



# 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, November 17, 2020

Pursuant to Governor Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law, G.L. c. 30A sec. 18, and the Governor's March 15, 2020 Order concerning imposition of strict limitations on the number of people that may gather in one place, this meeting is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.

### PUBLIC HEARINGS

The Public Hearing Remote Participation access requires advanced registration. Any member of the public may now register to access the zoom meeting as an attendee. Public attendees will be able to view the zoom LIVE and request to speak at the Public Hearing. Please register with zoom at <http://tiny.cc/n633tz>. 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.

(7:02 P.M.) *Continued* Application of Lisa M. and Frederico Carneiro, 4 Ben's Way, Hopedale, MA 01747, for approval of the definitive subdivision entitled "DEPOT STREET ESTATES", a 4 Lot Residential Subdivision located on 3.4 +/- acres off Depot Street (109 Depot St.). Assessor's Map 52 Lots 43, 164 & 164C. RA Zone.

### GENERAL BUSINESS

- (7:00 P.M.)
1. Minutes of previous meeting
  2. 81-P Plans: 21 Cunniff Ave. – John East
  3. *Continued* Site Plan Review: 97 Cedar Street - PMG Northeast LLC
  4. Bond Substitution Request – 1 National Street Site Plan
  5. Bond Reduction Request – Sanylah Crossing Subdivision
  6. Amended Site Plan Review: 42 Cape Road – Cape Road Plaza, LLC.
  7. ZBA Special Permit Referral: 69 West Street – Luis Santos
  8. ZBA Variance/Special Permit Referral: 85 Medway Street – Michael Bregani
  9. ZBA Special Permit Referral: 327 Purchase Street – Guaranteed Builders
  10. ZBA Variance Referral: 24 Cunniff Avenue – Maryanne Filosa

RECEIVED  
MILFORD TOWN CLERK

2020 NOV 12 AM 11:2

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

Board or Commission Planning Board  
Date and Time of Meeting Tuesday, November 17, 2020 7:00 PM

Place of Meeting Pursuant to Governor Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law, G.L. c. 30A sec. 18, and the Governor's March 15, 2020 Order concerning imposition of strict limitations on the number of people that may gather in one place, this meeting is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.

Matters Anticipated to be subject of discussion:

**PUBLIC HEARINGS**

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(7:02 P.M.) Application of Lisa M. and Frederico Carneiro, 4 Ben's Way, Hopedale, MA 01747, for approval of the definitive subdivision entitled "DEPOT STREET ESTATES", a 4 Lot Residential Subdivision located on 3.4 +/- acres off Depot Street (109 Depot St.). Assessor's Map 52 Lots 43, 164 & 164C. RA Zone.

**GENERAL BUSINESS**

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- 10. ZBA Variance Referral: 24 Cunniff Avenue – Maryanne Filosa

Signature [Signature] Dated 11-12-2020

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.



# 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  
**This meeting was conducted via Remote Participation**  
Tuesday, October 20, 2020

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

Members absent: none

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 Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition of strict limitations on the number of people that may gather in one place, meetings in the Town of Milford are being conducted via remote participation to the greatest extent possible. 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 Previous Meeting: Motion by Cook, Second by McCarthy to approve the minutes of the October 6, 2020 meeting as submitted.

Roll Call Vote: Calagione, yes; Cook, yes; Kennelly, yes; Mainini, yes; McCarthy, yes.  
Motion carried unanimously.

2. 81-P Plans: (none)

PUBLIC HEARING: The IT Director announced that the Public Hearing for the definitive subdivision entitled "DEPOT STREET ESTATES" originally scheduled for September 8, 2020, has been continued to the November 17, 2020 meeting. No deliberation on this item will occur at tonight's meeting.

3. Continued Site Plan Review: 97 Cedar Street - PMG Northeast LLC. The Town Planner noted that this is the continued review of the gas station redevelopment being proposed on the subject property. The existing gas station is to be demolished and the site redeveloped as a self-service gas station with drive-thru restaurant and convenience store. The ZBA granted a special permit for a self-service gas station at this location at their July 22, 2020 meeting. The Town Planner explained that all of the agency comments have now been address except for the following: 1) An engineered plan for the retaining wall; and, 2) the posting of a bond for peer review of the traffic analysis of the intersection signal timing.

Participating remotely on behalf of the applicant were Attorney Katelyn Ciolino of Beverage & Diamond, along with engineer Jeff Fiore, P.E. from Maser Consulting P.A. They noted that they hoped to have input on the scope of the peer review, and would coordinate with the Town Engineer to facilitate the peer review process.

Attorney Ciolino requested a continuance to the November 17, 2020 meeting

Motion by McCarthy, Second by Cook, to continue the site plan review to the November 17, 2020 meeting.

Roll Call Vote: Calagione, yes; Cook, yes; Kennelly, yes; Mainini, yes; McCarthy, yes.  
Motion carried unanimously.

4. Amended Site Plan Review: 156 West Street – Sky Pet Care. The Town Planner noted this is the continued review of the change of use site plan to establish a pet care center on the subject property. The last use of the property was a restaurant. He also noted that staff had recommended a raised median be installed along the frontage of the property to provide for a one-way traffic pattern with separate entrance and exit drives at each end of the raised median. That requires some of the parking spaces to be angled. All of the staff comments appear to have been addressed and shown on the revised site plan. The Board suggested that “entrance” and “exit” signs be installed at the two driveways.

Motion by Mainini, Second by Calagione, to approve the amended site plan.

Roll Call Vote: Calagione, yes; Cook, yes; Kennelly, yes; Mainini, yes; McCarthy, yes.  
Motion carried unanimously.

5. Amended Site Plan Review: 140 Medway Street – Global Companies, LLC. The applicant requests amended site plan approval for the subject property. On 10-10-19 the ZBA granted a special permit to convert the existing attendant-service gasoline station to a self-service operation. Subsequently, on 6-2-2020 the Planning Board approved the Site Plan, but with the condition that the easterly driveway on Medway Street must be closed. To date, no updated site plan has been submitted for signature. The current request is for approval of an updated site plan reflecting the special permit approval, but does not indicate the elimination of the easterly driveway on Medway Street as previously required. Rather it proposed painted directional islands and signage designating the easterly driveway as enter only. Due to the severe traffic congestion at that location, and the close proximity of the easterly driveway to the intersection, the easterly driveway on Medway Street should be eliminated as originally required by the 6-2-2020 decision. Therefore, the Town Planner recommend the amended site plan be denied.

Attorney Peter Barbieri of Fletcher Tilton PC, and Erin Fredette, P.E. of McMahon associates participated remotely on behalf of the applicant. They referenced the traffic report and maintained that the directional striping being proposed would be sufficient to address any traffic problems at the easterly driveway, and that closure of that entrance was unnecessary and detrimental to the site.

Motion by Calagione, Second by McCarthy, to deny the amended site plan.

Roll Call Vote: Calagione, yes; Cook, yes; Kennelly, yes; Mainini, yes; McCarthy, yes.  
Motion carried unanimously.

6. Amended Site Plan Review: 125 Fortune Blvd. – Nitto Denko Avecia, Inc. The applicant requests amended site plan approval to construct a 175’ x 285’ building addition on the subject property. Avecia is a biotechnology company focused on the development and manufacture of DNA medicines. Specifically, the proposal is to construct a 50,000 sq.ft. manufacturing and warehousing addition to the rear of the existing building, including a covered loading area, and covered tank farm for the storage of hazardous materials utilized at the site. The existing access drive has been extended around the addition, and parking has been added in several areas. The proposed pavement dimensions appear adequate to accommodate maneuvering of all vehicles. Also proposed south of the addition is a 20,000 gallon above ground holding tank for sprinkler system overflow. Two retaining walls in excess of 4’ in height are being proposed, however engineered plans for the walls have yet to be submitted. All other applicable zoning requirements appear to be met. Therefore, the Town Planner recommend approval of the amended site plan subject to submittal of engineered plans for the retaining walls, and subject to all relevant agency comments.

David Potter of Pare Corp. participated remotely on behalf of the applicant. He noted that they had coordinated with the Town Engineer to meet any comments he had previously noted, especially regarding drainage and stormwater issues. The Town Planner confirmed receipt just before the meeting of an e-mail from the Town Engineer confirming that his concerns had all been addressed.

Motion by Mainini, Second by Cook, to approve the site plan subject to the submittal of engineered plans for the retaining walls, and receipt of the Milford Water Company letter.

Roll Call Vote: Calagione, yes; Cook, yes; Kennelly, yes; Mainini, yes; McCarthy, yes.  
Motion carried unanimously.

The Chairman noted that the next meeting of the Planning Board will be on November 17, 2020.

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

Roll Call Vote: Calagione, yes; Cook, yes; Kennelly, yes; Mainini, yes; McCarthy, yes.  
Motion carried unanimously.

The meeting was adjourned at 7:53 P.M.

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Lena McCarthy, Chairman

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FORM A

APPLICATION FOR ENDORSEMENT OF  
PLAN BELIEVED NOT TO REQUIRE APPROVAL

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Article III B.

Milford, Mass 10-30-20  
(Date)

To the Planning Board:

The undersigned, believing that the division of property as shown on the accompanying plan does not constitute a subdivision within the meaning of the Subdivision Control Law, hereby requests an endorsement thereon that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant Darlene East

Address 698 Podunk Rd., East Brookfield, MA 01515

2. Name of Engineer or Surveyor Anthony M. Dellorco

Address 11 Awl St., Medway, MA 02053

3. Deed of property recorded in Worcester District Registry,

Book 63467 Page 157

4. Location and Description of Property:

21 Cunniff Ave., 26,210 sq. ft.

Signature of Owner Darlene East

Address 698 Podunk Rd., E. Brookfield, MA. 01515

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*Anthony J. DeLorco*

DATE: OCTOBER 29, 2020



APPROVAL UNDER SUBDIVISION CONTROL  
LAW IS NOT REQUIRED.  
DATE APPROVED: \_\_\_\_\_

TOWN OF MILFORD PLANNING BOARD

\*PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MILFORD ZONING BY-LAWS.\*

NOTE: PROPERTY SHOWN ON THIS PLAN IS NOT CLASSIFIED AS CHAPTER 61A OR 61B.

MAP 39 PARCEL 3  
PLAN OF LAND

MILFORD, MA.

SCALE: 1" = 20' OCTOBER 27, 2020

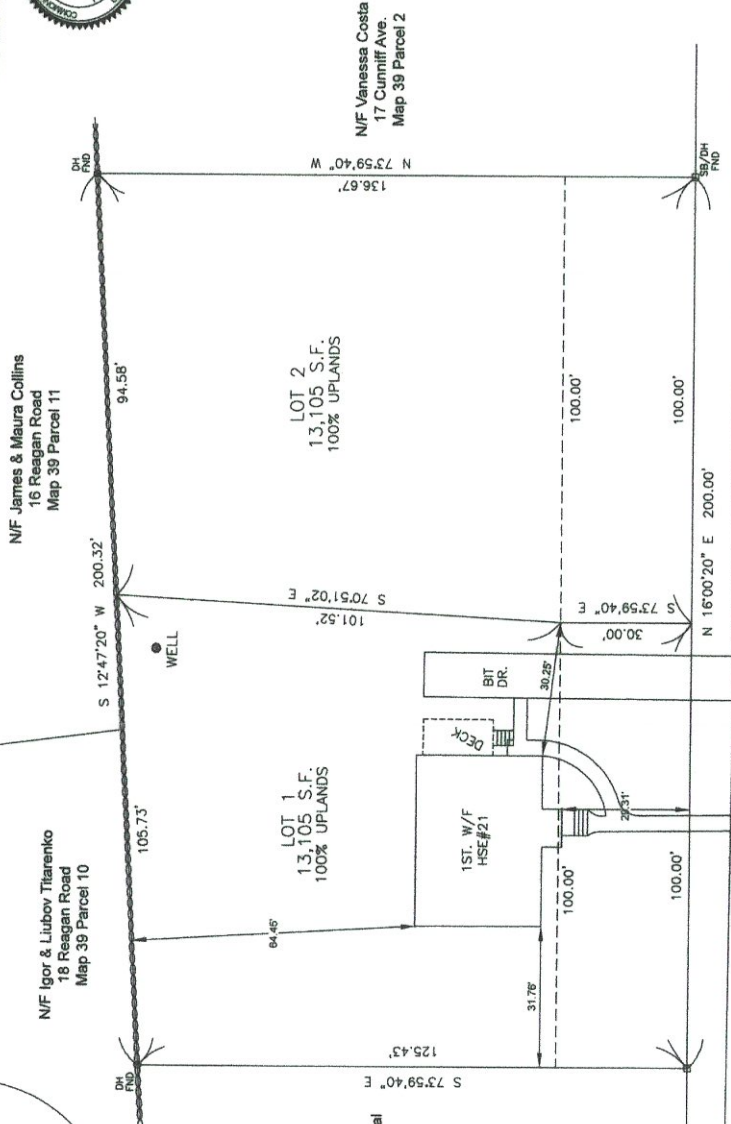
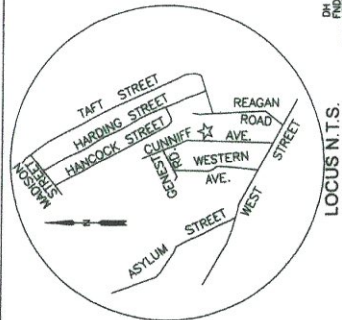
OWNERS: Joseph D. Dias  
1100 Pueblo Gardens Ct.  
Las Cruces, New Mexico 88007

Elaine Barnes  
4 Molly Road  
West Yarmouth, Ma. 02673

Stephen Dias  
506 Charlotte Ave.  
Columbia, Illinois 62236

Darlene East  
698 Podunk Road  
East Brookfield, Ma. 01515

COLONIAL ENGINEERING INC.  
11 AWL STREET MEDWAY, MA.  
508-533-1644



N/F James & Maura Collins  
16 Reagan Road  
Map 39 Parcel 11

N/F Igor & Liubov Titarenko  
18 Reagan Road  
Map 39 Parcel 10

LOT 2  
13,105 S.F.  
100% UPLANDS

LOT 1  
13,105 S.F.  
100% UPLANDS

N/F Wellington & Cristiane Marcal  
23 Cuniff Ave.  
Map 39 Parcel 4

N/F Vanessa Costa  
17 Cuniff Ave.  
Map 39 Parcel 2

CUNIFF (PUBLIC 50' WIDE) AVENUE

UNCONSTRUCTED  
CROSS STREET

N/F Luann Parente  
20 Cuniff Ave.  
Map 39 Parcel 15

N/F Joseph Nogueira  
22 Cuniff Ave.  
Map 39 Parcel 22

NOTES: BEING A SUBDIVISION OF LOTS 34 TO 43 SHOWN ON A PLAN BY C.A. THAYER DATED MAY 1926 AND RECORDED IN WORCESTER COUNTY REGISTRY OF DEEDS PLAN BOOK 46 PAGE 90.  
SEE VARIANCES GRANTED OCTOBER 2, 2020 FOR AREA AND SETBACKS RECORDED IN WORCESTER COUNTY REGISTRY OF DEEDS BOOK 63467 PAGE 157.

ZONE RB  
AREA 15,000 S.F.  
FRONTAGE 90'  
WIDTH 100'  
SETBACK 30'  
SIDEYARD 15'  
REARYARD 25'  
LOT COVERAGE 25%  
EXISTING LOT COVERAGE 9.70%

**TOWN OF MILFORD**  
**ZONING BOARD OF APPEALS**  
TOWN HALL  
52 MAIN STREET  
MILFORD, MASSACHUSETTS 01757

**(508) 634-2302**

**AMENDED DECISION**

This decision is entered on the application of Darlene East of 698 Podunk Road, East Brookfield, Milford, MA for a Variance from the lot area and set-back provisions of Section 2.5 or other applicable provisions of the By-Law, in relation to a parcel of land at 21 Cunniff Avenue consisting of 26,210 square feet of land, more or less, which parcel is located in an RB Zoning District and is owned by Darlene East, Elaine Barnes, Joseph Dias and Steven Dias of 698 Podunk Road, East Brookfield, Milford, MA. Variance relief is sought in order to permit the subdivision of the lot and construction of a single-family residence.

Upon receipt of the above petition a public hearing was scheduled thereon for Thursday, August 13, 2020 at 7:10 P.M. in Room 3 of the Town Hall, 52 Main Street, Milford. Notice of the time, place and subject matter of the petition were given as required by law. The matter came on for hearing at the time and place set forth above.

Present were Chairman David R. Consigli, members David H. Pyne, Mark L. Calzolaio, John Dagnese, and alternate member Timothy Walsh. The Petitioner appeared and gave evidence in favor of the petition. At the close of the evidence, the Board further considered the matter and thereafter voted (4-1) to grant the relief requested basing its decision upon the following findings:

1. The subject property comprises a single uniquely-situated rectangular lot with a total of 26,210 square feet of land. The lot has frontage on Cunniff Avenue. An existing single-family residential dwelling sits on the westerly side of the lot. The easterly portion of the lot is undeveloped. The Lot is in the RB (Residential) Zoning District.
2. Current zoning requires a minimum lot area of 15,00 square feet. The proposed subdivision of the lot would create two lots, both of 13,105 square feet. In addition, both proposed lots require zoning relief from the minimum lot size requirement where 15,00 square feet is required and 13,105 is provided. The proposed subdivision would create two lots which are typical of lots in the existing developed neighborhood.
3. At the hearing on August 13, 2020, the Petitioner produced the proposed subdivision. The lot is unusual in the neighborhood in that it is twice as large as most lots. This condition is particular to this lot and does not exist in the zoning district as a whole.



4. A grant of the variances for lot area would have very little effect on the premises, abutting premises or the neighborhood. The variance would permit both lots to be used harmoniously, and would be consistent with uses throughout the neighborhood. The Applicant seeks to build a new single-family residence consistent with the style, nature, and development of the existing neighborhood. The intensity of use presented by an additional single-family residence will not result in changes to neighborhood traffic patterns.
5. The Board voted 4-1 in favor of granting the lot area and setback variances under Section 2.5, subject to the following conditions:
  - a. The newly constructed home shall only have two bedrooms;
  - b. The newly constructed home shall have a maximum living space of 1,700-1,800 square feet.
6. The Board also granted the variance with the understanding that the relief was so that the nurse (sister) would be next door could provide care and support of the occupant(s) of the newly constructed residence.
7. In taking its vote, the Board found that existing lot, twice as large as most other neighboring lots presented circumstances relating to the soil conditions, shape or topography of the land or structures and especially affecting such land or structures, but not affecting generally the Residential B (RB) Zoning District in which such land or structures are located which warrants the requested relief. Furthermore, a literal enforcement of the provisions of the By-Law from which the variance is sought would involve substantial hardship, financial or otherwise, to the applicant for the variance, and that hardship caused by the circumstances referred to above. The grant of the variance will neither nullify nor substantially derogate from the intent or purpose of this By-Law.

