



# PLANNING BOARD OF MILFORD, MASS.

TOWN HALL, 52 MAIN STREET  
634-2317

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

## **AGENDA** **MILFORD PLANNING BOARD** **Tuesday, May 7, 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: 1 National Street – Milford National LLC
  4. Certificate of No Change Endorsement: Ariana Estates Subdivision – Lily Bean LLC
  5. Discussion Item: Amazon Site Plan – 6-12 Industrial Road
  6. ZBA Variance Referral: 61 Field Pond Road – Matthew Ruzecki
  7. ZBA Variance Referral: Silver Hill Rd. & Congress St. – Vineyard Point Ventures, Inc.
  8. ZBA Variance Referral: Highland Street – Paul Esposito
-

**TOWN OF MILFORD**  
**Milford, Massachusetts**  
**NOTICE OF MEETING**

Board or Commission Planning Board  
Date and Time of Meeting Tuesday, May 7, 2019 7:00 PM  
Place of Meeting Room 3 Milford Town Hall  
Matters Anticipated to be subject of discussion:

**GENERAL BUSINESS**

- (7:00 P.M.)
1. Minutes of previous meeting
  2. 81-P Plans: (none)
  3. Amended Site Plan: 1 National Street – Milford National LLC
  4. Certificate of No Change Endorsement: Ariana Estates Subdivision – Lily Bean LLC
  5. Discussion Item: Amazon Site Plan – 6-12 Industrial Road
  6. ZBA Variance Referral: 61 Field Pond Road – Matthew Ruzecki
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  8. ZBA Variance Referral: Highland Street – Paul Esposito

Signature  Dated 5-1-19

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.

RECEIVED  
MILFORD TOWN CLERK  
2019 MAY -1 PM 1:02



# PLANNING BOARD OF MILFORD, MASS.

TOWN HALL, 52 MAIN STREET  
634-2317

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

## Minutes of Meeting MILFORD PLANNING BOARD Room 3 Milford Town Hall Tuesday, April 16, 2019

Members present: Joseph Calagione (Chairman), John Cook, Patrick Kennelly, Lena McCarthy, Marble Mainini, III.

Members absent: none

Staff present: Larry L. Dunkin, AICP (Town Planner)

Call to order: Chairman Calagione called the meeting to order at 7:00 P.M.

1. MINUTES OF PREVIOUS MEETING: Motion by Cook, Second by McCarthy to approve the minutes of the 3-5-19 meeting as submitted. Vote: 5 Yes

### 2. ANNUAL REORGANIZATION:

For Chairman: Motion by Kennelly, Second by McCarthy, to elect Marble Mainini, III as chairman. Vote: 5 Yes

For Vice Chairman: Motion by Kennelly, Second by Calagione, to elect Lena McCarthy as vice chairman. Vote: 5 Yes

For Clerk: Motion by Kennelly, Second by McCarthy, to appoint Karen Jackson as clerk. Vote: 5 Yes

For MAPC-SWAP Representative: Motion by Kennelly, Second by Cook, to elect Joseph Calagione as MAPC-SWAP Representative. Vote: 5 Yes

For Fair Housing Committee Representative: Motion by Kennelly, Second by Calagione, to elect Lena McCarthy as Fair Housing Committee Representative. Vote: 5 Yes

For Open Space Advisory Committee Liaison: Motion by Kennelly, Second by McCarthy, to elect Joseph Calagione as Open Space Advisory Committee Liaison. Vote: 5 Yes

### Authorizations:

Motion by Calagione, Second by Kennelly, to authorize the Clerk and Town Planner to sign correspondence for the Chairman. Vote: 5 Yes

Motion by Calagione, Second by Kennelly, to authorize the Clerk and Town Planner to sign Planning Board meeting postings w/Town Clerk. Vote: 5 Yes

Motion by Cook, Second by Calagione, to authorize the Town Planner to sign 81P plans and site plans after Board approval. Vote: 5 Yes



Motion by McCarthy, Second by Calagione, to authorize the Town Planner to sign the Planning Board payroll. Vote: 5 Yes

Motion by Kennelly, Second by Cook, to authorize the Town Planner to call Planning Board meetings and set Public Hearings. Vote: 5 Yes

Motion by Kennelly, Second by Calagione, to authorize the Town Planner to set the Planning Board Agenda. Vote: 5 Yes

3. 81-P Plan: (None)

PUBLIC HEARING: Application of the Planning Board to amend Section 3.9 Sign Regulations of the Zoning Bylaw to provide for Projecting Signs within OR, BP, CA, CB, CC, IA, IB and IC zoning districts.

The Town Planner read the legal notice into the record, and explained that it has come to the Planning Board's attention that several of the downtown façade improvement grant applicants are interested in replacing signage that include projecting signs. The most recent update to the sign regulations makes no provision for projecting signs. To remedy the situation the Planning Board has developed this amendment that would provide for projecting signs in a limited way in non-residential zoning districts.

In summarizing the proposal the Town Planner noted that three parts of the sign section of the zoning bylaw were proposed for amendment: a) The definitions section with a new definition for projecting signs; b) The exemption section for signs prohibited in street rights of way; and, c) The new section permitting projecting signs in non-residential zones. It was also noted that for signs that might project into/over street rights of way that a license will be necessary from the Board of Selectmen after Planning Board approval.

No one from the public spoke on this article.

Motion by Calagione, Second by Kennelly, to close the public hearing and forward a favorable report to Town Meeting. Vote: 5 Yes

4. Amended Site Plan: 111 Cedar Street – Volta Oil / Cedar Enterprises. The applicant requests approval of an amended site plan for the subject property. The ZBA granted a special permit in 2016 to establish the original attendant-service gasoline station, convenience store, and drive-thru restaurant on the subject property. On 2-19-19 the ZBA granted a second special permit to convert the existing attendant-service gasoline station to a self-service operation.

Attorney Joseph Antonellis was present on behalf of the owner, and explained that the current request is for approval of an updated site plan reflecting the two special permit approvals, as well as proposing to add a propane cylinder exchange cage on the southern end of the building. The dumpster/enclosure has been relocated to the northerly end of the site due to the placement of the transformer to the south of the building east of the parking lot. The proposed exchange cage is to be located against the south wall of the building, adjacent to the patio area and transformer.

The Town Planner's report recommended that the propane cylinder exchange cage should be protected by a series of bollards around the east, west, and south perimeter of the cage. Also, the area near the cage should also be designated a "No Smoking" area. In addition, given the location of the patio area's proximity to the parking lot, the Town Planner recommended that 6" bollards 6' on center should be installed between the sidewalk and the patio area.

Motion by Kennelly, Second by Cook, to approve the amended site plan subject to staff comments. Vote: 5 Yes

5. Amended Site Plan: 1 National Street – Milford National LLC. The applicant requests amended site plan approval to accommodate modifications to the subject property. Jason McLevy of PDA Inc., Mark Beaudry, P.E., and Attorney Joseph Antonellis were present on behalf of the applicant, and explained that the applicant proposes the demolition of the easterly portion of the building that has housed the furnaces for the previous glass plant. In addition, existing parking spaces and loading docks are to be modified/relocated.

The Town Planner's report noted that the proposed parking and loading dock traffic patterns are not sufficiently separated, and the overall configuration only minimally meets accepted dimensional standards. In addition, a specific use for the property has not been identified, and the future condition of the area of the proposed demolition has not been properly addressed. The Town Engineer's report noted the Order of Conditions referred to on the site plan does not address this issue either.

