



# PLANNING BOARD OF MILFORD, MASS.

TOWN HALL, 52 MAIN STREET  
634-2317

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Joseph Calagione  
J. Ted DePaolo  
Marble Mainini, III  
Jose M. Morais  
Christopher Wilson

## Minutes of Meeting MILFORD PLANNING BOARD Room 3, Milford Town Hall Tuesday, June 6, 2023

Members present: Joseph Calagione (Chairman), J. Ted DePaolo, Marble Mainini, III, Jose M. Morais, Christopher Wilson.

Members absent: (none)

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

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

### 1. Minutes of 5-16-23 meeting:

Motion by Mainini, Second by DePaolo to approve the minutes of the May 16, 2023 meeting as written.

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

Motion carried unanimously.

2. 81-P Plans: *Corrected Mylar* 1-3 Industrial Road - Corner Brook, LLC. The Town Planner noted that this 81-P was endorsed at last meeting, however due to a typographical change required by the Land Court the corrected mylar must be endorsed again.

Motion by Wilson, Second by Morais to endorse the corrected 81-P Land Court Plan mylar as presented.

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

Motion carried unanimously.

NOTE: Board Member Morais announced that he was recusing himself from upcoming agenda items Public Hearings #1 & #2.

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

PUBLIC HEARING: Application of Old Cedar, LLC, 80 Union Avenue, Sudbury, MA 01778 to approve the definitive subdivision entitled "Old Cedar Court", a 3 Lot Commercial Subdivision on 9.8 +/- acres located on the westerly side of Cedar Street and north of Dilla Street. Assessor's Map 28 Block 0 Lots 12, 12A, 16, 17, and discontinued Old Cedar Street right-of-way. IB Zone.

PUBLIC HEARING: Application of Old Cedar, LLC, 80 Union Avenue, Sudbury, MA 01778 for Special Permit approval to construct a 3 story, 102,192 SF self-storage facility and associated parking located on the westerly side of Cedar Street and north of Dilla Street. Assessor's Map 28 Block 0 Lots 12, 17, and a portion of discontinued Old Cedar Street right-of-way. IB Zone.

Chairman Calagione opened both public hearings and noted that due to the same property being involved in both applications, conducting the hearings concurrently will reduce confusion and simplify the process.

Present for the applicant was attorney Jerry Effren, Esq., attorney Neal Bingham, Esq., the applicant Quentin Nowland, and the project engineer Mark Allen of Allen Engineering. Attorney Effren described the overall

development proposal in general terms. He briefly reviewed the history of the properties involved, including the prior 2007 development proposal that ultimately did not materialize. He referred to the proposed definitive plan that follows from the recent Town Meeting vote discontinuing Old Cedar Street, and to the special permit that deals with the actual self-storage facility development, both of which will be covered in detail following next in the public hearing process. He noted that the project is being submitted to the Conservation Commission. Quentin Nowland also spoke and provided additional information and a slide presentation of the proposed development. He noted that this will be a climate-controlled facility, and will be operated by Extra Space Storage, a national third-party management firm that will utilize on-site personnel and video surveillance.

Chairman Calagione announced that the Board will now review the definitive subdivision that is the subject of Public Hearing #1 on the agenda.

Public Hearing #1: Old Cedar Court definitive subdivision. The applicant is proposing a 3-Lot commercial subdivision, including one new street. Present for the applicant was their engineer Mark Allen, P.E. who presented the details of the definitive plan. The property consists of approximately 9.8 acres located on the westerly side of Cedar Street (Rte. 85) and north of Dilla Street, and includes the Right-of-Way of former Old Cedar Street that was discontinued at the 5-22-2023 Annual Town Meeting. The Town Planner's report noted that he has reviewed the definitive plan entitled "Old Cedar Court" dated 5-15-23 and finds it to be in substantial compliance with the Milford Subdivision Rules and Regulations, and the following waivers have been requested in writing:

1. Art. IV, Sec. A – Preliminary Plan not submitted but required.
2. Art. IV, Sec. B.2 – Definitive Plan at 50' scale; 40' scale required.
3. Art. V, Sec. A.1.c – Streets to adjoining properties not provided but required.
4. Art. V, Sec. A.4.c – Cul-de-sac landscaped center island not provided but required.
5. Art. V, Sec. C – Open Space for parks or playgrounds not provided but required.
6. Art. VI, Sec. D.5 – Extend existing 24' roadway pavement; 28' required.
7. Art. VI, Sec. E.1 – Sidewalk not provided; required on one side.

