALS

900 Main Street • Millis, MA 02054

Minutes of the Millis Zoning Board of Appeal, January 17, 2023

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

The Chairman opened the hearing. It was explained that the application was filed with the office of the Millis Town Clerk, the petitioner Joseph Kelly, for property located at 171 Plain Street, Map #29, Parcel #012 RV Zone.

The petitioner is seeking a finding under Section IX non-conforming uses, structures and extension and alteration to allow for the finding that the use from a two-family use to a three-family use shall not be substantially 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 January 17, 2023 at 7:00 pm in the Veterans Memorial Building, Room 130. Notice of the hearing was provided to the petitioners, abutters, and appropriate town boards and officials.

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

Present were: Mr. Koufopoulos, Bob Fogarty, Bonnie MacDonald and Don Rivers.

Member Giampietro was present at the meeting but recused himself from acting on this decision.

The Notice of Hearing was read. Mr. Koufopoulos noted that abutters had been notified, the notice of hearing had been advertised. There were no abutters present.

The following additional information was submitted by Attorney Kenney and entered into the record:

- Affidavit of Eric Gordon
- Affidavit Edward Burns, Jr.
- Affidavit Joseph Kelly
- Assessor's Assessment and Sale Report
- Assessor Property Card
- Municipal Lien Certificate dated 9/8/22
- Statement of Edward Burns
- Statement of Joseph Kelly
- Deed of Joseph Kelly, Sr
- Deed of Edward Burns

- Plan of Land recorded at Norfolk County Registry of Deeds

Attorney Kenney explained that the applicant has supplied documentation showing this property was classified as a three family. This property has been used since 1995 when it was purchased years ago. The documentation was provided to the Zoning Board of Appeals. Attorney Kenney requests that the Board vote to allow for the finding that the use from a two-family use to a three-family use shall not be substantially more detrimental to the neighborhood.

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

Acting on a motion made by Mr. Koufopoulos and seconded by Mr. Rivers, the Board voted unanimously to make a finding to allow for the finding that the use from a two-family use to a three-family use shall not be substantially more detrimental to the neighborhood.

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 use to make a finding to allow for the use from a two-family use to a three-family at 171 Plain Street shall not be substantially more detrimental to the neighborhood.

On a motion made by Don Rivers, seconded by Bonnie MacDonald, the Board closed the hearing.

Public Hearing: **12-14 Exchange Street:**

The applicant was not present.

On a motion made by Peter Koufopoulos, seconded by Don Rivers, the Board voted unanimously to continue the hearing for 12-14 Exchange Street to February 21, 2023.

The Chairman signed the presented bills.

The meeting adjourned at 8:00 pm.

Respectfully Submitted,

Amy Sutherland