MILFORD ZONING BOARD OF APPEALS

*David R. Consigli*

David R. Consigli, Chairman

October 2, 2020



# Guerriere & Halnon, Inc.

ENGINEERING & LAND SURVEYING  
[www.gandhengineering.com](http://www.gandhengineering.com)

*Est. 1972*

**Milford Office**

333 West Street, P. O. Box 235  
Milford, MA 01757-0235  
(508) 473-6630/Fax (508) 473-8243

**Franklin Office**

55 West Central Street  
Franklin, MA 02038-2101  
(508) 528-3221/Fax (508) 528-7921

**Whitinsville Office**

1029 Providence Road  
Whitinsville, MA 01538-2121  
(508) 234-6834/Fax (508) 234-6723

November 12, 2020

Ms. Lena McCarthy, Chair  
Milford Planning Board  
52 Main Street  
Milford, MA 01757

RE: Depot Street Estates-Depot Street

Dear Mdm. Chairperson:

This letter is in response to comments of Milford Town Engineer, Michael Dean PE, in his letter dated July 8, 2020.

We have reiterated his comments with our responses below.

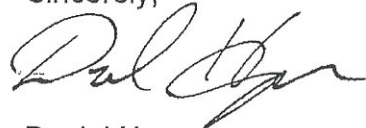
- 1 The Existing Conditions Plan should include all of the existing utilities in Depot Street(water lines, drainage, all sewer manholes, hydrants, etc. ). The Bordering Vegetated Wetlands should be labeled.  
*Survey has field located the visible utilities and added them to the plans. The wetland has been labeled.*
- 2 The existing garage associated with #111 Depot Street (abutter) should be shown due to the close proximity to the common property line (southerly property line of locus).  
*Survey has field located the garage and it has been added to the plans.*
- 3 All proposed / required easements should be added to the plan set (driveway, drainage, etc.). The proposed centerline of the roadway should be added to the Plan Set, inclusive of the curve radii.  
*The easements for the shared driveway and utilities and drainage easements for the detention ponds has been added to the plans.*
- 4 The underdrain associated with the proposed cut for the roadway construction, specifically associated with the cul-de-sac area, should be extended toward proposed lot 2, near the proposed detention basin.

*The underdrain has been extended toward the detention pond.*

- 5 The proposed road grades / profile should be adjusted to meet the Subdivision Rules and Regulations, specifically the grades associated with the "approach" intersection of the property with Depot Street.  
*The profile has been revised to have 4% slope or less within 50 feet of the edge of pavement with Depot Street.*
- 6 There are no proposed water lines shown.  
*The water line layer has been turned on the plan set.*
- 7 The proposed walk should be labeled, the curb radii of the proposed roundings at the intersection of the new road and Depot Street should be labeled.  
*The rounding radii and the sidewalks have been labeled on the grading plans.*
- 8 A legend should be added to the plan set. The monuments (bounds) that are proposed and existing should be clearly marked. A detail of the proposed bounds should be added to the plan set.  
*Bounds have been added to the plans and a detail of the bounds have been added to the detail sheet. A legend has been added to the plans.*
- 9 The plans should list the Town Assessor Map references associated with all 3 parcels associated with the project.  
*The Assessor reference has been updated.*
- 10 The lot and house (to remain) associated with #75 Fruit Street is a pre-existing, non-conforming structure. The non-conformity should be further discussed in terms of any additional permitting requirements.  
*The ZBA has granted a variance for the existing non-conformity of 75 Fruit Street.*

If you have any questions or have additional comments, please do not hesitate to contact us.

Sincerely,



Daniel Hazen  
Project Manager

**TOWN OF MILFORD**  
**ZONING BOARD OF APPEALS**  
TOWN HALL  
52 MAIN STREET  
MILFORD, MASSACHUSETTS 01757

(508) 634-2302

**DECISION**

This decision is entered on the application of on the application of Frederico and Lisa Carneiro of 4 Ben's Way, Hopedale, MA for a Variance from the frontage width and side yard and set-back provisions of Section 2.5 or other applicable provisions of the By-Law, in relation to a parcel of land at 75 Fruit Street consisting of 0.41 acre of land, more or less, which parcel is located in an RA Zoning District and is owned by Frederico and Lisa Carneiro. Variance relief is sought to permit the subdivision of the lot and construction of a residence

Upon receipt of the above petition a public hearing was scheduled thereon for Thursday, October 8, 2020 at 7:35 P.M. in Room 3 of the Town Hall, 52 Main Street, Milford. Notice of the time, place and subject matter of the petition were given as required by law. The matter came on for hearing at the time and place set forth above.

Present were Chairman David R. Consigli, Vice-Chairman John Mastroianni, members David H. Pyne, Mark L. Calzolaio, and alternate member Timothy Walsh. The Board considered the application and thereafter voted unanimously (5-0) to grant the relief requested basing its decision upon the following findings:

1. The subject property comprises 0.41 acre of land, and is located within the Residential A (RA) Zoning District. There is an existing residence on the lot located on the northerly, Fruit Street, side of the parcel. The property is twice as large as most other lots in the neighborhood. The proposed subdivision will create two lots of average size compared to the rest of the neighborhood.
2. At the hearing on October 8, 2020, the Petitioner produced the schematic design of the proposed deck extension. The proposed subdivision would create one lot of approximately 8,511 square feet and another lot of approximately 8,215 square feet. A grant of the variance would have very little effect on the premises, abutting premises, or the neighborhood.
3. The Board found that the proposed subdivision was in keeping with the existing neighborhood build-out. The Board voted unanimously in favor of granting the lot area and lot shape factor variances under Section 2.5. In taking its vote, the Board found that the spacious lot in the Residential A Zone presented circumstances relating to the soil conditions, shape or topography of the land or structures and especially affecting such land or structures, but not affecting generally the Residential A (RA) Zoning District in which such land or structures are located which warrants the requested relief.

Furthermore, a literal enforcement of the provisions of the By-Law from which the variance is sought would involve substantial hardship, financial or otherwise, to the applicant for the variance, and that hardship caused by the circumstances referred to above. The grant of the variance will neither nullify nor substantially derogate from the intent or purpose of this By-Law.

MILFORD ZONING BOARD OF APPEALS

*David R. Consigli*  
David R. Consigli, Chairman

October 20, 2020



## 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

July 14, 2020

Lena McCarthy, Chairman  
Milford Planning Board  
52 Main Street  
Milford, MA 01757

(  
( **Definitive Plan "Depot Street Estates"**  
( **Lisa M. and Frederico Carneiro**  
( **4 Residential Lots and 1 street**  
( **3.4 acres off Depot Street**  
( **Map 52 Lots 43, 164 & 164C**  
( **RA Zone**  
(

Dear Mdm. Chairman:

The applicant is proposing a 4 Lot residential subdivision, including one new street. The property consists of approximately 3.4 +/- acres off Depot Street (109 Depot St.). The proposed plan layout appears to be generally consistent with the Preliminary Plan that was recently approved by the Planning Board for this development at the 5-5-2020 meeting.

This submittal is essentially an incomplete application. The proposed subdivision includes the rear portion of Lot 164 (75 Fruit Street), which has been partially used to create proposed Lot 3. However, due to the non-conforming nature of the property at 75 Fruit Street, a variance will be required from the ZBA prior to further dividing the lot. All of the proposed lots appear to exceed the 16,000sf minimum lot area required for two-family dwellings.

I have reviewed the application and Definitive Plan dated 5-26-2020, and note the following deficiencies:

1. The application fee and legal notice fee have not been provided.
2. The required variance for 75 Fruit Street has not been granted by the ZBA.
3. There are no water mains shown on the plan.
4. The required yard setbacks for each proposed lot are not indicated on the plan.
5. The zoning compliance table is not shown on the plan.
6. There is no shared driveway easement shown on the plan.
7. The lot shape factor calculations are not shown in detail.

I recommend the public hearing be continued to the next meeting to allow adequate time for the applicant's engineer to address the above-noted deficiencies and any additional departmental comments.

Respectfully,

Larry L. Dunkin, MCRP  
Town Planner



OFFICE OF PLANNING  
AND ENGINEERING

## TOWN OF MILFORD

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

Michael Dean, P.E.  
*Town Engineer*

July 8, 2020

Lena McCarthy, Chair  
Planning Board  
52 Main Street  
Milford, MA 01757

Re: “**Depot Street Estates**” – Definitive Residential Subdivision  
4 – Lots off of Depot Street (109 Depot Street)

Dear Mrs. McCarthy:

The submittal is for a Residential Definitive Subdivision Plan – referred to as “Depot Street Estates”. The proposal consists of four (4) Lots with a proposed 348-foot long Road, utilities and associated grading. The parcels are associated with the existing houses located at 109 Depot Street and 75 Fruit Street. The Applicant is Lisa M. & Frederico Carneiro, 4 Ben’s Way, Hopedale, MA 01747.

The project consists of 3 parcels totaling approximately 3.43 Acres of land, Zoned as General Residential (RA). The parcels refer to the Town Assessors Map 52, Block 0, Lots 43, 164 & 164C.

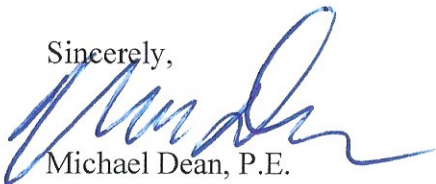
Following a review of the submitted documents I offer the following comments:

1. The Existing Conditions Plan should include all of the existing utilities in Depot Street (water lines, drainage, all sewer manholes, hydrants, etc.). The Bordering Vegetated Wetlands should be labeled.
2. The existing garage associated with #111 Depot Street (abutter) should be shown due to the close proximity to the common property line (southerly property line of locus).

3. All proposed / required easements should be added to the Plan Set (driveway, drainage, etc.). The proposed centerline of the roadway should be added to the Plan Set, inclusive of the curve radius.
4. The underdrain associated with the proposed cut for the roadway construction, specifically associated with the cul-de-sac area, should be extended towards proposed Lot 2, near the proposed detention basin.
5. The proposed road grades / profile should be adjusted to meet the Subdivision Rules and Regulations, specifically the grades associated with the “approach”/intersection of the proposed roadway with Depot Street.
6. There are no proposed water lines shown.
7. The proposed walk should be labeled, the curb radii of the proposed rounding’s at the intersection of the new road and Depot Street should be labeled.
8. A legend should be added to the Plan Set. The monuments (Bounds) that are proposed and existing should be clearly marked. A detail of the proposed bounds should be added to the Detail Sheet.
9. The plans should list the Town Assessors Map references associated with all 3 parcels associated with the project.
10. The lot and house (to remain) associated with #75 Fruit Street is a Pre-Existing, Non-Conforming Structure. The non-conformity should be further discussed in terms of any additional permitting requirements.

The above items should be addressed prior to approval. If there are any questions or comments please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Dean', written over the typed name.

Michael Dean, P.E.  
Town Engineer



**FORM M-1  
DEFINITIVE SUBDIVISION PLAN REPORT FORM**

**TO:** The Milford Planning Board

**FROM:** Scott J. Crisafulli

**DATE:** 6-19-20

**SUBJECT:** Comments and recommendations regarding:

Application of Lisa M. and Frederico Carneiro, 4 Ben's Way, Hopedale, MA 01747 to approve the definitive subdivision entitled "DEPOT STREET ESTATES".

4 Lot Residential Subdivision located on 3.4 +/- acres off Depot Street (109 Depot St.).

**Assessor's Map 52 Lots 43, 164 & 164C**

RA Zone.

The undersigned recommends:

Approval  
 Approval with Comments  
 Disapproval

of the above named subdivision plan insofar as its area of jurisdiction is concerned. The reasons for this recommendation are as follows:

Scott J. Crisafulli, Highway Surveyor  
Name of officer, agency or board representative

NOTE: The Planning Board will take into consideration any recommendations made hereon before taking final action on the preliminary subdivision plan. Lack of a timely report by any officer, agency or board will be so recorded in the minutes of the Planning Board.



# MILFORD FIRE DEPARTMENT

21 BIRCH STREET  
MILFORD, MASSACHUSETTS 01757

MARK A. NELSON, CHIEF  
MICHAEL J. DETORE, DEPUTY

Telephone: 508-473-1214 • Fax: 508-473-4858 • Inspections: 508-473-2256

Milford Planning Board  
Mr. Larry Dunkin, Town Planner  
Town Hall – Room 05  
52 Main Street  
Milford, Massachusetts 01757

June 10, 2020

RE: Definitive Subdivision Plan Referral Form: 109 Depot Street

Dear Mr. Dunkin,

On June 8, 2020 I contacted Elizabeth Mainini-Sanchioni regarding the submittal to Milford Fire Department. The water layer was not included in the plan, but she stated there is a hydrant planned near the end of the road.

I expressed a concern regarding fire apparatus access to lots 1 and 2 using the common driveway. The driveway is 16 feet wide and I requested confirmation it will accommodate our ladder truck. The specifications were provided and are included here. The truck is 100 inches wide, 41 feet 10 inches long, has a wheelbase of 236 inches, and a gross vehicle weight of 40.5 tons. I request the driveway design be adequate to support and allow travel of our largest vehicle in the event of an emergency.

The transition from Depot Street to the subdivision street is also a concern and was explained. I want to make sure the ladder truck rear section would not drag on the ground when entering or exiting.

Please contact me if I can assist with any questions.

Sincerely,

Mark A. Nelson  
508-958-3006  
mnelson@milfordfire.org

**FORM M-1  
DEFINITIVE SUBDIVISION PLAN REPORT FORM**

**TO:** The Milford Planning Board

**FROM:** Milford Board of Health

**DATE:** 7/1/2020

**SUBJECT:** Comments and recommendations regarding:

Application of Lisa M. and Frederico Carneiro, 4 Ben's Way, Hopedale, MA 01747 to approve the definitive subdivision entitled "DEPOT STREET ESTATES".

4 Lot Residential Subdivision located on 3.4 +/- acres off Depot Street (109 Depot St.).

**Assessor's Map 52 Lots 43, 164 & 164C**

RA Zone.

The undersigned recommends:

- Approval  
 Approval with Comments  
 Disapproval

of the above named subdivision plan insofar as its area of jurisdiction is concerned. The reasons for this recommendation are as follows:

Pending approval for town sewer, the Board of Health sees no issues with this subdivision. If the subdivision requires septic, suggest re-reviewing of the plan.

Jacquelyn A. Murphy  
Name of officer, agency or board representative

NOTE: The Planning Board will take into consideration any recommendations made hereon before taking final action on the preliminary subdivision plan. Lack of a timely report by any officer, agency or board will be so recorded in the minutes of the Planning Board.



# Milford Water Company

66 Dilla Street Milford, MA 01757

508-473-5110 Fax 508-478-7997

E-Mail [milfordwater@milfordwater.com](mailto:milfordwater@milfordwater.com)

[www.milfordwater.com](http://www.milfordwater.com)

June 29, 2020

Town of Milford  
Office of Planning & Engineering  
Planning Board  
52 Main Street  
Milford MA 01757

Re: **Definitive Subdivision Plan – “Depot Street Estates” - Milford, MA**

Milford Water Company (MWC) after reviewing the Definitive Subdivision Plan for “**Depot Street Estates**” requests the following.

**MWC requires a plan that includes water infrastructure as the Definitive did not include it.**

MWC requires clarification of which size water main will be used.

MWC requests an easement to eliminate the “dead end”.

MWC requires clarification on the amount of service connections requested.

MWC will not be approving any additional water service connections until the completion of the Godfrey Brook wellfield and treatment plant. With an estimated completion date for the summer of 2021.

Respectfully submitted,

*Vincent P Farese*

Vincent P Farese  
Operations Manager, Milford Water Company

**Depot Street Estates**

Donald Dornback <jdadornback@verizon.net>

Sun 7/12/2020 6:37 PM

To: Larry Dunkin <ldunkin@townofmilford.com>

Dear Mr. Dunkin and Planning Board members:

As abutting property owners affected by the proposed development of Depot Street Estates, we have the following concerns which we would like addressed:

1. Potential environmental impact-damage to existing brook and wildlife
2. Water runoff due to new grade and topography of new construction
3. Possible structural and foundation damage to abutters' property due to rock (ledge) blasting necessary for this project to proceed
4. Safety of abutters due to the close proximity of blasting sites within 100 feet of thier residences
5. Increase of traffic density in an existing high-volume traffic area
6. Possible decrease in abutter's property value due to this development
7. Residence at 61 Fruit Street Extension Unit A, Unit B omitted from map

Please consider and address the above concerns prior to voting on the viability of the development of Depot Street Estates.

Sincerely,

Mrs. Elena Ruscitti  
Virginia Ruscitti  
Francis Ruscitti

7/13/2020

Mail - Larry Dunkin - Outlook

Teresa (Ruscitti) Valorie  
Josie (Ruscitti) Dornback  
63 Fruit Street Ext.

Mr. Warren Tekian  
61R Fruit Street ext.

FORM B

RECEIVED  
MILFORD TOWN CLERK  
2020 MAY 28 AM 11:20

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

File one completed form with the Planning Board and one copy with the Town Clerk in accordance with the requirements of Article IV-B.

Milford, Mass \_\_\_\_\_  
(Date)

To the Planning Board of Milford:

The undersigned herewith submits the accompanying Definitive Plan of Property for approval as a subdivision under the requirements of the Subdivision Control Law and your Rules and Regulations covering the subdivision of Land.

1. Name of Owner of Record Lisa M. and Frederico Carneiro  
Address 4 Ben's Way  
Hopedale, MA 01747

2. Name of Subdivider Lisa M. and Frederico Carneiro  
Address 4 Ben's Way  
Hopedale, MA 01747

3. Name of Registered Engineer or Surveyor  
Address Guerriere & Halnon, Inc.  
333 West Street  
Milford, MA 01757

4. Name of Subdivision

5. Deed of Property recorded in Worcester District Registry,  
Book 58817 Page 279 and Book 57421 Page 49

6. Location and Description of Property:

The property proposed for subdivision includes the existing parcel at 109 Depot Street and a parcel at the rear of 73 Fruit Street. The total parcel, approximately 3 acres, is primarily wooded with the exception of the existing home, driveway and lawn at 109 Depot Street.

FORM B (Page 2)

Said plan has(x) has not( ) evolved from a preliminary plan submitted to the Board  
on March 17, 2020 which was approved(x) approved with modifications( )disapproved( )  
(Date)  
on May 5, 2020.  
(Date)

The undersigned hereby applies for the approval of said DEFINITIVE PLAN by the Board, and in furtherance thereof hereby agrees to abide by the BOARD'S RULES AND REGULATIONS. The undersigned hereby further covenants and agrees with the Town of Milford, upon the approval of said DEFINITIVE PLAN by the Board:

1. To install utilities in accordance with the rules and regulations of the Planning Board, the Water Department, the Highway Superintendent, the Board of Health, and all general as well as zoning by-laws of said Town, as are applicable to the installation of utilities within the limits of ways and streets;
2. To complete and construct the streets or ways shown thereon in accordance with Art. V and VI of the Rules and Regulations of the Planning Board and the approved DEFINITIVE PLAN, profiles and cross sections of the same. Said plan, profiles, cross sections and construction specifications are specifically, by reference, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole or part of said land, and assigns of the undersigned; and
3. To complete the aforesaid installations and construction within 72 months from the date hereof.

Signature of Owner Frederico Condeiro

Address 4 Ben's Way  
Hopedale, MA 01747

For certified list of Abutters, see Form G.