The proposed plan assembles and reconfigures the discontinued Old Cedar Street Right-of-Way with the adjacent properties to form 3 new lots. Proposed Lot 1 will be served by municipal sewer and water. Proposed Lots 2 and 3 are existing developed commercial sites and are already connected to municipal sewer and water. It was noted that the Drainage Analysis has only recently been submitted. The staff report also noted that the proposed name of "Old Cedar Court" for the new street is acceptable.

Mark Allen the project engineer indicated the new street is to remain a private way because of subsurface stormwater facilities within the road alignment. He noted that the Drainage Analysis indicates that all drainage mitigation will meet DEP standards for both the subdivision as well as for the building development. He also noted that the southerly 308'+/- of the proposed street is located on the existing 50' wide access easement over the westerly part the Wendy's parcel. A copy of the easement was included in the packet. The proposed street is 605' in overall length extending north from Dilla Street, and provides the required frontage and access for Proposed Lot 1. The Town Planner's report recommended all the waiver requests be granted, including allowing for the cul-de-sac to exceed the 500' maximum length, and that the Definitive Plan be approved subject to the issues noted above and to relevant agency comments. Board members discussed the drainage issues at the site, noting the proposed stormwater improvements. Board members also suggested no parking signs be installed at the new cul-de-sac and along the overall street alignment.

Public Comments: Local resident Jamie Wheelock spoke and noted his concerns regarding trail access, lack of parking, traffic problems and lack of sidewalks.

Chairman Calagione announced that the Board will now review the Special Permit application that is the subject of Public Hearing #2 on the agenda.

Public Hearing #2: Self-storage facility Special Permit. The applicant is requesting special permit approval to construct a 3 story, 102,192 SF self-storage facility and associated parking on the subject property. Self-storage

facilities are permitted uses in the IB Industrial District via special permit approval from the Planning Board. The property consists of approximately 5.8 acres located on the westerly side of Cedar Street (Rte. 85) and north of Dilla Street, and combines parcel 28-0-17, part of parcel 28-0-12, and part of the Right-of-Way of former Old Cedar Street that was discontinued at the Annual Town Meeting on 5-22-2023. The address of 80 Old Cedar Court has been assigned to the subject property.

The "Old Cedar Court" Definitive Plan, that is being reviewed concurrently with this special permit application, proposes a new cul-de-sac street "Old Cedar Court" off Dilla Street to provide the required frontage and access for the subject property. The new street is intended to remain a private way. The subject property, shown as Proposed Lot 1 on the definitive plan, will be connected to both municipal sewer and water.

The applicant submitted a graphic of the southerly elevation of the proposed 3 story storage facility that portrays the first floor of the building as having multiple overhead doors for the perimeter ground-floor storage units. A floor plan has been submitted that indicates the first floor of the building is to provide a drive-through passage for interior loading and unloading and interior access to two freight elevators. It is understood that the entire storage facility will be equipped with a fire suppression sprinkler system.

The Town Planner's staff report noted that special scrutiny is warranted relating to the types of items and materials to be stored at the new self-storage facility. This is due to the subject property being located adjacent to the Charles River, and being located in close proximity to the municipal water supply and water treatment facility. The proposed self-storage facility should be limited to the storage by individuals of personal property and residential items only, and not for use as commercial or industrial storage space. The sub-letting of individual storage spaces should be prohibited, as well as the use of the storage spaces for commercial purposes. The use of the storage spaces for residential occupancy should be prohibited. The use of the storage spaces for the keeping of any animals, fowl, or livestock should also be prohibited. Also due to the property location, the storage of the following items should be specifically prohibited:

1. Storage of any motorized vehicles or equipment.
2. Storage of any hazardous materials, or hazardous wastes.
3. Storage and or use of any fertilizers or pesticides.
4. Storage of any type of paints or sealers.
5. Storage of any flammable substance.
6. Storage of liquid petroleum products of any kind.
7. Storage of road salt or other de-icing chemicals.
8. Storage of food and any perishable goods.

