



# PLANNING BOARD OF MILFORD, MASS.

TOWN HALL, 52 MAIN STREET  
634-2317

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Joseph Calagione  
Bryan Cole  
John H. Cook  
Patrick J. Kennelly  
Marble Mainini, III

## Minutes of Meeting MILFORD PLANNING BOARD **This meeting was conducted via Remote Participation** Tuesday, October 5, 2021

Members participating remotely: Bryan Cole, John Cook, Patrick Kennelly (Chairman), Marble Mainini, III.

Members absent: Joseph Calagione

Staff participating remotely: Larry L. Dunkin, MCRP (Town Planner)

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

It was announced that pursuant to Chapter 20 of the Acts of 2021, an Act Extending Certain COVID-19 Measures Adopted During the State of Emergency which extends Governor Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law, G.L. c. 30A sec. 18, this meeting is being conducted via remote participation only. No in-person attendance of members of the public is being permitted at this meeting, but every effort has been made to ensure that the public can adequately access these proceedings as provided for in the Order. Remote Public Hearing access now requires advanced registration. Any member of the public may now register to access the zoom webinar as an attendee. Public attendees will be able to view the zoom LIVE and request to speak at the Public Hearing. All testimony at a public hearing, including documents or exhibits, must be in connection with the matter being considered, and confined to the matter at hand, and will be limited to five minutes to allow for the opportunity for others to participate.

### 1. Minutes of Previous Meetings:

Motion by Cole, Second by Cook to approve the minutes of the September 21, 2021 meeting as submitted.

Roll Call Vote: Calagione, absent; Cole, yes; Cook, yes; Kennelly, yes; Mainini, yes.

Motion carried.

PUBLIC HEARING: Application of Lobisser & Frerreira Construction Corp., 1 Charlesview Road, Hopedale, MA 01747 to approve the definitive subdivision entitled "MT. PLEASANT ESTATES", an 8 Lot Residential Subdivision on 4 +/- acres located off Mount Pleasant Street (58 Mount Pleasant Street). Assessor's Map 47 Blk 31 Lots 1, 3, 4, 4A, 5 thru 13. RA Zone.

At the written request of the applicant this Public Hearing was not opened, but rather this item was continued to the 10-19-2021 Planning Board meeting.

### 2. 81-P Plans: (none)

3. Continued Site Plan Review: 204 East Main Street – Kanaan Realty Group, Inc. Chairman Kennelly recused himself and appointed Member Mainini as interim Chairman for this item. The applicant requests site plan approval to allow for the development of a self-service gasoline station and convenience store on the subject property. Participating remotely was Halim Choubah, P.E. the applicant's engineer. The Town Planner noted that the site plan has been updated to show an appropriate location for the propane cylinder storage cage, and that the proper sized plan set will be provided by the applicant to the Sewer Board as they required as a condition of approval.

Motion by Cook, Second by Cole to approve the site plan as revised subject to the Sewer Board requirements.

Roll Call Vote: Calagione, absent; Cole, yes; Cook, yes; Kennelly, abstain; Mainini, yes.

Motion carried.

Note: Member Kennelly resumed the Chair.

The Town Planner read the legal notice for the Public Hearings into the record.

PUBLIC HEARING: Application of the Planning Board to amend the Zoning Bylaw relating to changing the name "Board of Selectmen" to the name "Select Board". The Town Planner explained that this is a housekeeping amendment that provides for gender-neutral references throughout the Zoning Bylaw. The Town had adopted similar changes at the Town Meeting in January for all of the Town's general and special bylaws. However, due to the additional notice, hearing and Planning Board approval required for amendments to Zoning Bylaws which were not met by the other bylaw changes, those changes did not affect the Zoning Bylaw. This amendment will complete the process. The amendment will not affect the preface or the appendix of the Zoning Bylaw Booklet as they are not a part of the Bylaw proper.

Motion by Mainini, Second by Cole to close the public hearing and send a favorable report to Town Meeting on the article as presented.

Roll Call Vote: Calagione, absent; Cole, yes; Cook, yes; Kennelly, yes; Mainini, yes.

Motion carried.