Motion by Kennelly, Second by Cook, to continue this item until the May 7, 2019 meeting to afford the applicant's engineers time to address all of the relevant agency comments. Vote: 5 Yes

6. ZBA Variance Referral: 25 Taylor Street – Buy Homes LLC. The applicant requests a variance/special permit to construct a two family dwelling on the subject property. The lot is 11,628sf in area, 372sf less than the minimum 12,000sf required in the RA zone to request a special permit to construct a two-family dwelling via special permit, hence the variance request. The applicant had received ZBA approvals for this project in 2017, however those approvals have since lapsed, hence this new application.

The Town Planner noted that the proposed two-family dwelling complies with the requirements of the previous ZBA decision as well as other applicable standards of the zoning bylaw. He recommended that the Board forward a favorable report to the Zoning Board of Appeals for both the variance and special permit applications.

Motion by Kennelly, Second by McCarthy, to forward a favorable report to the Zoning Board of Appeals for both the variance and special permit applications. Vote: 5 Yes

7. Discussion Item: Amazon Site Plan – 6-12 Industrial Road. Patrick Kennelly recused himself from this discussion. A number of abutting business owners were present, along with Attorney Joseph Antonellis who represented one of the abutting businesses/property owners. Staff referred the Board to the Abutters' petition letter in the agenda packet, as well as to a late submittal letter from an abutting business owner, both of which describe the unreasonable use of the Amazon site and Commercial Way, the adjacent public street.

Traffic on Industrial Road and Commercial Way is being disrupted by the inappropriate behavior of Amazon's contracted delivery van drivers, who constantly block traffic and drive erratically.

Motion by Calagione, Second by McCarthy to direct staff to reach out to the property owner and to Amazon and request their attendance at the 5-7-19 Planning Board meeting to discuss these issues. Vote: 4 Yes, 1 Abstain.

Adjournment: Motion by Kennelly, Second by McCarthy to adjourn the meeting. Vote: 5 Yes.

The meeting was adjourned at 8:12 P.M.

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Joseph Calagione, Chairman

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John H. Cook

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Patrick J. Kennelly

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Lena McCarthy

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Marble Mainini, III





## TOWN OF MILFORD

52 MAIN STREET, MILFORD, MASSACHUSETTS 01757

508-634-2317 Fax 508-473-2394

mdean@townofmilford.com

OFFICE OF PLANNING  
AND ENGINEERING

Michael Dean, P.E.  
*Town Engineer*

### M E M O R A N D U M

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TO: Marble Mainini III, Chairman  
FROM: Michael Dean, P.E. *MD*  
DATE: May 2, 2019  
SUBJECT: 1 National Street – Former Glass Plant

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The demolition notes explain that the Order of Conditions issued by the Conservation Commission is for demolition only, no further improvements are allowed under the recent Order of Conditions. The revised site plans state that the proposed demolition will demolish the structures down to the existing foundations only. The foundations and slabs are to remain, there are no proposed site improvements in these Demo areas under this site plan approval.

One recommendation would be to edit the site plans by darkening the foundations to remain, label appropriately and add the existing grades showing the elevations from the top of foundation to the slab elevations and place temporary safety fencing around the foundation drop if warranted.

With the additional information added to the plan and if the Board is agreeable to the “cellar hole” remaining, I recommend the approval of the Amended Site Plan for the **northern parking area only**.



PDA ASSOCIATES INC.  
16 HURON DRIVE  
NATICK, MASSACHUSETTS 01760-1337  
TEL 508 651 3600 FAX 508 655 2229  
WWW.PDA2000.COM

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## MEMORANDUM

TO: Larry Dunkin, Milford Town Planner

FROM: Jason McLevy, Dacon/PDA Project Captain

DATE: April 29, 2019

RE: 1 National Street -clarification to Site Plan Review application

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Mr. Dunkin,

In response to the continuance of the Site Plan Review process for 1 National Street, we would like to clarify the schedule of operations for the east end of the building where the furnace and silo structures are to be demolished.

The current scope of work being presented to the Planning Board does not include work to the east side demolition area. This was done for a very specific reason. After the demolition phase is complete in accordance with the Order of Conditions (OOC) issued by the Conservation Commission, the land will need to be reclaimed with backfill, and some amount of regrading and paving. The work will require engineering coordination with wetlands buffers, water quality, stormwater treatment, and fire department access planning. The work proposed in the current application on the north side is relatively much simpler, needing only approval from the Planning Board prior to permitting. Therefore, the logical strategy was to handle the property with two separate applications. This will help speed the construction process and allow the Owner to start using the building in a timely manner since it is currently vacant and not usable. A second application for the east side of the property will follow after a proper design has been completed.

As previously stated, demolition work on the east end of the site was approved via granting of an OOC on March 1, 2019. In this phase, several existing structures (furnace, silo, conveyors, assessor buildings, etc.) will be demolished to their foundations; which will be left intact and remain in place, along with basement slab(s) and surface materials, until necessary approvals are obtained for future uses in the demolition areas. Materials suitable for later re-use on site will be stockpiled in the southern portion of the site as shown on the plan referenced in the OOC, where they will be protected and remain until additional work is permitted. The OOC explicitly states as a condition of approval that it "is for the demolition of portions of the building and associated structures only. This order does not allow for any additional paving of the site and is not an approval of any new drainage design, calculations, stormwater treatment or drainage installation". In keeping with this, upon completion of demolition, the area will be temporarily stabilized in accordance with the OOC until the completion of the additional permitting process with both Planning Board and Conservation Commission including the installation of haybales and silt fencing around the perimeter of the area, accompanied by compost socks where appropriate on paved areas.

We respectfully request that the Board review this current application knowing that the opportunity to review the proposed work for the east side will be coming in the near future.

Thank you,

Jason R. McLevy

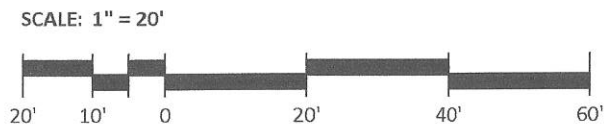
Cc:



1. DEMOLITION WORK ON EAST END OF SITE WILL TAKE PLACE IN ACCORDANCE WITH ORDER OF CONDITIONS ISSUED MARCH 1, 2019.
2. DEMOLITION AREAS ALONG WITH TEMPORARY STABILIZATION OF SAME SHALL BE PROVIDED IN ACCORDANCE WITH PLAN TITLED "SITE DEMOLITION PLAN", REVISED FEBRUARY 15, 2019.
3. PER OOC, STRUCTURES ARE TO BE DEMOLISHED TO FOUNDATIONS AND LEFT IN PLACE ALONG WITH BASEMENT SLABS AND SURFACE MATERIALS, UNTIL ADDITIONAL PERMITS ARE OBTAINED FOR FUTURE USES IN DEMOLITION AREAS.
4. MATERIALS SUITABLE FOR REUSE WILL BE STOCKPILED AND PROTECTED ON SITE UNTIL PERMITS ARE OBTAINED FOR REUSE.
5. DEMOLITION WILL NOT START UNTIL 7AM.

## LEGEND

PROPERTY LINE	
LIMIT OF WORK	
SILT SOCK (EROSION CONTROL BARRIER)	
TYPICAL	
BOLLARD	



**1 NATIONAL**  
**SITE IMPROVEM**  
PROPERTY OWNER: MILFORD N

**1 NATIONAL ST**  
**MILFORD, MA**



PLANNERS DESIGNERS ARCHITECTS, INC.  
16 HURON DRIVE • NATICK, MA 01760  
TEL: 508-651-3600 • FAX: 508-655-2229

**EAST LOT**  
**SITE PLAN**

**C5.0**

**April 1, 2019**



PROPERTY LINE  
LIMIT OF WORK  
EROSION CONTROL  
SILT SACK

STRUCTURE TO BE DEMOLISHED (FOOTPRINT)

STRUCTURE DEMOLITION WITHIN WETLAND BUFFER ZONE

GENERAL NOTES:

1. EXISTING PROPERTY LINES, TOPOGRAPHY, WETLAND RESOURCE AREA BOUNDARIES, SITE DETAILS, AND UNDERGROUND UTILITY LOCATIONS OBTAINED FROM A PLAN TITLED "EXISTING CONDITIONS PLAN OF LAND" PREPARED BY GUERRIERE AND HALNON, REVISED MAY 23, 2014.

