



# PLANNING BOARD OF MILFORD, MASS.

TOWN HALL, 52 MAIN STREET  
634-2317

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, September 5, 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 8-15-23 meeting:

Motion by Wilson, Second by Mainini to approve the minutes of the August 15, 2023 meeting as written.

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

Motion carried.

Chairman Calagione noted receipt of the Attorney General's letter approving the articles recently voted at the Annual Town Meeting. He also noted receipt of the printed text of an e-mail from Camilla Amandolare regarding conditions and maintenance at the Country Club Estates planned residential development.

\* NOTE: Board Member DePaolo joined the meeting at 7:03 PM.

### 2. 81-P Plans:

A) Milford East Main Street LLC – 158 East Main Street. The Town Planner explained that this 81-P plan is to be used primarily for reference purposes regarding environmental issues and noted that it was endorsable as submitted.

Motion by Wilson, Second by DePaolo to approve the 81-P as presented and direct the Town Planner to endorse the mylar.

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

Motion carried.

B) B D Homes LLC – 37 Mt. Pleasant Street. The Town Planner explained that this 81-P plan divides a lot to transfer the rear portion for future development purposes with the adjacent property. He noted that it was endorsable as submitted.

Motion by Mainini, Second by Wilson to approve the 81-P as presented and direct the Town Planner to endorse the mylar.

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

Motion carried unanimously.

NOTE: Board Member Morais has recused himself from upcoming agenda item #3.

3. Deliberation: Self-Storage Special Permit application – 80 Old Cedar Court. This item relates to the 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. The Chairman noted that at the 8-15-23 meeting the Board had closed the Public Hearing for this Special Permit and taken the matter under advisement. Present for the applicant was attorney Neal Bingham, Esq., the applicant Quentin Nowland, and the project engineer Mark Allen of Allen Engineering. Mark Allen briefly reviewed the special permit site plan and noted the few latest revisions. Neal Bingham indicated the applicant was in agreement with the conditions contained in the decision prepared by staff. A brief discussion ensued among the Board members to culminate the deliberation.

Motion by Mainini, Second by DePaolo to grant the special permit subject to the conditions listed in the decision document prepared by staff and included in the Board members' meeting packet.

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

Motion carried.

NOTE: Board Member Morais rejoined the meeting.

4. Continued Amended Site Plan: 146 So. Main St. – New York Capital Investment Group, LLC. The Chairman read a letter from the applicant's engineer requesting that this item be continued to the 10-17-23 meeting.

Motion by Wilson, Second by Morais to continue this application to the 10-17-23 meeting.

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

Motion carried unanimously.

5. Continued Amended Site Plan: 100 Central Street – David Walch. The Chairman read a letter from the applicant requesting that this item be withdrawn without prejudice.

Motion by Mainini, Second by DePaolo to accept the withdrawal without prejudice.

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

Motion carried unanimously.

6. Amended Site Plan: 393 Fortune Blvd. – Legal Seafoods. The applicant requests amended site plan approval for a change of use in a portion of the building on the subject property. The existing facility consists of a 92,000+/- sf 1-story steel framed masonry building with an attached 24,160+/- sf 2-story office building. Amanda Cavaliere of Guerriere & Halnon Engineering was present on behalf of the applicant and explained that the proposal is to construct a 26,549+/- sf food preparation and storing facility within the existing 1-story building for the purpose of distribution to off-site Legal Seafoods restaurants. Minor exterior modifications are proposed within the previously disturbed areas, including the installation a 5,000 gallon in-ground grease trap, concrete equipment pads and associated utilities. The proposed use will employ up to 30 staff with operating hours Monday through Friday on one shift. Clarke Distribution, the current tenant, will continue to occupy the remaining space of the building and operate under its current condition. The site currently has 106 parking spaces and is connected to both Town sewer and water. The Town Planner noted that all applicable zoning requirements appear to be met and recommended approval of the amended site plan subject to relevant agency comments.

Motion by Morais, Second by DePaolo to approve the amended site plan as presented.

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

Motion carried unanimously.

7. Gomes Way Definitive Plan: Conditional Approval Contract / Endorse Definitive Plan Mylar. The Board passed over this item as the documents are not available and the proponent is not in attendance.

