

Town of Milford – Zoning Board
Milford Town Hall – Room 3
Meeting Minutes – March 14, 2024

Meeting Called to Order – 7:06 P.M.

Members in attendance: David R. Consigli, Chairman; members John Dagnese; Mark Calzolaio; David H. Pyne; and alternate members Christopher Burns and David Claro. Also in attendance Melissa Tomas, Clerk, and Jerry from Milford TV.

Not in attendance: John Mastroianni, Vice Chairman; and Robert Capuzziello.

Approval of Minutes

Motion made by John D. to approve the minutes of the December 14, 2023 meeting – Second by Christopher Burns – Roll Call Vote taken: Unanimous – Minutes approved.

Motion made by Mark Calzolaio to approve the minutes of the January 11, 2024 meeting – Second by Christopher Burns – Roll Call Vote taken: Unanimous – Minutes approved.

Motion made by John D. to approve the minutes of the February 8, 2024 meeting – Second by David Claro – Roll Call Vote taken: Unanimous – Minutes approved.

General Business

Chairman David Consigli opened the March 14, 2024 hearing.

7:09 P.M. – General Business – Fairfield Residential/Residences at Stone Ridge

Members participating: Members in attendance: David R. Consigli, Chairman; members John Dagnese; Mark Calzolaio; David H. Pyne; and alternate member David Claro.

Recused Members: n/a

In Attendance: John Shipe, Fairfield Residential

Documents provided: Performance Bond; Power of Attorney; All-Purpose Certificate of Acknowledgment; Massachusetts Dept. of Environmental Protection, WPA Form 8B – Certificate of Compliance; Notice of Hearing dated 2/22/24; Memorandum to Zoning Board of Appeals from Town Engineer dated 2/8/24.

Chairman Consigli began the hearing. He read the Notice of Hearing. Chairman Consigli then read the Town Engineer's letter to the ZBA.

John Shipe was present to request the release of the Performance Bond and answer any Board questions. He spoke of the language from the original Decision and Certificate issued.

Board members asked questions and raised concerns regarding the bike path, bus route/hut information, and Helipad (emergency evacuation). Member David Pyne questioned Mr. Shipe as to why the bike path was not completed/built. Mr. Shipe informed the members that the condition was on the Deer St.

plan; the road is 26 ft. wide; and also provided language as to original certification/decision issued by the Board. Mr. Shipe also informed the members that he will have to speak with property management regarding the bus hut. They are willing to add the covered hut however can not commit without speaking with Management. He also confirmed that the helipad has been installed and is complete at the site.

Public participation: None

Vote: Motion made by Mark C. to release \$400k - Second by David P. – Roll Call Vote taken – Unanimous – Release of \$400k was Approved.

7:29 P.M. - Hearing of Geara Realty – Special Permit

Members participating: David R. Consigli, Chairman; members John Dagnese; Mark Calzolaio; David H. Pyne; and alternate member David Claro.

Recused Members: n/a

In Attendance: Timothy Power, Engineer from PVI Site Design

Documents provided: Petition for Special Permit dated 12/21/23; Assessors “Request for Abutters List” dated 12/19/23; Certified Abutter’s list dated 12/19/23; GIS Property Info 42-0-261; Planning Board recommendation letter to ZBA dated 1/3/24; Town Planner letter to Planning Board dated 1/2/24; copy of PVI Site Design, LLC., Plan “Proposed Redevelopment 108 East Main St., Milford, MA” dated 12/19/23; Notice of Hearing dated 1/18/24; Memo from Special Counsel to ZBA dated 2/15/24; Notice of Hearing dated 2/22/24.

Chairman Consigli began the hearing. He read the Notice of Hearing. He then read Town Counsels memo to the Zoning Board of Appeals and brought member Mark C. up to speed with this hearing. This matter was continued from the previous meeting. Chairman Consigli then read Town Planners letter and the Planning Boards recommendation.

Tim Power, Engineer from PVI Site Design was present to answer any questions or discuss any concerns from the Board. Mr. Power discussed the continued hearing and offered his time to answer questions.

Board members asked questions and discussed the continued hearing. They discussed Town Counsels memo and confirmed clarification from the memo. Chairman Consigli asked if there are any changes, and Mr. Power confirmed there are no changes. There is no mechanical repairs or business at the property, just glass repairs.

Tenant at the property will be AutoGlassNow. A Business card was provided to the Board for the record and the contact information will be incorporated in the final Decision.

Chairman Consigli discussed conditions for the property which included: no car stacking; landscaping plan; no changes since the last meeting; no future subdivision of the lot; condition numbers 2, 3, 4, and 5 from the prior Decision to be in effect; and the application is to go back to the Planning Board for site plan approval.

Public participation: None

Vote: Motion made by John D. to approve the application as submitted - Second by David P. – Roll Call Vote taken – Unanimous – Application Approved.

