

TOWN OF MILFORD
PETITION FOR VARIANCE and/or SPECIAL PERMIT
UNDER THE ZONING BY-LAW

RECEIVED
MILFORD TOWN CLERK
JUL 17 PM 4:08

To the Zoning Board of Appeals
Milford, MA 01757

Date: July 17, 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: Warren S. Heller 6 Lancaster Meadows
(Full Name) (Address)

Owner: Same West Boylston, MA 01583
(Full Name) (Address)

Tenant (if any): Same
(Full Name) (Address)

I. Location of Premises 61 Exchange Street
(Address Number) (Name of Street)

Assessor's: 48 0 580
(Map) (Block) (Lot)

2. *Within which Zoning District is the premises located?* Office Residential (OR)
3. *State the Worcester Registry of Deeds Book and Page number, or the Land Court Certificate number for title of present owner* Book 6565, Page 37
4. *State whether there is in existence any executory option, lease, or purchase and sale agreement with respect to the property* An Offer has been accepted and a Purchase and Sale Agreement is being prepared and will be signed on or before July 24, 2020.
5. *If variance is sought from side line requirements, how far from the side line(s) is (are) the nearest building on abutting premises* approximately 1-2 feet from the 2 abutting lots.
6. *State present use of premises* 2 offices.
7. *State proposed use of premises* 2 single family residences (apartments)
8. *Give extent of proposed alterations, if any* a kitchen and a full bathroom will be added in each proposed residential unit.
9. *Number of families or housing units for which building is to be arranged* Two (2)
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?* Article II, Section 2.5
Intensity of Use Schedule pertaining to minimum lot size, minimum yard requirements and parking requirements for 2 family dwellings. See CONTINUATION sheet as it pertains to Special Permit Application.
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 total lot area is 1,200 sq. ft \pm . The building, which covers almost the entire lot, is a prior non-conforming lot. The use was changed in 2016 from the Central Commercial (CA) zone to the Office Residential (OR) zone. The CA zone had no set-back or parking requirements.
14. *If the variance were not granted, what hardship would be caused by the circumstances described in 13 above?* The purpose of the re-zoning in 2016 was to encourage more residential properties in the downtown section of Town. If the variance is not granted, this purpose will be thwarted, as the overwhelming interest of buyers is for residential use and not office use of the property.
15. *State why you feel the grant of the variance will not cause substantial detriment to the public good.* Converting the property to strictly residential use is consistent with the intent of the 2016 zoning change. It is consistent with the majority use of other properties in the new OR Zone and the property will revert to its original residential use that existed from 1850 (when it was built) to 1979 (when it became offices).

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 own knowledge and belief.

Applicant

Signature:

Warren S. Heller

Owner

Signature: _____

Address: 6 Lancaster Meadows
West Boylston, MA 01583

Address: _____

Telephone: (508) 473-7500

Cell phone: (508) 259-9452

e-mail: warren@hellerlawoffices.com

Attorney (if any) None.

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.

CONTINUATION (Question no. 12 of Petition For Variance and/or Special Permit)

12. A two family use is allowed in the OR Zoning District, but only upon issuance of a Special Permit. It is arguable that the variance relief sought herein, if granted by the ZBA, only makes the property eligible for a Special Permit. Therefore, this Application is for a **Variance and/or Special Permit** as necessary. There are apparent contradictory provisions in the Zoning By-Law that pertain to this property and that the ZBA may need to consider. They are the following:

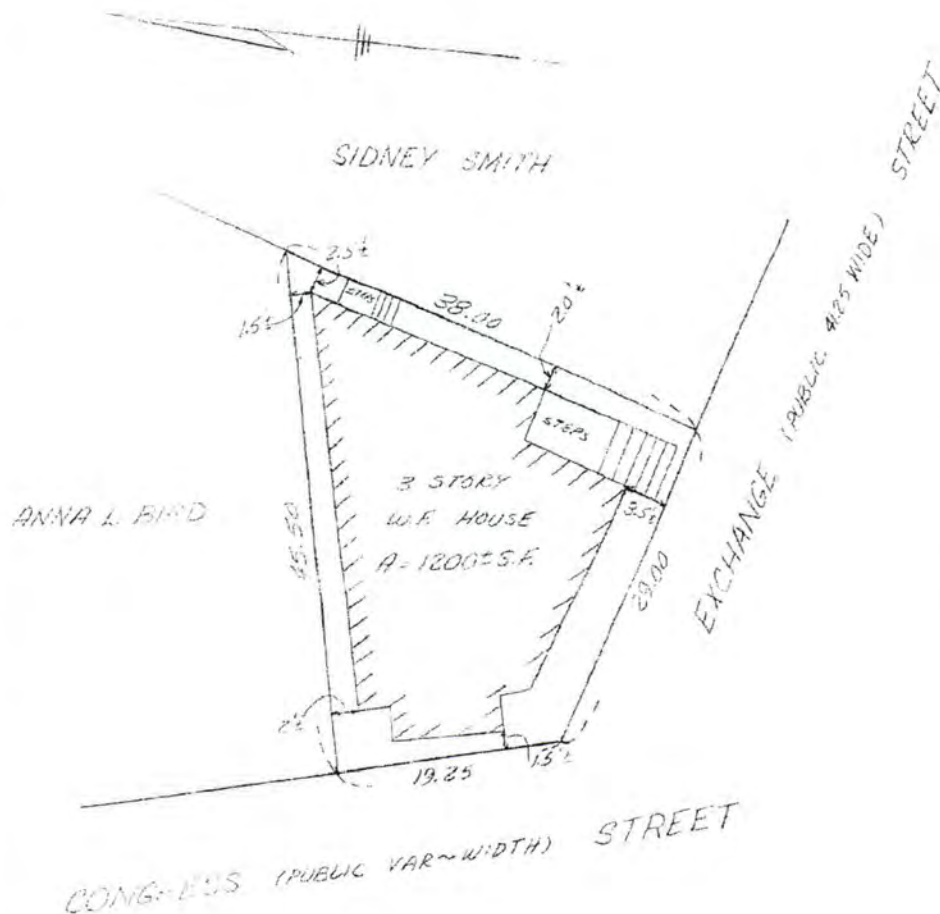
Art. 3.1.3 Extensions – “Any non-conforming structure may be extended, altered or structurally changed upon the issuance of a Special Permit by the Board of Appeals.” I propose altering or structurally changing a non-conforming structure by making 2 offices into 2 apartments; but

Art. 3.1.5 Conforming Uses in Non-Conforming Structures or Sites indicates that a Special Permit is not required provided “that the proposed use is permitted in the subject zoning district.” Residential uses are allowed in the OR Zone.

Art. 3.4.6.3 provides that “The parking requirements of this By-Law shall not apply to the change of use of non-conforming premises for which a Special Permit is issued by the Board of Appeals.”

NOT A RECORD PLAN - Offsets are not for the reproduction of property lines
Special Flood Hazard Area (FHA) is NOT Applicable

G-1576



"I certify that the house is located on the lot as shown and its location is in accordance with the applicable zoning by laws of the Town of Milford, Mass. when constructed."



Frank R. Pirrello, Jr.
Registered Land Surveyor

PLOT PLAN OF LAND IN MILFORD, MASS.

SCALE: 10 feet to an inch
DATE: NOVEMBER 30, 1978

GUERRIERE AND HALNON INC.
ENGINEERING AND LAND SURVEYING
MILFORD — MILLIS — WHITINSVILLE

G-1576

JUL 17 2020

MILFORD, MA

WARREN S. HELLER, P.C.

ATTORNEY AT LAW

61 EXCHANGE STREET P. O. BOX 595 MILFORD, MA 01757

TEL. NO. (508) 473-7500

FAX NO. (508) 473-7502

email: warren@hellerlawoffices.com

July 17, 2020

Jennifer M. Sclar, MAA
Assessor/Administrator
Milford Board of Assessors
Milford Town Hall
52 Main Street
Milford, MA 01757

RE: Request For Abutter's List for 61 Exchange Street – Petition For Variance and/or Special Permit

Dear Ms. Sclar:

Enclosed please find the following:

1. Request For Abutter's List to property at 61 Exchange Street owned by Warren S. Heller.
2. My check no. 13989 in the sum of \$25.00 payable to the Town of Milford for processing this request.

Please call when the abutter's list is completed. I was advised by both Town Planner Larry Dunkin and the Legal Department that the next ZBA meeting is August 13, 2020. I am filing the Petition with the Town Clerk's Office today to try to get on the August 13th ZBA Agenda. Otherwise, I understand the meeting in September is scheduled for September 10th.

I appreciate whatever you can do to help expedite the preparation of the Abutter's List. Thank you for your attention to this request.