REVISIONS

[illegible]

## SITE DEMOLITION PLAN

**1 NATIONAL STREET  
MILFORD, MA 01757**

**Prepared For:**

**NEW MILL CAPITAL  
575 LEXINGTON AVE, 4TH FLOOR  
NEW YORK, NY 10022**



59 MILK STREET, SUITE 303, WESTBOROUGH, MA 01581 | 508.877.7030  
80 CUMMINGS CENTRAL, SUITE 500 BURLINGTON, MA 01803 | 978.298.6447

Date:  
February 5, 2019  
(See Revisions)

Scale:

 $1'' = 30'$ 

Project No.	
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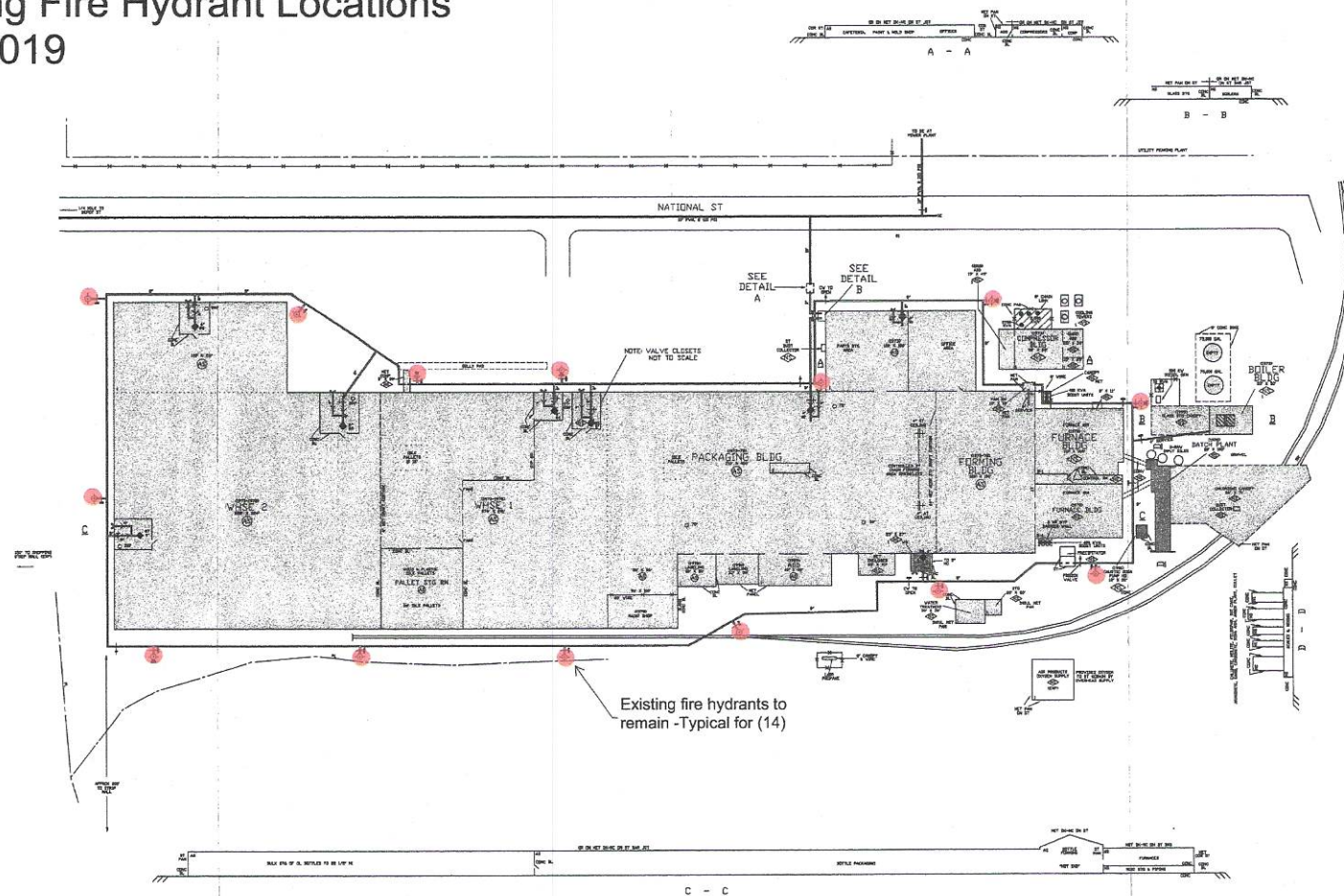
8511
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Sheet No. C-1

1 OF 1



# Site Plan Review Existing Fire Hydrant Locations 4.17.2019



SCALE: 1 inch = 50 feet

SYMBOLS	
EXISTING BUILDING	EXISTING FIRE HYDRANT
NEW BUILDING	NEW FIRE HYDRANT
EXISTING DRIVEWAY	NEW DRIVEWAY
EXISTING SIDEWALK	NEW SIDEWALK
EXISTING CURB	NEW CURB
EXISTING STREET	NEW STREET
EXISTING FENCE	NEW FENCE
EXISTING WALL	NEW WALL
EXISTING ROOF	NEW ROOF
EXISTING LANDSCAPE	NEW LANDSCAPE
EXISTING UTILITIES	NEW UTILITIES
EXISTING ELEVATION	NEW ELEVATION
EXISTING AREA	NEW AREA
EXISTING VOLUME	NEW VOLUME
EXISTING MASS	NEW MASS
EXISTING FORM	NEW FORM
EXISTING TEXTURE	NEW TEXTURE
EXISTING COLOR	NEW COLOR
EXISTING MATERIAL	NEW MATERIAL
EXISTING FINISH	NEW FINISH
EXISTING EQUIPMENT	NEW EQUIPMENT
EXISTING FURNITURE	NEW FURNITURE
EXISTING PLANTING	NEW PLANTING
EXISTING LIGHTING	NEW LIGHTING
EXISTING SECURITY	NEW SECURITY
EXISTING ACCESSIBILITY	NEW ACCESSIBILITY
EXISTING COMPLIANCE	NEW COMPLIANCE
EXISTING DOCUMENTATION	NEW DOCUMENTATION
EXISTING RECORDS	NEW RECORDS
EXISTING ARCHIVES	NEW ARCHIVES
EXISTING LIBRARY	NEW LIBRARY
EXISTING MUSEUM	NEW MUSEUM
EXISTING GALLERY	NEW GALLERY
EXISTING THEATRE	NEW THEATRE
EXISTING CONCERT HALL	NEW CONCERT HALL
EXISTING OPERA HOUSE	NEW OPERA HOUSE
EXISTING BALLROOM	NEW BALLROOM
EXISTING BANQUET HALL	NEW BANQUET HALL
EXISTING RECEPTION HALL	NEW RECEPTION HALL
EXISTING LOBBY	NEW LOBBY
EXISTING CORRIDOR	NEW CORRIDOR
EXISTING STAIRWELL	NEW STAIRWELL
EXISTING ELEVATOR	NEW ELEVATOR
EXISTING ESCAPE ROUTE	NEW ESCAPE ROUTE
EXISTING EXIT SIGN	NEW EXIT SIGN
EXISTING FIRE ALARM	NEW FIRE ALARM
EXISTING SMOKE DETECTOR	NEW SMOKE DETECTOR
EXISTING SPRINKLER	NEW SPRINKLER
EXISTING FIRE EXTINGUISHER	NEW FIRE EXTINGUISHER
EXISTING FIRE HYDRANT	NEW FIRE HYDRANT
EXISTING WATER MAIN	NEW WATER MAIN
EXISTING SEWER	NEW SEWER
EXISTING GAS	NEW GAS
EXISTING ELECTRIC	NEW ELECTRIC
EXISTING TELEPHONE	NEW TELEPHONE
EXISTING CABLE	NEW CABLE
EXISTING INTERNET	NEW INTERNET
EXISTING DATA	NEW DATA
EXISTING VOICE	NEW VOICE
EXISTING VIDEO	NEW VIDEO
EXISTING AUDIO	NEW AUDIO
EXISTING VISUAL	NEW VISUAL
EXISTING TACTILE	NEW TACTILE
EXISTING OLFACTORY	NEW OLFACTORY
EXISTING GUSTATORY	NEW GUSTATORY
EXISTING KINESTHESIC	NEW KINESTHESIC
EXISTING THERMAL	NEW THERMAL
EXISTING PAIN	NEW PAIN
EXISTING COMFORT	NEW COMFORT
EXISTING WELL-BEING	NEW WELL-BEING
EXISTING HEALTH	NEW HEALTH
EXISTING SAFETY	NEW SAFETY
EXISTING SECURITY	NEW SECURITY
EXISTING PROTECTION	NEW PROTECTION
EXISTING DEFENSE	NEW DEFENSE
EXISTING RESISTANCE	NEW RESISTANCE
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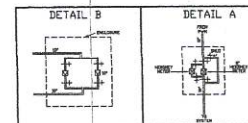
COMPAGNIE DE SAINT-GOBAIN S.A.  
SAINT-GOBAIN CONTAINERS, INC.  
1 NATIONAL STREET  
MILFORD, MA