# "Depot Street Estates" A Definitive Subdivision In Milford, Massachusetts

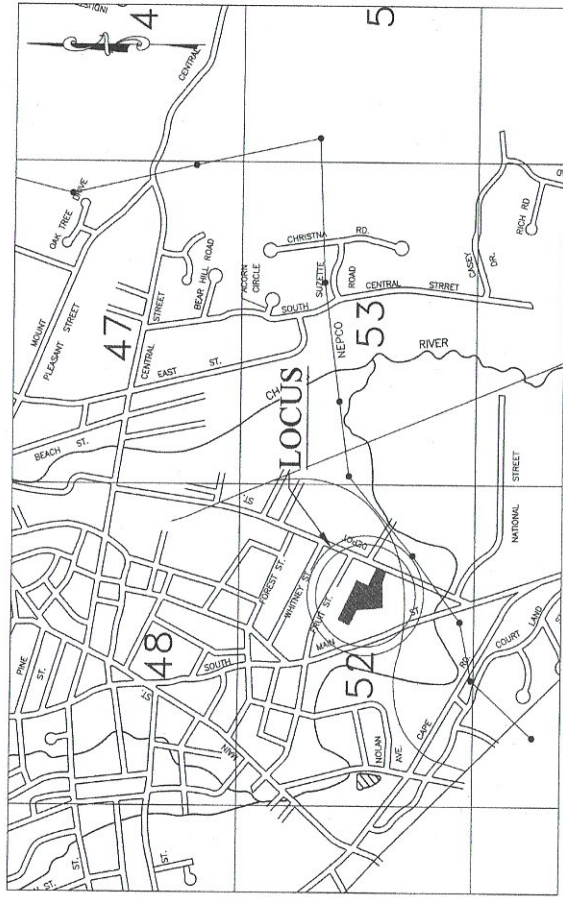
Date: May 26, 2020

Revised November 12, 2020

**OWNER/APPLICANT**  
FREDERICO AND LISA  
CARNEIRO  
4 BEN'S WAY  
HOPEDALE, MA 01747



**Guerriere & Halton, Inc.**  
ENGINEERING & LAND SURVEYING  
333 WEST STREET, MILFORD, MASS. 01757  
PHONE: (508) 473-6630 FAX: (508) 473-8243  
www.guahengineering.com



APPROVAL BY THE PLANNING BOARD  
IS REQUIRED UNDER THE SUBDIVISION  
CONTROL LAW

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
SIGNATURE DATE: \_\_\_\_\_

THIS PLAN IS APPROVED SUBJECT TO  
THE CONDITIONS AND COVENANTS INCLUDED IN  
THE CONTRACT AND ANY OTHER DOCUMENTS  
CONTRACT WILL BE RECORDED. PLANS WILL BE  
FILED IN THE WORCESTER REGISTRY OF DEEDS

**PLAN INDEX**

TITLE	SHEET
Cover	C
Registry Plan	1
Existing Conditions Plan	2
Site Development Plan	3
Plan and Profile	4
Erosion Control Plan	5
Details	6

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE RECORDERS OF DEEDS.

THIS CERTIFICATION IS INTENDED TO MEET THE REQUIREMENTS OF MASS. REGS. 800.00 AND IS NOT A CERTIFICATION OF THE TITLE OR OWNERSHIP OF THE LAND DEPICTED HEREON.

**JOSEPH J. GUERRIERE, P.E.**  
 REGISTERED PROFESSIONAL ENGINEER  
 No. 10114  
 STATE OF MASSACHUSETTS

**NOTES**

1) THE FOLLOWING IS A LIST OF RECORDS AT THE MASSACHUSETTS DISTRICT REGISTRY OF DEEDS:

PLAN BOOK 878 PLAN 76 JUNE 1999  
 PLAN BOOK 728 PLAN 111 APRIL 1998  
 PLAN BOOK 827 PLAN 177 OCTOBER 1999  
 PLAN BOOK 827 PLAN 177 OCTOBER 1999  
 PLAN BOOK 844 PLAN 33 SEPTEMBER 2002  
 PLAN BOOK 170 PLAN 41 OCTOBER 1993

2) ZONING DISTRICT - RA

MINIMUM AREA - ONE FAMILY 8,000 SF  
 TWO FAMILY 12,000 SF  
 MINIMUM FRONT SETBACK - ONE FAMILY 8 FT  
 TWO FAMILY 10 FT  
 MINIMUM FRONTAGE - ONE FAMILY 8 FT  
 SETBACKS - FRONT 25' SIDE 10' REAR 10'  
 MAXIMUM BUILDING COVERAGE - 85%  
 DWELLING UNIT - 2000 SF  
 MAXIMUM BUILDING HEIGHT - 35 OR 2 STORIES

APPROVAL UNDER THE SUBORDINATION CONTROL LAW IS REQUIRED.  
 MAJOR PLANNING BOARD

SIGNATURE DATE \_\_\_\_\_

TOWN CLERK DATE \_\_\_\_\_

**TOWN CLERK'S CERTIFICATION**

"THIS IS TO CERTIFY THAT NOTICE FROM THE MASSACHUSETTS DISTRICT REGISTRY OF DEEDS HAS BEEN GIVEN TO ALL PERSONS WHOSE INTERESTS IN THE LAND DEPICTED HEREON ARE KNOWN TO ME OR TO WHOM I AM UNDER A DUTY TO GIVE NOTICE OF APPEAL DURING THE TWENTY DAYS NEXT AFTER APPROVAL."

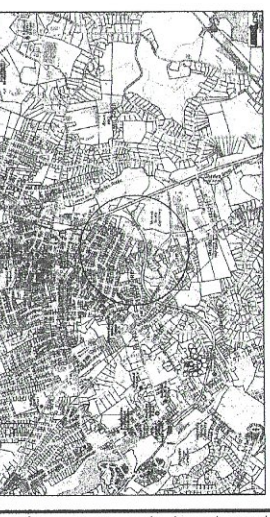
DEFINITIVE PLAN OF LAND  
 "DEPOT STREET ESTATES"  
 109 DEPOT STREET AND  
 109 DEPOT STREET  
 MILFORD, MASS.  
 SCALE: 1"=40'  
 DATE: MAY 26, 2020  
 REVISED: NOVEMBER 12, 2020

GRAPHIC SCALE: 1"=40'

0 10 20 30 40 50 60 70 80 METERS

**Guerriere & Halm, Inc.**  
 ENGINEERING & LAND SURVEYING  
 333 WEST STREET PH. (508) 473-6300  
 MILFORD, MA 01757 FX. (508) 473-6343  
 www.gondemprere.com

SHEET 1 OF 1 G-10114





DATE: 11-12-20  
 APPROVED DATE: \_\_\_\_\_  
 PLANNING BOARD

SIGNATURE DATE: \_\_\_\_\_  
 BEING A MAJORITY

NOTES:

- CONSTRUCTION ON THIS LOT IS SUBJECT TO ANY AND ALL ORDINANCES, REGULATIONS OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN INSPECTION OF THE RECORDS OF THE CITY OF MILFORD.
- "WARNING" EXISTING UTILITY LINES INDICATED ON THESE DRAWINGS ARE SHOWN AND ARE ONLY APPROXIMATE IN LOCATION. THESE AREAS TO AVOID DAMAGE TO EXISTING UTILITY LINES AND/OR HARM TO PERSONNEL SHOULD BE MAINTAINED AT ALL TIMES. CALL BEFORE YOU DIG. 1-888-806-SAVE.
- IF THERE ARE ANY OTHER UTILITY LINES THAN THOSE INDICATED ON THESE DRAWINGS, THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND MARKING THEM, ESPECIALLY EXCAVATION WORK, AND TO POSSIBLE UNMARKED UTILITY LINES.
- ASSESSOR PARCEL: 50-0-43, 104, 164C

LEGEND

EXISTING PROPOSED

CONTOUR 2000

DRAIN LINE

WATER LINE

SEWER MANHOLE

SEWER MANHOLE

FIRE HYDRANT

DRAINAGE ENCLAVE

DRY WELLS

CEILING

SMH1

SMH2

SMH3

SMH4

SMH5

SMH6

SMH7

SMH8

SMH9

SMH10

SMH11

SMH12

SMH13

SMH14

SMH15

SMH16

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SMH94

SMH95

SMH96

SMH97

SMH98

SMH99

SMH100

APPLICANT: FREDERICO AND LISA CARRERO, HOPEDALE, MA 01747

APPLICANT: FREDERICO AND LISA CARRERO, HOPEDALE, MA 01747

DEPOT STREET ESTATES

SITE DEVELOPMENT PLAN

109 DEPOT STREET

MILFORD, MA

DATE	DESCRIPTION
01/26/20	INITIAL SUBMITTAL
02/11/20	REVISIONS
02/11/20	FINAL COMMENTS
02/11/20	FINAL

GRAPHIC SCALE: 1" = 30'

0 10 20 30 40 50 60 70 80 90 100 FEET

0 10 20 30 40 50 60 70 80 90 100 METERS

Guerriere & Hahon, Inc.  
 ENGINEERING & LAND SURVEYING  
 333 WEST STREET  
 MILFORD, MA 01754  
 PH: (508) 473-6630  
 FAX: (508) 473-6243  
 www.guerrierehahon.com

DATE: 11-12-20  
 APPROVED DATE: \_\_\_\_\_  
 PLANNING BOARD

SIGNATURE DATE: \_\_\_\_\_  
 BEING A MAJORITY

- CONSTRUCTION ON THIS LOT IS SUBJECT TO ANY AND ALL ORDINANCES, REGULATIONS OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN INSPECTION OF THE RECORDS OF THE CITY OF MILFORD.
- "WARNING" EXISTING UTILITY LINES INDICATED ON THESE DRAWINGS ARE SHOWN AND ARE ONLY APPROXIMATE IN LOCATION. THESE AREAS TO AVOID DAMAGE TO EXISTING UTILITY LINES AND/OR HARM TO PERSONNEL SHOULD BE MAINTAINED AT ALL TIMES. CALL BEFORE YOU DIG. 1-888-806-SAVE.
- IF THERE ARE ANY OTHER UTILITY LINES THAN THOSE INDICATED ON THESE DRAWINGS, THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND MARKING THEM, ESPECIALLY EXCAVATION WORK, AND TO POSSIBLE UNMARKED UTILITY LINES.
- ASSESSOR PARCEL: 50-0-43, 104, 164C

LEGEND

EXISTING PROPOSED

CONTOUR 2000

DRAIN LINE

WATER LINE

SEWER MANHOLE

SEWER MANHOLE

FIRE HYDRANT

DRAINAGE ENCLAVE

DRY WELLS

CEILING

SMH1

SMH2

SMH3

SMH4

SMH5

SMH6

SMH7

SMH8

SMH9

SMH10

SMH11

SMH12

SMH13

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SMH89

SMH90

SMH91

SMH92

SMH93

SMH94

SMH95

SMH96

SMH97

SMH98

SMH99

SMH100

APPLICANT: FREDERICO AND LISA CARRERO, HOPEDALE, MA 01747

APPLICANT: FREDERICO AND LISA CARRERO, HOPEDALE, MA 01747

DEPOT STREET ESTATES

SITE DEVELOPMENT PLAN

109 DEPOT STREET

MILFORD, MA

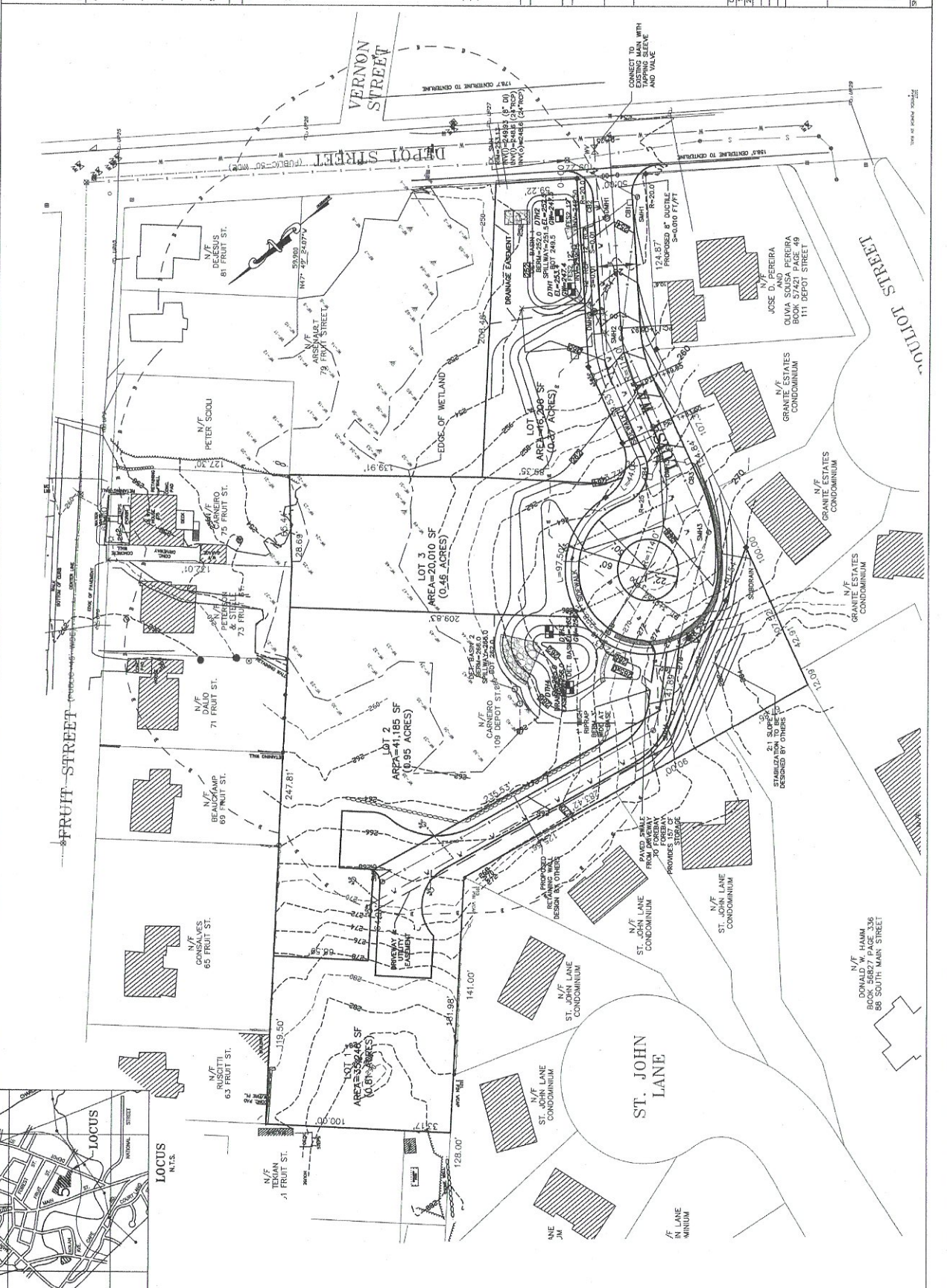
DATE	DESCRIPTION
01/26/20	INITIAL SUBMITTAL
02/11/20	REVISIONS
02/11/20	FINAL COMMENTS
02/11/20	FINAL

GRAPHIC SCALE: 1" = 30'

0 10 20 30 40 50 60 70 80 90 100 FEET

0 10 20 30 40 50 60 70 80 90 100 METERS

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 MILFORD, MA 01754  
 PH: (508) 473-6630  
 FAX: (508) 473-6243  
 www.guerrierehahon.com





DATE: 01/12/20  
 APPROVED DATE: 01/12/20  
 PLANNING BOARD

SIGNATURE DATE: BING A MAJORITY

NOTES

- CONSTRUCTION ON THIS LOT IS SUBJECT TO ANY EASEMENTS, RIGHTS OF WAY OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE RECORDS OF THE TOWN OF HOPEWELL.
- WARNING: EXISTING UTILITY LINES INDICATED OR NOTED ON THESE DRAWINGS ARE SHOWN AND ARE ONLY APPROXIMATE IN LOCATION, AND ARE ONLY APPROXIMATE IN LOCATION. THESE AREAS TO AVOID DAMAGE TO EXISTING UTILITY LINES AND/OR HARM TO PERSONNEL SHALL BE MAINTAINED AT ALL TIMES. A "POSSIBLE UTILITY SAFE" H-888-00-SAFE SHALL BE MAINTAINED ON THESE DRAWINGS. ANY WORK ON THE SITE, THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL WORK, ESPECIALLY EXCAVATION WORK, AND ALL NECESSARY SAFETY MEASURES SHALL BE TAKEN TO POSSIBLE UNARMED UTILITY LINES.

LEGEND

EXISTING: - 2M - CONTOUR, 0 - DRAIN LINE, 0 - WATER LINE, 0 - SEWER MANHOLE, 0 - UTILITY SHIELD, 0 - FIRE HYDRANT

PROPOSED: - 2M - CONTOUR, 0 - DRAIN LINE, 0 - WATER LINE, 0 - SEWER MANHOLE, 0 - UTILITY SHIELD, 0 - FIRE HYDRANT

OWNER: FREDERICO AND LISA CARRERO  
 4 BECK'S WAY  
 HOPEWELL, MA 01747

APPLICANT: FREDERICO AND LISA CARRERO  
 4 BECK'S WAY  
 HOPEWELL, MA 01747

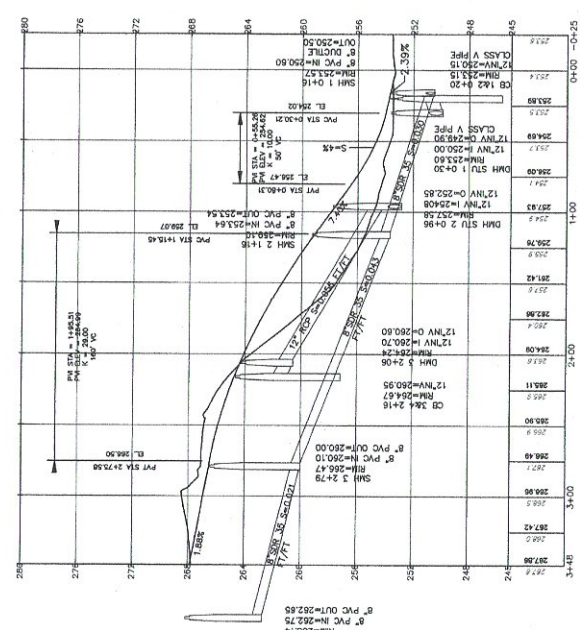
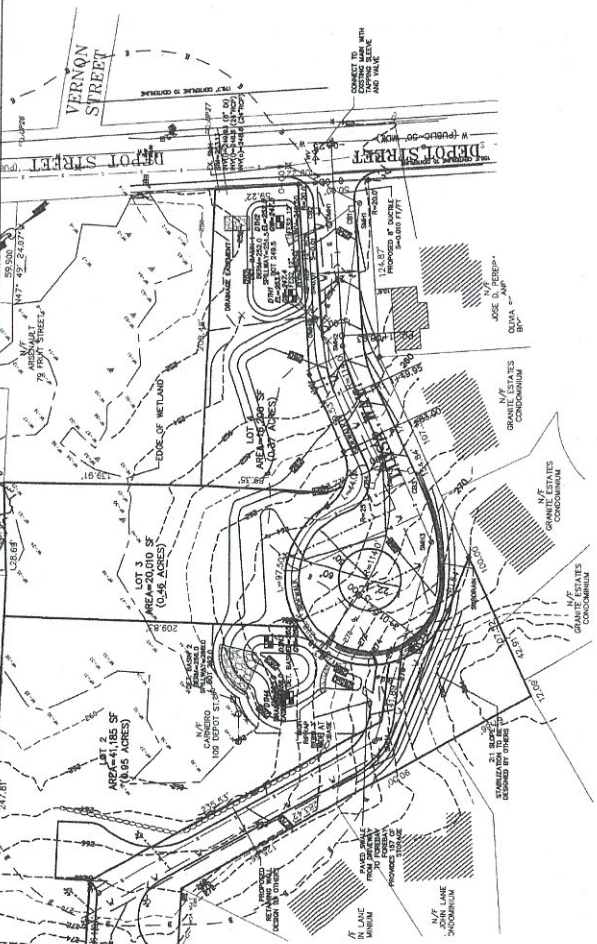
DEPOT STREET ESTATES

DEFINITIVE SUBDIVISION PLAN  
 109 DEPOT STREET  
 MILFORD, MA

NO.	DATE	INITIAL	SUBMITTAL	DESCRIPTION
1	11/26/20			INITIAL SUBMITTAL
2	11/27/20			SPIN COMMENTS



**Guerriere & Halton, Inc.**  
 ENGINEERING & LAND SURVEYING  
 333 WEST STREET, PH. (508) 473-6630  
 MILFORD, MA 01904, FAX (508) 473-6243  
 www.guerrierehalton.com



2019-04-11 ALIGNMENT - FULL LENGTH  
 -0+25 TO 3+48.25



DATE: 11-12-20  
 APPROVED DATE: \_\_\_\_\_  
 PLANNING BOARD

DATE: 11-12-20

SIGNATURE DATE: \_\_\_\_\_  
 BEING A MAJORITY

NOTES

- CONSTRUCTION ON THIS LOT IS SUBJECT TO RESTRICTIONS AND EASEMENTS WHICH MAY BE REVEALED BY AN INSTRUMENT RECORDING OFFICE.
- WARNING EXISTING UTILITY LINES INDICATED ON THESE DRAWINGS ARE SHOWN AND ARE ONLY APPROXIMATE IN LOCATION. THESE AREAS TO AVOID DAMAGE TO EXISTING UTILITIES ARE INDICATED BY A RED LINE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY EXCAVATION WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PROTECTING ALL UTILITIES AS TO POSSIBLE UNMARKED UTILITY LINES.