Very truly yours,



Warren S. Heller

WSH: w

cc: Town Counsel Charles D. Boddy (sent via email –letter only)

encls: (2) as stated



TOWN OF MILFORD BOARD OF ASSESSORS

JOSEPH F. NIRO
CHAIRMAN

JOSEPH F. ARCUDI

JOSHUA M. LIOCE

JENNIFER M. SCLAR, MAA
ASSESSOR/ADMINISTRATOR

52 MAIN STREET
MILFORD, MA 01757
508-634-2306 • FAX 508-634-2324

ASSESSORS@TOWNOFMILFORD.COM
WWW.MILFORD.MA.US

REQUEST FOR ABUTTER'S LIST

****PLEASE ALLOW 10 WORKING DAYS FOR PROCESSING****

\$25.00 DEPOSIT REQUIRED

RECEIVED CHECK X CASH by DM Date 7-17-20

#13989

PLEASE COMPLETE ALL INFORMATION BELOW:

RECEIVED
ASSESSOR'S OFFICE

TODAY'S DATE: July 17, 2020

JUL 17 2020

NAME: WARREN S. HELLER

MILFORD, MA

ADDRESS OF SUBJECT PROPERTY: 61 Exchange Street

PARCEL ID: Map 48 Block 0 Lot 580

REASON FOR REQUEST: Petition For VARIANCE/SPECIAL Permit

Is this for a Liquor License? Yes ☐ No ☒ (please circle answer)

TYPE OF ABUTTER'S LIST

300 FT (needed for variance and special permit) ☒

100 FT (conservation commission – notice of intent) ☐

Direct (pole relocation) property directly where work is to be performed or parcel performed on ☐

Liquor License (Immediate abutters, not across a public way,
include churches, hospitals and schools w/in 500') ☐

DO YOU WISH ABUTTER'S LIST MAILED TO YOU? No.

IF SO, PROVIDE MAILING ADDRESS: _____

DO YOU WISH TO BE CALLED TO PICK UP THE ABUTTER'S LIST? ☒

PHONE NUMBER: (508) 259-9452
or (508) 473-7500

FOR OFFICE USE ONLY

Deposit and copy to Legal by X Date X

Copy to Town Clerk by DM Date 7-17-20



TOWN OF MILFORD
BOARD OF ASSESSORS
CERTIFIED ABUTTERS LIST

Certified by:

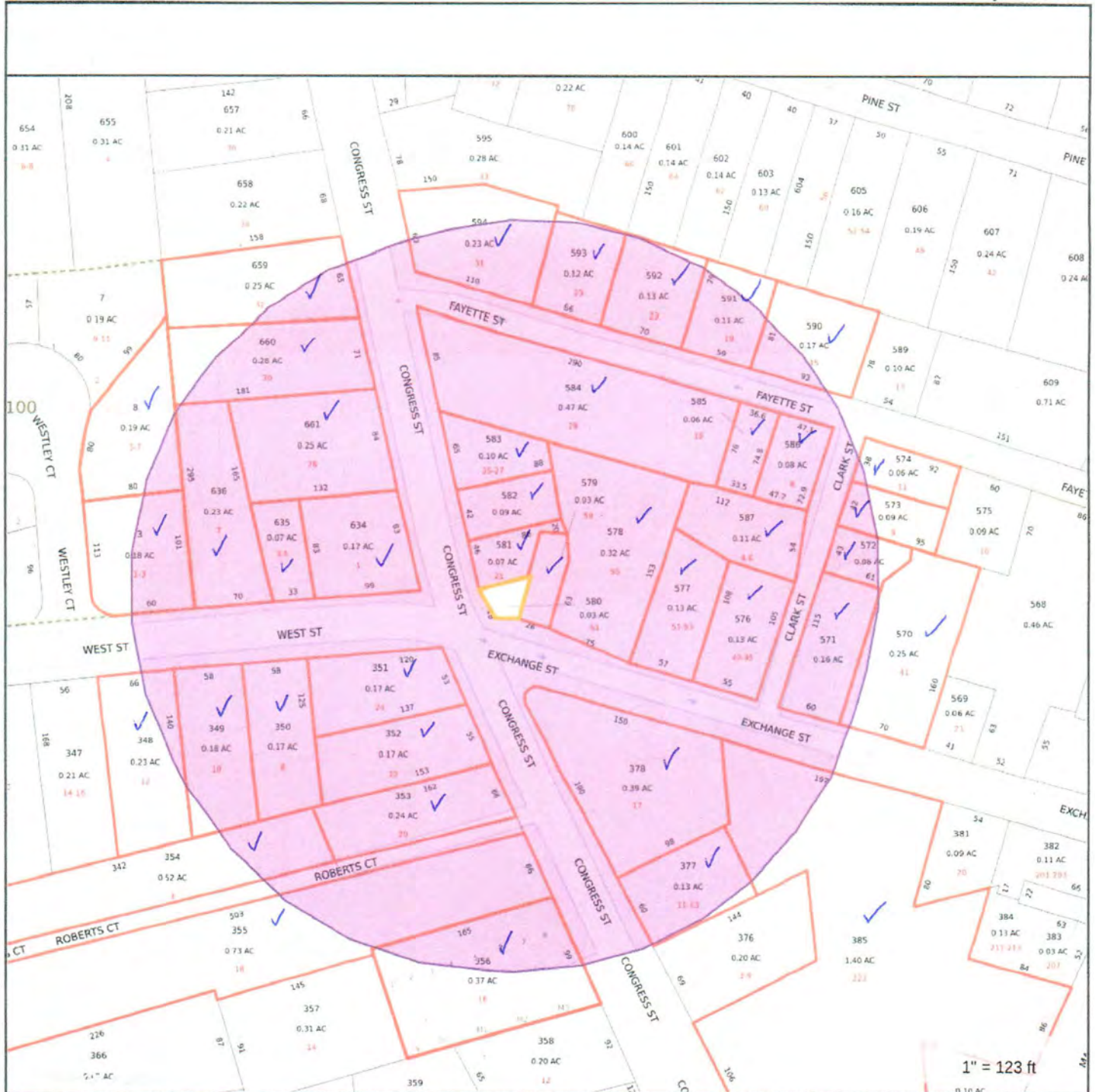
[Signature]

Date: 07/17/2020

300 ft.