The Town Planner's report referred to a sample lease utilized at a similar facility that was provided by the applicant, and to the Board of Health Surface Water Protection Regulations that had been attached in the packet. It should be noted however, that subsequent to the Town Planner's report being submitted, Town Counsel has determined that those Board of Health regulations are not enforceable.

The applicant proposes a paved trail "spur" to the Upper Charles Trail that will connect from the new cul-de-sac area to the Trail near the Charles River on Town property. The storage facility will be secured by perimeter fencing with gates, however the trail "spur" will be located outside of that secured area. The applicant is proposing 5 off-street parking spaces for trail users to be located directly north of the proposed cul-de-sac south of the proposed security gate. The security fencing should be indicated on the plan, and should include lockable gates. Lockable gates should also be installed off the cul-de-sac at the entrance to the trail "spur" to prevent motorized vehicles from entering. The applicant has proposed an access easement to the Town over the entire trail "spur" alignment. The Town Planner recommended the Special Permit be approved subject to the above-mentioned items being addressed, and subject to relevant agency comments.

David Condrey, General Manager of the Milford Water Department, was present to present the Water Department report, and to speak in opposition of the project. He referred to his staff report, which noted the proposed storage facility is deemed by the Water Department as a significant threat to the recharge zone of the Charles River intake/surface water source and requested the Planning Board deny the Special Permit/Site Plan. The report also

stated that the facility poses a significant threat to the surface water source that is used on a regular basis, because the 600+ proposed units have little to no safeguards as to what can or will be stored in them. The Water Department requests that in the event the Board approves the Special Permit, at minimum monitoring wells with “real time” monitoring capabilities be required with data to be reported to the water treatment plant. Further, all typical Water Department specifications would need to be complied with, and the contractor must meet with the Water Department prior to starting any water line installations.

Attorney Effren referred the Board to his recently submitted 6-5-2023 memo to the Board which indicates the applicant agrees that the materials listed by the Town Planner should be prohibited, but notes that the limitation to storage “by individuals of personal property and residential items only” is not feasible. The applicant needs local commercial businesses to be among its customers, subject to the same material prohibitions. The memo further addresses the Water Department’s request to require monitoring wells with “real time” monitoring capabilities. It notes that the kinds of materials that the Water Department is concerned about will be expressly prohibited in the customer contracting documents, and the facility will be equipped with a video security system which will allow the facility manager to see tenants entering. The memo also indicates the facility manager will undertake periodic screening of tenant activity and walk around the facility in an unstructured manner for security. If storage of inappropriate materials is suspected, they will have the contractual right to enter and inspect the storage unit. The memo reiterated that the project will be connected to both municipal sewer and water. No on-site septic system will be installed.

Public Comments: Local resident Jamie Wheelock spoke and noted his concerns regarding trail access, lack of parking, traffic problems and lack of sidewalks. Reno Deluzio, Chairman of the Upper Charles Trail Committee, spoke in favor of the trail connection proposal, noting his involvement in preliminary discussions about the trail spur connection, and noting that the proposed connection appears to meet relevant ADA requirements.

After further discussion applicant’s Counsel requested that both public hearings be continued to the 7-11-2023 Planning Board meeting.

Motion by Mainini, Second by DePaolo to continue both public hearings to the 7-11-2023 meeting.

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

Motion carried.

NOTE: Board Member Morais rejoined the meeting.