OWNER  
 FREDERICK AND LISA CARMIGNO  
 4 BEN'S WAY  
 HOPEDALE, MA 01743

APPLICANT  
 FREDERICK AND LISA CARMIGNO  
 HOPEDALE, MA 01743

DEPOT STREET ESTATES

DETAIL SHEET  
 109 DEPOT STREET  
 IN  
 MILFORD, MA

1. 17/20/20  
 2. 17/20/20

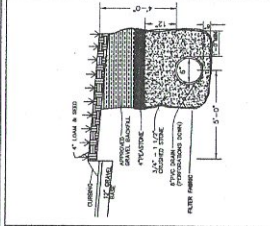
GRAPHIC SCALE: 1" = 30'

0 10 20 30 40 50 60 70 80 90 100 FEET

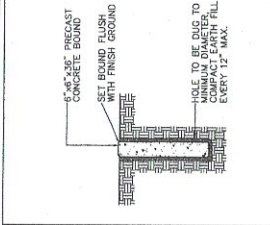
**Guerriere & Hannon, Inc.**  
 ENGINEERING & LAND SURVEYING

133 WEST STREET  
 MILFORD, MA 01757  
 PH: (508) 792-8630  
 FAX: (508) 792-8633  
 www.guerrierehannon.com

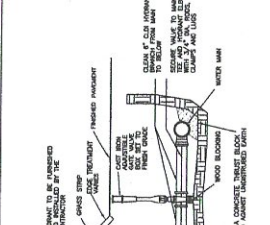
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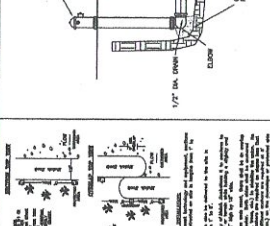
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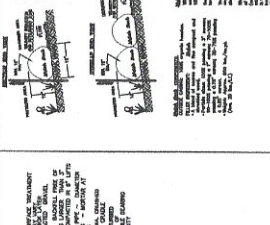
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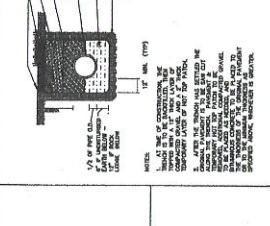
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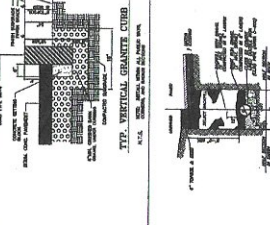
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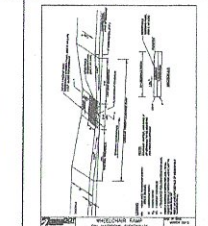
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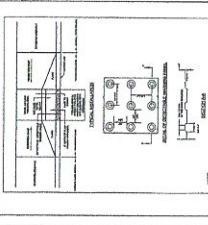
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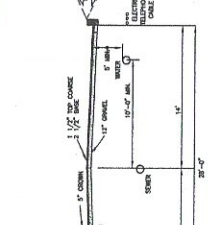
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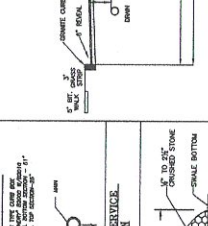
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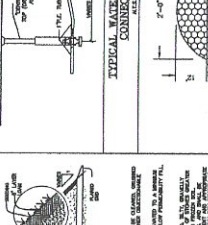
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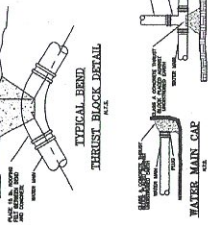
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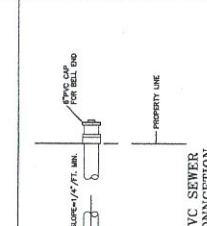
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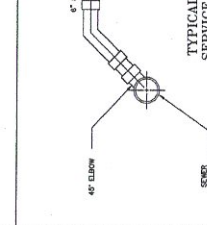
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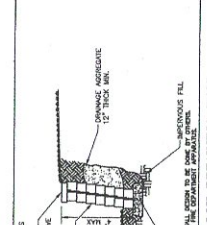
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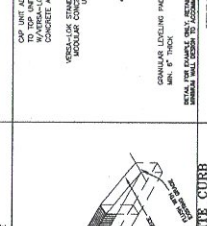
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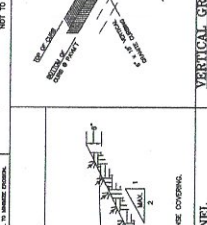
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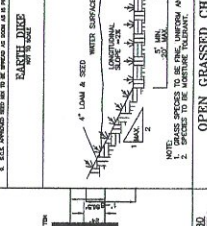
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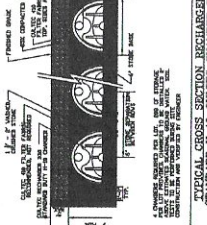
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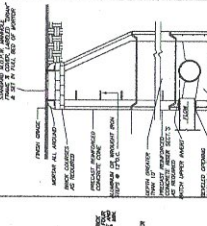
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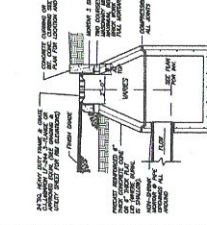
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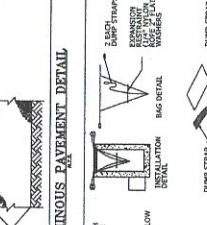
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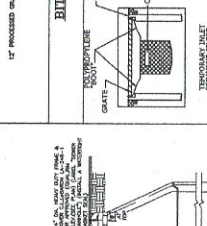
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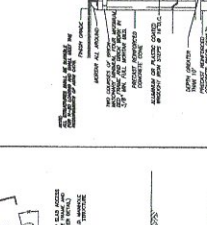
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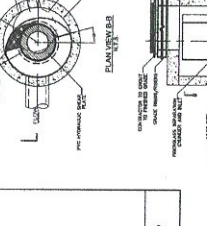
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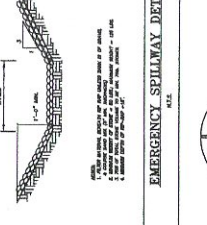
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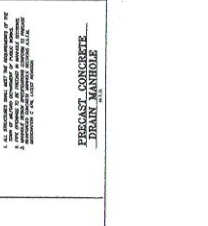
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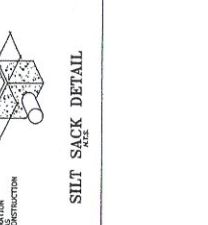
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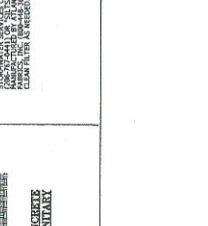
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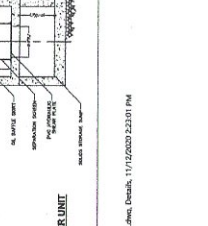
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TYPICAL BRICK TRENCH SECTION  
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## GREEN INTERNATIONAL AFFILIATES, INC.

239 LITTLETON ROAD, SUITE 3 WESTFORD, MA 01886

T: (978) 923-0400 | F: (978) 399-0033 | WWW.GREENINTL.COM

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October 27, 2020

Revised November 10, 2020

Mr. Mike Dean, P.E.  
Town Engineer  
Town of Milford  
52 Main Street  
Milford, MA 01757

**Subject: Proposal for Traffic Engineering Peer Review - 97 Cedar Street - Revised Milford, Massachusetts**

Dear Mr. Dean:

Pursuant to your request, Green International Affiliates, Inc. (Green) is pleased to provide this revised proposal to provide peer review services to the Town of Milford. We will perform a peer review of the "Traffic Impact Study – PGM Milford 97 Cedar Street" prepared by Maser Consulting P.A. dated July 22, 2020 and the Supplemental Traffic Assessment Appendix for the proposed gas station redevelopment.

We will review the study for conformance with local bylaws and requirements, standard industry practices as well as the latest guidelines from the Massachusetts Department of Transportation (MassDOT) and the Institute of Transportation Engineers.

Green has performed similar reviews for many municipalities. Our team will be led by **Corinne Tobias, P.E., PTOE**. Corinne has 11 years of experience and has completed such peer reviews recently for the Town of Milford, as well as other municipalities such as the City of Newton, the Town of Lancaster, and the Town of Wilmington. The scope of our review will include the following:

### PHASE 1

#### TASK 1 – DOCUMENTATION REVIEW

We will review and evaluate the traffic study prepared by Maser Consulting P.A. dated July 22, 2020. Our review will evaluate the traffic evaluation for conformance with Milford's local Zoning Bylaws, guidelines published by the Institute of Transportation Engineers (ITE) and MassDOT, and typical industry practices.

#### TASK 2 – PROVIDE COMMENTS & RECOMMENDATIONS TO THE PLANNING BOARD

We will provide a memorandum to the Planning Board that summarizes our findings and recommendations resulting from the peer review. At a minimum, we will provide comments on the following:

- Operations and characteristics of study area intersections;
- Existing traffic volume data collected;
- Future growth factor adjustments, and assumptions;
- Trip generation and trip distribution analysis;
- Intersection operational/capacity analysis under existing, no-build, and build conditions;
- Conclusions and recommendations reached by the Applicant's traffic engineer;



Mr. Mike Dean, P.E.  
November 10, 2020

- Adequacy of proposed improvements to mitigate the project-related traffic impacts;

We will also provide an opinion as to any additional geometric or other traffic related improvements to study area intersections/roadways necessary to facilitate the new development and offset project-related impacts. We will not review the site plan, sight distance, or crash history at this time as it is our understanding that this review has already been completed by the Town of Milford.

### TASK 3 – PUBLIC HEARING

We will attend one (1) Planning Board public hearing to present our findings and recommendations that is included in the initial review.

### PHASE 2

### TASK 4A – PROVIDE FOLLOW-UP COMMENTS & RECOMMENDATIONS TO PLANNING BOARD

We anticipate that an additional review will be required to evaluate new information submitted by the Applicant in response to our initial peer review memorandum. We will coordinate and consult with the Applicant and/or Town officials during the course of the technical review of the supplemental/revise documents and will prepare a final memorandum of findings summarizing our comments and, if appropriate, recommendations to address issues. In the event that a follow-up review is not needed, Task 4A and 4B will be eliminated.

### TASK 4B – ADDITIONAL PUBLIC HEARING

It is anticipated that Green will need to attend a second Planning Board public hearing to present the findings and recommendations of our additional review.

### COMPENSATION

Task	Task Description	Fee
1-2	Initial Traffic Review, Review Letter	\$2,800
3	First Public Hearing	\$900
4A	Provide Follow-up Comments & Recommendations	\$1,400
4B	Additional Public Hearing	\$900
	Reimbursable Expenses – included in above fees	

The total lump sum fee for this peer review is \$6,000, as indicated in the above table.

Mr. Mike Dean, P.E.  
November 10, 2020

## EXCLUSIONS

This Scope of Services does *not* include the following:

- A site visit;
- A review of the Site Plan;
- A review of Sight Distances;
- A review of the crash history of the study area;
- A review of the proposed building, including any structural elements and internal circulation.
- Confirmation of delineated resource areas;
- Review of state permitting; and
- Review of the project during construction.

## ADDITIONAL SERVICES

Additional services beyond those outlined in the above scope can be provided as an additional service when needed and as required. The above scope includes one initial review of the submitted materials and one review of supplemental/revised materials. If additional reviews are needed in response to the Applicant submitting new information following our supplemental review memorandum, this review would be completed as an additional service. Additional services would be provided upon request and would be performed at your discretion and authorization only.

In the event that additional services are needed, we will prepare a Scope of Services, fee, and schedule required to complete the additional services for approval. The billing rates below will be used for additional services.

### 2020 Hourly Billing Rates

Principal	\$245.00
Transportation Planning Group Leader	\$195.00
Project Manager	\$185.00
Sr. Engineer	\$150.00
Sr. Landscape Architect	\$150.00
Engineer/Planner III/IV	\$130.00
Engineer/Planner I/II	\$115.00
Field/Office Technician	\$100.00
Court Testimony	\$350.00
Court Waiting	\$275.00

Mr. Mike Dean, P.E.  
November 10, 2020

## SCHEDULE

We anticipate that the initial review including the preparation of a draft memorandum for Town staff review would be completed in 2-3 weeks timeframe. Following the initial review, we will coordinate with the Town and/or the Applicant in an attempt to resolve outstanding issues as expeditiously as possible.

Thank you for the opportunity to submit this proposal, and we look forward to working with you. If you have any questions of need further information, feel free to contact myself or Wing at 978-923-0400. If you find this proposal to be acceptable, we will send to you a draft contract for review and circulation for applicable signatures.

Sincerely,

***Green International Affiliates, Inc.***

*William J Scully*

William J. Scully, P.E.  
Vice President

WW/wcw

CC K. Ishikura  
W. Wong  
C. Tobias

\\Fs1\Proposals\Proposal\Municipalities\Milford\Peer Review - 97 Cedar Street\Traffic Study Peer Review\_Ver05.Docx

**Mayer, Antonellis, Jachowicz & Haranas, LLP**  
**Attorneys at Law**

288 Main Street, Milford, MA 01757  
Tel. (508) 473-2203 Telecopier (508) 473-4041

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William H. Mayer  
Robert P. Jachowicz  
Joseph M. Antonellis  
Peter J. Haranas  
Jill P. Dawczyk  
Erin Wright (also admitted in R.I.)  
A. Eli Leino (also admitted in N.H.)

November 9, 2020

Larry Dunkin  
Town Planner  
Town of Milford  
52 Main Street  
Milford, MA 01757

Re: One National, LLC; Modification of Condition of Surety; Request for Hearing

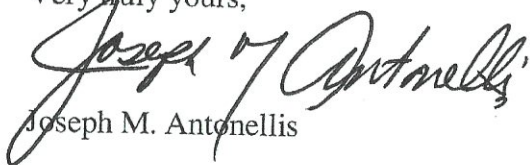
Dear Mr. Dunkin:

As you know from my past appearances before the Planning Board, my office represents One National, LLC the owner of the property located at One National Street. As you also know, pursuant to the Site Plan Approval for the property, the owner was required to establish surety in the amount of \$150,000.00 for possible future traffic mitigation measures.

On or about September 16, 2020 two bonds totaling \$150,000.00 were delivered to the Town Treasurer. At the present time, due to internal accounting practices, my client would like to "substitute" the form of surety from a bond to a cash passbook. Accordingly, I am asking that you place this request for a change in the form of surety on the Planning Board's agenda for the next regularly scheduled meeting.

In the interim if you have any questions, please feel free to call.

Very truly yours,

  
Joseph M. Antonellis

Cc Gregory Schain



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

September 16, 2020

Chris Pilla  
Milford Town Treasurer  
52 Main Street  
Milford, MA 01757

Dear Treasurer Pilla:

Attached please find two Site Plan performance bonds in the amounts noted hereinafter for yet to be completed transportation improvements associated with the Transportation Terminal development at I National Street:

\$115,000.00 (Liberty Mutual Insurance Co. – Bond No. 674213290) as surety for the reconstruction of the Depot Street/South Main Street intersection utilizing the design noted above in condition #1 herein.

\$35,000.00 (Liberty Mutual Insurance Co. – Bond No. 674213291) as surety for the re-timing and other signalization improvements at the Route 140 Cape Road/South Main Street Intersection.

For your reference attached please find the 7-15-2020 Notice of Site Plan Approval with Conditions as provided to the Building Commissioner.

Upon completion of the required work, I will submit written notification for release of the bonds.

Respectfully,

Larry L. Dunkin, MCRP  
Milford Town Planner

**SUBDIVISION IMPROVEMENTS  
PERFORMANCE BOND**

Bond No. 674213290

KNOW ALL MEN BY THESE PRESENTS:

That we, Milford National LLC, as Principal, and Liberty Mutual Insurance Company, a corporation organized and doing business under any by virtue of the laws of the State of Massachusetts and duly licensed to conduct a general surety business in the State of Massachusetts as Surety, are held and firmly bound unto the Town Milford, Massachusetts as Obligee, in the sum of **One Hundred Fifteen Thousand Dollars 00/100 (\$115,000.00)** Dollars, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

THE CONDITION OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal entered into an agreement or agreements with said Obligee for:

**1 National Street, Reconstruction of Depot Street/South Main-Milford National LLC**

NOW THEREFORE, the condition of this obligation is such, that if the above Principal shall well and truly perform Site Improvements as outlined in said agreement or agreements during the term of August 12, 2020 through August 12, 2021, then this obligation shall be void, otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact at Kansas City, Missouri, this 12th day of August, 2020.