Subject Properties - 61 Exchange Street
Abutters

Property ID	Site Address	Owner	Owner 2	Owner Address	Owner City	State	Zip
48-0-348	12 WEST ST	CARTAGENA FELIX	CARTAGENA JILMA J	12 WEST ST	MILFORD	MA	01757
48-0-349	10 WEST ST	FREEHAN STEPHEN F & DEBORAH J		10 WEST ST	MILFORD	MA	01757
48-0-350	8 WEST ST	CRAWFORD ALBERT N JR	CRAWFORD DARLENE H H W T BY E	10 LANTERN LN	MILFORD	MA	01757
48-0-351	24 CONGRESS ST	WATSON REALTY LLC		24 CONGRESS ST	MILFORD	MA	01757
48-0-352	22 CONGRESS ST	RUSSET RENTALS LLC		13 LOVELL ST	MENDON	MA	01756
48-0-353	20 CONGRESS ST	JKJ PROPERTIES LLC		P.O. BOX 321	MILFORD	MA	01757
48-0-354	3 ROBERTS CT	CIFIZZARI ALFRED W	CIFIZZARI JEANETTE M	3 ROBERTS CT	MILFORD	MA	01757
48-0-355	18 CONGRESS ST	OLOUGHLIN STEPHEN	WEST ADAM	6 WESTFIELD RD	HOPKINTON	MA	01748
48-0-377	11-13 CONGRESS ST	KAUCHER BARBARA A		239 NORTH ST	UPTON	MA	01568
48-0-378	17 CONGRESS ST	EPISCOPAL SOCIETY		17 CONGRESS ST	MILFORD	MA	01757
48-0-385	223 MAIN ST	KASSERIS ANNA	KASSERIS THEODORE	25 WYMAN DRIVE	SUDBURY	MA	01776
48-0-570	41 EXCHANGE ST	FIRST METHODIST CHURCH		41 EXCHANGE ST	MILFORD	MA	01757
48-0-571	EXCHANGE ST	FIRST METHODIST CHURCH		41 EXCHANGE ST	MILFORD	MA	01757
48-0-572	CLARK ST	TR OF THE FIRST UNITED METHOD	CHURCH-C/O TOWN OF MILFORD	TOWN HALL	MILFORD	MA	01757
48-0-573	9 CLARK ST	OLOUGHLIN STEPHEN	OLOUGHLIN BRITTANY	6 WESTFIELD ROAD	HOPKINTON	MA	01748
48-0-574	11 CLARK ST	SPL REALTY LLC		PO BOX 1215	FRAMINGHAM	MA	01701
48-0-576	43-45 EXCHANGE ST	KMS REALTY LLC		71 SUMMER ST	MEDWAY	MA	02053
48-0-577	51-53 EXCHANGE ST	RUSSET RENTALS LLC		13 LOVELL ST	MENDON	MA	01756
48-0-578	55 EXCHANGE ST	ST SHENOUDA & ST KARAS COPTIC ORTHODOX CHURCH INC		19 AMEY ROAD	WAYLAND	MA	01778
48-0-579	59 EXCHANGE ST	VAQUERANO ROGER A		31 CHESTNUT ST	MILFORD	MA	01757
48-0-581	21 CONGRESS ST	TERSAROTTO RICARDO		11 GIBBON AVE	MILFORD	MA	01757
48-0-582	CONGRESS ST	TERSAROTTO RICARDO		25-27 CONGRESS ST	MILFORD	MA	01757
48-0-583	25-27 CONGRESS ST	TERSAROTTO RICARDO		25-27 CONGRESS ST	MILFORD	MA	01757
48-0-584	29 CONGRESS ST	THE SALVATION ARMY		80 WASHINGTON ST	NEWARK	NJ	07102
48-0-585	18 FAYETTE ST	ALMEIDA GILBERT C & TEREZINHA M	BORGES RAFAEL KLIPP - 50%	59 VERNON STREET	WALTHAM	MA	02453
48-0-586	8 CLARK ST	VAQUERANO ROGER A		31 CHESTNUT ST	MILFORD	MA	01757
48-0-587	4-6 CLARK ST	STRAMER MEYER	STRAMER MASA C/O HYMAN STRAMER	134 MAIN ST	MILFORD	MA	01757
48-0-590	15 FAYETTE ST	NALLY EDWARD J		15 FAYETTE ST	MILFORD	MA	01757
48-0-591	19 FAYETTE ST	MARQUES PAULA	C/O PAULA MARTINS	19 FAYETTE STREET	MILFORD	MA	01757
48-0-592	23 FAYETTE ST	MURRAS ANTONIO J & MARIA B - LIFE ESTATE	MURRAS MIKE CHAVES NANCY M	90 EAST ST EXT	MILFORD	MA	01757
48-0-593	25 FAYETTE ST	TOMAZ ADERITO & MARIA - LE	VERA GALA & TOMAZ ADERITO JR & JOSE ALEXANDRE TOMAZ	25 FAYETTE ST	MILFORD	MA	01757
48-0-594	31 CONGRESS ST	DARN PROPERTIES LLC		7 MADDEN AVE	MILFORD	MA	01757
48-0-634	1 WEST ST	OA HOMES LLC		40 LOWLAND ROAD	BELLINGHAM	MA	02019
48-0-635	3-5 WEST ST	FROHN BRIAN M		146 WASHINGTON AVE	WEST NEWTON	MA	02466
48-0-636	7 WEST ST	DONAHUE WILLIAM F III, TRUSTEE	THE WILLIAM F. DONAHUE, III TRUST	PO BOX 245	MILFORD	MA	01757
48-0-659	32 CONGRESS ST	FROHN BRIAN M		146 WASHINGTON AVE	WEST NEWTON	MA	02466
48-0-660	30 CONGRESS ST	MURPHY ANTHONY M		30 CONGRESS ST	MILFORD	MA	01757
48-0-661	28 CONGRESS ST	GONCALVES BRUNNO L & RAQUEL D		10 VILLAGE GREEN LANE	NATICK	MA	01760
48-100-3	1-3 WESTLEY CT	CARDOSO VICTOR J		1 WESTLEY CT	MILFORD	MA	01757
48-100-8-5	5 WESTLEY CT	CAETANO FERNANDO	CAETANO KARINE	5 WESTLEY CT	MILFORD	MA	01757
48-100-8-7	7 WESTLEY CT	ZIESMER CATHERINE		7 WESTLEY CT	MILFORD	MA	01757
48-356-1	16-U1 CONGRESS ST	BEAUDOIN STEVEN A	KAUCHER BARBARA L TRUSTEES	PO BOX 438	MILFORD	MA	01757
48-356-10	16-U10 CONGRESS ST	BEAUDOIN STEVEN A	KAUCHER BARBARA L TRUSTEES	P O BOX 438	MILFORD	MA	01757
48-356-2	16-U2 CONGRESS ST	BEAUDOIN STEVEN A	KAUCHER BARBARA L TRUSTEES	PO BOX 438	MILFORD	MA	01757
48-356-3	16-U3 CONGRESS ST	BEAUDOIN STEVEN A	KAUCHER BARBARA L TRUSTEES	PO BOX 438	MILFORD	MA	01757
48-356-4	16-U4 CONGRESS ST	BEAUDOIN STEVEN A	KAUCHER BARBARA L TRUSTEES	PO BOX 438	MILFORD	MA	01757
48-356-5	16-U5 CONGRESS ST	BEAUDOIN STEVEN A	KAUCHER BARBARA L TRUSTEES	PO BOX 438	MILFORD	MA	01757
48-356-6	16-U6 CONGRESS ST	BEAUDOIN STEVEN A	KAUCHER BARBARA L TRUSTEES	PO BOX 438	MILFORD	MA	01757
48-356-7	16-U7 CONGRESS ST	BEAUDOIN STEVEN A	KAUCHER BARBARA L TRUSTEES	PO BOX 438	MILFORD	MA	01757
48-356-8	16-U8 CONGRESS ST	BEAUDOIN STEVEN A	KAUCHER BARBARA L TRUSTEES	P O BOX 438	MILFORD	MA	01757
48-356-9	16-U9 CONGRESS ST	BEAUDOIN STEVEN A	KAUCHER BARBARA L TRUSTEES	P O BOX 438	MILFORD	MA	01757
48-356-M1	16-M1 CONGRESS ST	DULALA VENKAT RAJ		36 VINCENT RD	MENDON	MA	01756
48-356-M2	16-M2 CONGRESS ST	NAGLE ROBERT	C/O EISEN + MORNEAU TR	55 MAIN ST	FRAMINGHAM	MA	01701
48-356-M3	16-M3 CONGRESS ST	NAGEL H ROBERT		16 CONGRESS ST	MILFORD	MA	01757



Property Information

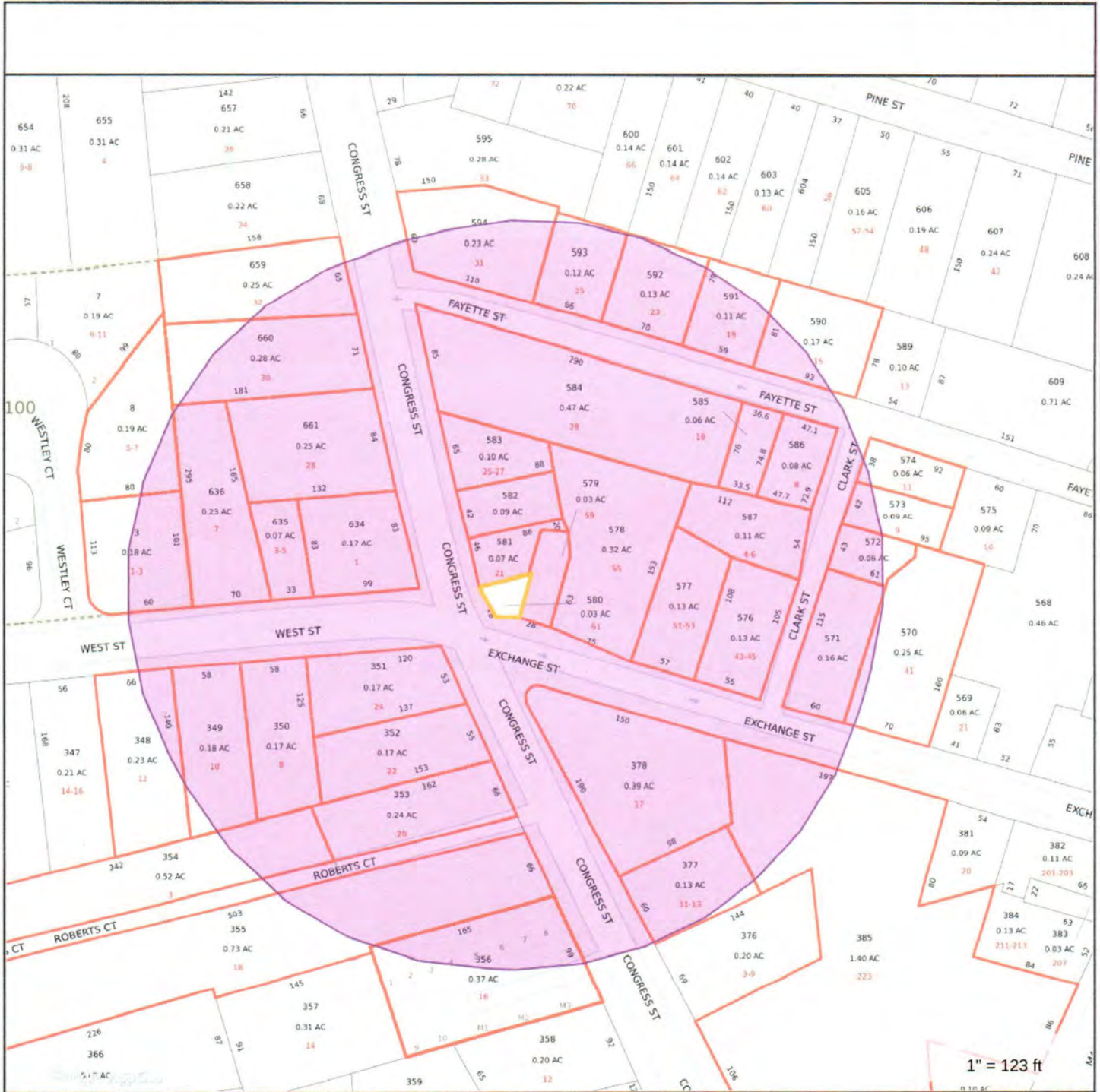
Property ID 48-0-580
 Location 61 EXCHANGE ST
 Owner HELLER WARREN S



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



Property Information

Property ID 48-0-580
 Location 61 EXCHANGE ST
 Owner HELLER WARREN S



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 NOT A LEGAL DOCUMENT

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Geometry updated March 2018
 Data updated 11/16/2018

WARREN S. HELLER, P.C.

