

Joseph Calagione John H. Cook Patrick J. Kennelly

Marble Mainini, III Lena McCarthy

PLANNING BOARD OF MILFORD, MASS.

TOWN HALL, 52 MAIN STREET 634-2317

AGENDA
MILFORD PLANNING BOARD
Tuesday, March 19, 2019
Room 3, Milford Town Hall

GENERAL BUSINESS

(7:00 P.M.) 1. Minutes of previous meeting

2. 81-P Plans: (none)

3. Amended Site Plan: 154-158 East Main Street - Imperial Hyundai

4. ZBA Variance Referral: Highland Street - Paul Esposito

	TOWN OF MI Milford, Massa NOTICE OF N TIME REC'D: 8.56 a.M.	&
Board or Commission	Planning Board	
Date and Time of Meeting	Tuesday, March 19, 2019 7:00 PM	
Place of Meeting	Room 3 Milford Town Hall	
Matters Anticipated to be su	abject of discussion:	
•	GENERAL BUSINESS	
(7:00 P.M.) 1. Minu	tes of previous meeting	
2 01 D	Diana (none)	

- 2. 81-P Plans: (none)
- 3. Amended Site Plan: 154-158 East Main Street Imperial Hyundai

4. ZBA Variance Referral: Highland Street – Paul Esposito

5. ZBA Special Permit Referral:

Signature Dated 3-14-19
The listing of matters above are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.



PLANNING BOARD OF MILFORD, MASS.

TOWN HALL, 52 MAIN STREET 634-2317

Joseph Calagione John H. Cook Patrick J. Kennelly Marble Mainini, III Lena McCarthy

March 5, 2019

Meeting Minutes - Page 1

The meeting opened at 7PM All members were present. Town Planner was present.

The minutes of February 19,2019 John Cook motioned to accept and sign. Lena McCarthy 2nd. 4 in favor 1 abstained Marble Mainini III.

The following meetings were set. May 7 & 21 2019

June 4& 18 2019

July 16, 2019

August 13, 2019

<u>81-P Plan Deer Street- The Gutierrez Co</u>. Isreal Lopez presented. Stoneridge site. \$450.00 fee received. To create a lot frontage on Deer street The road is complete. It needs the binder coat. Patrick Kennelly motioned for the Town Planner to sign. John Cook 2^{nd} . Un. 5

<u>ZBA Variance Wayne Caruso 26 Eben Street</u> Requests a lot shape factor variance to relocate the easterly side lot line to accommodate existing driveway location

Patrick Kennelly made favorable recommendation to withdraw without prejudice Lena McCarthy 2nd. Un.5



PLANNING BOARD OF MILFORD, MASS.

TOWN HALL, 52 MAIN STREET 634-2317

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March 5, 2019

Meeting Minutes – Page 2

<u>Variance 28 Eben Street Wayne Caruso</u> requests a variance to relocate the westerly lot line to accommodate existing driveway location on adjacent property at 26 Eben Street Town Planner made a favorable recommendation. John Cook made a favorable recommendation. Marble Mainini III 2nd Un 5.

<u>Variance 23 Ravenna David Sanches</u> to subdivide existing lot Property consists of a non-conforming two-family dwelling RB zone This district is a single family zone. The proposed density will not be in keeping with the overall neighborhood. Town Planner made an unfavorable recommendation. No hardship here. Patrick Kennelly made an unfavorable recommendation. Lena McCarthy 2nd. Un.5.

<u>Special Permit 2 Western Avenue Stephen Vono</u> for a supplemental apartment in the basement.It ios unclear how this would be accessed thru the existinig dwelling and not separately thru the garage Town Planner made unfavorable recommendation unless primary accesss to the supplemental apartment is thru the main dwelling. John Cook made an unfavorable recommendation Patrick Kennelly 2nd Un.5.

<u>First amendment to Tripartite Agreement received for Sanylah Crossing</u> Patrick Kennelly motioned for the Chairman to sign the agreement. John Cook 2nd, Un.5



PLANNING BOARD OF MILFORD, MASS.