8. Mt. Pleasant Estates: Certificate of Performance. The Town Planner explained that the Lots in this subdivision had been released when the bond was set at the 9-6-2022 Planning Board meeting. Subsequently, the required bond was posted and permits were issued, however the actual Certificate of Performance (Form E-1) document was misplace and never recorded. The proper documentation has been provided in the agenda materials for this item, and the Town Planner recommends the Board approve and sign the Form E-1 as provided.

Motion by DePaolo, Second by Mainini to approve and sign the Form E-1 as submitted.

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

Motion carried unanimously.

9. ZBA Special Permit Referral: 39 Green Street – Pandolfo Company, Inc. The applicant requests special permit approval to allow for the continued use of the existing drive-thru car wash on the subject property. The prior 2016 special permit for this site was granted to the applicant Green Street Auto Spa only and did not run with the land (see attached decision). Subsequently, the current operator acquired the business, did not seek amendment to the special permit, and also proceeded to modify the site in violation of the approved site plan by adding vacuum stations in the required queue lanes. The applicant now seeks to remedy all past violations by seeking the special permit for the current operator, and by revising the site features to return the queuing lanes to an appropriate safe configuration. The originally approved queuing lanes are to be restored, the vacuum stations relocated to the rear of the building, and a substantial area of excess paving is to be removed and replaced with landscaping. The Town Planner recommended a favorable report be forwarded to the Zoning Board of Appeals.

Motion by Mainini, Second by Wilson 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.

10. ZBA Variance Referral: 234 Purchase Street – William Rowe. The applicant requests variances to allow for the combination and reconfiguration of the subject parcels. Variances for Lot width, Lot frontage, and for Lot shape factor will be necessary to create the two proposed lots. Proposed Lot A will contain the existing dwelling. Proposed Lot B will become a building lot for a new dwelling. Parcel A will become a land-locked non-buildable parcel to the rear of the property. The Town Planner recommended a favorable report be forwarded to the Zoning Board of Appeals.

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

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

Motion carried.

11. ZBA Special Permit Referral: 13 Dominick Street – Daniel Ribeiro. The applicant requests special permit approval to allow for the reconstruction of a single-family dwelling on the subject property. The lot is non-conforming as to lot area, lot width and lot frontage. The previous 24' x 36' house encroached onto both front and side yard setbacks, however it was destroyed by fire several years ago. The applicant now seeks to construct a 29' x 50' single-family house on the property. The new single-family dwelling will meet or exceed all setback requirements. The existing shed in the rear yard is to remain. The Town Planner recommended a favorable report be forwarded to the Zoning Board of Appeals.

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.

12. Continued Discussion: Possible IA to BP rezoning – Areas south of Central Street. The Town Planner briefly reviewed the proposal that would change the zoning of a number of properties in the vicinity of the former Archer Rubber facility from IA to BP and RC. He referred the members to the text of the proposed article and the accompanying maps that were included in the Meeting Packet for this agenda item. Generally, the area covered is south of Central Street and extends southerly approximately 0.8 mi. along the Charles River to the vicinity of the Godfrey Brook wellfields. The area is within the WR-1 Water Resource Protection District due to its location over the Aquifer, and has been inappropriately zoned for a number of years. The 2003 Comprehensive Plan had recommended zoning changes in this area, and with the Archer building having been demolished, now is an appropriate time to consider rezoning this area. While the primary focus is for the application of the BP district in the Central Street area, approximately two-thirds of the overall rezoning would be to apply the RC and other adjacent residential districts. The Town Planner noted that the Select Board has Remanded the article and will place it on the Fall Town Meeting Warrant.

13. Comprehensive Plan Scope of Services review. The Chairman directed the members' attention to the full scope of services for the 2024 Comprehensive Plan that had been prepared by the MAPC planning staff. The Scope covers all of the plan elements that the Board had originally requested to be included, and the process MAPC intends to employ seems acceptable. The Chairman noted that the new Economic Development Director has reviewed and commented on the scope and provided a memo for the Board.

The next Planning Board meeting will be on 9-19-2023.

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 7:54 P.M.

A handwritten signature in dark ink, appearing to read "Joseph Calagione", written over a horizontal line.

Joseph Calagione, Chairman