ATTORNEY AT LAW

61 EXCHANGE STREET P. O. BOX 595 MILFORD, MA 01757

TEL. NO. (508) 473-7500

FAX NO. (508) 473-7502

email: warren@hellerlawoffices.com

RECEIVED
MILFORD TOWN CLERK
2020 JUL 17 PM 4:01

July 17, 2020

Amy E. Hennessy Neves, Town Clerk
Town of Milford
Milford Town Hall
52 Main Street
Milford, MA 01757

RE: Petition For Special Permit and/or Special Permit to the Zoning Board of Appeals
Property Address: 61 Exchange Street
Owner/Applicant: Warren S. Heller

Dear Ms. Neves:

Enclosed please find the following:

1. The original Petition For Variance and/or Special Permit and four (4) copies for property at 61 Exchange Street owned by Warren S. Heller who resides at 6 Lancaster Meadows, West Boylston, MA 01583.
2. Five (5) copies of a plan of the property prepared and signed by a Registered Land Surveyor, which is attached to the Petition. Please note that the plan is attached to the Petition. It was prepared in 1978 and does not comply with the requirements now in effect. I have ordered a current plan from Guerriere & Halnon and will file it as soon as I receive it. I discussed the matter of the plan with Town Counsel Boddy, and he approved the late filing of the current plan in order to give me an opportunity to be scheduled for a hearing at the August 13, 2020 meeting. Obviously, if all of the documents, including the Abutter's List, is not received by the Town in time for the August 13th meeting, I understand that it will then be scheduled for the September 10, 2020 meeting.
3. My check no.13991 payable to the Town of Milford in the sum of \$225.00 for the filing fee.

I have this day filed a request in the Assessor's Office along with a check for \$25.00 requesting the Certified Abutter's List from the Board of Assessors, and I shall see that said list is filed in your office upon its completion.

Amy E. Hennessy Neves, Town Clerk
Town of Milford
July 17, 2020
Page 2

Please process and disseminate the copies. If you have any questions, call me.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Warren S. Heller", with a long, sweeping horizontal flourish extending to the right.

Warren S. Heller

WSH: rlj
encls: (6) as stated
cc: Town Counsel Charles D. Boddy (letter only)

WARREN S. HELLER, P.C.
ATTORNEY AT LAW
61 EXCHANGE STREET P. O. BOX 595 MILFORD, MA 01757
TEL. NO. (508) 473-7500 FAX NO. (508) 473-7502
email: warren@hellerlawoffices.com

July 20, 2020

Amy E. Hennessy Neves, Town Clerk
Town of Milford
Milford Town Hall
52 Main Street
Milford, MA 01757

RE: Petition For Special Permit and/or Special Permit to the Zoning Board of Appeals
Property Address: 61 Exchange Street
Owner/Applicant: Warren S. Heller

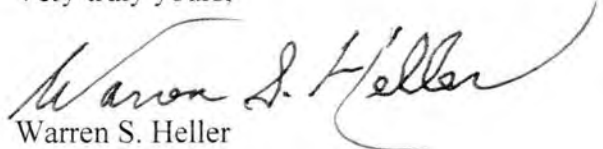
Dear Ms. Neves:

Enclosed are five (5) copies of a current plan prepared by a Registered Professional Land Surveyor as required by the ZBA. I referenced in my July 17th transmittal letter to you that the plan was being prepared and would be submitted when done (to replace the 1978 Plot Plan that I attached to the Petition For Variance and/or Special Permit).

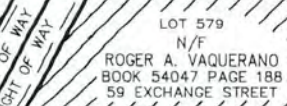
Please distribute the copies to the appropriate people and Boards.

Thank you for your assistance and attention to this matter.

Very truly yours,


Warren S. Heller

WSH: rlj
encls: (5) as stated
cc: Town Counsel Charles D. Boddy (letter only)

CONGRESS STREET
(PUBLIC)EXCHANGE STREET
(PUBLIC)
ONE WAYPLAN BOOK 765 PLAN 76
WORCESTER DISTRICT REGISTRY OF DEEDS

NOTES

1. MILFORD ASSESSORS PARCEL ID: 48-0-580
2. SEE PLAN BOOK 765 PLAN 76 RECORDED AT THE WORCESTER DISTRICT REGISTRY OF DEEDS.
3. ZONING CLASSIFICATION: OFFICE RESIDENTIAL (OR)
MIN LOT AREA 8,000 SF
MIN LOT WIDTH 80 FT
MIN LOT FRONTAGE 80 FT
MIN SETBACKS—FRONT 25' SIDE 10' REAR 15'
4. OFFSET DIMENSIONS ARE FOR INFORMATIONAL PURPOSES ONLY.

GRAPHIC SCALE: 1"=10'

OWNER / APPLICANT
WARREN S. HELLER
PO BOX 595
MILFORD MA 01757**Guerriere &
Halnon, Inc.**

ENGINEERING & LAND SURVEYING

333 WEST STREET PH. (508) 473-6630
MILFORD, MA 01757 FX. (508) 473-8243
www.gandhengineering.com

DATE: JULY 20, 2020

VARIANCE
PLAN OF LAND
**61 EXCHANGE STREET
MILFORD, MASSACHUSETTS**SCALE: 1"=10'
DATE: JULY 20, 2020

00	DATE	REVISION DESCRIPTION	INIT

WARREN S. HELLER, P.C.
ATTORNEY AT LAW
61 EXCHANGE STREET P. O. BOX 595 MILFORD, MA 01757
TEL. NO. (508) 473-7500 FAX NO. (508) 473-7502
email: warren@hellerlawoffices.com

August 10, 2020

Zoning Board of Appeals
c/o Charles D. Boddy, Jr.
Milford Town Counsel
52 Main Street
Milford, MA 01757

RE: Petition of Warren S. Heller For Variance and/or Special Permit
Property Address: 61 Exchange Street

Dear Attorney Boddy:

As you know I submitted a Petition For Variance and/or Special Permit dated July 17, 2020 to the ZBA, and a hearing is scheduled on August 13th. Since the hearing is being conducted via "Zoom," you advised me to give your office any exhibits and you will forward them to ZBA Chairman David Consigli and/or Board Members and the IT Department for posting on the Town website. Attached are the following items for inclusion in my ZBA file:

1. History of Past and Present Use;
2. An 8 ½ x 11" copy of the current plan prepared by a Registered Land Surveyor;
3. Copy of the existing floor plan;
4. Copy of proposed floor plan;
5. An excerpt from the History of Milford Massachusetts 1780-1980 written by the Milford Historical Commission; and
6. Copy of a newspaper Article in the Worcester Telegram and Gazette dated November 17, 1996.

Thank you for transmitting my letter and exhibits to the ZBA.

Stay well.

Very truly yours,


Warren S. Heller

WSH: rlj
encls: multiple (as stated)

Sent via email only to cboddy@townofmilford.com

61 EXCHANGE STREET – HISTORY OF PAST AND PRESENT USE

To: Milford Zoning Board of Appeals
From: Warren S. Heller
Date: August 7, 2020

I purchased 61 Exchange Street from Sidney Smith by deed dated September 14, 1978. The property was vacant and in very poor condition. A single family home had been built on a 1200 square foot lot in 1899 and had been occupied exclusively as a single family residence until I bought it. The Town of Milford voted in 1965 to adopt a new comprehensive Zoning By-Law to replace the zoning by-laws and amendments then in effect. 61 Exchange Street was in the Central Commercial (CA) Zone and remained so until the October 24, 2016 Town Meeting at which time 18 properties on Exchange, Clark, Fayette and Congress Streets were rezoned Office Residential (OR). The CA Zone has no minimum lot, setback or any parking requirements and residential use of the property, until I purchased it, was allowed because the house was a prior non-conforming use. Residential use was otherwise prohibited in the CA Zone, and once I converted the property into two separate offices, subsequent residential use was prohibited. The change from the CA to OR Zone allows for mixed use. Therefore reversion to a single family residential use is allowed and would not require action by the ZBA. Similarly, a split use of one office and one residence is allowed in the OR Zone and would not require action by the ZBA. To convert the use from two offices to two residences is allowed but the zoning provisions relative to two family use is specific and is reason why I have petitioned the ZBA to grant a variance under the intensity of use schedule from lot size, setbacks and parking. If a Variance is granted, because the lot is undersized, a Special Permit may also be needed to allow two residential units.

The reason for seeking a Special Permit is consistent with the requirement that a Special Permit is required when a lot is between 12,000 to 16,000 square feet. If a Variance is granted, the lot, which is approximately 1,200 square feet is obviously less than the 16,000 square feet required and a Special Permit may be necessary.