PUBLIC HEARING: Application of the Planning Board to amend the Zoning Bylaw in Section 2.3 Use Regulation Schedule thereof relating to Warehouse and Transportation Terminal uses, and in Section 4.1 Definitions thereof relating to the definition of Transportation Terminal. The Town Planner explained that these amendments propose the prohibition of transportation terminals as stand-alone principal uses, and establish them rather as accessory uses only, and then only via Planning Board Special Permit. All warehouses are being proposed to now be Planning Board Special Permit uses, and a new Footnote # 33 is proposed requiring a transportation study prepared by a traffic engineer for all transportation terminals. Also, a new definition for transportation terminals is being proposed. The effect of these amendments will eliminate the possibility of future stand-alone terminals operating as principal uses on sites that are distant from a warehouse use they serve that are located on another site in town.

Motion by Cole, Second by Mainini to close the public hearing and send a favorable report to Town Meeting on the article as presented.

Roll Call Vote: Calagione, absent; Cole, yes; Cook, yes; Kennelly, yes; Mainini, yes.

Motion carried.

PUBLIC HEARING: Application of the Planning Board to amend Section 1.15 Site Plan Review of the Zoning Bylaw relating to Planning Board procedures. The Town Planner explained that these amendments will update and clarify the site plan review process to accurately reflect the customary practices already being followed, as well as require the Planning Board to apply the specific design criteria listed in the Bylaw, rather than refer to the criteria as advisory suggestions. They will also expedite simple change of use approvals within the downtown CA Commercial district by authorizing the Town Planner to issue such approvals. They will also clearly establish that the lack of compliance is a zoning violation.

Motion by Cook, Second by Mainini to close the public hearing and send a favorable report to Town Meeting on the article as presented.

Roll Call Vote: Calagione, absent; Cole, yes; Cook, yes; Kennelly, yes; Mainini, yes.

Motion carried.

4. Continued Amended Site Plan Review: 120-128 Medway Street – Jersey Mike's. The applicant requested in writing that this item be continued to the 10-19-2021 Planning Board meeting.

Motion by Cole, Second by Mainini to continue this item to the 10-19-2021 Planning Board meeting.

Roll Call Vote: Calagione, absent; Cole, yes; Cook, yes; Kennelly, yes; Mainini, yes.

Motion carried Unanimously.

5. Continued Amended Site Plan Review: 196 East Main Street – R J Kelly. The applicant requested in writing that this item be continued to the 10-19-2021 Planning Board meeting.



Motion by Mainini, Second by Cook to continue this item to the 10-19-21 meeting.

Roll Call Vote: Calagione, absent; Cole, yes; Cook, yes; Kennelly, yes; Mainini, yes.

Motion carried.

6. ZBA Variance Referral: Parcel 21-0-24 Silver Hill Road – Farrar & Kozlowski. The applicant requests lot frontage and lot width variances on the subject property to allow for the construction of a single-family dwelling on the subject property. The existing 8.21-acre parcel is otherwise compliant with all relevant zoning requirements in the RC Zoning District, save for the 96.05' of frontage on Silver Hill Road and 94' +/- lot width; 120' of frontage and 140' of lot width are required in the RC Zone. There are currently no dwellings on the property, although there are an existing barn and shed. Therefore, the Town Planner recommended a favorable report be forwarded to the ZBA.

Motion by Mainini, Second by Cook to forward a favorable report to the ZBA.

Roll Call Vote: Calagione, absent; Cole, yes; Cook, yes; Kennelly, yes; Mainini, yes.

Motion carried.

7. ZBA Special Permit Referral: 17 Gordon Drive – Michael Janikas. The applicant requests a special permit to allow for the construction of a supplemental apartment addition to the single-family dwelling on the subject property. While the proposed 25'x 30' two-story addition itself will meet the setback requirements of the RC zone, the number of rooms proposed for the supplemental apartment appear to exceed the maximum three rooms allowed in the Zoning Bylaw. Also, the number and relationship of the family members intended to occupy the supplemental unit have not been specified. Therefore, the Town Planner recommended an unfavorable report be forwarded to the Zoning Board of Appeals.

Motion by Mainini, Second by Cook to forward an unfavorable report to the ZBA.

Roll Call Vote: Calagione, absent; Cole, yes; Cook, yes; Kennelly, yes; Mainini, yes.

Motion carried.

Adjournment: Motion by Mainini, Second by Cole to adjourn the meeting.

Roll Call Vote: Calagione, absent; Cole, yes; Cook, yes; Kennelly, yes; Mainini, yes.

Motion carried.

The meeting was adjourned at 7:32 P.M.



Patrick Kennelly, Chairman