TOWN HALL, 52 MAIN STREET 634-2317

Joseph Calagione John H. Cook Patrick J. Kennelly Marble Mainini, III Lena McCarthy

March 5, 2019

Meeting Minutes – Page 3

Patrick Kennelly motioned to adjourn. Marble Mainini III 2^{nd} . Un.5 Meeting adjourned 7:22PM

Joseph Calagione

Patrick Kennelly

John Cook

Marble Mainini III Lena McCarthy



TOWN OF MILFORD

52 MAIN STREET, MILFORD, MASSACHUSETTS 01757 508-634-2317 Fax 508-473-2394 Idunkin@townofmilford.com

OFFICE OF PLANNING AND ENGINEERING Larry L. Dunkin, MCRP Town Planner

March 19, 2019

Joseph A. Calagione, Chairman Milford Planning Board 52 Main Street Milford, MA 01757

Dear Mr. Chairman:

(Amended Site Plan (Imperial Hyundai (154 – 158 East Main Street (Map 33 Lots 35, 36, 37, 38 (CB Zone

The Applicant requests amended site plan approval for the subject property based on the variance granted by the ZBA at their 1-10-19 meeting (see attached decision). The variance granted relief from section 3.4.4(d)(1) of the Zoning Bylaw relating to Landscaped Buffer Strips for the areas along the Hamilton Street frontage of the site.

For public safety purposes, section 3.4.4(a) of the Zoning Bylaw provides for limiting driveway curb cuts to one driveway per every 200' of street frontage in Commercial districts. In addition, section 3.4.4(c) of the Bylaw prohibits vehicles backing into the public way. These public safety requirements would appear to remain enforceable, as the ZBA variance decision specifically related to the landscape buffer section 3.4.4(d)(1), and does not mention any relief being granted from either section 3.4.4(a) or section 3.4.4(c).

The current amended site plan not only eliminates the landscaping as per the variance, it now also fails to comply with the requirements of section 3.4.4(a) and section 3.4.4(c), which will eliminate any visible definition along the Hamilton Street frontage.

Therefore, I recommend approval only if the Planning Board is satisfied that all applicable requirements of the Zoning Bylaw are being met.

Respectfully,

Larry L. Dunkin, MCRP

Town Planner

TOWN OF MILFORD ZONING BOARD OF APPEALS

TOWN HALL 52 MAIN STREET MILFORD, MASSACHUSETTS 01757

(508) 634-2302

DECISION

This decision is entered on the application of Imperial Hyundai of 154 East Main Street, Milford, MA for a Variance from the set-back provisions of Section 3.4.4 9d) (1), or other applicable provisions of the By-Law, in relation to a parcel of land located at 154 East Main Street, Milford, MA and owned by Milford East Main Street, LLC., of 60 Causeway Street, Millis, MA. The relief is sought in order to permit the reduction in size of the buffer strips along Hamilton Street from the fifteen-foot dimension required by the By-Law to zero feet.

Upon receipt of the above petition a public hearing was scheduled thereon for Thursday, December 13, 2018 at 7:20 P.M. in Room 3 of the Town Hall, 52 Main Street, Milford. Notice of the time, place and subject matter of the petition were given as required by law. The matter was continued to and heard on Thursday January 10, 2019. Notice of the time, place and subject matter of the petition continuances were given as required by law.

The matter then came on for hearing at the time and place set forth above. Present were Chairman David R. Consigli, Vice-Chairman John Mastroianni and members David H. Pyne, John Dagnese, and Mark L. Calzolaio. The Petitioner appeared and gave evidence in favor of the petition. No one appeared in opposition to the petition. At the close of the evidence, the Board further considered the matter and thereafter voted unanimously to grant the relief requested basing its decision upon the following findings:

- 1. The subject property comprises 59,381 square feet, more or less, and is located within the Commercial B (CB) Zoning District. There is an existing automobile dealership with a 1½ story, 16,000 square foot masonry building on the site. The proposed variance will permit safer vehicle traffic within the site, while also maximizing the utility of the site for automobile display and sales.
- 2. At the hearing on January 10, 2019, the Petitioner produced the schematic design of the proposed site usage. The proposal would eliminate the vegetated buffer along Hamilton Street, would permit the display of vehicles of sale along that lot line, and would reduce the actual vehicular ingress/egress on Hamilton Street to one location toward the front of the lot and one to the rear of the masonry building. The Zoning District for the district requires a 15-foot wide vegetated buffer along Hamilton Street which the Applicant seeks to eliminate entirely.
- 3. The Board voted unanimously in favor of granting the 15-foot vegetated buffer variance under Section 3.4.4 9d) (1). In taking its vote, the Board found that lot developed for automobile sales was congested and warranted the requested relief to ensure safe vehicular traffic within the lot itself and that the lot, as used for decades presented circumstances relating to the soil conditions, shape or topography of the land or structures and especially affecting such land or structures, but not affecting generally the Commercial B (CB) Zoning District in which such land or structures are located which warrants the requested relief. Furthermore, a literal enforcement of the provisions of the By-Law from which the variance is sought would involve substantial hardship, financial or otherwise, to the applicant for the variance, and that hardship caused by the

circumstances referred to above. The grant of the variance will neither nullify nor substantially derogate from the intent or purpose of this By-Law.

Having made the above findings, the Board voted unanimously as set forth above to grant the relief requested subject to the following conditions:

1. No customer parking shall be allowed along Hamilton Street, the parking along Hamilton Street shall be used to display vehicles only;

2. The lot line along Hamilton Street shall be demarcated with a 12-inch wide yellow strip painted on the pavement which shall be regularly maintained, and no display vehicle shall go beyond that strip;

3. A directional sign indicating "No Left Turn" shall be installed and maintained at the exit from the rear of the building and lot onto Hamilton Street, the sign to be coordinated with the Milford Highway Department and maintained on an annual basis;

4. A directional sign indicating "No Right Turn" shall be installed and maintained at the exit from the

adjacent auto parts store on the opposite side of Hamilton Street.

MILFORD ZONING BOARD OF APPEALS

Dans R. Consigli

David R. Consigli, Chairman

January 14, 2019

A TRUE COPY OF THE RECORD ATTEST: adureacy news MILFORD TOWN CLERK



TOWN OF MILFORD

52 MAIN STREET, MILFORD, MASSACHUSETTS 01757 508-634-2317 Fax 508-473-2394 mdean@townofmilford.com

> Michael Dean, P.E. Town Engineer

March 14, 2019

Mr. Joseph A. Calagione, Chairman Planning Board 52 Main Street Milford, MA 01757

Re: 154 – 158 East Main Street
Amended Site Plan Review

Dear Mr. Calagione:

The submittal is for an Amendment to the Site Plan for a Car Dealership at 154-158 East Main Street, the Applicant is Imperial Hyundai Corp., P O Box 444 Mendon, MA.

This site has been in front of the Planning Board a number of times over the years, the current Site Plan as submitted matches the decision / requirements set forth in the most recent variance granted by the ZBA in January 2019.

The variance allows for and/or requires:

- no landscape island along Hamilton Street
- requires a 12" wide painted stripe along the street right of way (of Hamilton Street)
- a proposed no right turn sign opposite the existing drive associated with the rear of the automotive parts store and Hamilton Street (opposite subject property)
- no left turn sign associated with the drive isle in the rear of the building
- the parking spaces along Hamilton Street are to be for display vehicles only, no customer parking allowed

I recommend approval of the Amended Site Plan.

Sincerely,

Michael Dean, P.E. Town Engineer

Larry Dunkin

From:

Nelson, Mark < MNelson@milfordfire.org >

Sent:

Friday, March 08, 2019 8:08 AM

To:

Larry Dunkin

Subject:

Amended Site Plan, 154 East Main Street

Larry,

I have no recommendations for the amended site plan for Imperial Hyundai.

Thanks,

Mark

Larry Dunkin

From:

Jennifer Walsh < iwalsh@milfordma.com>

Sent:

Wednesday, March 13, 2019 7:45 AM

To:

Larry Dunkin

Subject:

Re: 154-158 East Main Street Hyundai

Larry,

After reviewing the site plan the MCOD has no comment on the amended site plan for East Main St. Imperial Hyundai!

Have a great day!