The reason why a Special Permit may not be required can be found in the Zoning By-Law under Article III, Section 3.15 which provides as follows:

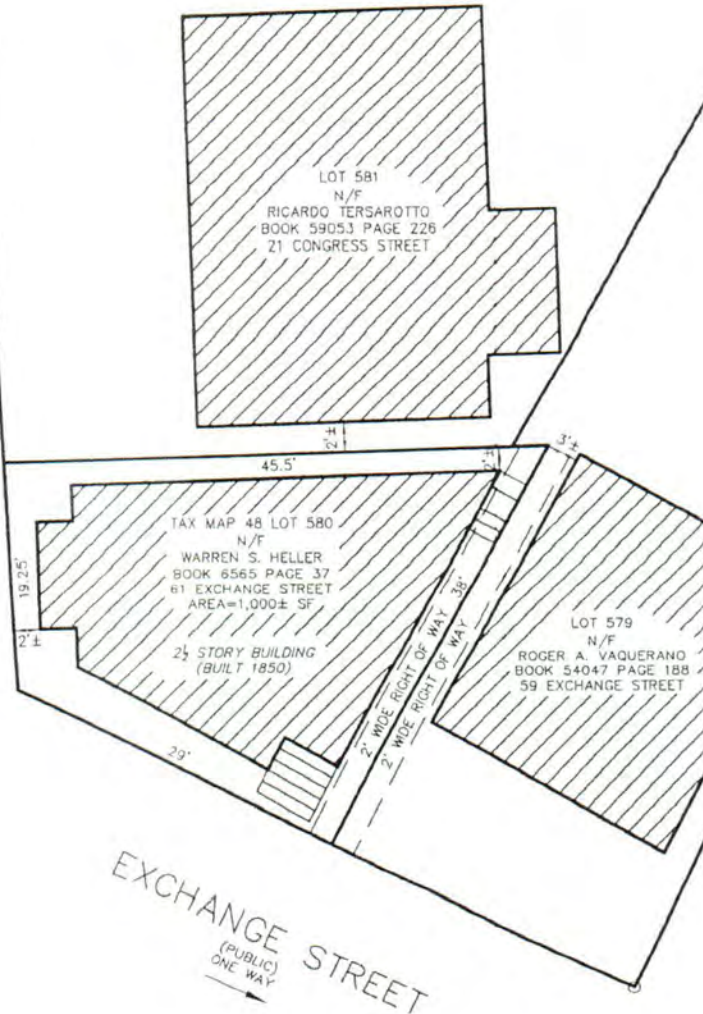
"3.1.5. Conforming Uses in Non-Conforming Structures or Sites – The change of use of a site or structure, which site or structure does not conform to the Intensity of Use requirements of Section 2.5 herein, is permitted without Special Permit provided the proposed use is permitted in the subject zoning district."

I have a signed Purchase and Sale Agreement for 61 Exchange Street. The Buyer wants to convert the two separate offices to two separate residences. This would be a change of use of the site and structure which does not conform to the Intensity of Use requirements of Section 2.5. The proposed use as a two family residence is permitted in the OR Zone under Article Two, Section 2.3. Because there appears to be some ambiguity as to the need for a Special Permit, I have petitioned the ZBA to issue a Special Permit to eliminate any ambiguity.

The one issue that I must address is the lack of **onsite parking**. When discussing the conversion of the property to two (2) apartments, I am frequently asked *"Where will they park."* My reply is always the same: *"They will park where occupants or clients have parked since the house was built in 1899 – on the street."*

After purchasing 61 Exchange Street in 1978, I renovated the building extensively to house two offices. In 1979 my father, Dr. Sidney M. Heller, who was a podiatrist, occupied the first floor until his retirement in 1991; and I have continuously occupied the second and third floors where I still maintain my law office. Another podiatrist rented the first floor for about three years, and the primary tenant thereafter was an attorney who rented it for ten (10) years. When Dr. Heller occupied the first floor, he maintained office hours from 9:00 am to 9:00 pm four (4) days per week. He had one full-time medical assistant and one part-time office manager/bookkeeper. All three (3) of them drove to work and parked on either Exchange Street or Congress Street. Because he generally had appointments scheduled 15 minutes apart and often had patients in both exam rooms, additional off-street parking was utilized. During the 1980's and 1990's I hired an associate attorney to work full-time and I had as many as three full-time support staff working at the same time. All of them and I parked on Congress and Exchange Streets. On rare occasions a client has parked on lower Exchange Street or in the Municipal Parking Lot.

In summary, I submit for your consideration that the parking generated by two single family units will have, overall, much less of an impact upon the neighborhood and downtown area than did the prior legal and medical office uses.

CONGRESS STREET
(PUBLIC)PLAN BOOK 765 PLAN 76
WORCESTER DISTRICT REGISTRY OF DEEDS

NOTES

- MILFORD ASSESSORS PARCEL ID: 48-0-580
- SEE PLAN BOOK 765 PLAN 76 RECORDED AT THE WORCESTER DISTRICT REGISTRY OF DEEDS.
- ZONING CLASSIFICATION: OFFICE RESIDENTIAL (OR)
MIN LOT AREA 8,000 SF
MIN LOT WIDTH 80 FT
MIN LOT FRONTAGE 80 FT
MIN SETBACKS—FRONT 25' SIDE 10' REAR 15'
- OFFSET DIMENSIONS ARE FOR INFORMATIONAL PURPOSES ONLY.

GRAPHIC SCALE: 1"=10'

OWNER / APPLICANT
WARREN S. HELLER
PO BOX 595
MILFORD MA 01757**Guerriere &
Halnon, Inc.**

ENGINEERING & LAND SURVEYING

333 WEST STREET PH. (508) 473-6630
MILFORD, MA 01757 FX. (508) 473-8243
www.gandhengineering.com

DATE: JULY 20, 2020

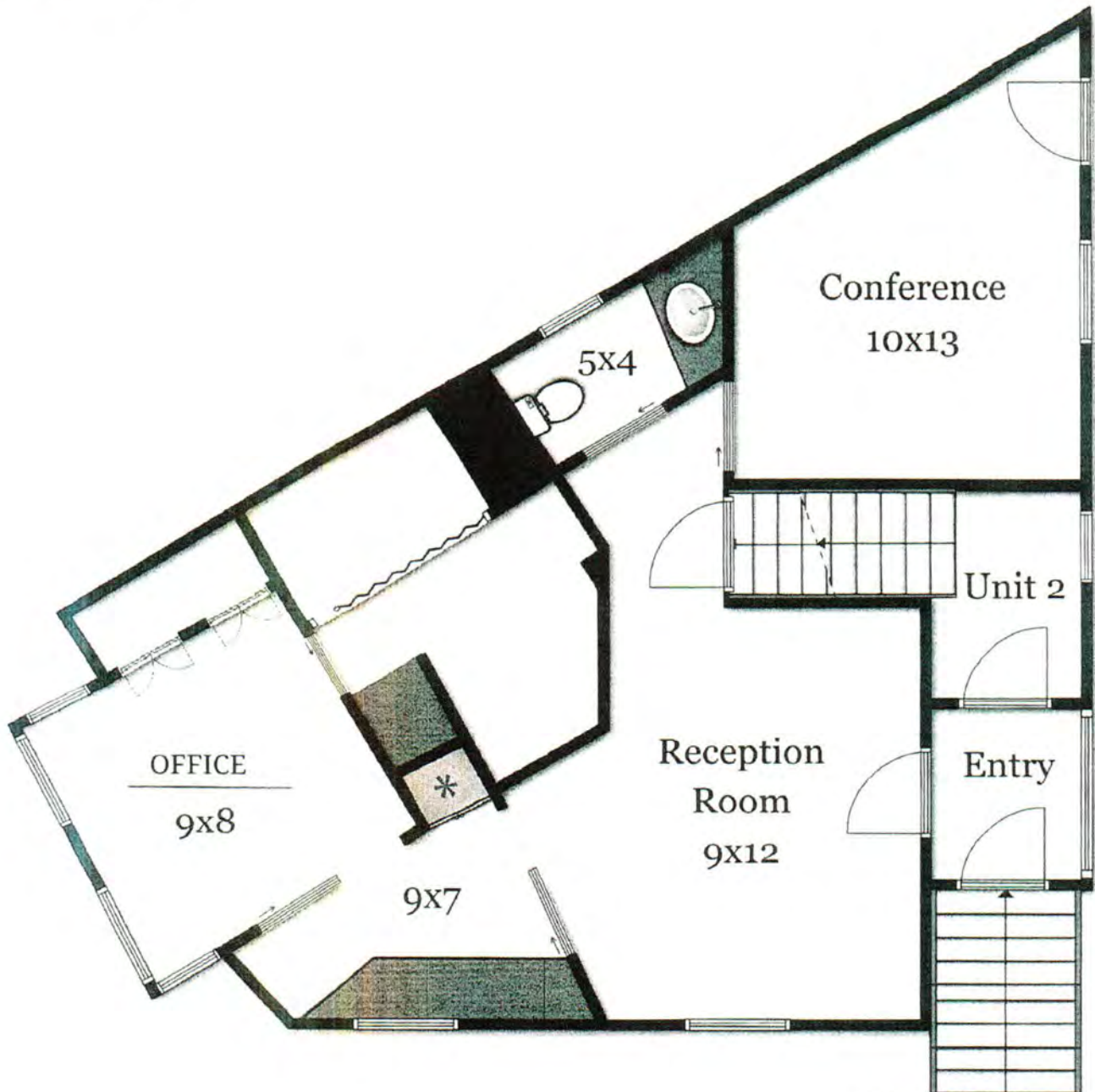
VARIANCE
PLAN OF LAND
61 EXCHANGE STREET
MILFORD, MASSACHUSETTSSCALE: 1"=10'
DATE: JULY 20, 2020

