



# PLANNING BOARD OF MILFORD, MASS.

TOWN HALL, 52 MAIN STREET  
634-2317

Joseph Calagione  
J. Ted DePaolo  
Patrick J. Kennelly  
Marble Mainini, III  
Jose M. Morais

## Minutes of Meeting MILFORD PLANNING BOARD

**This meeting was conducted via Remote Participation**

**Tuesday, January 3, 2023**

Members participating remotely: Joseph Calagione, J. Ted DePaolo, Patrick Kennelly (Chairman), Marble Mainini, III, Jose M. Morais.

Members absent: none

Staff participating remotely: Larry L. Dunkin, MCRP (Town Planner), Elizabeth Mainini, P.E. (Town Engineer)

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

It was announced that pursuant to Chapter 107 of the Acts of 2022, an Act Relative to Extending Certain State of Emergency Accommodations, which Act further 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.

### 1. Minutes of 12-13-22 meeting

Motion by Mainini, Second by DePaolo to approve the minutes of the December 13, 2022 meeting as written.

Roll Call Vote: Calagione, abstain; DePaolo, yes; Kennelly, yes; Mainini, yes; Morais, yes.

Motion carried.

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

3. Amended Site Plan: 284 West Street – Sunday Football LLC. The applicant requests amended site plan approval to allow for the construction of a 30' x 40' one-story commercial building on the subject property to replace the previous Tradesman Tavern and Restaurant building recently destroyed by fire. Participating remotely was Mark Allen, P.E., the applicant's engineer. The proposed new building is to accommodate a tavern use only, and will not have a kitchen. A 5' x 40' walk-in cooler is proposed along the north side of the building. Also, an 8' x 28' bathroom addition is proposed along the east side of the building. It was noted that the site will be all electric, so there will be no propane tank installed. The parking area has been redesigned, including the closure of the northerly driveway on Route 140. The remaining two-way driveway is properly located, and utilizes standard dimensions. An internal one-way truck lane is proposed to accommodate deliveries, and will also serve as a fire lane. Outdoor seating areas are proposed that include a raised deck with a handicap access ramp, and the parking provided accounts for those outdoor areas. All applicable zoning requirements appear to be met. The Town Planner recommended the amended site plan be approved subject to relevant departmental comments. A brief discussion ensued.

Motion by DePaolo, Second by Mainini to approve the site plan as submitted.

Roll Call Vote: Calagione, yes; DePaolo, yes; Kennelly, yes; Mainini, yes; Morais, yes.

Motion carried unanimously.

4. Discussion Item: Groundwater Protection Revisions – Godfrey Brook Wells. The Chairman noted that the Water Department has been notified by MassDEP that with the installation of the Godfrey Brook Wells, the Town

must update the Water Resource Protection Overlay Zoning District to remain in compliance with MassDEP's wellhead protection requirements. The updated recharge areas for the new wells are slightly larger than the current WR-1 Overlay Zone in a few isolated areas. However, such an update still requires a formal zoning amendment. Staff will prepare the proper Zoning Bylaw text amendments and an updated Water Resource Protection District Map for the upcoming May Town Meeting Warrant. Staff hopes to report in more detail at the 2-7-23 meeting. The schedule is to have the Article(s) complete by the 3-21-23 meeting for submission to the Select Board, who in turn will remand them for the required Planning Board Public Hearing. It is expected that this year's Annual Town Meeting will be on 5-22-23, which places the required Public Hearing at the 5-2-23 Planning Board meeting. Participating remotely were Water Commissioner Jonathan Bruce, Water Department General Manager David Condrey, and consulting engineer Justine Carroll, P.E. of Tata & Howard, Inc. After a brief discussion the Chairman continued this item until the 2-7-23 meeting.

5. ZBA Variance Referral: 31 Debbi Lane – Daniel Johnson. It was noted that this is an incomplete application because no full-size, scaled plan accompanied the submittal. The applicant requests a variance to maintain the location of the above ground pool that was constructed within the required 25' zoning setback from wetlands. The 16' x 32' above-ground pool with 20' x 42' surrounding deck was installed in late 2020. The original building permit was issued in error, and was rescinded when it was determined that the pool and deck encroached on the 25' zoning setback from the wetlands located on the site. There appears to be sufficient area to relocate the pool/deck to be 25' or further from the wetlands, or for a smaller pool/deck to be installed. Since the plan provided is not to scale, it is estimated that the encroachment into the wetland setback is approximately 10'; 25' minimum setback required in residential zones. The Town Planner recommended an unfavorable report be forwarded to the ZBA due to lack of hardship and lack of proper plan being submitted. A brief discussion ensued.

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

Roll Call Vote: Calagione, yes; DePaolo, yes; Kennelly, yes; Mainini, yes; Morais, yes.

Motion carried unanimously.

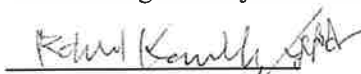
The next regular Planning Board meeting will be on 1-17-2023.

Adjournment: Motion by Calagione, Second by DePaolo to adjourn the meeting.

Roll Call Vote: Calagione, yes; DePaolo, yes; Kennelly, yes; Mainini, yes; Morais, yes.

Motion carried unanimously.

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

  
Patrick Kennelly, Chairman