Jen

On Thu, Mar 7, 2019 at 2:58 PM Larry Dunkin < ldunkin@townofmilford.com > wrote:

Jennifer Walsh, M.Ed.

Transition/Vocation Coordinator and Team Chair

Milford Public Schools

31 West Fountain St.

Milford, MA 01757

508-478-1121

* * * The Milford Public Schools does not discriminate on the basis of race, color, sex, gender identity, religion, national origin, English proficiency, sexual orientation, disability or housing status.



Milford Water Company

66 Dilla Street Milford, MA 01757 508-473-5110 Fax 508-478-7997 E-Mail milfordwater@milfordwater.com www.milfordwater.com

February 7, 2019

Town of Milford
Office of Planning & Engineering
Planning Board
52 Main Street
Milford MA 01757

Re: Amended Site Plan — 154-158 East Main Street - Milford, MA (Dated 3/7/2019)

Milford Water Company (MWC) after reviewing the plans for **154-158 East Main Street** submitted by **Imperial Hyundai Corp** and seeing no conflict or issues posed to the existing water utility infrastructure approves as submitted. MWC will conduct a survey of the premises when construction is completed

Respectfully submitted,

Vincent P Farese

Vincent P Farese Operations Manager, Milford Water Company



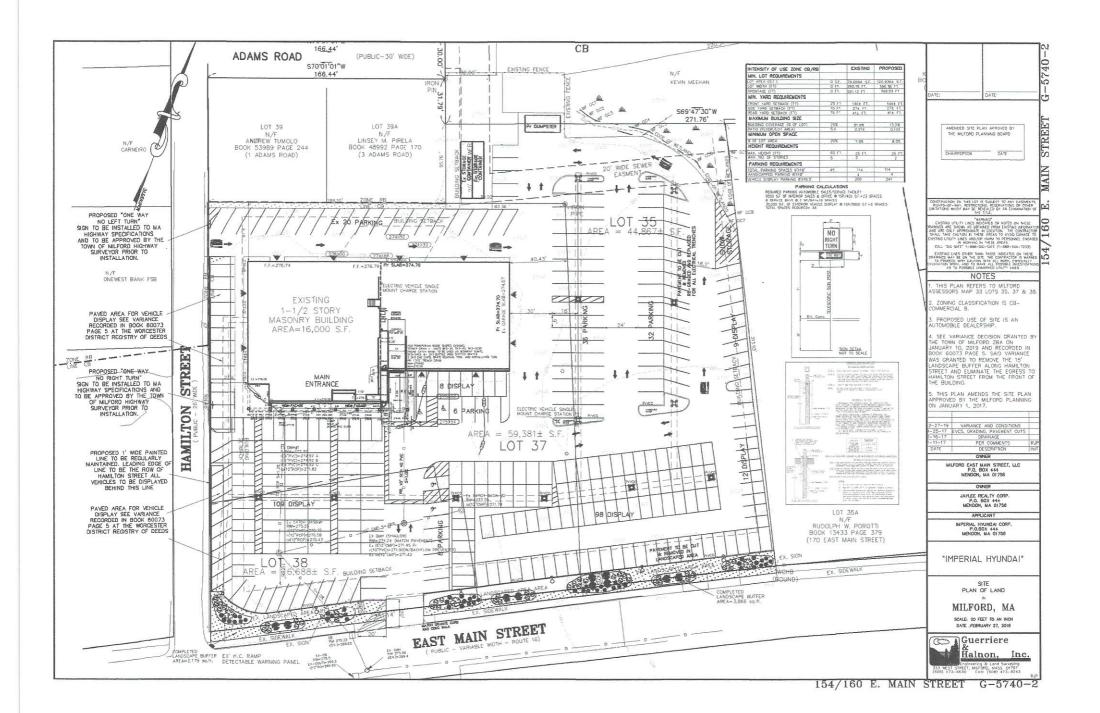
AMENDMENT TO SITE PLAN APPLICATION FORM

RECEIVED:
Office of Planning and
Engineering
Date: __/__
By:

Milford Planning Board 52 Main Street, Milford, MA 01757 (508) 634-2317 Fax 508-473-2394

In accordance with Section 1.15 of the Milford Zoning By-Law, the undersigned requests Planning Board approval of a Site Plan for the proposed development as described below:

Property Location:	154-158 East Main Stree (address) Assessor Map: 33 Deed Reference: Boo Lot Area: 110936 s.f.	Block: 0 k 17184	Lot: <u>35,37&38</u> Page <u>344</u> bistrict(s): <u>CB</u>	
(address) 508-473-20 (phone nui johnn@imi (e-mail add	4 Mendon, MA 300 mber) perialcars.com	Doglarahin	(name)	ber) rialcars.com
	ises: Automotive Class I		N. C. S.	
Variance Granted on Ja	t: $\frac{16000}{25} / \frac{16000}{25}$ $\frac{14.4\%}{14.4} / \frac{14.4}{14.4}$ pecial Permits, and/or V	ariances grante		Existing / Proposed 8.3 / 8.3 114 / 114 16 / 16 de dates approved): rester Distict Registry of Deeds
Application Fee: \$100 Note: Eight copies of existing and proposed		ompanied by the	pplicant's Signature wher's Signature (if he appropriate fee, one sections of the Mi	and eight sets of plans depicting
For Planning Board Use	Only:			
Date received:/_/	+65 days =//	Fee rece	eived: \$	Date Fee received://
Copy to: ☐ Engineer 7-1-2013	☐ Highway ☐ Fire	□ Sewer [☐ Water ☐ Con. Co	m. □ Com. on Disabilities





Property Information

Property ID 33-0-37 Location 154 EAS Owner JAYLEE

154 EAST MAIN ST JAYLEE REALTY CORP



MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

Town of Milford, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated March 2018 Data updated 11/16/2018



TOWN OF MILFORD

52 MAIN STREET, MILFORD, MASSACHUSETTS 01757 508-634-2317 Fax 508-473-2394 ldunkin@townofmilford.com

OFFICE OF PLANNING AND ENGINEERING Larry L. Dunkin, MCRP

Town Planner

March 5, 2019

Joseph Calagione, Chairman Milford Planning Board 52 Main Street Milford, MA 01757

Dear Mr. Chairman:

The applicant requests a variance to subdivide the existing lot. The application is incomplete as no subdivision plan has been submitted. The subject property consists of a conforming 44,477sf lot in an RB zone.

ZBA Variance

Paul Esposito Highland Street

Map 39 Lot 38

RB Zone

The RB district is a single family zone and requires a minimum lot size of 15,000sf per lot, 100' of lot width and 90' of lot frontage. Without an actual engineered subdivision plan it is impossible to properly evaluate the application.

Therefore, I recommend the application be continued until the proper engineered plans are submitted.

Respectfully.

Larry L. Dunkin, MCRP

Town Planner

TOWN OF MILFORD PETITION FOR VARIANCE UNDER THE ZONING BY-LAW 9 MAR -7 AM 10: 01

To the Zoning Board of Appeals Milford, MA 01757

Date: March 4, 2019

NOTE: All petitions for variances must be accompanied a current plan of the property or lot, prepared and signed by a Certified Civil Engineer or a Registered Land Surveyor (See item B below in the ZBA Instructions to Applicants).

INSTRUCTIONS TO APPLICANTS

- A. All questions on this petition must be answered. Failure to answer any question may result in rejection or denial as an incomplete petition.
- B. All petitions for variances must be accompanied by five (5) copies of a current plan of the property or lot, propared and signed by a Certified Civil Engineer or Registered Land Surveyor, which plan must set forth the position of all structures thereon, their size and distance from the front, side, and rear boundary of the lot. Said plan must also show the location of proposed additions or structures, dimensions of said additions or structures, and relevant distances to lot lines. Said plan shall show the nearest side of any and all structures on adjacent properties within 30 feet of the subject lot. If applicable, dimensional areas for vehicular parking, for open space and/or recreation must be shown.
- C. All petitions and accompanying documents must be filed in quintuplicate with the Town Clerk.
- D. The filing fee for each petition seeking relief from the Board is \$250, inclusive of the \$25 paid to the Board of Assessors under paragraph E hereof. Checks are to be made pavable to the Town of Milford.
- E. The petitioner must also provide a list with the names and addresses of the owners of all abutting land and of abutters to those abutters within 300 feet of the premises, which list must be obtained at the cost of \$25.00 from the Board of Assessors tax listings.
- F. Upon filing of a completed petition with the Town Clerk, the Board of Appeals shall schedule a hearing to be held no sooner than thirty (30) days from the date of filing to allow for newspaper publication and review by other Boards.