00	DATE	REVISION DESCRIPTION	INIT

EXISTING FLOOR PLAN (1-4)

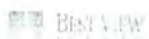
61 Exchange Street

Milford MA 01757



First Floor

Kim Poirier of ERA Key Realty Services | (508)-473-9000 | Kimp4739000@gmail.com



Disclaimer:
Floor Plans are for marketing purposes only. All rooms and measurements are approximate.
Floor Plan by Best View Imaging

61 Exchange Street

Milford MA 01757



Second Floor

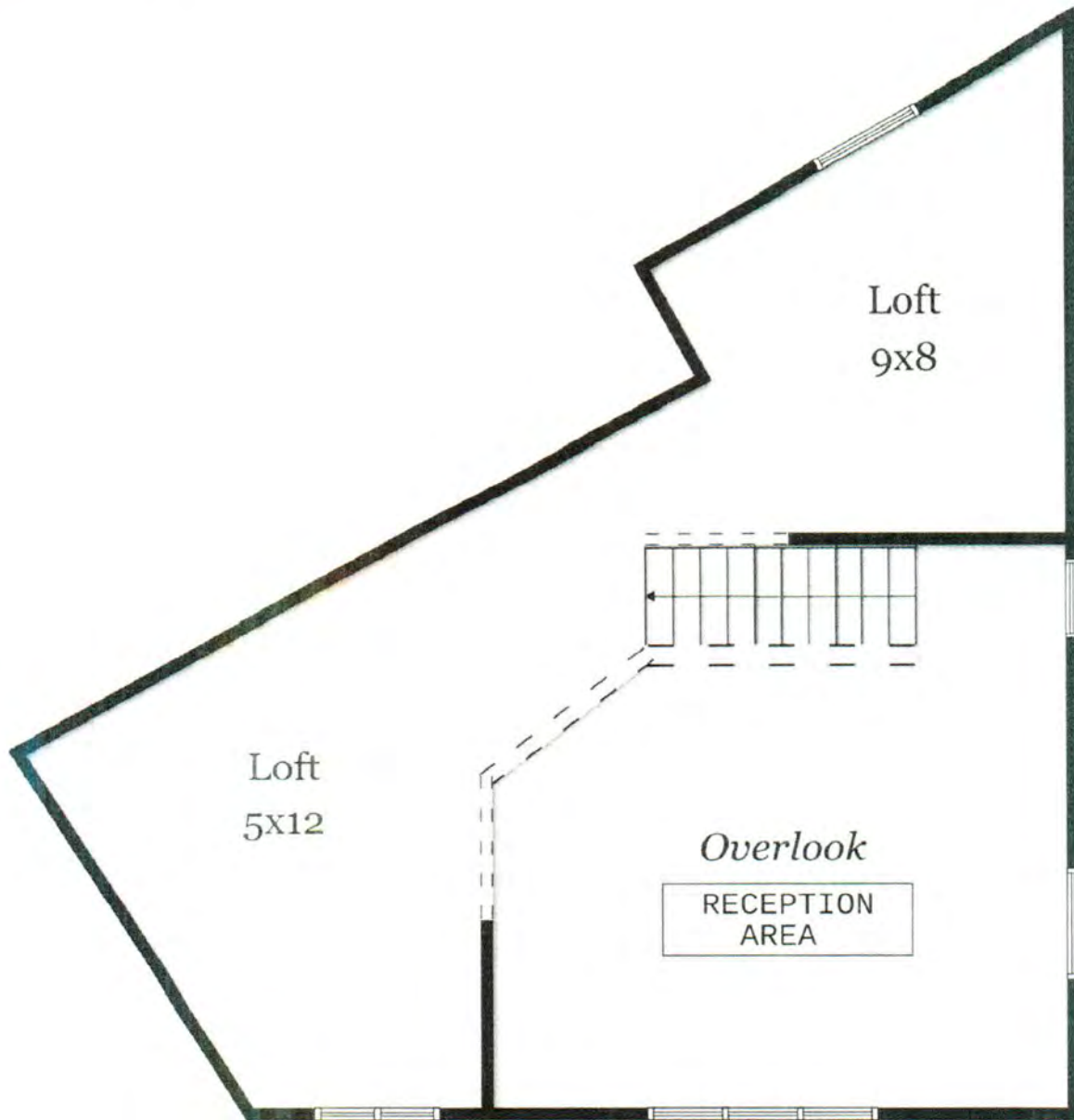
Kim Poirier of ERA Key Realty Services | (508)-473-9000 | Kimp4739000@gmail.com

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Floor Plan by Best View Imaging

Page 2

61 Exchange Street

Milford MA 01757



Third Floor

Kim Poirier of ERA Key Realty Services | (508)-473-9000 | Kimp4739000@gmail.com

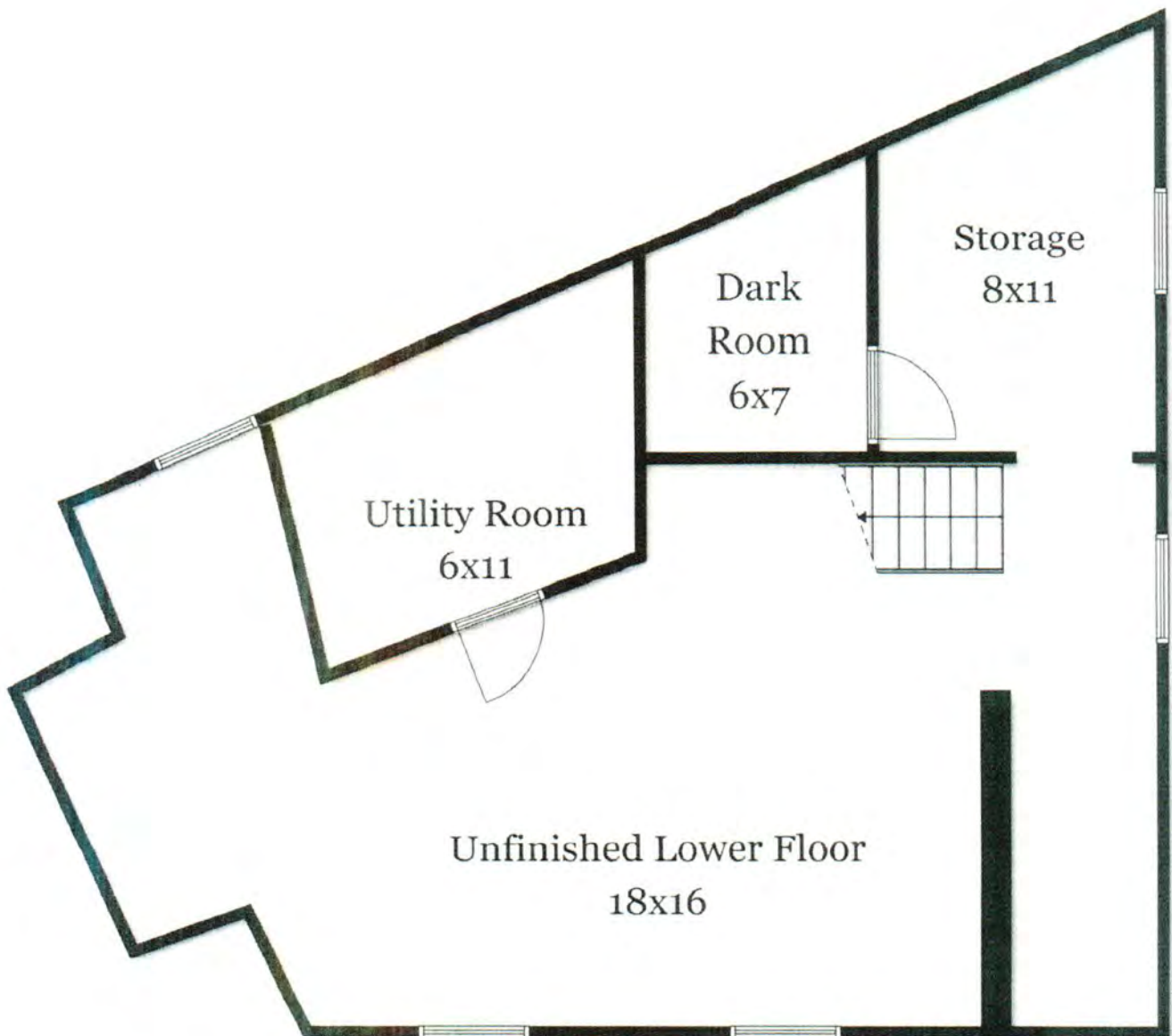


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Floor Plan by Best View Imaging

Page 3

61 Exchange Street

Milford MA 01757



Lower Floor

Kim Poirier of ERA Key Realty Services | (508)-473-9000 | Kimp4739000@gmail.com

Disclaimer:
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Floor Plan by Best View Imaging

Page 4

PROPOSED FLOOR PLAN (1-4)