100150/703794

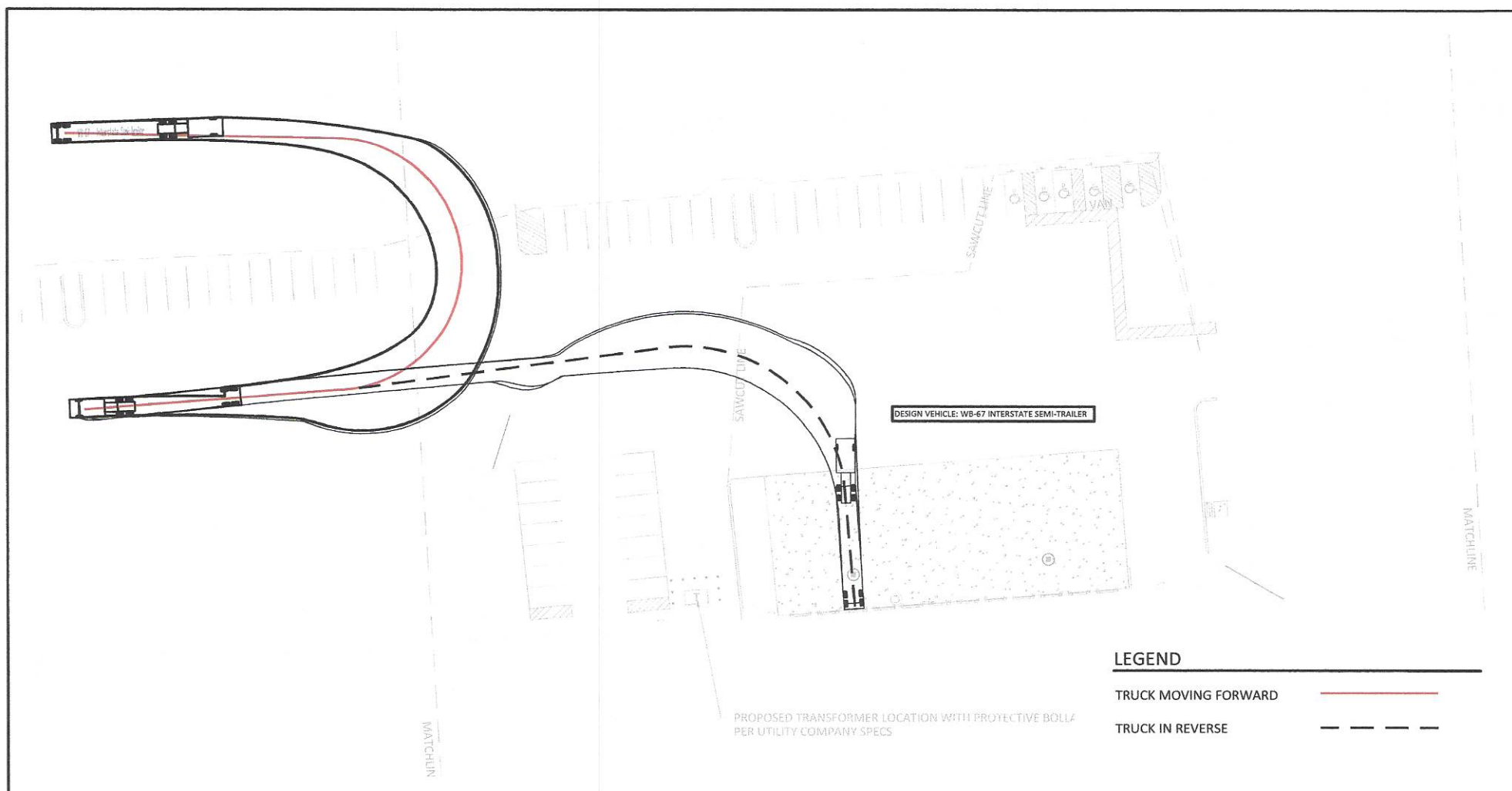
May 10, 2012

XL

Global Asset Protection Services









SCALE: 1"=40'

40' 20' 0 40'

Prepared For:  
PDA, Inc.  
Natick, Massachusetts

Prepared By:  
**MERIDIAN ASSOCIATES**

69 MILK STREET, SUITE 300, WESTBOROUGH, MA 01581 | 978.339.2030  
500 CUMMINGS CENTER, SUITE 200, NEWELLY, MA 01915 | 978.799.0447  
www.MeridianAssoc.com

**Outgoing Truck Turning Movement  
Exhibit**

Scale: 1"=40'  
Project No. 8511

Date: April 16, 2019  
Dwg No. 8511\_Truck Turning.dwg  
Sheet 2 of 2



## 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*

April 7, 2019

Marble Mainini, Chairman  
Milford Planning Board  
52 Main Street  
Milford, MA 01757

(  
( **ZBA Variance**  
( **Matthew Ruzecki**  
( **61 Field Pond Road**  
( **Map 23 Blk 153 Lot 16**  
( **RC Zone**  
(

Dear Mr. Chairman:

The applicant requests a variance to build a deck that would encroach on the 25' zoning setback from wetlands on the subject property. Section 2.4.8 of the Zoning Bylaw requires a 25' setback from any wetland, pond, stream, or detention area.

The developer had submitted an application to the Conservation Commission in April of 2018 for a new house on this lot, at which time was made aware of the 25' wetland setback. The developer subsequently repositioned the propose house so it would not to encroach. However, that repositioning was only minimally enough for the house itself, and didn't take into account any decks that would normally be expected off the rear entrance.

Therefore, I recommend an unfavorable report be forwarded to the ZBA due to a self-created hardship.