The undersigned hereby petitions the Zoning Board of Appeals to vary, in the manner and for the reasons set forth, the application of the provisions of the zoning by-law to the premises as described hereinafter:

Applica	ant:	Paul	Esposito		102 Heda St., Uxbridge,	MA	
		(Full)	Vame)		(Address)		
Owner		Dori	s A. Kurlans	ky .	26 Dans R	d-	
		(Full I	Name)		(Address)	Page 125-1	
Tenant	(if any):				Forestdalo	MA	02644
		(Full)	Vame)		(Address)		r,
j.	Location of P	remises	(None)		Highland Street		
			(Address Nur	nber)	(Name of Street)		
	Assessor's:	39		0	38		
		(Me	np)	(Block)	(Lot)		
				Dage 1 of 2			

Page I of J

Revised 9/20/2018

Within which Zoning District is the premises located? RB - Single Family Res.
State the Worcester Registry of Deeds Book and Page number, or the Land Court Certificate number for title of present owner 4084-168
State whether there is in existence any executory option, lease, or purchase and sale agreement with respect to the property Purchase and Sale Agreement
If variance is sought from side line requirements, how far from the side line(s) is (are) the nearesbuilding on abutting premises
State present use of premises Vacant Lot
State proposed use of premises Division into three single-family home lots.
Give extent of proposed alterations, if any Division of one lot into lots with areas of
15,144 s.f.,14,262 s.f. and 15,101 s.f., all with compliant frontage.
Number of families or housing units for which building is to be arranged 3
Have you submitted plans for above to the Building Inspector? No
Has a huilding permit been refused?
What section(s) of the zoning by-law do you ask to be varied? Section 2.5 - Intensity of Use Schedule. Current zoning in the RB district requires 15,000 s.f. per lot and 90' of frontage. This
proposal will result in two zoning-compliant lots and one 14,262 s.f. lot requiring a variance.
What circumstances exist, relating to the soil conditions, shape or topography of the subject premises, which do not generally affect other land in the zoning district, that would warrant the relief requested? When Highland Street was most recently widened, land was taken from the lot, reducing its total size and changing the lot shape. This reduction was localized
to this small area and not to the RB Zone in general.
If the variance were not granted, what hardship would be coused by the circumstances described in 13 above? Fallure to grant this variance would cause a parcel which once had sufficient area for three compliant lots to be underutilized as the result of a municipal improvement.
State why you feel the grant of the variance will not cause substantial detriment to the public good Following the road widening, the lot is presently 44,477 square feet. Three lots in this zone would require 45,000. The parcel is only fractionally smaller than one that
could be divided by right, and will add additional housing stock to an existing neighborhood.
The state of the s

16. If applicant is not the owner, provide proof of authorization by owner, either by copy of executed agreement or by the owner's authorized signature below.

I hereby certify that the above statements are true to	to the best of my/our knowledge and belief.
Applicant Signature:	Owner Cana Handras, personal signature: representative for the
Address: 102 Hecla Street	Address:
Uxbridge, MA 01569	26 Dana Rd.
Telephone: 508-962-8833	torestdale, MA 02644
e-mail: pesposito@national-lumber.com	
Attorney (if any) Mayer, Antonellis,LLP	
Address: 288 Main Street, Milford, MA	
Telephone: 508-473-2203	
e-mail: ell@majhllp.com	

BE SURE THAT ALL QUESTIONS HAVE BEEN ANSWERED FULLY. IF MORE SPACE IS NECESSARY TO ANSWER ANY QUESTION(S), FEEL FREE TO USE AND ATTACH ADDITIONAL SHEETS.



Property Information

Property ID 39-0-38 Location HIGHLAND ST Owner KURLANSKY DORIS A



MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

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Geometry updated March 2018 Data updated 11/16/2018