**Principal**

Milford National, LLC

By: \_\_\_\_\_

*Gregory Schain, Manager*

Witness: \_\_\_\_\_

*JIM Murray*

**Surety**

Liberty Mutual Insurance Company

By: \_\_\_\_\_

*Kellie A. Meyer*  
Kellie A. Meyer, Attorney-in-Fact

Witness: \_\_\_\_\_

*Izabella E. Baska*  
Izabella E. Baska, Witness



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8203218 - 674009

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Christy M. Braille, Laura M. Buhmester, Jeffrey C. Carey, Mary T. Flanigan, Tahitia M. Fry, C. Stephens Griggs, Rebecca S. Leal, Charissa D. Lecuyer, Kellie A. Meyer, Patrick T. Pribyl, Debra J. Scarborough, Evan D. Sizemore, Charles R. Teter, III

all of the city of Kansas City state of MO each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 3rd day of March, 2020.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 3rd day of March, 2020 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 12th day of August, 2020.



By: Renee C. Llewellyn, Assistant Secretary

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

**SUBDIVISION IMPROVEMENTS  
PERFORMANCE BOND**

Bond No. 674213291

KNOW ALL MEN BY THESE PRESENTS:

That we, Milford National LLC, as Principal, and Liberty Mutual Insurance Company, a corporation organized and doing business under any by virtue of the laws of the State of Massachusetts and duly licensed to conduct a general surety business in the State of Massachusetts as Surety, are held and firmly bound unto the Town Milford, Massachusetts as Obligee, in the sum of Thirty-Five Thousand Dollars 00/100 (\$35,000.00) Dollars, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

THE CONDITION OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal entered into an agreement or agreements with said Obligee for:

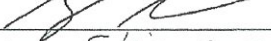
**1 National Street, Re-Timing & Signalization-Milford National LLC**

NOW THEREFORE, the condition of this obligation is such, that if the above Principal shall well and truly perform Site Improvements as outlined in said agreement or agreements during the term of August 12, 2020 through August 12, 2021, then this obligation shall be void, otherwise it shall remain in full force and effect.


IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact at Kansas City, Missouri, this 12th day of August, 2020.

**Principal**

Milford National, LLC

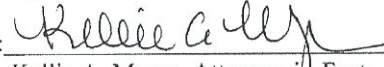
By:   
Gregor Schain, Manager

Witness:

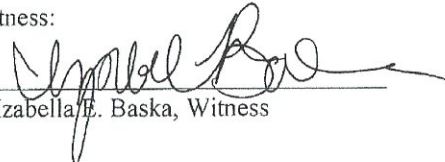
  
Tom Munny

**Surety**

Liberty Mutual Insurance Company

By:   
Kellie A. Meyer, Attorney-in-Fact

Witness:

  
Izabella E. Baska, Witness





This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8203218 - 674009

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Christy M. Braile, Laura M. Buhmester, Jeffrey C. Carey, Mary T. Flanigan, Tahitia M. Fry, C. Stephens Griggs, Rebecca S. Leal, Charissa D. Lecuyer, Kellie A. Meyer, Patrick T. Pribyl, Debra J. Scarborough, Evan D. Sizemore, Charles R. Teter, III

all of the city of Kansas City state of MO each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 3rd day of March, 2020.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY

On this 3rd day of March, 2020 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 12th day of August, 2020.



By: Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.



## PLANNING BOARD OF MILFORD, MASS.

TOWN HALL, 52 MAIN STREET  
634-2317

---

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

7-15-2020

Mr. Matt Marcotte  
Building Commissioner  
Town Hall  
Milford, MA 01757

RE: Notice of Site Plan approval with conditions.

Dear Mr. Marcotte:

This is to notify you that, at their regularly scheduled meeting of 7-14-2020, the Planning Board approved with conditions the Site Plan for:

**1 National Street – Milford National LLC**

The Site Plan concerns: The proposal is to occupy the remodeled warehouse building and redeveloped site as a Parcel I Iub warehouse and distribution facility.

**The Site Plan was approved subject to the following conditions:**

1. The owner/applicant shall be responsible for the roadway improvements within the Town's right of way, at the intersection of South Main Street and Depot Street, all of which improvements are shown on the sketch prepared by MDM Consultants, entitled "Conceptual Intersection Improvement Plan" dated July 7, 2020.
2. The owner/applicant shall submit a bond to the Town of Milford in an amount of not less than \$115,000.00 to provide funding for the reconstruction of the Depot Street/South Main Street intersection utilizing the design noted above in condition #1 herein.
3. The owner/applicant shall submit a bond to the Town of Milford in an amount of not less than \$35,000.00 to provide funding for the possible re-timing and other signalization improvements at the Route 140 Cape Road/South Main Street Intersection.
4. The owner/applicant shall post signage on its property in a location where it can be easily seen by Trailer Truck Drivers exiting the Site, which sign shall state "No right turns onto Depot Street". The owner/ applicant shall also apply to the Milford Highway Department for permission to install "No Trailer Parking" signs along National Street
5. Unless otherwise approved by a Modified Site Plan, the owner/applicant and any tenant of the Site shall be prohibited from having refrigerated trucks running at the site.

6. With the exception of tractor trailers scheduled to be loaded or unloaded at the Site, the owner/applicant shall not allow overnight parking of tractor trailers that are not being loaded or unloaded at this site.
7. The owner/applicant shall coordinate any new sanitary line installation work in accordance with Milford Sewer Department guidelines and regulations. No new sanitary lines will connect to National Street and shall instead connect to the existing sanitary line within the site.
8. The owner/applicant shall conduct a monitoring study of the Cape Road/South Main Street intersection during a weekday morning and weekday evening peak period within 3 months of full occupancy to determine whether signal timing adjustments are warranted based on site traffic conditions.
9. The owner/applicant shall clear and trim select vegetation at the National Street/Depot Street intersection to enhance sight lines as shown on the sketch plan prepared by MDM Consultants, entitled "Intersection Sight Distance Analysis" dated July 9, 2020
10. The Site Plan shall be clearly labeled as being for a proposed Parcel Hub Warehouse and Distribution Facility.
11. To document the information submitted in the Supplemental Traffic Evaluation dated 5-19-2020 prepared by MDM Consultants, the owner/applicant shall devise a 3-year on-site traffic monitoring scheme, to be approved by the Town Engineer, within 3 months of full occupancy.
12. The owner/applicant shall install traffic counters at the National Street main truck driveway to be maintained for a period of three years following the date of condition #11 herein, with reports of same to be submitted to the Planning Board every 6 months during said 3-year term.

NO OCUPANCY PERMITS ARE TO BE ISSUED  
UNTIL ALL SITE WORK IS COMPLETED

Respectfully,

 Chairman,  
Milford Planning Board   
cc: applicant

5



## 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*

November 13, 2020

Lena McCarthy, Chair  
Planning Board  
52 Main Street  
Milford, MA 01757

Re: **Bond Release – Sanylah Crossing Residential Subdivision**  
Field Pond Road & Barbara's Way

Dear Mrs. McCarthy:

The submittal is to establish a new bond amount associated with the above referenced subdivision.

Following a site inspection and preparing a new bond amount (attached), I recommend a new bond amount of **\$254,571.25**.

The current bond amount that is in place is \$304,100.00 (this will be a \$49,528.75 reduction in the bond).

Sincerely,

Michael Dean, P.E.  
Town Engineer



Subdivision Name: Sanylah Crossing									
Construction Item	Quantity	Unit	Unit Cost (\$)	Est. Cost (\$)					
(Utilities Continued)									
<b>3b. Drain</b>									
Surveying / Engineering		0 each	40	0					
Drain Line				0					
12"		0 lf	81	0					
15"		0 lf	85	0					
18"		0 lf	85	0					
24"		0 lf	105	0					
Headwalls		0 each	1,000	0					
Culverts		0 lf	400	0					
Flared Ends		0 each	1,000	0					
Rip-Rap		0 SY	53	0					
Catch Basin Hoods		34 each	350	11900					
Basin #1 (previous conservation comm Bond)		0 C.Y.	75	0					
Basin #2 (previous conservation comm Bond)		0 C.Y.	75	0					
Basin#3 (previous conservation comm Bond)		0 C.Y.	75	0					
Underdrain 4"		0 lf	50	0					
Underdrain 6"		0 lf	35	0					

Subdivision Name: Sanylah Crossing									
Construction Item	Quantity	Unit	Unit Cost (\$)	Est. Cost (\$)					
<b>3c. Water</b>									
	6"	0 lf	126	0					
	8"	0 lf	145	0					
	12"	0 lf	172	0					
	8" Gate Valve	0 each	1,600	0					
	Water Services w/ Gate Valves	0 lf	60	0					
	Fire hydrants	0 each	4,500	0					
	Testing & Chlorination	0 each	1,000	0					
				0					
<b>3d. Power/utility</b>									
<b>4. 12" Gravel Base</b>									
	Survey / Engineering 2'-off	0 lf	1	0					
	28' Wide	0 lf	82	0					
	Soil Compaction tests	0 each	400	0					
				0					
<b>5. Bit. Concrete paving Base Course</b>									
	2.5" Depth-28' Wide	0 lf	47	0					
	Asphalt Compaction Test	0 each	400	0					
				0					
<b>6. Curbing</b>									
	Survey 2- offs	175 lf	1	175					
	Vertical Granite lf x 2	175 lf	55	9625					
	Cape Cod	0 lf	8	0					

Subdivision Name: Sanylah Crossing									
Construction Item	Quantity	Unit	Unit Cost (\$)	Est. Cost (\$)					
7.Bit. Concrete paving Finish Course									
Site Inspection / Repairs	65 lf		75	4875					
Raise Structures	0 each		350	0					
1.5" Depth-28'wide	1625 lf		28	45500					
Asphalt Compaction Test	0 each		400	0					
8. Sidewalks									
8" Gravel	0 lf		10	0					
2" Finish Pavement	1625 lf		10	16250					
Repair Barbaras way near retaining wall	1 EACH		5000	5000					
9. Retaining walls									
Concrete	0 lf		300	0					
Removal of existing boulders	0 CY		100	0					
10. Monuments / Bounds									
Bounds Concrete	36 each		400	14400					
Bounds Granite				0					
11. Loaming & Seeding									
4" loam & Hydroseed	1500 SY		5.5	8250					
				0					
				0					
12. Shade Trees									
2.5" Caliper - 2/lot	70 each		300	21000					
13. Street Signs	0 each		200	0					
				0					
14. Street Lights				0					
				0					
15. Guard Rails	0 lf		65	0					







**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*

November 17, 2020

Lena McCarthy, Chairman  
Milford Planning Board  
52 Main Street  
Milford, MA 01757

- (
- ( **Amended Site Plan**
- ( **Cape Road Plaza**
- ( **42 Cape Road**
- ( **Map 59 Lot 24B**
- ( **CC Zone**
- (

Dear Mdm. Chairman:

The applicant requests amended site plan approval to establish a temporary mobile office on the subject property until March 31, 2021.

Specifically, the 400 sq.ft. mobile office is being proposed as a patient pre-screening area for the adjacent Kennedy Health Center medical office due to the pandemic. The mobile office and handicap ramp are to be protected by a row of seven jersey barriers as shown on the site plan. The installation will temporarily occupy seven existing parking spaces located directly north of the infiltration basin. Three of the adjacent parking spaces are to be converted to two van accessible handicap spaces. All applicable zoning requirements appear to be met.

Therefore, I recommend the amended site plan be approved, subject to relevant departmental comments, for a period of one year.

Respectfully,

Larry L. Dunkin, MCRP  
Town Planner



OFFICE OF PLANNING  
AND ENGINEERING

## TOWN OF MILFORD

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

Michael Dean, P.E.  
*Town Engineer*

November 10, 2020

Lena McCarthy, Chair  
Planning Board  
52 Main Street  
Milford, MA 01757

**Re: Amended Site Plan – Cape Road Plaza**  
42 Cape Road (Rt. 140) – Papa Gino's – CVS- Medical Office Use

Dear Mrs. McCarthy:

The submittal is for an Amended Site Plan at Cape Road Plaza, 42 Cape Road (Rt. 140), the Applicant is Cape Road Plaza, LLC, Janice Kirby, 25 Josiah Drive, Upton, MA 01568.

The amendment is for a 400 SF (40'L x 10'W), temporary trailer to be placed on a paved surface to support the services of the Kennedy Health Center (one of the current tenants) due to COVID-19, until March 31, 2021.

The plan has been revised to show jersey barriers and accessible parking spaces adjacent to the temporary trailer.

I recommend the approval of the amended Site Plan.

Sincerely,

Michael Dean, P.E.  
Town Engineer



# MILFORD FIRE DEPARTMENT

21 BIRCH STREET  
MILFORD, MASSACHUSETTS 01757

MARK A. NELSON, CHIEF  
MICHAEL J. DETORE, DEPUTY

Telephone: 508-473-1214 • Fax: 508-473-4858 • Inspections: 508-473-2256

Milford Planning Board  
Mr. Larry Dunkin, Town Planner  
Town Hall – Room 05  
52 Main Street  
Milford, Massachusetts 01757

November 4, 2020

RE: Amended Site Plan Review "42 Cape Road"

Owner:

Janice Kirby  
25 Josiah Drive  
Upton, MA 01568

Applicant:

Cape Road Plaza, LLC

Dear Mr. Dunkin,

The Milford Fire Department has reviewed the Amended Site Plan submitted for 42 Cape Road and requests no changes.

Thank you for the opportunity to comment on the plan.

Sincerely,

Mark A. Nelson  
Fire Chief  
508-958-3006 (C)  
mnelson@milfordfire.org



# Milford Water Company

66 Dilla Street Milford, MA 01757

508-473-5110 Fax 508-478-7997

E-Mail [milfordwater@milfordwater.com](mailto:milfordwater@milfordwater.com)

[www.milfordwater.com](http://www.milfordwater.com)

November 9, 2020

Town of Milford  
Office of Planning & Engineering  
Planning Board  
52 Main Street  
Milford MA 01757

**Re: Amended Site Plan – 42 Cape Road- Milford, MA  
(Dated 11/2/2020)**

Milford Water Company (MWC) after reviewing the plans for **42 Cape Road** submitted by **Cape Road Plaza, LLC** and seeing no conflict or issues posed to the existing water utility infrastructure approves as submitted.

Respectfully submitted,

*Vincent P Farese*

Vincent P Farese  
Operations Manager, Milford Water Company



**Board Members**

Kenneth C. Evans  
Leonard A. Izzo  
Paul A. Mazzuchelli

**BOARD OF HEALTH**

**TOWN OF MILFORD, MASSACHUSETTS 01757**

**Jacquelyn A. Murphy, Director of Public Health**

**Telephone: 508-634-2315**

November 3, 2020

To: Larry L. Dunkin, MCRP

From: Jacquelyn Murphy, DrPH, MPH

Re: Amended Site Plan Review for 42 Cape Road

---

The Board of Health has no concerns about the placement of a 400 square foot trailer in an existing paved area as an accessory use for the Kennedy Health Center due to COVID-19 until March 31, 2021.

Assuming there are no concerns from other departments, the Board of Health would endorse the placement of such a trailer to expand access to health care for residents.

Please contact us with any questions.



**AMENDMENT TO SITE PLAN  
APPLICATION FORM**

**Milford Planning Board**  
52 Main Street, Milford, MA 01757  
(508) 634-2317 Fax 508-473-2394

RECEIVED:  
Office of Planning  
and Engineering  
Date:   /  /    
By: \_\_\_\_\_

In accordance with Section 1.15 of the Milford Zoning By-Law, the undersigned requests Planning Board approval of a Site Plan for the proposed development as described below:

**Property Location:** 42 Cape Road  
(address)  
Assessor Map: 59 Block: \_\_\_\_\_ Lot: 24, 24B, and 24C  
Deed Reference: Book 35954 & 50256 Page 124 & 372  
Lot Area: 4.39 acres Zoning District(s): CC

Applicant: Cape Road Plaza, LLC Owner: Janice Kirby  
(name) (name)  
25 Josiah Drive, Upton, MA 01568 25 Josiah Drive, Upton, MA 01568  
(address) (address)  
508-473-0378 508-245-1818  
(phone number) (phone number)  
janice@serranopropertygroup.com janice@serranopropertygroup.com  
(e-mail address) (e-mail address)

Existing use of premises: Medical, Retail & Restaurant.

Proposed use of premises: The placement of a 400 sf temporary trailer, in an existing paved area, as an accessory use for the Kennedy Health Center due to Covid-19 until March 31, 2021

	Existing / Proposed		Existing / Proposed
Number of buildings:	<u>2</u> / <u>3</u>	Open space:	<u>20%</u> / <u>20%</u>
Building area:	<u>38,217 sf</u> / <u>38,617 sf</u>	Parking spaces:	<u>241</u> / <u>234</u>
Building height:	<u>30'</u> / <u>30'</u>	Employees:	<u>NA</u> / <u>NA</u>
Lot coverage:	<u>20%</u> / <u>21%</u>	Traffic generation:	<u>NA</u> / <u>NA</u>

List and describe all Special Permits, and/or Variances granted for this site (include dates approved):

Application Fee: \$100.00

Janice M. Kirby 10/30/2020  
Applicant's Signature Date

\_\_\_\_\_  
Owner's Signature (if different) Date   /  /  

**Note: Eight copies of this form must be accompanied by the appropriate fee, and eight sets of plans depicting existing and proposed conditions, all as required by pertinent sections of the Milford Zoning By-Law.**

For Planning Board Use Only:





1" = 20'