Respectfully,

Larry L. Dunkin, MCRP  
Town Planner



TOWN OF MILFORD  
PETITION FOR VARIANCE  
UNDER THE ZONING BY-LAW

To the Zoning Board of Appeals  
Milford, MA 01757

Date: 4-17-19

RECEIVED  
MILFORD TOWN CLERK  
2019 APR 18 PM 2:51

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, prepared 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 payable 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:

Applicant: \_\_\_\_\_

Owner: ☒ Matthew Rutelli 61 Field Pond Rd. Milford MA 01757  
(Full Name) (Address)

Tenant (if any): \_\_\_\_\_  
(Full Name) (Address)

1. Location of Premises 61 Field Pond Road  
(Address Number) (Name of Street)

Assessor's: 23 153 16  
(Map) (Block) (Lot)

2. Within which Zoning District is the premises located? RC
3. State the Worcester Registry of Deeds Book and Page number, or the Land Court Certificate number for title of present owner Book 60015, Page 301
4. State whether there is in existence any executory option, lease, or purchase and sale agreement with respect to the property NONE
5. If variance is sought from side line requirements, how far from the side line(s) is (are) the nearest building on abutting premises N/A
6. State present use of premises Residential
7. State proposed use of premises SAME
8. Give extent of proposed alterations, if any addition of 10' x 12'  
DECK
9. Number of families or housing units for which building is to be arranged 1
10. Have you submitted plans for above to the Building Inspector? NO
11. Has a building permit been refused? NO
12. What section(s) of the zoning by-law do you ask to be varied?  
Section 2.4.8 of the Milford Zoning By-law by  
reducing the 25' Setback to 15'.
13. 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? SEE Exhibit A
14. If the variance were not granted, what hardship would be caused by the circumstances described in 13 above? It would limit the beneficial use of  
the backyard.
15. State why you feel the grant of the variance will not cause substantial detriment to the public good SEE Exhibit A

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 the best of my our knowledge and belief.

Applicant  
Signature: \_\_\_\_\_

Owner

Signature X \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address: Matthew Ruzicki  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Cell phone: \_\_\_\_\_

e-mail: \_\_\_\_\_

Attorney (if any) Thomas J. Wickstrom, Esq.

Address: 60 Church Street Whitinsville, MA 01588

Telephone: 508-234-4551

e-mail: thomas@wickstrommorse.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.



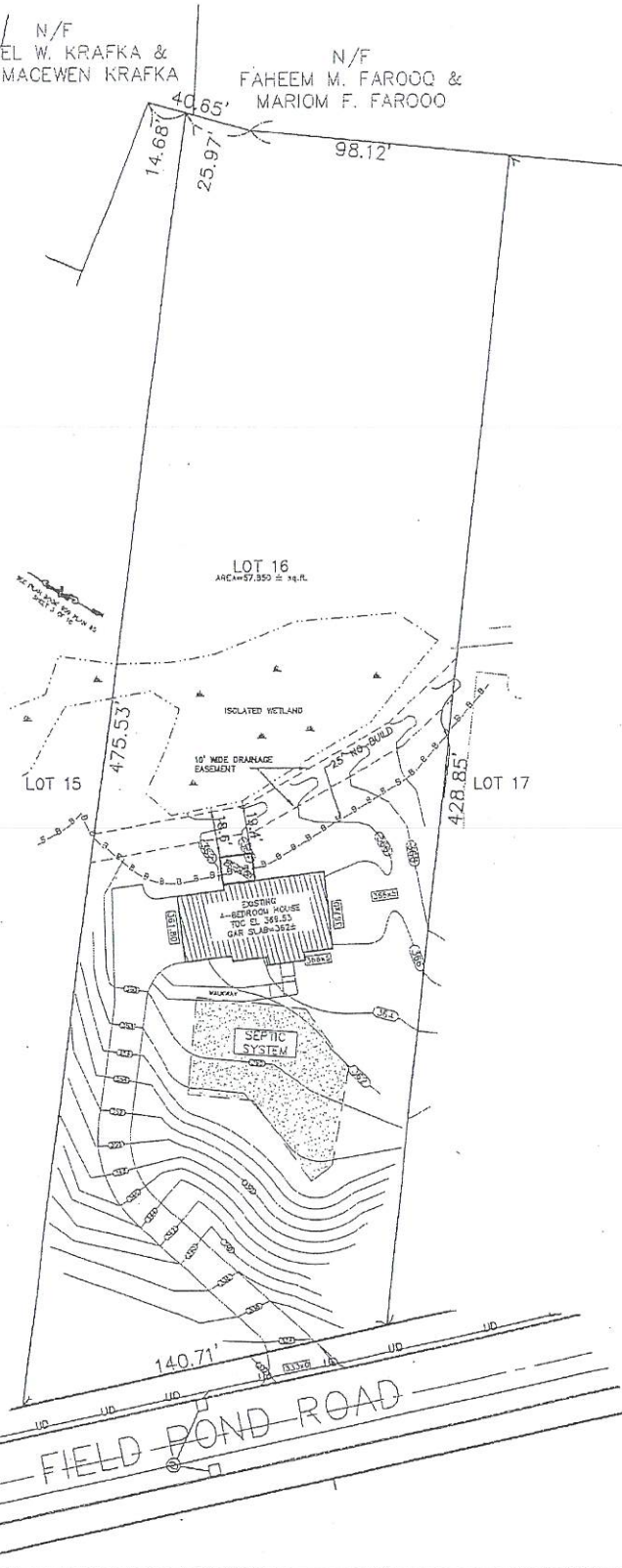
Exhibit A

13. Due to the steep natural grading of the site and soil testing results, the septic system needed to be placed where it is shown on the plan. Due to the offsets that must be maintained between the foundation and the septic system, the house had to be placed in the location shown on the plan. Additionally, the house needed to be placed above and behind the septic in order to gravity feed the system.

15. The installation of the deck will not cause any detrimental impact to the wetlands and thus no detriment to the public good. The area in which the deck will be placed is already disturbed and is grass yard. Between the deck and the wetlands will also be grass yard. The deck will not cause an increase in impervious area.

N/F  
MICHAEL W. KRAFKA &  
HOLLY MACEWEN KRAFKA

N/F  
FAHEEM M. FAROOQ &  
MARIOM F. FAROOQ



## NOTES

1) ZONING DISTRICT- RC

MINIMUM LOT AREA- 45,000 SF  
MINIMUM LOT WIDTH- 140'  
MINIMUM LOT FRONTAGE- 120'  
SETBACKS- FRONT 30' SIDE 15' REAR 25'  
MAXIMUM LOT COVERAGE- 25%

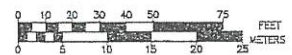
2) THE APPLICANT IS SEEKING A REDUCTION TO 15 FT FROM THE 25 FT SETBACK TO A FRESHWATER WETLAND SET FORTH IN SECTION 2.4.8 OF THE MILFORD ZONING BYLAW

OWNER:  
MATTHEW H RUZECKI AND  
SALLY SUPINSKI-RUZECKI  
OF  
61 FIELD POND ROAD, MILFORD MA

VARIANCE  
PLAN OF LAND  
61 FIELD POND ROAD  
MILFORD, MASS.