7:37 P.M. - Hearing of Christopher & Kimberly Depietro – Variance/Special Permit

Members participating: David R. Consigli, Chairman; members John Dagnese; Mark Calzolaio; David H. Pyne; and alternate member Christopher Burns.

Recused Members: n/a

In Attendance: Christopher Depietro

Documents provided: Petition for Variance dated 1/31/24; Petition for Special Permit dated 1/31/24; Assessors “Request for Abutters List” dated 11/14/23; Certified Abutter’s list dated 11/20/23; GIS Property Info 26-38-44; Planning Board recommendation letter to ZBA dated 2/7/24; Town Planner letter to Planning Board dated 2/6/24; copy of Bench Mark Designs, LLC plan Chris & Kim Depietro, 3 Clearview Drive, Milford, MA” dated 12/18/23; copy of Spindle City Surveying plan “3 Clearview Drive, Milford, MA” dated 1/22/24; Notice of Hearing dated 2/22/24.

Chairman Consigli began the hearing. He read the Notice of Hearing. He then read the application. Chairman Consigli then read Town Planners letter and the Planning Boards recommendation.

Christopher Depietro presented the application to the Board.

Board members asked questions about the application. Chairman Consigli questioned what the 2nd fl. of the garage was going to be or used for? Mr. Depietro informed the Board that the area is to be used for a master bedroom and bath. Board members reviewed the plot plan and building plans. Dimensions were discussed and the current use and layout. The current box of the house is 24 x 32. There were no further Board questions.

Public participation: None

Vote: Motion made by John D. to approve the application as submitted - Second by Chris B. – Roll Call Vote taken – Unanimous – Application Approved.

7:44 P.M. - Hearing of Kevin Meehan – Variance

Members participating: David R. Consigli, Chairman; members John Dagnese; Mark Calzolaio; David H. Pyne; and alternate member David Claro.

Recused Members: n/a

In Attendance: Attorney Mark Kablack; and John Nenart, Engineer

Documents provided: Petition for Variance dated 2/13/24; Assessors “Request for Abutters List” dated 12/20/23; Certified Abutter’s list dated 12/22/23; GIS Property Info 2-0-1; Planning Board recommendation letter to ZBA dated 2/22/24; Town Planner letter to Planning Board dated 2/20/24; copy of Guerriere & Halnon Plan “Site Development & Facilities Plan for 0 Haven Street” dated 12/23/22; copy of Guerriere & Halnon Plan “Exhibit A-1” dated 11/15/01; copy of Guerriere & Halnon Plan “Exhibit A-2” dated 11/20/02; Notice of Hearing dated 2/22/24.

Chairman Consigli began the hearing. He read the Notice of Hearing. He then read the application; Town Planners letter; and the Planning Boards recommendation.

Attorney Kablack presented the application to the Board members. He explained the application and then turned it over to John Nenart. Mr. Nenart, Engineer, presented the plans to the Board members, showed photos of the proposed house; gave details of the 6,000 sq. ft. home and the lot; spoke of the common drive; water; electricity; and the turnaround. Settlement Agreement is in place for all utilizes. Access to the property will be off the common drive.

Board members began and asked questions. Member Calzolaio asked questions about the land and ownership. Chairman Consigli asked the members if there were any other questions. No other Board members had any questions.

Public participation:

Representative of Maspenock Rod and Gun Club was present. He wanted to know if there was any concern that there is a Rod & Gun Club abutting the property. Wants the buyer to be aware there is a firing range there. Mr. Nenart explained that they do not anticipate any safety issues as the lot is much higher than the Rod & Gun Club.

Vote: Motion made by David P. to approve the application as submitted - Second by Mark C. – Roll Call Vote taken – Unanimous – Application Approved.

8:04 P.M. - Hearing of Ryan Morganelli – Special Permit

Members participating: David H. Pyne, Acting Chairman; members John Dagnese; Mark Calzolaio; and alternate members Christopher Burns and David Claro.

Recused Members: David Consigli, Chairman recused himself at 8:05 pm and left the room.

In Attendance: Attorney Bertonazzi and Ryan Morganelli

Documents provided: Petition for Special Permit dated 2/16/24; Assessors “Request for Abutters List” dated 2/12/24; Certified Abutter’s list dated 2/14/24; GIS Property Info 37-0-11A; Planning Board recommendation letter to ZBA dated 3/7/24; Town Planner letter to Planning Board dated 3/5/24; copy of Guerriere & Halnon, Inc., Plan “Change of Use Site Plan – 286 ½ West Street Milford, MA” dated 2/15/24; Notice of Hearing dated 2/22/24.

Acting Chairman David Pyne began the hearing. He read the Notice of Hearing.

Vote: Motion made by John D. to waive the reading of the application - Second by David Claro – Roll Call Vote taken – Unanimous – Reading Waived.