13

63' ±

EX. 3 SPACES TO BE  
TEMPORARILY STRIPED AS  
2 VAN ACCESSIBLE  
HANDICAPPED SPACES

12" CPP

2

LANDSCAPE WALK

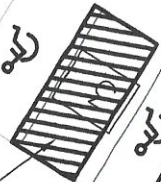
EX. WALK  
OVERHANG

FLOOR  
264.55

PIPE  
SPIGOT

EDWARD M. KENNEDY  
HEALTH CENTER  
USABLE AREA = 5,311 S.F.  
AREA = 4,536 SF

EL = 261.5



TRAILER  
RAMP  
FF = 263.5  
40' X 10'  
P.R. TRAILER

WALK  
LANDSCAPE

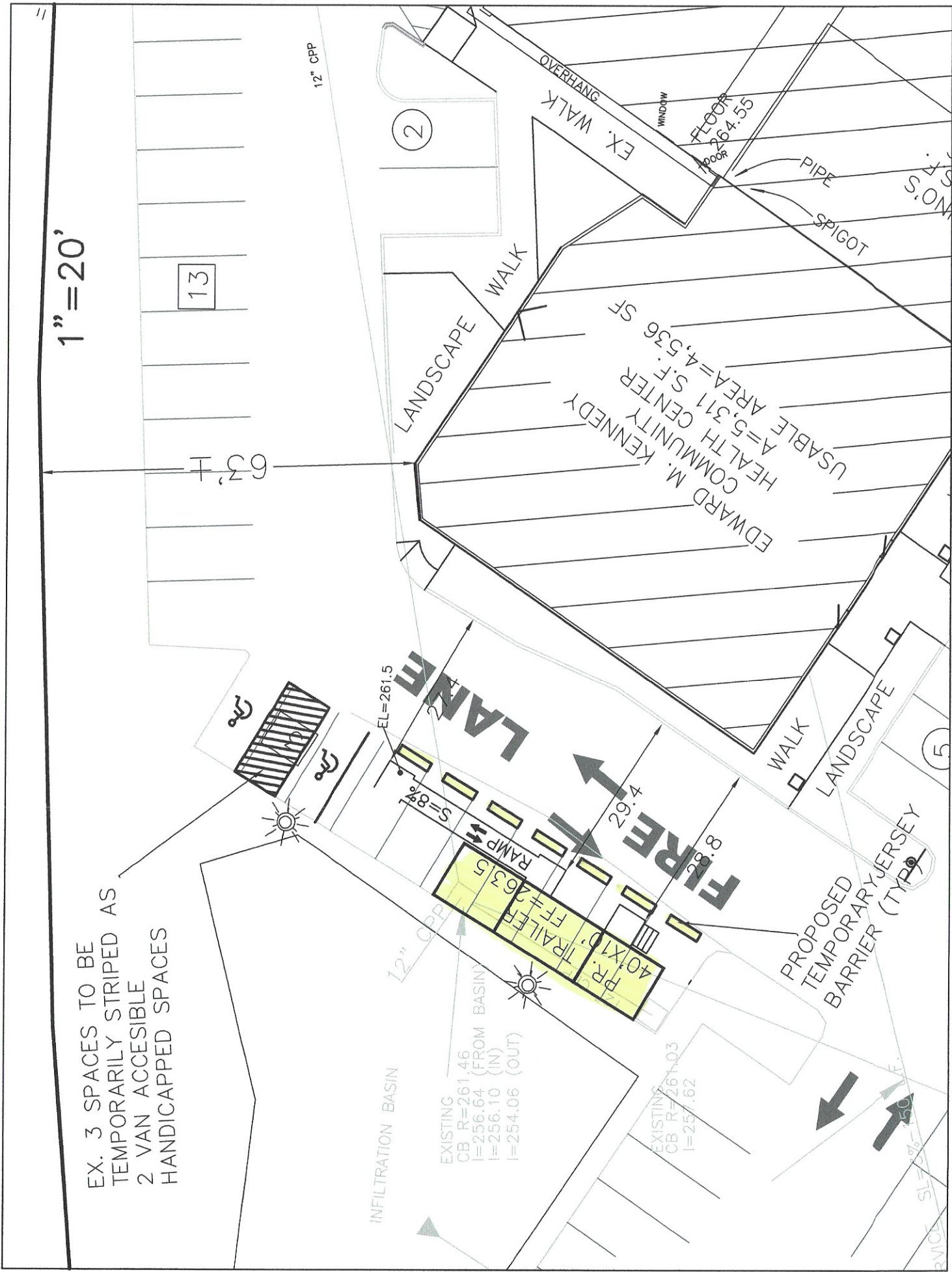
PROPOSED  
TEMPORARY BARRIER (TYPE)

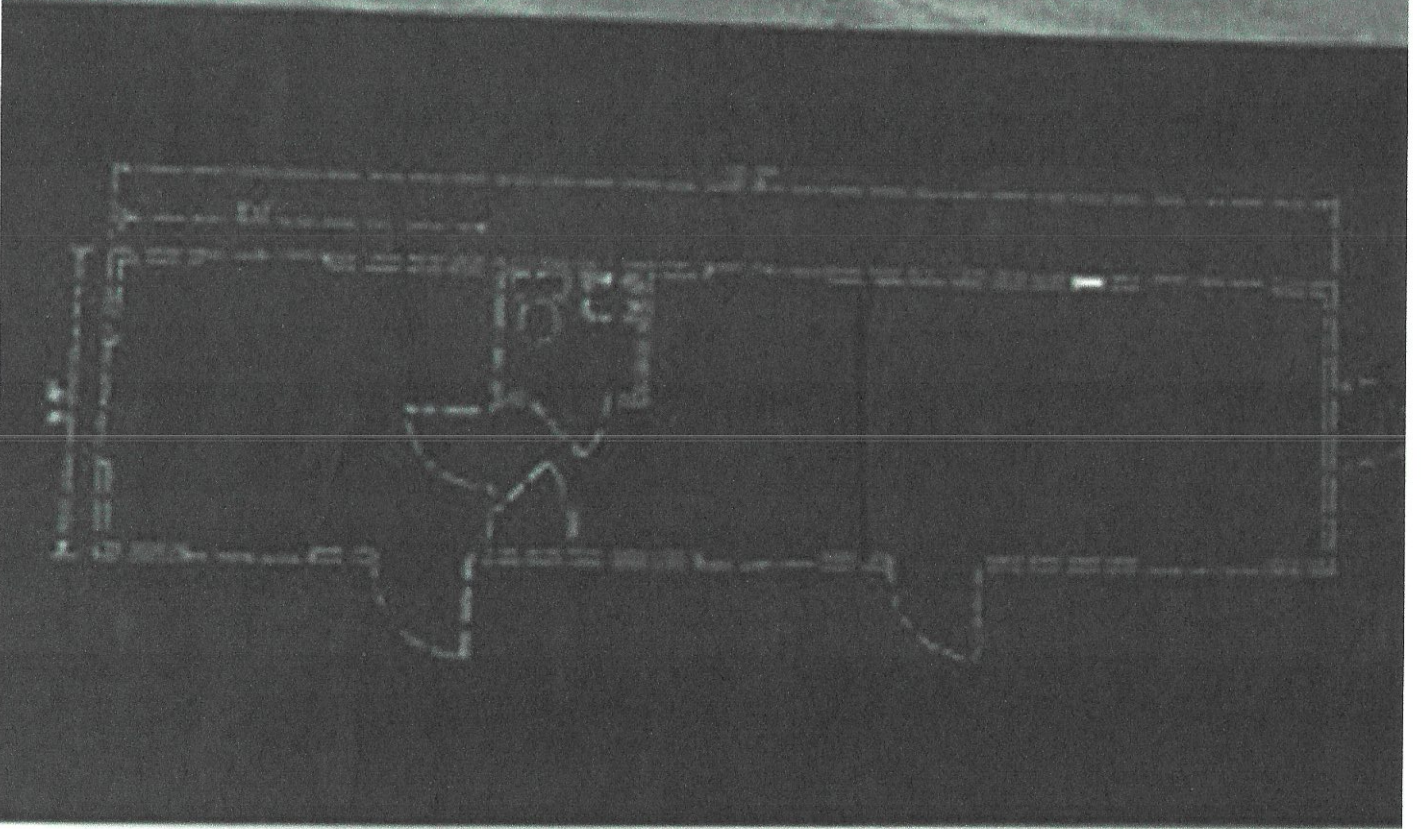
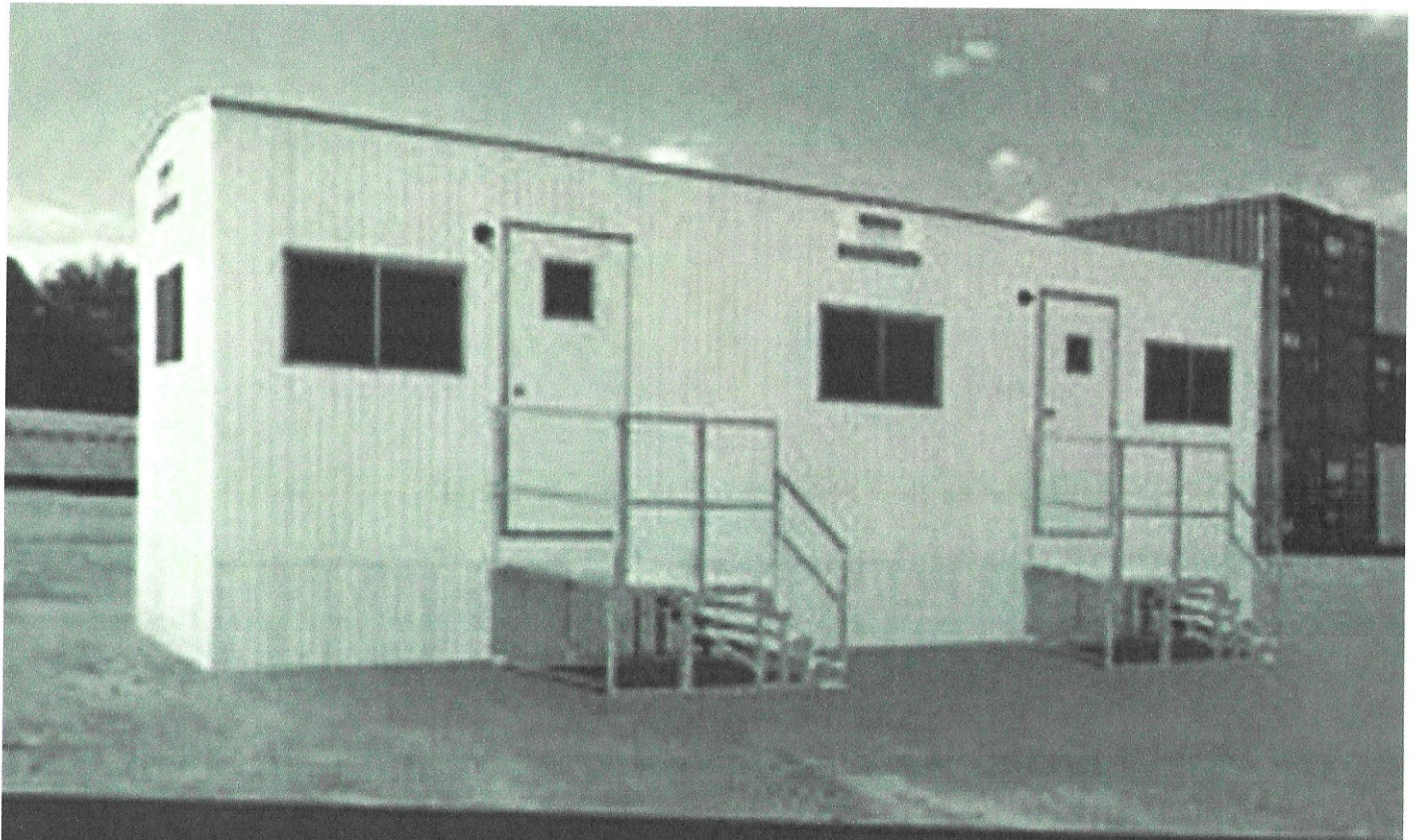
INFILTRATION BASIN

EXISTING  
CB R = 261.46  
I = 256.64 (FROM BASIN)  
I = 256.10 (IN)  
I = 254.06 (OUT)

EXISTING  
CB R = 261.03  
I = 257.62

SL = 2%  
50'







**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*

November 17, 2020

Lena McCarthy, Chairman  
Milford Planning Board  
52 Main Street  
Milford, MA 01757

(  
( **ZBA Variance/Special Permit**  
( **Luis Santos**  
( **69 West Street**  
( **Map 49 Lot 270**  
( **RA Zone**  
(

Dear Mdm. Chairman:

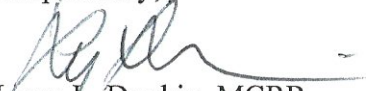
The applicant requests variance/special permit approval to expand the non-conforming use and structure on the subject property. The existing use of the property is an auto body shop, auto sales and repair, and towing operation, which was approved by the ZBA in April of 2018 (decision attached).

The applicant proposes a 50' x 70' addition to the existing garage building. The addition is to contain three service bays. Also, seven additional parking spaces are being proposed. The existing use already includes a four service bay garage, and the placement of twenty vehicles for sale on the site.

The variance is requested from the required setback from O'Brien Brook to be 16.6'; 25' minimum required. There is absolutely no hardship in relation to this variance request.

I recommend an un-favorable report be forwarded to the ZBA due to the over-intensification of use that would result from the proposed expansion within a residential neighborhood.

Respectfully,

  
Larry L. Dunkin, MCRP  
Town Planner

69 West

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

RECEIVED  
MILFORD TOWN CLERK  
OCT 20 PM 4:20

Zoning Board of Appeals  
Milford, MA 01757

Date: October 20, 2020

**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:** Luiz Santos

**Owner:** Santos Garage, Inc. **Address:** 12 South Free Street, Milford, MA 01757

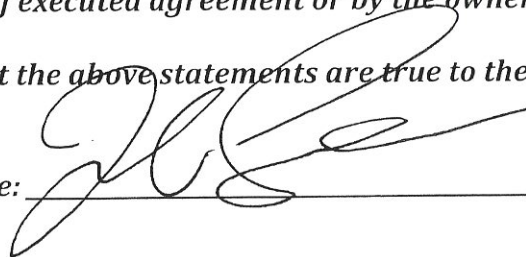
**Tenant (if any):** West Street Auto Body, Inc.

1. **Location of Premises:** 69 West Street  
**Assessor's: Map** 49 **Block** **Lot:** 270
2. **Within which Zoning District is the premises located?** RA – General Residential
3. **State the Worcester Registry of Deeds Book and Page number, or the Land Court Certificate number for title of present owner:** Book: 58948, Page: 193
4. **State whether there is in existence any executory option lease, or purchase and sale agreement with respect to the property:** West Street Auto Body is a related entity to owner and currently operates at this location under the terms of an existing lease 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:** A variance from Section 2.4.8 of the by-laws is requested as O'Brien Brook abuts the property line. The proposed building will be 16.6 feet from the brook.
6. **State present use of premises:** Auto body shop w/auto repair and towing and a Class 2 License. The Applicant received a special permit in 2018, evidenced by a decision recorded June 15, 2018 at the Worcester Registry of Deeds in Book 58948, Page 210, allowing the Applicant to change the existing preexisting use to the current use and finding that the criteria set forth in Zoning By-Law section 1.10 were all met. A copy of that decision is included herewith.
7. **State proposed use of premises:** Same as present use. No change proposed.
8. **Give extent of proposes alterations, if any:** The Applicant is proposing to expand the existing building with a new addition of up to 50'x70' while maintaining the current permitted use. Section 3.1 of the Milford Zoning By-Laws requires a special permit for the expansion of a preexisting nonconforming use. The changes will not be more detrimental to the neighborhood than the existing structure.
9. **Number of families or housing units for which building is to be arranged:** N/A
10. **Have you submitted plans for above to the Building Inspector?** Pending ZBA approval.
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 to allow the proposed building setback to O'Brien Brook to be reduced to 16'+/- where 25' is required in a residential zone. The required set back in commercial and industrial zones is 15'. While the Applicant understands the location is in a residential zone, it has historically and continuously been commercially used, so allowing it to meet the requirement for similar uses would not be in contravention of the by-law.
  
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?** The proposed building is upland of O'Brien Brook and separated by an existing fence. Minimal grading is anticipated. This is one of the only preexisting nonconforming commercial uses in what is now a general residential zone, making it unique among its neighbors.
  
14. **If the variance were not granted what hardship would be caused by the circumstances described in 13 above?** The expanded building footprint will meet all of the current section 2.4.8 requirements for commercial and industrial districts. This lot is zoned residential, but the ZBA previously found that the premises have housed commercial uses for over 50 years. A reduction of the footprint to meet the residential requirements would provide no benefit to the neighborhood but would harm the Applicant by making the building expansion less suitable for its intended purpose.
  
15. **State why you feel the grant of the variance will not cause substantial detriment to the public good.** The proposed use is consistent with the current use and will not cause harm to the neighborhood or create a nuisance or hazard affecting the health, safety or general welfare of the public. The proposed expansion will be located behind the existing building and should be nearly imperceptible from West Street based on the existing building and the shape of the lot.
  
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:** \_\_\_\_\_

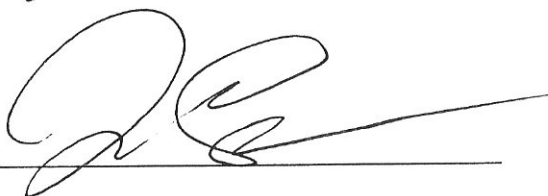


**Address:**

**Phone:**

**Email:**

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



*Address:*

*Phone:*

*Email:*

*Attorney: A. Eli Leino  
Mayer, Antonellis, Jachowicz & Haranas, LLP  
(508) 473-2203  
Eli@majhllp.com*

BE SURE THAT ALL QUESTIONS HAVE BEEN ANSWERED FULLY. IF MORE SPACE IS NECESSARY TO ANSWER ANY QUESTIONS, FEEL FREE TO USE AND ATTACH ADDITIONAL SHEETS.

**TOWN OF MILFORD  
ZONING BOARD OF APPEALS  
TOWN HALL  
52 MAIN STREET  
MILFORD, MASSACHUSETTS 01757**

**(508) 634-2302**



Bk: 58948 Pg: 210  
Page: 1 of 3 06/15/2018 10:37 AM WD

**CERTIFICATE**

IT IS HEREBY CERTIFIED that the enclosed decision is a true copy by photographic process of the Decision of the Zoning Board of Appeals of the Town of Milford, dated April 19, 2018, granting the petition of Luis Santos of Santos Garage Inc., 12 South Free Street, Milford, MA.

a Special Permit was sought in order to permit the change of the use of the property from the prior and current commercial uses in order to allow the property to be used as an autobody shop with auto repair and towing together with the sale of unregistered motor vehicles.

DESCRIPTION OF PARCEL – in relation to a parcel of land located on the northerly side of West Street, known and numbered as 69 West Street, which property is currently owned by Weather Shield Inc.

OWNER/S – Weather Shield, Inc., 1 Windsor Rd., Dover, MA 02030.

TITLE – Worcester District Registry of Deeds, Book 21531, Page 137.

It is hereby further certified that copies of the enclosed decision and any plans referred to therein were filed on April 19, 2018 with the Town Clerk. Notice thereof has been mailed to all abutters and interested persons and copies thereof have been available for public inspection at the Office of the Town Clerk, 52 Main Street, Milford, MA 01757.

Date: May 9, 2018

By David R. Consigli  
David R. Consigli, Chairman

I hereby certify that twenty days have elapsed since the filing of the above-referenced Decision in this office and that no appeal has been taken therefrom.

Date: May 9, 2018

By Amy Hennessy Neves  
Amy Hennessy Neves, Town Clerk

69 West St., Milford

30B



**TOWN OF MILFORD**  
**ZONING BOARD OF APPEALS**  
TOWN HALL  
52 MAIN STREET  
MILFORD, MASSACHUSETTS 01757  

---

**(508) 634-2302**

**DECISION**

This is on the application of Luis Santos of Santos Garage Inc., 12 South Free Street in Milford for Special Permit relief pursuant to Section 3.1 of the Zoning By-Law in relation to a parcel of land located on the northerly side of West Street, known and numbered as 69 West Street, which property is currently owned by Weather Shield Inc. The Special Permit relief is sought in order to permit the change of the use of the property from the prior and current commercial uses in order to allow the property to be used as an autobody shop with auto repair and towing together with the sale of unregistered motor vehicles.

Upon receipt of the above petition a public hearing was scheduled thereon for Wednesday, April 18, 2018 at 7:10 P.M. in the Upper Town Hall at Milford Town Hall, 52 Main Street, Milford. Notice of the time, place and subject matter of the petition were given as required by law.