SCALE: 1"=30'  
DATE: APRIL 16, 2019

GRAPHIC SCALE: 1"=30'



**Guerriere &  
Halnon, Inc.**

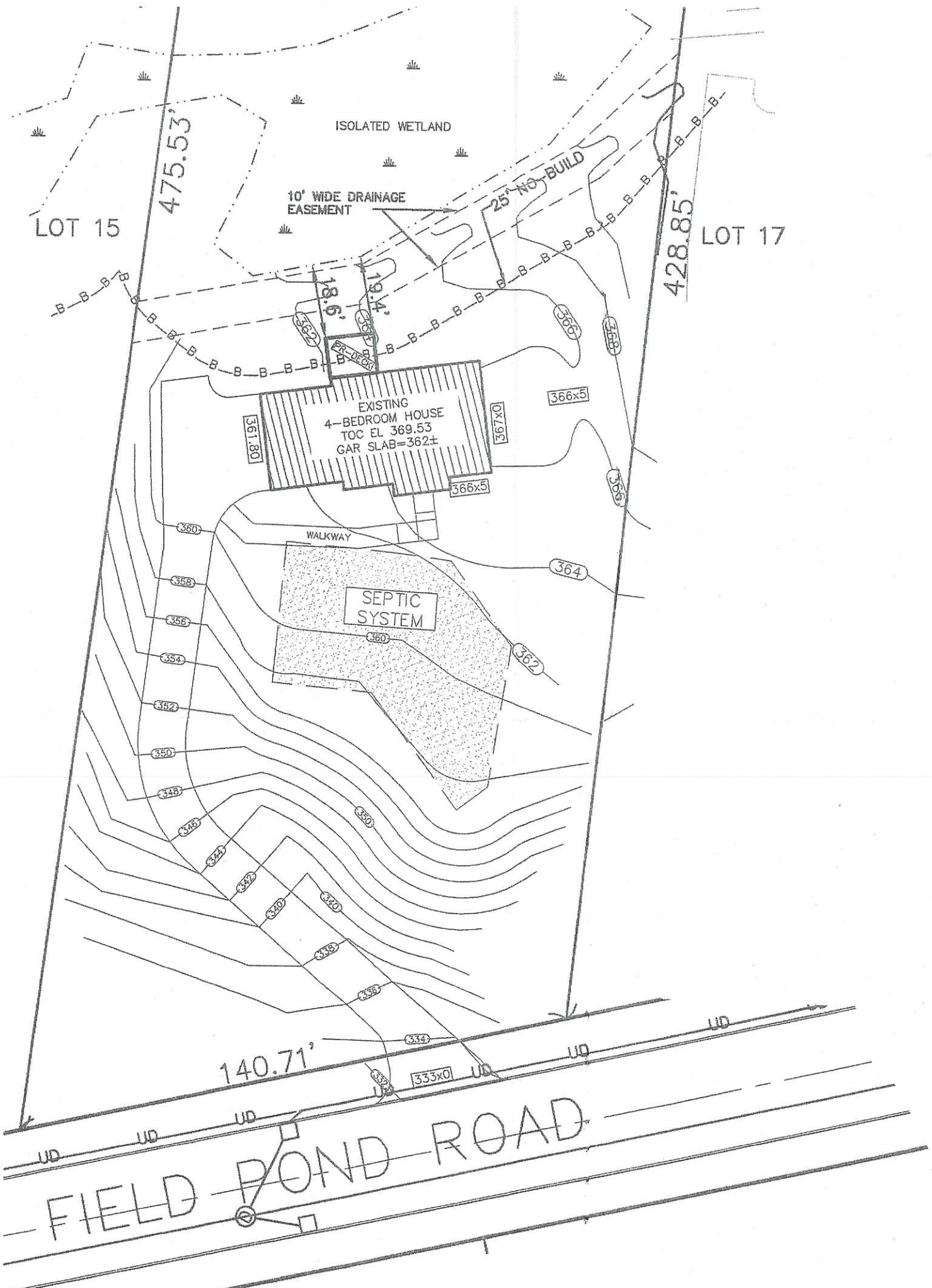
ENGINEERING & LAND SURVEYING

333 WEST STREET PH. (508) 473-8630  
MILFORD, MA 01757 FX. (508) 473-8243  
www.gondhengineering.com

SHEET

1 OF 1

G-9353







## 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

April 7, 2019

Marble Mainini, Chairman  
Milford Planning Board  
52 Main Street  
Milford, MA 01757

(  
( **ZBA Variance**  
( **Vineyard Point Ventures**  
( **Silver Hill Road/Congress Street**  
( **Map 22 Blk 64 Lot 2**  
( **RB Zone**  
(

Dear Mr. Chairman:

The applicant requests a variance to construct a single family dwelling on the subject property, which was established as a surveyed lot via a single lot definitive plan that was approved by the Planning Board on 12-19-2018. That definitive plan established for the first time surveyed property lines for the subject property, and also established a 50' layout for Congress Street, a 40' layout for Silver Hill Road, and a 30' layout for the curved portion of Silver Hill Road.

Specifically, the subject property is a triangular shaped lot, and by virtue of fronting on three streets has three front yards. This variance request is to reduce the 30' front yard setback along the curved portion of Silver Hill Road which forms the easterly property line. The 30' front setbacks from both Congress Street to the west and the straight portion of Silver Hill Road to the north are being met.

The applicant seeks a 23.59' variance from the 30' easterly front yard setback, or over a 78.6% reduction. The curved portion of Silver Hill Road is not a paper street as referenced in the application. It is a disused public way by virtue of it currently being impassable. Reducing the setback from 30' to 6.41' as requested is excessive and not in keeping with the surrounding neighborhood. A 50% variance from the easterly property line would be comparable to a side yard setback of 15', the same as if this were a normal corner lot at two intersecting streets.

Therefore, I recommend a favorable report be forwarded to the ZBA for granting a 15' variance from the easterly property line.

Respectfully,

Larry L. Dunkin, MCRP  
Town Planner

TOWN OF MILFORD  
PETITION FOR VARIANCE  
UNDER THE ZONING BY-LAW

RECEIVED  
MILFORD TOWN CLERK  
2019 APR -2 PM 4:00

To the Zoning Board of Appeals  
Milford, MA 01757

Date: April 2, 2019

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

*Applicant:* Vineyard Point Ventures, Inc. 49 Cedar Street, Milford, MA  
*(Full Name)* *(Address)*

*Owner:* Ernest Kapatoes & Linda Niro 40 North Vine Street, Milford, MA  
*(Full Name)* *(Address)*

*Tenant (if any):* \_\_\_\_\_  
*(Full Name)* *(Address)*

1. *Location of Premises* Bounded by Congress St. & Silver Hill Road (see plan, attached)  
*(Name of Street)*
2. *Which Zoning District is the premises within?* Residential B (RB)
3. *State the Registry of Deeds Book and Page number, or the Land Court Certificate number for title of present owner* Book 13149 Page 94
4. *State whether there is in existence any executory option, lease, or purchase and sale agreement with respect to the property* The Applicant and Owner have a signed Purchase and Sale Agreement.
5. *If variance is sought from side line requirements, how far from the side line(s) is (are) the nearest building on abutting premises* \_\_\_\_\_
6. *State present use of premises* Vacant Lot
7. *State proposed use of premises* Residential
8. *Give extent of proposed alterations, if any* The Applicant proposes to clear trees to be able to site a single-family home on the site. The lot currently has three "front" yards; however, the third is a paper street from which Applicant seeks relief.
9. *Number of families for which building is to be arranged* One
10. *Have you submitted plans for above to the Building Inspector?* \_\_\_\_\_



11. *Has a permit been refused?* \_\_\_\_\_  
12. *What section of zoning by-law do you ask to be varied?* Section 2.5, Intensity of Use Schedule. The Applicant is seeking a reduction from 30' to 6' on the portion of Silver Hill Road with a 30' width.

13. *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?*

The shape of the lot is triangular, thereby giving the lot three front yards.

Lots generally have one and sometimes two frontages. The triangular shape is unique in the neighborhood, and creates a much tighter buildable space under the bylaw.