61 Exchange Street

Milford MA 01757



Kim Poirier of ERA Key Realty Services | (508)-473-9000 | Kimp4739000@gmail.com

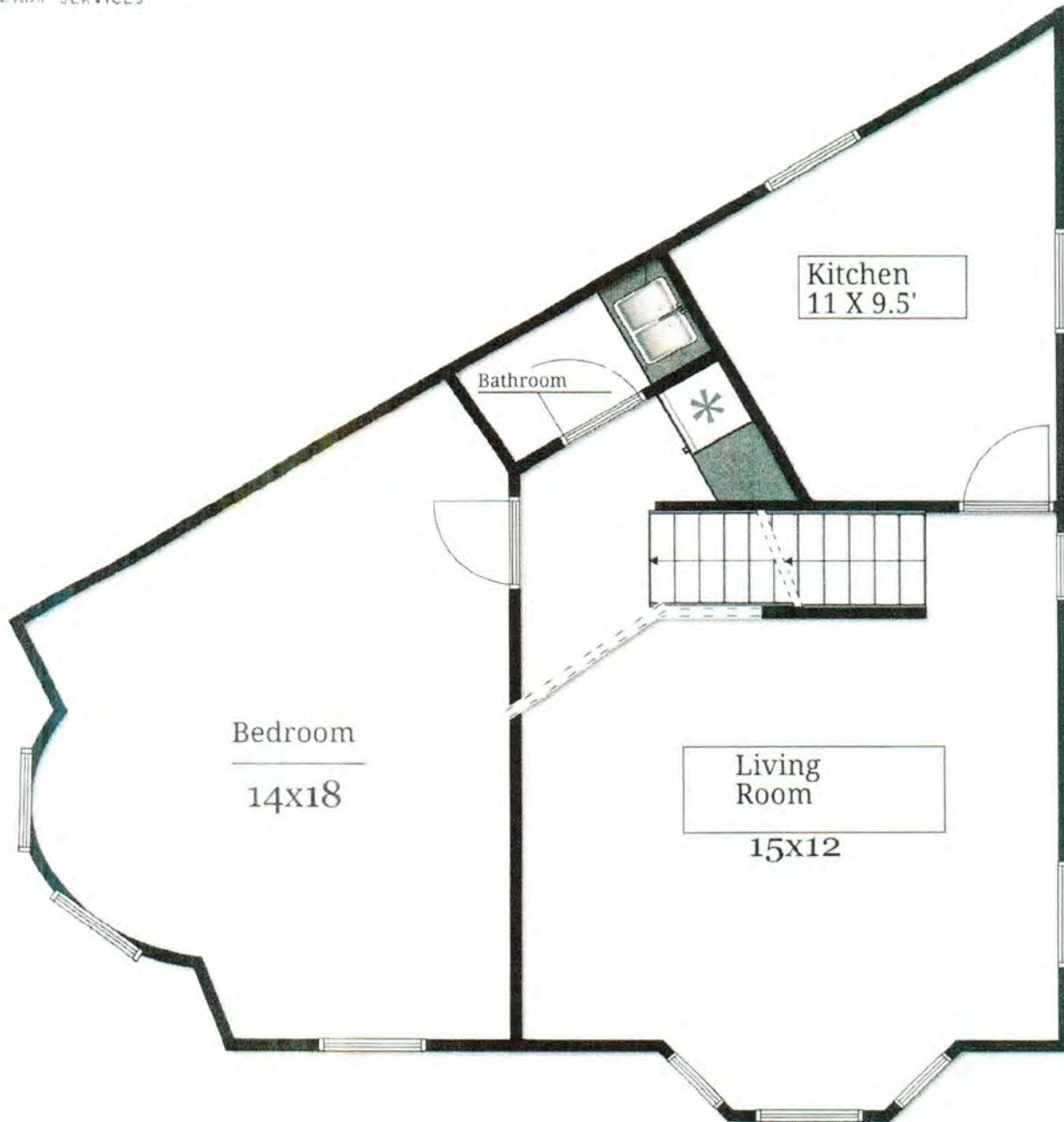


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Floor Plan by Best View Imaging

