



# TOWN OF MILLIS

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## MILLIS ZONING BOARD OF APPEALS

900 Main Street • Millis, MA 02054

### Meeting Minutes

*7:00 PM, Tuesday, November 19, 2019*

*Room 130*

Present: Peter Koufopoulos, Wayne Carlson, Don Rivers, William Lawson, and Donald Skenderian.

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

### **Continuation Public Hearing 972 Main Street:**

The Chairman opened the continued public hearing for 972 Main Street.

The petitioner is seeking a special permit to modify the existing use of the structure as a car wash to a use for a Massachusetts Vehicle Inspection Station. The opening of the public hearing in accordance with said notice was held on October 7, 2019 and continued to November 19, 2019 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. The Zoning Board discussed that it is not within their authority to grant use variances and thus will deny the variance application.

On a motion made by Wayne Carlson and seconded by Don Rivers, the board voted unanimously to deny the Special Permit for George Ilyas.

On a motion made by Wayne Carlson and seconded by William Lawson, the board voted unanimously to close the public hearing.

The hearing was closed at 7:15 pm.

### **Public Hearing: 30-36 Exchange Street:**

The Chairman opened the public hearing for 30-36 Exchange Street at 7:15 pm.

Mr. Koufopoulos read the Notice of Hearing and noted that abutters had been notified, the notice of hearing has been advertised.

The petition was filed by 30-36 Exchange Street LLC on September 20, 2019, for property located at for property located at 30-32 Exchange Street & 34-36 Exchange Street, Millis, Massachusetts, Map# 23, Parcel #48 & 49, Zoning District C-V & MCEOD, Millis, Massachusetts

The applicant seeks a variance from the following:

- To allow parking within 20 ft. of a side lot line at 30 & 32 Exchange Street
- To allow the parking within 15 feet of the front lot line at 30-32 Exchange Street
- To allow the reconfiguration of existing non-conforming parking and driveway at 34 -36 Exchange Street.

Mr. Merrikin presented the petition for variance to the members of the Board. Included in the presentation was an agreement for reciprocal access and parking rights agreement which was signed on March 17, 2009.

On a motion made by Don Rivers, seconded by William Lawson, the Board voted unanimously to close the hearing.

A motion was made by Don Rivers, seconded by William Lawson to grant a **VARIANCE** from Section VIII.C.2.a to allow parking within 0 feet of a side lot line at 30-32 Exchange Street. The vote was **4-0 in favor**.

A motion was made by Don Rivers, seconded by William Lawson to grant a **VARIANCE** from Section VIII.C.2.f to allow parking within 13 feet of a front lot line at 30-32 Exchange Street. The vote was **4--0 in favor**.

A motion was made by Don Rivers, seconded by William Lawson to grant a **DETERMINATION** from Section IX.B.2 of the Zoning By-Laws to allow the reconfiguration of non-conforming parking and driveway areas at 34-36 Exchange Street. The vote was **4-0 in favor**.

#### **FINDINGS:**

1. The sites abut one another and share a parking lot and driveways. 34-36 Exchange Street is the subject of prior approvals to allow modifications of the pre-existing nonconforming parking on that property to accommodate the ongoing renovation of the existing building into a mixed use building.
2. 30-32 Exchange Street directly abuts 34-36 Exchange Street and share a parking lot and driveways. A parking and access agreement between the properties allows for the formal sharing of parking and driveways (agreement dated March 17, 2009).
3. During renovation of the building at 34-36 Exchange Street the applicant determined that it would be safer for both properties if the existing driveway at 30-32 Exchange Street were abandoned and moved to the middle of the frontage at 34-36 Exchange Street. This is due to the presence of the existing building at 30-32 Exchange Street adjacent to the current driveway, which creates sight-distance challenges.
4. In order to relocate the driveway as shown on the site plan and to maintain the same number of parking spaces as presently exist between the two properties, two new parking spaces are

proposed to be added in the location of the existing driveway at 30-32 Exchange Street. This creates the need for the request for the two variances.

5. The Board finds that the relocation of the driveway as proposed and the reconfiguring of the parking is reasonable and an improvement over the prior design.
6. The Board makes the following findings relative to the requirements of a Variance:
  - a. These properties have unique shapes, with two adjacent narrow lot configurations and an existing parking lot and driveways that have been historically shared between the two properties in this downtown location. These conditions do not generally affect the C-V/MCEOD zoning district.
  - b. The location of the existing building at 30-32 Exchange Street creates a hardship with respect to sight-distance limitations which could affect pedestrian and vehicular traffic on Exchange Street. Due to the narrow shape of the lot and the placement of the existing building, there is no other location at 30-32 Exchange Street to move the existing driveway. Thus, the most appropriate location is at the frontage of the adjacent 34-36 Exchange Street site. In order to preserve the existing number of parking spaces between the two properties, variances are necessary to allow the displaced two parking spaces to be located where the current driveway for 30-32 Exchange Street lies.
  - c. The granted relief will not substantially derogate from the intent of the Bylaw because it will provide a safer condition with respect to pedestrian and vehicular movement in the immediate vicinity.
7. The Board makes the following findings relative to the requirements for the granting of a Determination:
  - a. The 34-36 Exchange Street site is pre-existing nonconforming relative to a variety of issues and prior variances have been granted relative to parking and driveway area requirements.
  - b. The proposed minor reconfiguration of parking space and driveway locations at the front of the site are not substantially more detrimental to the neighborhood than the existing conditions, which include the same number of parking spaces and a driveway entrance.

#### **CONDITIONS:**

The relief granted herein (variances and special permits) is based on and subject to the following conditions:

The work shall be substantially as shown on a plan entitled “34-36 Exchange Street, Site Plan of Land in Millis, Massachusetts” prepared by Merrikin Engineering, LLP and dated March

#### **Public Hearings 411 Orchard Street:**

The Chairman opened the public hearing for 411 Orchard Street.

A petition was filed by Elizabeth Geisinger, for property located at 411 Orchard Street, Assessors Map #0009-0006-0000, Zoning District RT. The applicant seeks a Special Permit to operate a kennel at 411 Orchard Street.

The applicant explained that they would like to have a special permit to have a business where they will be bringing dogs onto the property to get exercise. The dogs will then be loaded back into the vehicle

and brought back to their homes. The Board was questioning if there needs to be an overhead enclosure for the dogs. The Board would like to continue the hearing to discuss this with Town Counsel.

There was one abutter who was present who spoke in opposition.

**On a motion made by William Lawson, and seconded by Don Skenderian, the Board voted unanimously to continue the hearing until December 17, 2019 at 7:00 pm.**

**Bills:**

**On a motion made by Mr. Skenderian and seconded by Mr. Rivers, the Board voted unanimously to approve the bills as presented.**

**Minutes:**

**On a motion made by Mr. Skenderian and seconded by Mr. Lawson, the Board voted unanimously to approve the minutes as presented.**

**Adjourn:**

**On a motion made by Mr. Skenderian and seconded by Mr. Lawson, the Board voted unanimously to adjourn the meeting.**

The meeting adjourned the meeting at 8:45 pm.

Respectfully Submitted,

Amy Sutherland