The matter came on for hearing at the time and place set forth above. Present were Chairman David Consigli, Vice Chairman Charles C. DiAntonio, members David Pyne, John Dagnese and Mark Calzolaio. The Petitioner was present and represented by Attorney Joseph Antonellis who presented evidence in favor of the petition. At the close of the evidence the Board further considered the matter and voted unanimously to grant the relief requested based upon the findings, and subject to the conditions, set forth below:

1. The applicant proposes to replace the former sign company and contractors yard with an autobody shop, auto sales and repair and towing operation. The premises were previously occupied for many years by an autobody shop known as Berardi's Autobody. The commercial uses of this premises predate the first zoning in Milford.
2. The applicant proposes no additions to the existing building. The proposed use would include the placement of 15 to 20 unregistered vehicles on the site and utilization of the building and the site for typical autobody and auto repair and towing operations, similar to utilization of the property in the past.
3. Under all the circumstances, and with the conditions set forth below, the requested relief can be granted without any detriment to the public good. Further, with those conditions, the Board can, and does, make all of the findings required by Section 1.10 of the Zoning By-Law.

Having made the above findings, the Board voted as set forth above to grant the Special Permit relief requested subject to the following conditions:

1. Utilization of the site will be subject to site plan approval by the Planning Board.
2. The hours of operations for autobody work and auto repair shall be 8:00 A.M. to 5:00 P.M. Monday through Friday and 8:00 A.M. to 1:00 P.M. on Saturdays with no operations on Sunday.

3. The towing operation may be ongoing on a 24-hour basis.

MILFORD ZONING BOARD OF APPEALS

*David R. Consigli*

David R. Consigli, Chairman

April 19, 2018

**A TRUE COPY OF THE RECORD**  
**ATTEST: *Adriana Newell***  
**MILFORD TOWN CLERK**

ATTEST: WORC. Anthony J. Vigliotti, Register

DATE: **Oct. 19, 2020**  
 PLS: [Signature]  
 OFFICE OF THE REGISTER DEEDS  
 COMMONWEALTH OF MASSACHUSETTS

**NOTES**

- SEE THE FOLLOWING PLANS RECORDED AT THE WORCESTER DISTRICT REGISTRY OF DEEDS: PLAN BOOK 303 PLAN 45, JANUARY 1974; PLAN BOOK 219 PLAN 47, SEPTEMBER 1959; LC PLAN 95726, MAY 1924.
- ZONING CLASSIFICATION: RA
- THE BUILDING IS SERVED BY UNDERGROUND WATER, SEWER AND GAS LINES.
- THE VERTICAL DATUM IS ASSUMED TO BE THE MEAN SEA LEVEL DATUM.
- EXISTING USE INCLUDES THE PARKING OF 15 TO 20 UNREGISTERED VEHICLES ON THE SITE. THE PROPOSED USE IS TO CONJOIN THE SITE FOR TYPICAL AUTOBODY REPAIR AND TOWING SERVICES. NO ADDITIONAL UNREGISTERED VEHICLES ARE PROPOSED.

TAX MAP 49 LOT 270  
 SANTIAGO GARAGE, INC  
 12 SO. FREE STREET  
 MILFORD MA 01757  
 DEED BOOK 359 PAGE 153  
 AREA: 35,442 SF

SPECIAL PERMIT AMENDMENT  
 69 WEST STREET  
 MILFORD MASS.  
 DATE: SEPTEMBER 4, 2020  
 REVISED: OCTOBER 14, 2020



**Guerriere & Halton, Inc.**  
 ENGINEERING & LAND SURVEYING  
 333 WEST STREET  
 MILFORD, MA 01757  
 PH: (508) 473-6600  
 FAX: (508) 473-8543  
 www.guerriereandhalton.com

**ZONING INFORMATION - RA DISTRICT**

AREA (SQ FT)	REQUIRED	EXISTING	PROPOSED
8,000 SF.	35,442 SF.	35,442 SF.	35,442 SF.
FRONT SETBACK (FT)	25'	170'±	170'
SIDE SETBACK (FT)	10'	10.7'±	11.0'±
REAR SETBACK (FT)	10'	10.7'±	11.0'±
MAX. BLDG. COVERAGE (N. LOT AREA)	25%	25%	25%
MAX. BLDG. COVERAGE (S. LOT AREA)	25%	25%	25%
MAX. UNREGISTERED SPACES	15	15	15
MAX. REGISTERED SPACES	1	1	0

**PARKING CALCULATIONS**

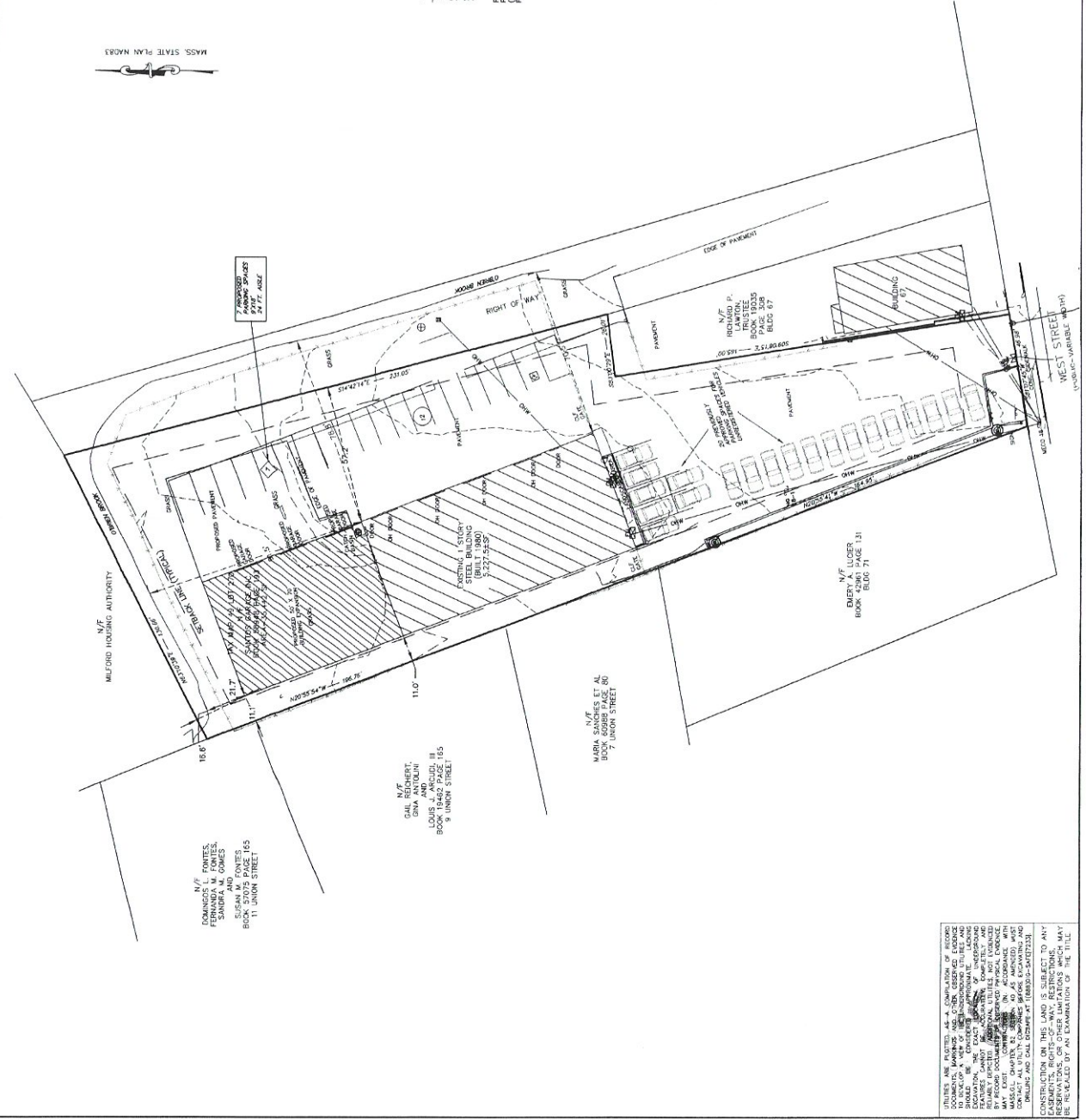
APPROVED USE AUTOMOBILE SALES AND/OR SERVICE AND BY EXPANDING THE EXISTING USE OF AN AUTOBODY REPAIR AND TOWING SERVICES. APPROXIMATELY 15 UNREGISTERED SPACES AND 1 REGISTERED SPACE.

APPROVED DATE: OCTOBER 2020

(C) SERVICE BAYS PROPOSED X 2 SPACES = 6 SPACES REQ.  
 PROPOSED PARKING SPACES X 7 SPACES PROVIDED

**PURPOSE OF PLAN:**

- REQUEST TO AMEND THE SPECIAL PERMIT DATED MAY 9, 2018 IN REGARD TO SECTION 3.1 TO ALLOW THE EXISTING USE OF AN AUTOBODY REPAIR AND TOWING SERVICES TO CONJOIN WITH THE SALE OF UNREGISTERED MOTOR VEHICLES LOCATED AT 69 WEST STREET BY THE PROPOSED GARAGE, INC. TO BE ADDED ON TO THE EXISTING BUILDING.
- VARIANCE REQUEST TO ZONING BY-LAW SECTION 2.4.8 TO ALLOW THE PROPOSED GARAGE, INC. TO BE ADDED TO THE RA RESIDENTIAL DISTRICT WHERE 25 FEET IS REQUIRED.



**LEGEND**

EXISTING PARKING SPACES  
 PROPOSED PARKING SPACES

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY RESERVATIONS OR OTHER LIMITATIONS WHICH MAY BE RELEASED BY AN EXAMINATION OF THE TITLE.



**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*

November 17, 2020

Lena McCarthy, Chairman  
Milford Planning Board  
52 Main Street  
Milford, MA 01757

(  
( **ZBA Variance/Special Permit**  
( **Michael Bregani**  
( **85 Medway Street**  
( **Map 43 Lots 25, 26**  
( **RB Zone**  
(

Dear Mdm. Chairman:

The applicant requests variance and special permit approval to re-plat and redevelop the subject property. The property currently consists of two merged lots, with a single-family dwelling and a mobile home located on Lot 25.

The applicant proposes to expand the existing house on Lot 25 to create a two-family dwelling, replat both parcels, and add a second single-family dwelling on the re-platted Lot 26. The old mobile home is to be razed.

While removing the mobile home is appropriate, expanding the existing house to a duplex is a gross overreach, and an inappropriate intensification of uses in the neighborhood, especially with the proposal of the second house lot being proposed.

Therefore, I recommend an un-favorable report be forwarded to the ZBA.

Respectfully,

Larry L. Dunkin, MCRP  
Town Planner

85 Medway

**TOWN OF MILFORD  
PETITION FOR VARIANCE AND/OR SPECIAL PERMIT  
UNDER THE ZONING BYLAW**

**NOTE: All petitions for variances and special permits must be accompanied by 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**

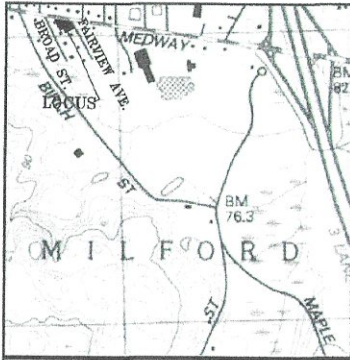
- A. All questions on this petition must be answered. Failure to answer any question may result in rejection or denial as an incomplete petition.
- B. All petitions must be accompanied by five (5) copies of current plan of the property or lot, prepared and signed by a Certified Civil Engineer or Registered 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, and/or to grant a special permit for the reasons hereinafter set forth and in accordance with the applicable provisions of the zoning by-law in relation to the following described premises.**

Applicant: Michael Bregani 85 Medway Road, Milford, MA 01757  
(Full Name) (Address)

Owner: SAME  
(Full Name) (Address)

Tenant (if any) N/A



**LOCUS MAP**  
SCALE: 1"=1,000'

APPROVAL NOT REQUIRED UNDER  
THE SUBDIVISION CONTROL LAWS.  
MILFORD PLANNING BOARD

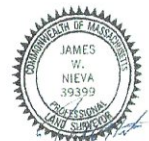
DATE : \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

THE ABOVE ENDORSMENT DOES NOT  
CONSTITUTE A DETERMINATION AS TO  
COMPLIANCE WITH THE ZONING BYLAWS.

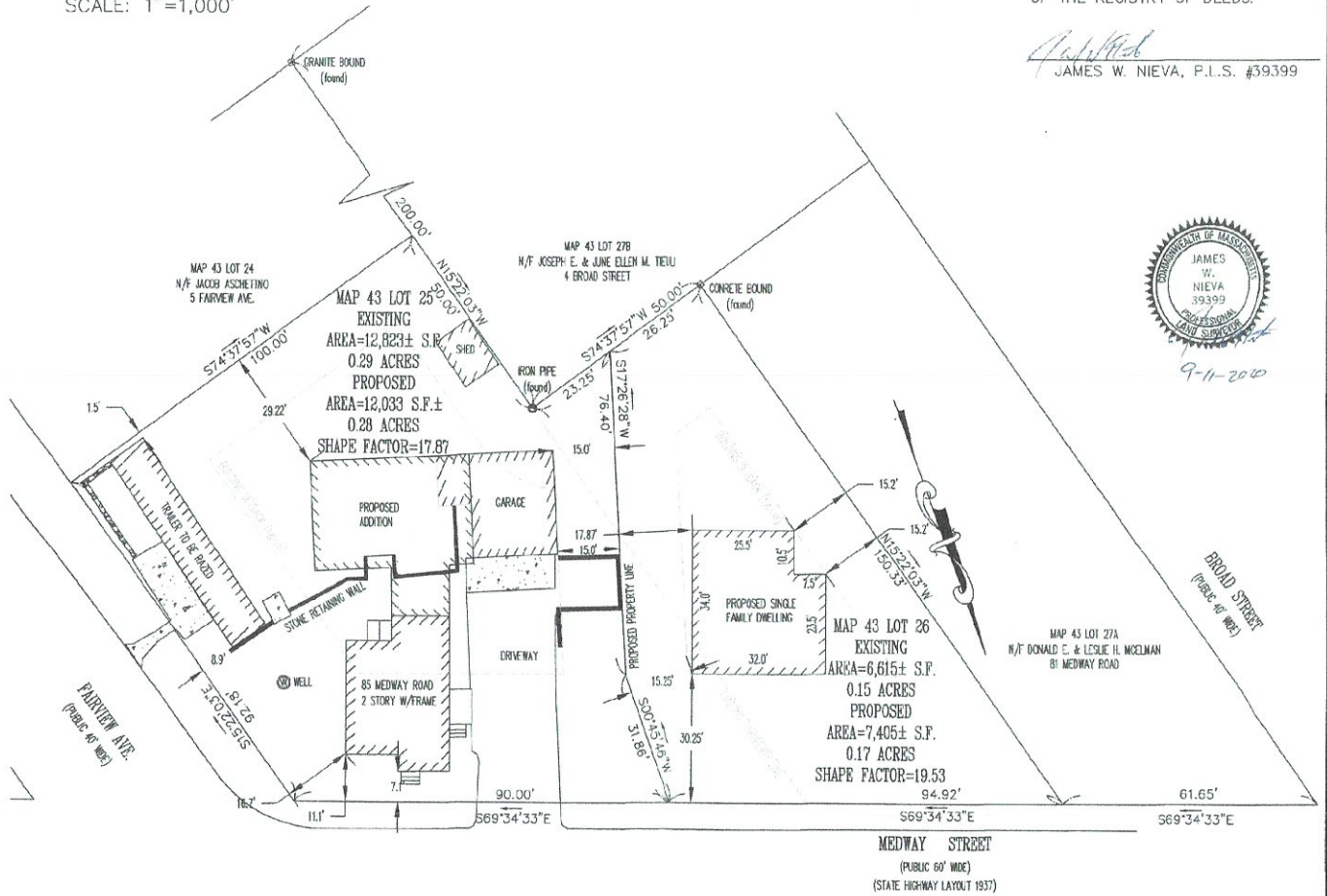
FOR REGISTRY USE ONLY:

I CERTIFY THAT THIS PLAN COMPLIES  
WITH THE RULES AND REGULATIONS  
OF THE REGISTRY OF DEEDS.

*James W. Nieva*  
JAMES W. NIEVA, P.L.S. #39399



9-11-2020



**FLOOD ZONE LOCATION**

THIS SITE LIES WITHIN FLOOD ZONE "X" AS INDICATED ON THE FLOOD INSURANCE RATE MAP PUBLISHED BY H.U.D. ZONE "X" IS INDICATED AS AREA OF MINIMAL FLOODING. LOCATED ON MAP #25021C0888E AND HAVING AN EFFECTIVE DATE OF JULY 4, 2011.

**REFERENCES**

DEED REFERENCE: BOOK 58712, PAGE 351  
RECORDED AT THE WORCESTER COUNTY REGISTRY OF DEEDS

PLAN REFERENCES: IN BOOK 1552 PAGE 655  
LAND COURT PLAN #12449 A  
RECORDED AT THE WORCESTER COUNTY REGISTRY OF DEEDS

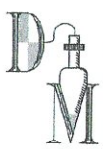
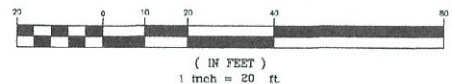
**INTENSITY OF USE SCHEDULE**

DISTRICT:	RB
MINIMUM LOT AREA:	15,000 S.F.
MINIMUM LOT FRONTAGE:	90 LF.
FRONT YARD SETBACK:	30'
SIDE YARD SETBACK:	15'
REAR YARD SETBACK:	25'
MAXIMUM HEIGHT:	35' or 2.5 STORIES
MAXIMUM BUILDING COVERAGE	25%
MAXIMUM BUILDING COVERAGE	21.0% FOR LOT 25
MAXIMUM BUILDING COVERAGE	13.6% FOR LOT 26

**GENERAL NOTES**

1. THE APPLICANT SEEKS RELIEF FROM THE MILFORD ZONING BY-LAW ARTICLE II, SECTION 2.5 REQUIREMENTS OF A MINIMUM LOT SIZE OF 15,000 SQUARE FEET AND LOT WIDTH OF 100'.

**GRAPHIC SCALE**



**Dunn · McKenzie, Inc.**

LAND SURVEYING AND CIVIL ENGINEERING  
206 DEDHAM STREET, Rt.1A at Rt.115  
NORFOLK, MASSACHUSETTS 02056  
(508) 384-3990 - FAX (508) 384-3905  
jimmy@dunnmckenzie.com

**SITE LOCATION:**  
85 MEDWAY STREET  
MILFORD, MASSACHUSETTS 01757

**PREPARED FOR:**  
MICHAEL BREGANI  
85 MEDWAY STREET  
MILFORD, MASSACHUSETTS 01757  
PHONE #(774)-573-7958

**SPECIAL PERMIT/  
VARIANCE PLAN**  
Of Land Located In The Town Of  
**MILFORD, MASSACHUSETTS 01757**

SCALE	DATE	JOB NO.
1"=20'	AUGUST 4, 2020	5950

C:\MISEP\EP-Dunnmckenzie-0021\Output\15-File\5950-Variance-Plan-of-Land-located-in-Milford-MA.dwg, VARIANCE PLAN OF LAND, 9/11/2020, 3:30:24 PM



**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*

November 17, 2020

Lena McCarthy, Chairman  
Milford Planning Board  
52 Main Street  
Milford, MA 01757

(  
( **ZBA Special Permit**  
( **Guaranteed Builders**  
( **327 Purchase Street**  
( **Map 8 Lot 27**  
( **RC Zone**  
(


Dear Mdm. Chairman:

The applicant requests special permit approval to replace a pre-existing non-conforming attached garage on the subject property.

