



TOWN OF MILLIS

MILLIS ZONING BOARD OF APPEALS

900 Main Street • Millis, MA 02054

Meeting Minutes

7:00 PM, Tuesday, November 17, 2020

Zoom Meeting

Present:

Members: Peter Koufopoulos, Wayne Carlson, Bonnie J. MacDonald, Don Rivers and William Lawson.

Continued Public Hearing:

376 Orchard Street:

The Chairman opened the continued public hearing for 376 Orchard Street.

Engineer provided a share screen.

The application was 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.

The petitioner has submitted a petition seeking the following:

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

Notice of the application was published in the Milford Daily News. A public hearing in accordance with said notice was held on October 20, 2020 using Zoom video conference. Notice of the hearing was provided to the petitioners, abutters, and appropriate town boards and officials.

Representing the petitioner Dan Merrikin, Legacy Engineering.

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

The Millis Zoning Board of Appeals voted by Roll Call unanimously to find for the applicant that the proposed construction of a new school building along with the construction of the appurtenant site improvements shown on the submitted plans is not significantly more detrimental to the public good nor does it impair the purposes and intent of this By-Law. The Board finds further that the use is a so-called “Dover Amendment” use as it is a non-profit educational use.

Roll Call Vote:

Peter Koufopoulos	aye
Wayne Carlson	aye
Bonnie J. MacDonald	aye
William Lawson	aye
Don Rivers	aye

OPINION/DECISION

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

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

FINDINGS:

1. The property consists of approximately 56 acres of land with approximately 28 acres lying in Millis.
2. The property includes three structures that were previously used as a single-family residential house along with appurtenant residential and agricultural facilities. These buildings include a house that was converted into a school building, a garage that was converted into a school building, a barn, stables, and outside paddocks/riding arenas.
3. Since 2017, the property has been used for a non-profit educational use, and houses the school known as Sparhawk Academy. Portions of the property are currently subject to MGL Chapter 61A.
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). That driveway was widened, relocated and improved to accommodate the existing school use.
6. The applicant proposes to construct a new school building which will be used for classrooms and other activities related to the school.
7. This is a previously planned expansion of the school, which intends to expand over time and anticipates a maximum student enrollment of 200 to 240 students.
8. The school recently installed a new septic system designed to accommodate this building.
9. Under the prior application in 2017, the applicant has provided a traffic study prepared by MDM Transportation Consultants, Inc. The traffic study concluded 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.
10. Based on the foregoing, the Board finds that the proposed change is not substantially more detrimental to the neighborhood than the existing private school use of the site.

CONDITIONS:

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

1. The improvements shall be constructed in substantial compliance with plans prepared by Legacy Engineering LLC with an initial date of July 9, 2020 and a latest revision of November 13, 2020, entitled "Sparhawk Academy, 376 Orchard Street, Site Plan of Land in Millis, MA." The Board recognizes that minor changes to the design are likely to result of the ongoing permitting processes with other Boards in Millis and that such minor changes are permitted under this Finding/Determination.

On a motion made by Don Rivers and seconded by Wayne Carlson, the hearing was closed.

Roll Call Vote:

Peter Koufopoulos	aye
Wayne Carlson	aye
Bonnie J. MacDonald	aye
William Lawson	aye
Don Rivers	aye

114 Union Street:

The Chairman opened the continued public hearing for 114 Union Street. One of the topics for discussion was the stormwater. There was a share screen shown by the applicant. The project has been designed to meet or exceed the Stormwater Management Standards. The site currently generates surface runoff conveyed by overland flow to the drainage system in Union Street and to the abutting parcels to the north and west. The site currently has three sub-catchment areas. The proposed drainage system will consist of deep sump and hooded catchbasins, particle separators and sub-surface infiltration chambers to manage both stormwater quality and quantity. There will be 8 subcatchments that are ultimately tributary. The subcatchments consists of paved parking area tributary to proposed subsurface infiltration system at the southeast of the site. There is also landscape area tributary to the proposed detention pond at the eastern portion of the property. The run off generated by the new impervious subsurfaces will be collected and when required, treated with stormceptor particle separators designed to provide in excess of 80% removal of post construction total suspended solids prior to infiltration. There will be a long term operation and maintenance plan with routine and non routine maintenance.

The applicant reviewed the waivers sought. The applicant explained that they want to work with the town to make this the best project possible. The applicant reserves the right to amend the waiver request during the hearing process. It is the intent to comply with all State regulations as applicable.

This includes the following: (This was referenced in the application)

- Site Plan Review
- Stormwater Management Regulations
- Wetland Protection Bylaw and Regulations
- Water Department Regulations
- Fee Schedules

On a motion made by Wayne Carlson and seconded by William Lawson, the Board voted by Roll Call to continue to the hearing for 114 Union Street until December 15, 2020 at 7:00 pm and allow the Chairman to sign the Peer Review Scope of Services on behalf of the Zoning Board of Appeals.

Roll Call Vote:

Peter Koufopoulos	aye
Wayne Carlson	aye
Bonnie J. MacDonald	aye
William Lawson	aye
Don Rivers	aye

68 Meadow Cartway:

The Chairman opened the hearing for 68 Meadow Cartway.

Member Carlson recused himself from the hearing.

By application filed with the office of the Millis Town Clerk, the petitioner, Rainer Franz Felber for property located at 68 Meadow Cartway, Map #27, Parcel #43, R-T Zone.

The petitioner is seeking a finding and a variance to construct a (12'x30') open deck to a single family home and also a 8' x 10' first floor addition between the first floor and the basement (inside the existing home) which will not be more detrimental to the neighborhood.

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

Chairman Koufopoulos read the Notice of Hearing. The abutters have been notified, notice of hearing had been advertised and no correspondence had been received.

The petitioner was present. Mr. Felber presented photos of the site.

It was explained that the applicant was looking for a finding and variance to construct a (12'x30') open deck to a single family home and also a 8' x 10' first floor addition between the first floor and the basement (inside the existing home) which will not be more detrimental to the neighborhood.

No one spoke in opposition to the petition.

Acting on a motion made by Mr. Lawson and seconded by Mr. Rivers, the Board voted by roll call vote to close the public hearing.

Roll Call Vote:

Peter Koufopoulos	aye
Bonnie J. MacDonald	aye
William Lawson	aye
Don Rivers	aye

Acting on a motion made by Mr. Lawson and seconded by Mr. Rivers, the Board voted by roll call to grant a finding to construct a (12'x30') open deck to a single family home and also a 8' x 10' first floor addition between the first floor and the basement (inside the existing home) which will not be more detrimental to the neighborhood will not be more detrimental to the neighborhood.

Roll Call Vote:

Peter Koufopoulos	aye
Bonnie J. MacDonald	aye
William Lawson	aye
Don Rivers	aye

Adjourn:

On a motion made by Mr. Carlson and seconded by Mr. Lawson, the Board voted by roll call to unanimously to adjourn the meeting.

Roll Call Vote:

Peter Koufopoulos	aye
Bonnie J. MacDonald	aye
William Lawson	aye
Don Rivers	aye

The meeting adjourned the meeting at 8:30 pm.

Respectfully Submitted,

Amy Sutherland