Acting Chairman Pyne then read the Town Planners letter and the Planning Boards recommendation.

Attorney Bertonazzi presented the application to the Board. He explained his client's business, known as Shades of Green, and the proposed use of the space. Attorney Bertonazzi explained that there would be no alterations to the lot or structure. The property has 2 bays, the building is approximately 60 x 60. His client is looking to use one bay, and the other bay is rented for storage. The bay/space Mr. Morganeli will be occupying is approximately 30 x 30. The applicant is proposing to use this space for automotive repairs for the fleet of vehicles from his business.

Board members asked questions. Acting Chairman Pyne asked if the applicant was buying the property and Attorney Bertonazzi confirmed his client is buying the property; using it for automotive repair, same use as what was there. His client will not be using the property as a contractor's yard.

Public participation: None

Vote: Motion made by David Claro to approve the application as submitted - Second by Christopher B. – Roll Call Vote taken – Unanimous – Application Approved.

8:11 P.M. - Hearing of Jason Gomes, Domingos Gomes & Danny Gomes – Variance

Members participating: David R. Consigli, Chairman; members John Dagnese; Mark Calzolaio; David H. Pyne; and alternate member Christopher Burns.

Recused Members: n/a

In Attendance: Attorney Bertonazzi; Jason Gomes; and Domingos Gomes

Documents provided: Petition for Variance dated 1/26/24; Assessors "Request for Abutters List" dated 2/8/24; Certified Abutter's list dated 2/14/24; GIS Property Info 49-0-391; Planning Board recommendation letter to ZBA dated 3/7/24; Town Planner letter to Planning Board dated 3/5/24; copy of Fodera Engineering Plan "Two-Lot Division of Land Zoning Board of Appeals Plan, Lot 1, Highland Street, Milford, MA 01757" dated 1/26/24; Notice of Hearing dated 2/22/24.

Chairman Consigli began the hearing. He read the Notice of Hearing. He then began the reading of the application.

Vote: Motion made by David P. to waive the reading of the application - Second by Christopher Burns – Roll Call Vote taken – Unanimous – Reading Waived.

Chairman Consigli then read the Town Planners letter and the Planning Boards recommendation.

Attorney Bertonazzi presented the application to the Board members. He then presented the sub-division plans to the members; spoke of the lot sizes and dimensions; proposed use; frontage; and house information.

Board members were asked if they had any questions. There were no questions from the Board members. Chairman Consigli commented that since there will be removal of trees during construction, he would like to see some trees planted. He is requesting 3 trees on each lot at least 3" caliber.

Public participation: None

Vote: Motion made by David Pyne to approve the application as submitted and providing 3 trees on each lot with a minimum of 3" caliper - Second by John D. – Roll Call Vote taken – Unanimous – Application Approved.

8:22 P.M. - Hearing of Ronald Gray – Special Permit

Members participating: David R. Consigli, Chairman; members John Dagnese; Mark Calzolaio; David H. Pyne; and alternate member David Claro.

Recused Members: n/a

In Attendance: Ronald Gray

Documents provided: Petition for Special Permit dated 2/20/24; Planning Board recommendation letter to ZBA dated 3/7/24; Town Planner letter to Planning Board dated 3/5/24; Memo from James Sullivan of Guerriere & Halnon dated 2/29/24; copy of Guerriere & Halnon Plan "50 Birch, LLC." "As-Built Site" Plan of Land dated 8/6/09; copy of Plan "Motor Vehicle Sales Office 50 Birch Street, Milford, MA." Dated 2/15/24; copy of D&L Design Group Plan "50 Birch Street" dated 3/14/24; Notice of Hearing dated 2/22/24.

Chairman Consigli began the hearing. He read the Notice of Hearing. He then read the Town Planners letter and the Planning Board recommendation.

Ronald Gray was present to present the application to the Board members and answer any questions. He provided the Board members with an updated plan at the hearing.

Board members asked questions and expressed their concerns. Chairman Consigli asked questions after reviewing the plan submitted. He questioned square footage of the office space to determine parking spaces. He would like clarity on square footage for the office space that will be occupied. The square footage of the office space is necessary to determine parking spaces. Chairman Consigli suggested continuing the hearing to the next scheduled hearing to have the plans submitted and reviewed by Town Planner. Chairman Consigli and Mr. Gray executed the Agreement to Continue the hearing.

Public participation: None

Vote: Motion made by David P. to continue the hearing on April 11, 2024 - Second by Mark C. – Roll Call Vote taken – Unanimous – Application Continued.

Adjournment: Motion by David Pyne to adjourn the meeting – Second by Christopher B. – Roll Call
Vote taken: Unanimous – Meeting Adjourned.

Meeting Adjourned – 8:33 P.M.

Respectfully Submitted,

APPROVED:

Melissa Tomas, Clerk

David R. Consigli, Chairman