The non-conforming attached garage addition is within the required site yard, being only 0.6' from the side property line at the closest point. The proposal is to replace the existing structure with a new structure within the same footprint.

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

Respectfully,

  
Larry L. Dunkin, MCRP  
Town Planner

TOWN OF MILFORD  
**PETITION FOR SPECIAL PERMIT**  
 UNDER THE ZONING BY-LAW

RECEIVED  
 MILFORD TOWN CLERK  
 2020 OCT 20 PM 2: 28

To the Zoning Board of Appeals  
 Milford, MA 01757

Date: 10/19/2020

**NOTE: All petitions for special permits 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 grant a special permit for the reasons hereinafter set forth and in accordance with the applicable provisions of the zoning by-law in relation to the following described premises:**

*Applicant:* Guaranteed Builders & Developers Inc. 14 West St, Douglas MA 01516  
*(Full Name)* *(Address)*

*Owner:* Bryan Fletcher 327 Purchase St, Milford MA 01757  
*(Full Name)* *(Address)*

*Tenant (if any):* \_\_\_\_\_

1.	<i>Location of Premises</i>	<u>327</u> <i>(Address Number)</i>	<u>Purchase Street</u> <i>(Name of Street)</i>
	<i>Assessor's:</i>	<u>8</u> <i>(Map)</i>	<u>0</u> <i>(Block)</i>
		<u>27</u> <i>(Lot)</i>	



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* Bk : 47849 Pg: 273
4. *State present use of premises* Residential
5. *State proposed use of premises* Residential
6. *Give extent of proposed alterations* Demolition of existing garage, and re - construction of an 18'x20' attached two story garage.
7. *Number of families or housing units for which building is to be arranged* Single
8. *Have you submitted plans for above to the Building Inspector?* Yes
9. *Has a permit been refused?* Yes
10. *Pursuant to what provisions(s) of the zoning by-law do you seek a special permit and for what purpose(s)* Dimensional Requirements Table 2.5 Side Yard Setback.  
General Regulations Article 3.1.3 - Existing nonconforming lot created before Zoning was enacted.
11. *Explain the reasons you assert that:*
  - (a) *the special permit sought is in harmony with the general purpose and intent of the zoning by-law* Please See Attached Document.
  - (b) *the proposed use of the premises will not create undue traffic congestion or impair pedestrian safety* Proposed use is exactly the same as existing.  
Structure will be used to park.
  - (c) *the proposed use of the premises will not cause harm to the neighborhood or create a nuisance or hazard affecting the health, safety or general welfare of the public* Proposed use is same and will be more aesthetically pleasing and functional.  
The current garage is in poor condition and unable to be parked in.
12. *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: Tsharkey

Owner  
Signature: [Signature]

Address: 14 West Street  
Douglas, MA 01516

Address: 327 Purchase Street  
Milford, MA 01757

Telephone: 508-476-1400

Cell phone: 774-262-4882

e-mail: Tsharkey@gbiavis.com

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

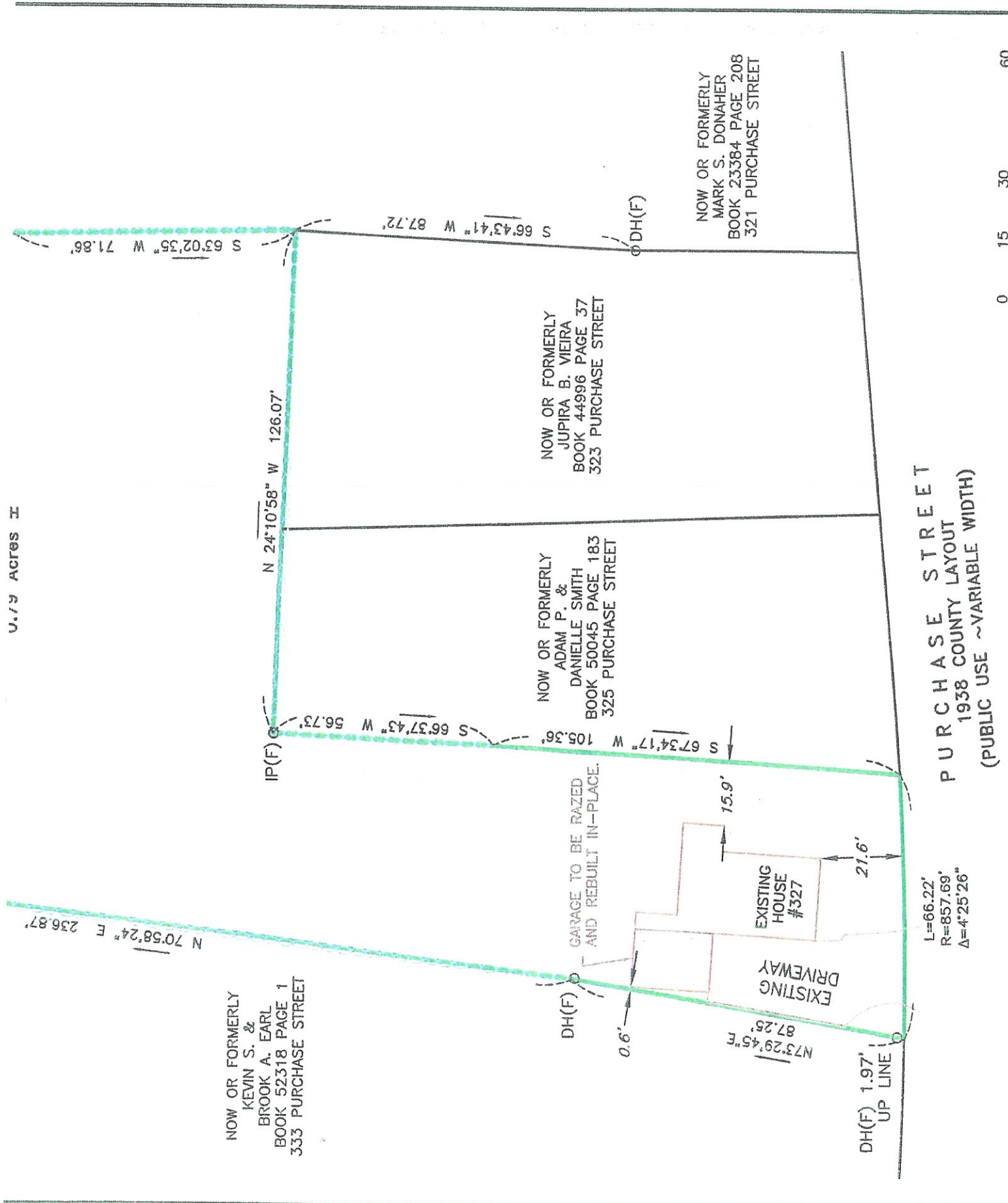
Address: \_\_\_\_\_

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

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

**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.**

U. / Y ACRES ±



PURCHASE STREET  
 1938 COUNTY LAYOUT  
 (PUBLIC USE ~VARIABLE WIDTH)

L=66.22'  
 R=857.69'  
 Δ=4°25'26"

0 15 30 60



# 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*

November 17, 2020

Lena McCarthy, Chairman  
Milford Planning Board  
52 Main Street  
Milford, MA 01757

(  
( **ZBA Variance Referral**  
( **Maryanne Filosa**  
( **24 Cunniff Avenue**  
( **Map 39 Lots 13, 14**  
( **RB Zone**  
(

Dear Mdm. Chairman:

The applicant requests variance approval to re-divide the property into three substandard lots. Currently Lots 13 and 14 are merged by law, and extend between Cunniff Ave. and Western Ave.

Specifically, the proposal is to create three separate house lots. Proposed Lot A would have frontage on Western Ave, and proposed Lots B and C would have frontage on Cunniff Ave. Proposed Lot C would contain the existing house numbered as 24 Cunniff Ave.

Proposed Lot A would contain 15,015 sq.ft. with 78' of frontage. Proposed Lot B would contain 11,601 sq.ft. with 108' of frontage. Proposed Lot C would contain 11,245 sq.ft. with 90' of frontage. A single family dwelling is being proposed for construction on Lot B and Lot C.

I recommend a favorable report be forwarded to the ZBA.

Respectfully,

Larry L. Dunkin, MCRP  
Town Planner

24 Comm/HK

RECEIVED  
MILFORD TOWN CLERK  
TOWN OF MILFORD  
PETITION FOR VARIANCE  
UNDER THE ZONING BY-LAW  
2020 OCT 22 PM 3:21

Zoning Board of Appeals  
Milford, MA 01757

Date: October 22, 2020

**NOTE: All petitions for variances must be accompanied by 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:** Maryanne Filosa & Diane Fino-Walker

**Owner:** Same

**Tenant (if any)** None

1. **Location of Premises:** 24 Cunniff Avenue, Milford, MA  
**Assessor's: Map** 39      **Block** 0      **Lots** 13 & 14
2. **Within which Zoning District is the premises located?**  
RB – Single Family Residential
3. **State the Worcester Registry of Deeds Book and Page number, or the Land Court Certificate number for title of present owner:**  
Book 52318, Page 47
4. **State whether there is in existence any executory option, lease, or purchase and sale agreement with respect to the property:**
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:** Single Family Residence
7. **State proposed use of premises:** Division under 81P Plan (ANR) into three single family lots.
8. **Give extent of proposed alterations, if any:**
9. **Number of families or housing units for which building is to be arranged:**  
Three single family residential lots.
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 2.5 – Intensity of Use Schedule. In particular, the RB zone requires lots to contain 15,000 square feet and 90 feet of frontage. On the Applicants' proposed plan;  
  
Lot A would have 15,015 square feet of area and +/- 78 feet of frontage.  
Lot B would have 11,601 square feet of area and +/- 108 feet of frontage.  
Lot C would have 11,245 square feet of area and +/- 90 feet of frontage.

As such, the proposed plan would require dimensional variances for Lots B and C, and a frontage variance for Lot A.

The existing house, built in 1929 and located on proposed Lot C, does not conform to modern setback requirements. The Applicants do not intend to modify the house and no new nonconformities will be created. An existing garage will be removed should this proposal be approved.

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?*** The lot is triangular in shape and fronts on both Western Avenue and Cunniff Avenue. Each of the neighboring lots only fronts on one of the streets.
14. ***If the variance were not granted what hardship would be caused by the circumstances described in 13 above?*** The proposed lots are in keeping with the size of the neighborhood and are roughly rectangular in shape with sufficient access to either Cunniff Avenue or Western Avenue. The present lot shape resulted from the merger of multiple lots from a 1968 plan. Failure to grant this relief will cause the lot to be underutilized in comparison with the neighboring lots.
15. ***State why you feel the grant of the variance will not cause substantial detriment to the public good.*** Granting the requested relief will have minimal effect on traffic or pedestrian safety, and will merely create lots similar in size and shape to those already existing in the neighborhood. Adding additional single family housing stock to the Town of Milford will benefit the tax base as well as the families who eventually live at the proposed lots.
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/Owner Signature:


*Marganne Filosa*  
Address: *48 Whitewood Road, Milford, MA*  
Phone: *508-473-8952*  
Email: *m.filosa@verizon.net*

Attorney: *Joseph M. Antonellis & A. Eli Leino*  
*Mayer, Antonellis, Jachowicz & Haranas, LLP*  
*(508) 473-2203*  
*JMA@majhllp.com; Eli@majhllp.com*

BE SURE THAT ALL QUESTIONS HAVE BEEN ANSWERED FULLY. IF MORE SPACE IS NECESSARY TO ANSWER ANY QUESTIONS, FEEL FREE TO USE AND ATTACH ADDITIONAL SHEETS.



<b>Property Information</b>	
<b>Property ID</b>	39-0-14
<b>Location</b>	24 CUNIFF AV
<b>Owner</b>	FINO ALEXANDER L - LE



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

Town of Milford, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated March 2018  
Data updated 11/16/2018

1" = 144 ft



**NOTES**

- SEE THE FOLLOWING PLANS REFERRED AT THE WORCESTER DISTRICT REGISTRY OF DEEDS: PLAN BOOK 894 PLAN 81 JUNE 2012 PLAN BOOK 831 PLAN 59 SEPTEMBER 2005 PLAN BOOK 48 PLAN 90 JUNE 1926
- ZONING CLASSIFICATION: SINGLE FAMILY RESIDENTIAL (R8) MINIMUM AREA- 15,000 SF MINIMUM WIDTH- 100' SETBACK FRONTAGE- 30' REAR 25' MAXIMUM BUILDING COVERAGE- 23% MAXIMUM STORIES- 2.5
- A VARIANCE IS REQUESTED FROM THE MILFORD ZONING BOARD OF APPEALS IN REGARD TO ARTICLE 18 SECTION 2.5 OF THE MILFORD ZONING BYLAW.

TAX MAP 39 LOT 13 AND 14  
OWNER: ALEXANDER L. FLOSA AND DANE FINO-WALKER  
DEED BOOK 52318 PAGE 47  
(TOTAL AREA=37,862 SF 0.87 ACRES)

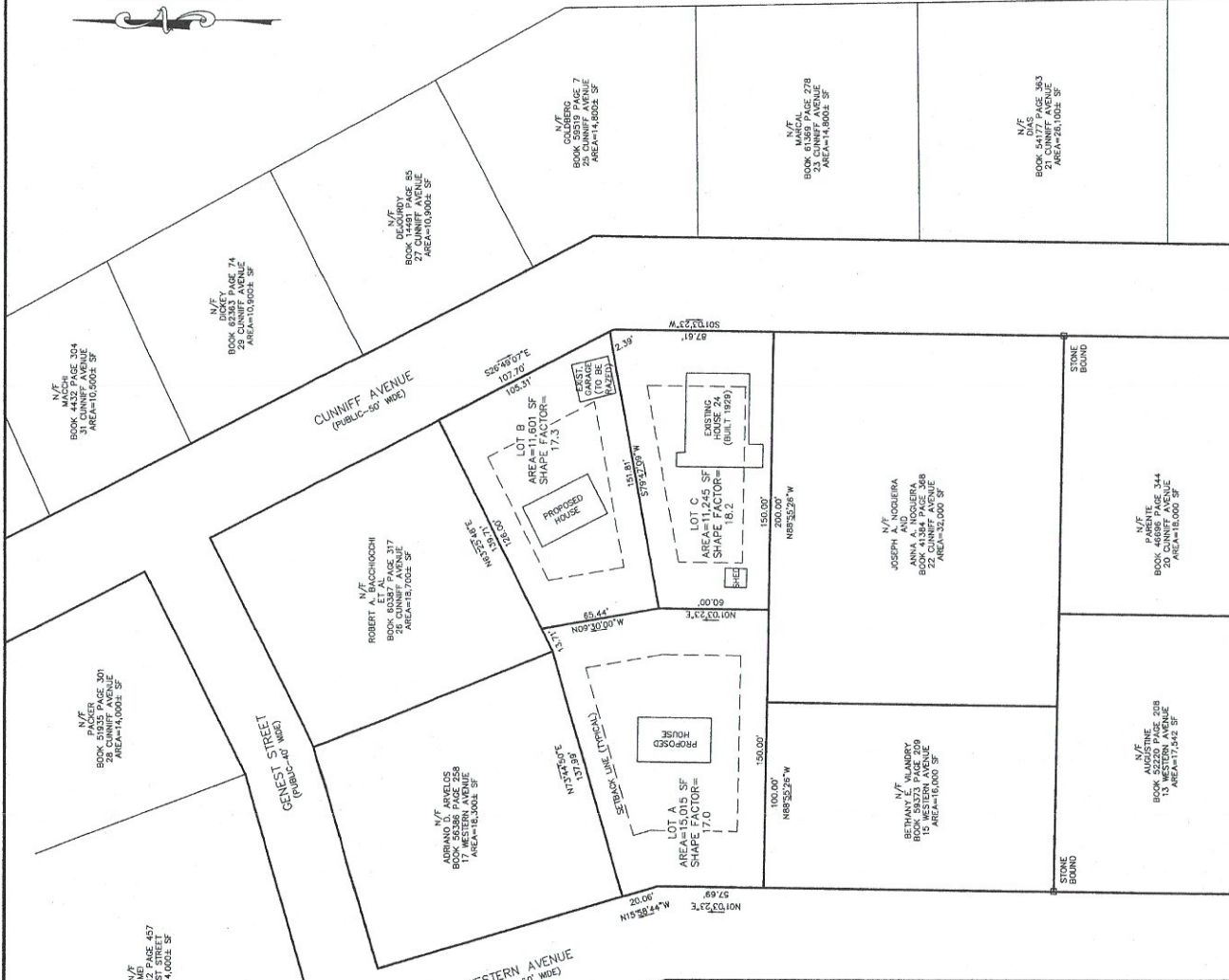
VARIANCE  
PLAN OF LAND  
24 CUNIFF AVENUE  
WESTERN AVENUE  
MILFORD, MASS.  
SCALE: 1"=30'  
DATE: SEPTEMBER 24, 2020



**Guerriere & Halton, Inc.**  
ENGINEERING & LAND SURVEYING  
333 WEST STREET  
MILFORD, MA 01757  
PH. (508) 473-6630  
FX. (508) 473-8243  
www.guerriere.com

1 OF 1 G-10297

SEE PLAN BOOK 831 PLAN 58



**CHAMPAGNE**  
BOOK 62038 PAGE 45  
18 WESTERN AVENUE  
AREA=15,200± SF

**DESSER**  
BOOK 62038 PAGE 279  
18 WESTERN AVENUE  
AREA=14,500± SF

**RUCOLETTI**  
BOOK 62038 PAGE 143  
14 WESTERN AVENUE  
AREA=13,600± SF

**MILLIAMS**  
BOOK 17511 PAGE 78  
14 WESTERN AVENUE  
AREA=23,000± SF

**ARVELLOS**  
BOOK 51835 PAGE 301  
20 WESTERN AVENUE  
AREA=14,000± SF

**ROBERT A. BACCHIOCCHI**  
BOOK 63547 PAGE 317  
26 CUNIFF AVENUE  
AREA=18,700± SF

**ADRIANO D. ARVELLOS**  
BOOK 51835 PAGE 205  
17 WESTERN AVENUE  
AREA=16,300± SF

**DECOMBY**  
BOOK 63547 PAGE 85  
27 CUNIFF AVENUE  
AREA=10,000± SF

**DECOMBY**  
BOOK 63547 PAGE 74  
27 CUNIFF AVENUE  
AREA=10,800± SF

**BOCK**  
BOOK 61369 PAGE 278  
24 CUNIFF AVENUE  
AREA=14,800± SF

**BOCK**  
BOOK 54577 PAGE 363  
21 CUNIFF AVENUE  
AREA=26,100± SF

**BOCK**  
BOOK 46085 PAGE 344  
20 CUNIFF AVENUE  
AREA=16,600± SF

**BOCK**  
BOOK 52320 PAGE 208  
15 WESTERN AVENUE  
AREA=17,945± SF

**BOCK**  
BOOK 50675 PAGE 200  
15 WESTERN AVENUE  
AREA=10,600± SF

**BOCK**  
BOOK 4430 PAGE 304  
31 CUNIFF AVENUE  
AREA=10,500± SF