14. *If the variance were not granted, what hardship would be caused by the circumstances described in 13 above?* The buildable lot size would be substantially reduced. Without a variance, the house would be smaller than those in the neighborhood and likely would not be economically viable. Based on the lot size and location, as well as the Use Regulation Schedule, single-family is the ideal use.

15. *State why you feel the grant of the variance will not cause substantial detriment to the public good* The third street is an overgrown path that the town has blocked passage over. Another home would be in keeping with the neighborhood, and the third frontage is more aptly described as a side yard than true frontage.

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 the best of my/our knowledge and belief.*

Applicant  
Signature: *Eric Kynston*

Address: *40 North Vane St*  
*Milford, MA 01754*

Telephone: \_\_\_\_\_

Attorney (if any) \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Owner  
Signature: *Lincoln M. V.*

Address: \_\_\_\_\_

**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.**





NOTES

1. SEE THE FOLLOWING PLANS RECORDED AT THE WORCESTER DISTRICT REGISTRY OF DEEDS:  
PLAN BOOK 941 PLAN 52 MARCH 26, 2019  
PLAN BOOK 746 PLAN 86 SEPTEMBER 1989  
PLAN BOOK 725 PLAN 97 DECEMBER 1984  
PLAN BOOK 525 PLAN 17 MARCH 1987  
PLAN BOOK 505 PLAN 7 MARCH 1985  
PLAN BOOK 502 PLAN 4 MARCH 1983  
PLAN BOOK 506 PLAN 122 APRIL 1986  
ALSO SEE 1870 AND 1888 MILFORD TOWN ATLAS  
2. ZONING DISTRICT: R-8  
MINIMUM LOT AREA: 15,000 SF  
MINIMUM LOT WIDTH: 100'  
MINIMUM LOT FRONTAGE: 50'  
SETBACKS: FRONT: 30' SIDE: 10' REAR: 25'  
MINIMUM LOT COVERAGE: 20%  
3. THE APPLICANT IS SEEKING A SUBORDINATE OF THE FRONT YARD SETBACK FROM JO. HILL TO 6 FEET ON THE PORTION OF SILVER HILL ROAD WITH 80' WIDTH.  
4. SET BACK IN SECTION 2.5 OF THE WATFORD TOWN PLAN

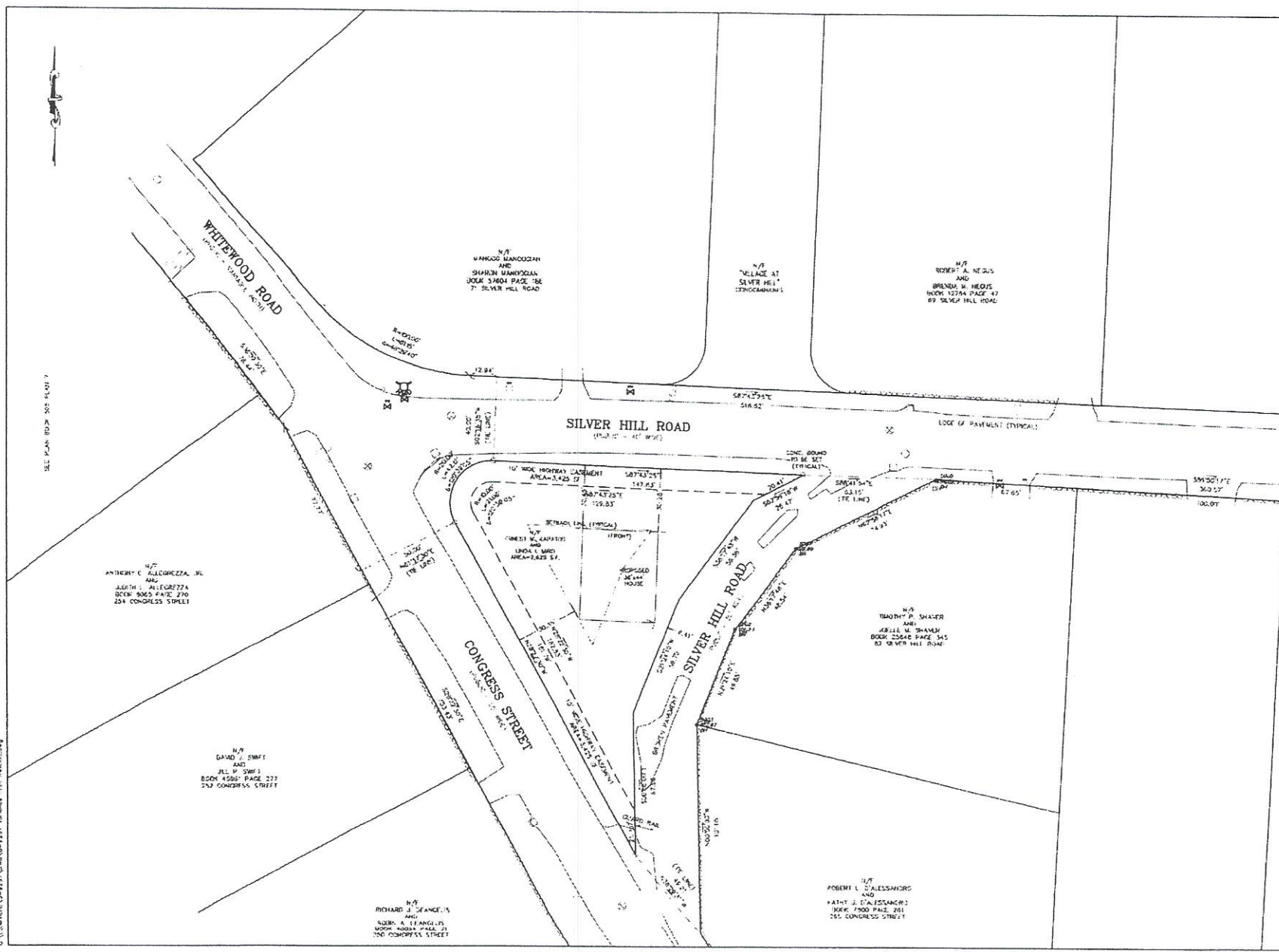
OWNER:  
CHRISTIE M. KAPATOKES  
AND  
LINDA L. NICHOL  
40 NORTH VIL. STREET  
MILFORD, MA 01757

VARIANCE  
PLAN OF LAND  
CONGRESS STREET, SILVER HILL ROAD  
MILFORD, MASS.  
SCALE: 1"=20'  
DATE: MARCH 28, 2019



**Guerriere & Halton, Inc.**  
ENGINEERING & LAND SURVEYING  
33 WEST STREET PM (508) 433-8826  
MILFORD, MA 01757 FY (508) 475-8245  
www.guerrierehalton.com

DATE: 3/28/19



6. VARIANCE: 1.75' (1.75' x 1.75' = 3.0625) (1.75' x 1.75' = 3.0625) (1.75' x 1.75' = 3.0625)

(PUBLIC - 40' WIDE)

(PUBLIC - 40' WIDE)

40.00'  
S02°16'35"W  
(TIE LINE)

10' WIDE HIGHWAY EASEMENT  
AREA=3,425 SF

S87°43'25"  
147.63'

$R=10.00'$   
 $L=21.06'$   
 $\Delta=120^{\circ}39'05''$

SETBACK LINE (TYPICAL)

(FRONT)

N/F  
ERNEST M. KAPATOS  
AND  
LINDA I. NIRO  
AREA=2,629 S.F.