3. Amended Site Plan: 27 Maple Street – Rentschler Biopharma Inc. Rentschler Biopharma Inc., a biopharmaceutical manufacturing organization, requests amended site plan approval for a proposed Office Trailer & Parking Expansion Project associated with the existing facility on the subject property. Expansion of the parking area is also being proposed, with various utilities to be relocated to accommodate the expansion. Present for the applicant was engineer Rich Whitehouse of VHB, who reviewed the project. Proposed is approximately 5,400 SF of semi-permanent office space located in three, triple-wide trailers placed on the northwesterly side of the main drive aisle. This will accommodate previously approved modifications and/or expansions of the primary facility. Also proposed are 154 new parking spaces to be located as a satellite lot north of the main entrance drive on Maple Street. Associated pedestrian, utility, and landscaping improvements are also being proposed. The location and alignment of the main access drive will remain unchanged. An updated landscaping plan has been submitted, and the drainage and stormwater systems are being modified appropriately. Also submitted are an updated stormwater report, as well as an updated traffic statement. Retaining wall designs are being developed by a structural engineer for any proposed walls that exceed 4’ in height. The Town Planner has reviewed the site plan and finds that all applicable zoning requirements appear to be met. Therefore, he recommended approval of this amended site plan subject to all relevant agency comments. After further discussion the Applicant’s engineer requested the review be continued to the 6-20-2023 Planning Board meeting.

Motion by DePaolo, Second by Wilson to continue this application to the 6-20-23 meeting.

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

Motion carried unanimously.

4. ZBA Variance Referral: 5 Annie J Circle – Kevin Tomaso. The applicant requests a side yard setback variance to allow for the construction of a 12' x 25' addition to the rear of the existing single-family dwelling on the subject property. The addition as proposed will be 9.5' from the easterly side property line, 15' is required in the RB zoning district. Also requested is a variance from the wetland setback requirement for the existing pool that was installed previously and located 14' from the wetlands; 25' setback required. Although the configuration of the existing lot is generally similar adjacent properties, the overall curvilinear layout of the street resulted in the side lot line being at a 60° angle to the street line. The building placement is substantially "square" with the street line, thus being negatively affected by the acute angle of the side lot line. Had the overall lotting configuration been more conventional, the proposed addition would have easily met the 15' setback requirement and the variance would not have been needed. The Town Planner recommended a favorable report be forwarded to the ZBA.

Motion by Mainini, Second by DePaolo to forward a favorable report to the Zoning Board of Appeals.

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

Motion carried unanimously.

5. ZBA Variance/Special Permit Referral: 15 Draper Park – Gomes Realty Trust of 2005. The applicant requests in a combined application for frontage and width variances to allow the subdivision of the lot, and a special permit to construct a two-family dwelling on the proposed new lot. Due to the incomplete nature of the special permit aspect of this application, only the variance request can be reviewed at this time. Proposed Lot A is to have 10,095 SF of area, 54.38' of frontage, and 62' of width. Proposed Lot B is to have 15,497 SF of area, 47.02' of frontage, and 73' of width. 80' of width and frontage are required in the RA zoning district. The property is an oversized, irregularly shaped lot lying northerly of the curved portion of Draper Park, a 33' wide public way. The lot generally widens beyond the relatively narrow street frontage. The Town Planner recommended a favorable report be forwarded to the ZBA relating to the variance request, and that the special permit aspect of the application be continued to a future ZBA hearing after another Planning Board review.

Motion by Mainini, Second by Morais to forward a favorable report to the Zoning Board of Appeals relating to the variance request, and that the special permit aspect of the application be continued to a future ZBA hearing after another Planning Board review.

Roll Call Vote: Calagione, yes; DePaolo, yes; Mainini, yes; Morais, yes; Wilson, no.

Motion carried.

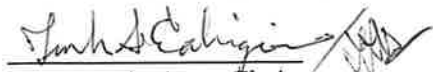
Comprehensive Plan funding update: Chairman Calagione directed the Board's attention to the award notification from MAPC indicating their approval of \$60,000.00 in Technical Assistance Program funds to Milford for work on the 2024 Comprehensive Plan. More detailed information regarding the actual distribution of the funding will be forthcoming.

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

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

Motion carried unanimously.

The meeting was adjourned at 8:57 P.M.



Joseph Calagione, Chairman