PROPOSED  
36'x44'  
HOUSE

CONGRESS STREET  
(PUBLIC - 50' WIDE)

STREET ADDRESS  
(PUBLIC - 50' WIDE)

10' WIDE HIGHWAY EASEMENT  
AREA=3,425 SF

BROKEN PAVEMENT

SILVER HILL ROAD  
(PUBLIC - 30' WIDE)  
10"E

(PUB)

N 21° 24' 10" E  
49.85'

N00°56'00" W  
101.05'

GUARD RAIL



OFFICE OF PLANNING  
AND ENGINEERING

## TOWN OF MILFORD

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

Larry L. Dunkin, MCRP  
*Town Planner*

April 7, 2019

Marble Mainini, Chairman  
Milford Planning Board  
52 Main Street  
Milford, MA 01757

(  
( **ZBA Variance**  
( **Paul Esposito**  
( **Highland Street**  
( **Map 39 Lot 38**  
( **RB Zone**  
(

Dear Mr. Chairman:

The applicant requests a variance to subdivide the existing lot. The subject property consists of a conforming 44,477sf lot in an 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.

Specifically, the proposed subdivision would create three new lots, all of which would comply with width and frontage requirements. Proposed Lot 36A, however, would only contain 14,262sf of lot area, rather than the full 15,000sf required in the RB district. Proposed Lots 36B and 36C would exceed the 15,000sf minimum lot area.

Therefore, I recommend a favorable report be forwarded to the ZBA.

Respectfully,

Larry L. Dunkin, MCRP  
Town Planner



TOWN OF MILFORD  
PETITION FOR VARIANCE  
UNDER THE ZONING BY-LAW

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, prepared 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 payable 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:**

Applicant: Paul Esposito 102 Hecla St., Uxbridge, MA  
(Full Name) (Address)

Owner: Doris A. Kurlansky  
(Full Name) (Address)

Tenant (if any): \_\_\_\_\_  
(Full Name) (Address)

I. Location of Premises (None) Highland Street  
(Address Number) (Name of Street)

Assessor's: 39 0 38  
(Map) (Block) (Lot)

2. *Within which Zoning District is the premises located?* RB - Single Family Res.
3. *State the Worcester Registry of Deeds Book and Page number, or the Land Court Certificate number for title of present owner* 4084-168
4. *State whether there is in existence any executory option, lease, or purchase and sale agreement with respect to the property* Purchase and Sale Agreement
5. *If variance is sought from side line requirements, how far from the side line(s) is (are) the nearest building on abutting premises* \_\_\_\_\_
6. *State present use of premises* Vacant Lot
7. *State proposed use of premises* Division into three single-family home lots.
8. *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.
9. *Number of families or housing units for which building is to be arranged* 3
10. *Have you submitted plans for above to the Building Inspector?* No
11. *Has a building permit been refused?* \_\_\_\_\_
12. *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.
13. *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.
14. *If the variance were not granted, what hardship would be caused by the circumstances described in 13 above?* Failure 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.
15. *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.

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 the best of my/our knowledge and belief.

Applicant  
Signature: \_\_\_\_\_

Owner  
Signature: \_\_\_\_\_

Address: 102 Hecla Street  
Uxbridge, MA 01569  
\_\_\_\_\_

Address: \_\_\_\_\_

Telephone: 508-962-8833  
\_\_\_\_\_

Cell phone: \_\_\_\_\_

e-mail: pesposito@national-lumber.com  
\_\_\_\_\_

Attorney (if any) Mayer, Antonellis,...LLP  
\_\_\_\_\_

Address: 288 Main Street, Milford, MA  
\_\_\_\_\_

Telephone: 508-473-2203  
\_\_\_\_\_

e-mail: eli@majhlip.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.





THIS CERTIFICATION IS INTENDED TO MEET THE REQUIREMENTS OF THE REGISTRY OF DEEDS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE LAND DEPICTED HEREON.

JEFFREY A. STEFANIK PLS. DATE

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED  
MILFORD PLANNING BOARD

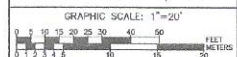
BEING A MAJORITY

- NOTES
- 1) SEE THE FOLLOWING PLANS RECORDED AT THE WORCESTER DISTRICT REGISTRY OF DEEDS:  
PLAN BOOK 798 PLAN 108 JULY 2003  
PLAN BOOK 316 PLAN 1 FEBRUARY 1968  
PLAN BOOK 272 PLAN 27 JUNE 1963  
PLAN BOOK 261 PLAN 72 JANUARY 1982  
PLAN BOOK 257 PLAN 27 JULY 1981  
PLAN BOOK 242 PLAN 113 OCTOBER 1969  
PLAN BOOK 242 PLAN 112 OCTOBER 1969
  - 2) ZONING DISTRICT- R8  
MIN. LOT AREA-15,000 SF  
MIN. LOT FRONTAGE-90'  
MIN. LOT WIDTH-100'  
SETBACKS FRONT 30' SIDE 15' REAR 25'

DRAFT

OWNERS:  
SIDNEY KURLANSKY  
AND  
DORIS A. KURLANSKY  
BOOK 48084 PAGE 188

PLAN OF LAND  
HIGHLAND STREET  
MILFORD, MASS.  
SCALE: 1"=20'  
DATE: FEBRUARY 9, 2019



**Guerriere & Halnon, Inc.**  
ENGINEERING & LAND SURVEYING  
333 WEST STREET P.O. BOX 473-6030  
MILFORD, MA 01757 FAX: (508) 473-9243  
www.gorshengsurveying.com

SHEET 1 OF 1 G-10185

N/F  
RICARDO PAU PRETO  
HOUSE 68  
BOOK 43933 PAGE 162  
AREA=14,800±SF

N/F  
ANTONIO J. NEVES  
AND  
MARIA A. NEVES  
BOOK 53918 PAGE 211  
HOUSE 37

N/F  
M. MURPHY  
AND  
J. MURPHY  
HOUSE 41  
BOOK 303 PAGE 320  
AREA=13,100±SF

N/F  
PAUL D. JONES  
AND  
TIFFANY B. JONES  
BOOK 53415 PAGE 118  
HOUSE 55

END 1968 LAYOUT  
BEGIN 1963 LAYOUT

N/F  
LAURA M. MOLFETAS  
AND  
DAVID M. IACOVELLI,  
TRUSTEES  
HOUSE 39  
BOOK 37492 PAGE 241  
AREA=12,600±SF

N/F  
MARGARET M. NEALON  
AND  
PATRICK CORNELIUS  
HOUSE 37  
BOOK 55127 PAGE 170  
AREA=12,600±SF

N/F  
ANTHONY D. IACOVELLI  
AND  
JANET IACOVELLI  
HOUSE 35  
BOOK 5810 PAGE 183  
AREA=10,900±SF

N/F  
WAYNE E. HOYLE, JR.  
AND  
INA M. HOYLE  
HOUSE 60  
BOOK 52730 PAGE 165  
AREA=16,100±SF

N/  
ALFRED J.  
AND  
TERESA R.  
BOOK 8313  
HOUSE

N76°44'05"E  
146.67'

LOT 38A  
N/F  
AREA=14,262 SF  
LOT SHAPE FACTOR=16.71

N79°15'14"E  
147.34'

LOT 38B  
N/F  
AREA=15,114 SF  
LOT SHAPE FACTOR=16.55

N77°16'19"E  
147.78'

SETBACK LINE (TYPICAL)

LOT 38C  
N/F  
AREA=15,101 SF  
LOT SHAPE FACTOR=16.56

148.32'  
S75°45'09"W

HIGHLAND STREET  
(PUBLIC-50' WIDE)

100.00'

100.33'

57°35'58"E  
104.18'

69.01'

30.98'

100.00'

100.00'

100.00'

100.00'

100.00'

100.00'

100.00'

100.00'

100.00'

100.00'

100.00'

100.00'

100.00'

100.00'