Page 1

61 Exchange Street

Milford MA 01757



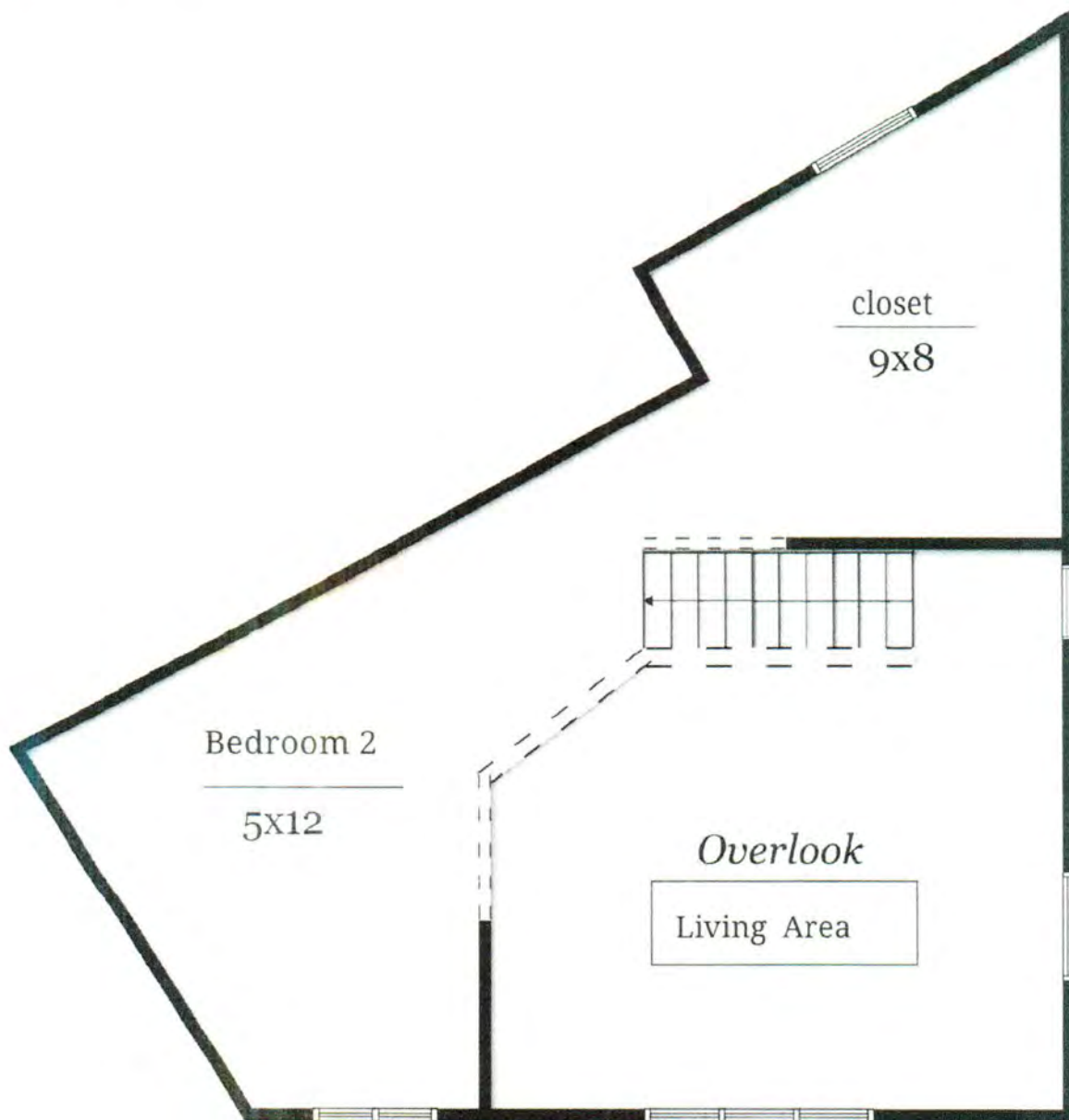
Second Floor

Kim Poirier of ERA Key Realty Services | (508)-473-9000 | Kimp4739000@gmail.com

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61 Exchange Street

Milford MA 01757



Third Floor

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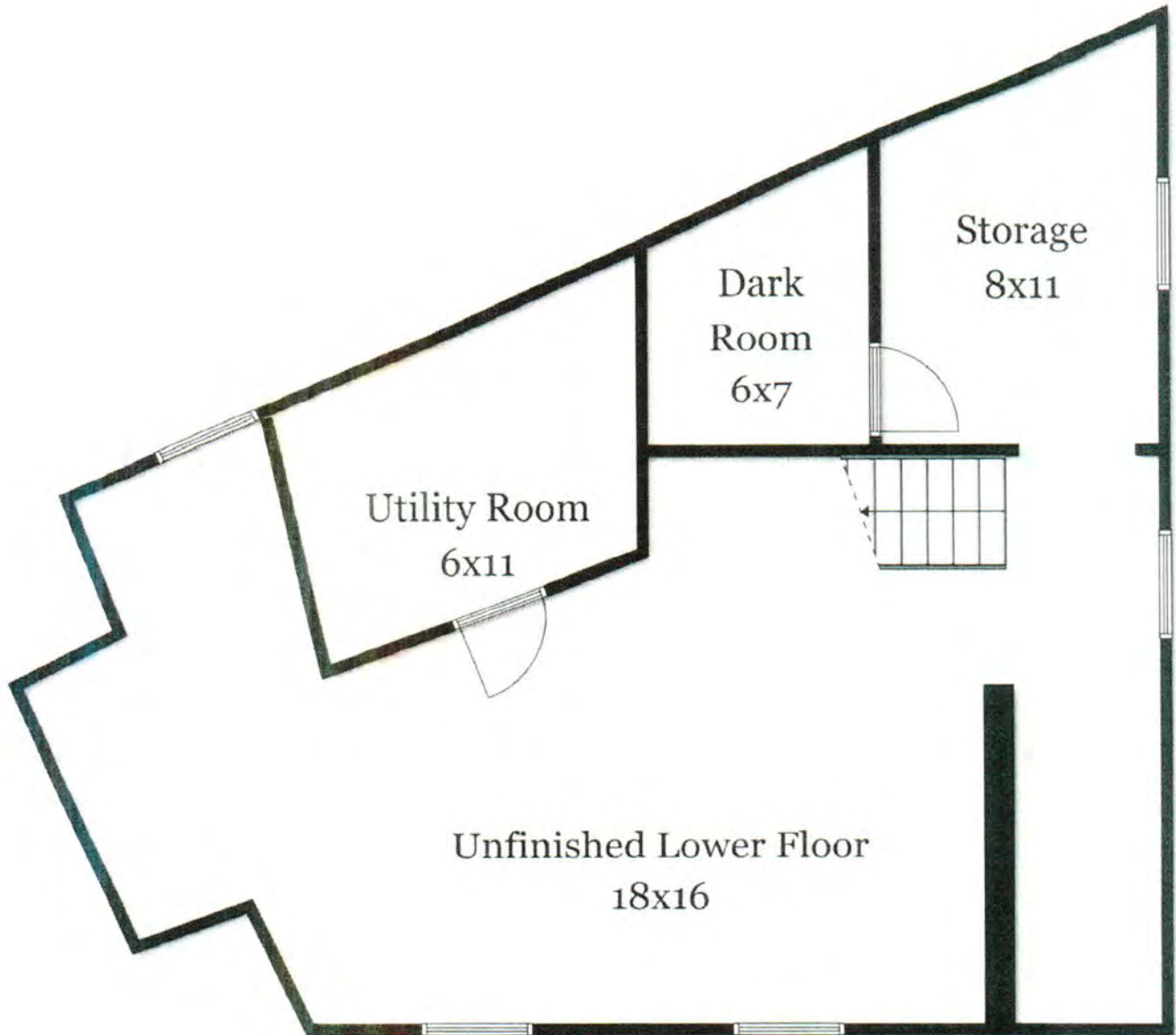


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Page 3

61 Exchange Street

Milford MA 01757



Lower Floor

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Floor Plan by Best View Imaging

Page 4

**History
of
Milford
Massachusetts
1780-1980**

By Milford Historical Commission

Address	First Home Owner	Present Owner	Date	Comments
2 Exchange St.	William Nichols	Warren Heller	1899	This house is referred to as the "Spite House." William Nichols built this home for Anna Mary Nichols Ballou, as her wedding present. This was done in spite of the fact neighbors told him it was an impossible task. This small triangular nine room home contains rooms of various geometric shapes, only one of which has four corners.
10 Fayette St.	Nathaniel Newcomb	Joseph Bonacci	1851	This Greek Revival once stood on the Main St. It was the home and office of Dr. Perry Joselin.
36 Forest St.	Edward Ross	Dorothy Smethurst	1856	This was originally a barn that went with Inez Stevenson's home at 54 Claflin St.
30 Franklin St.	Calvin Barber	Albino DaCosta	1854	R. S. Tuttle lived here and he entered the Union Army and organized Co. F. of the 36th Regiment Mass. Vols.
31 Franklin St.	Thomas Sheldon	Carolyn Bragdon	1855	To this date this home has remained in the same family.
23 Freedom St.	Frank Kilkline	Francis Shea	c. 1871	
14 Fruit St.	Andrew Ames	John Phelps	1858	
21 Fruit St.	Joel Chapin	John Romiglio	1854	This home is a unique brick octagonal home.
9 Goodrich Ct.	John McGuire	Anthony Grillo	1870	John Corbett Jr., was major of the Milford Artillery Co., served the town as selectman, assessor and was representative to the General Court.
8 Green St.	John P. Moore	Francesio Carreara	1869	
53 Grove St.	Samuel Nicholas	Richard Allardice	1872	
55 Grove St.	William Nash	William Dillon	1869	
*9 Haven St.	Deacon Daniel Corbett	James Baker	1745	

'Spite House' defied conventional wisdom

Home has storied past

By Jim Bodor
Telegram & Gazette Staff

MILFORD — The "Spite House" is a cubist painting turned into living space, a tribute to Yankee ingenuity — and an example of what would happen if planning boards ceased to exist.

Built near the turn of the century by a prominent local landowner, the Spite House is a three-floor Victorianesque building that sits less than three feet from neighboring homes on either side.

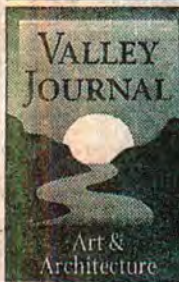
The house, located at Exchange and Congress streets, is best described as cubist because of its unusual design: Only one of the nine original rooms contains four corners.

The other rooms are done in unusual geometric shapes — triangles, semicircles and half squares are piled atop each other like some child's sculpture made from blocks, Legos and Lincoln Logs.

However, the house is better known as an example of why planning and zoning is a good idea, because of the story behind its name.

The home was built in 1899 by William

Nichols as a wedding present for his daughter, Anna Mary Nichols Ballou. Nichols owned about three acres next to Exchange and Commerce streets, as well as several other properties in town.



He had built one home for himself on Exchange Street, and another at the end of Congress Street. Between the homes was about 1,600 square feet of land, a diamond-shaped lot that neighbors believed unbuildable.

In spite of what he was told, Nichols hired a Boston architectural firm to build a home on that small lot.

'SITE-SPECIFIC'

The result is the Spite House, a home so close to its neighbors that some adults would have trouble fitting down the alleys between houses.

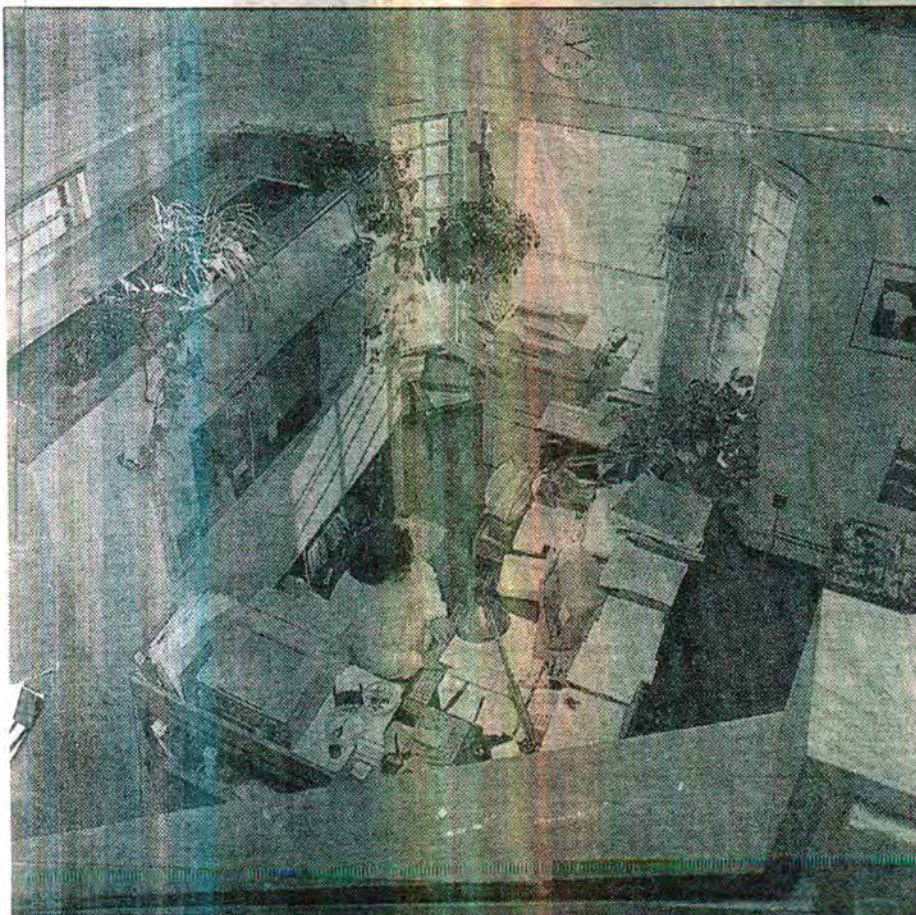
"My great-grandfather built it for my grandmother," said Louise DeManche of South Main Street.

Turn to SPITE/Page B4



MIKE CASTAGNARO PHOTOS

Lawyer Warren S. Heller, above, purchased the Spite House in 1978 after it had fallen into disrepair. He renovated the home with Milford architect Ralph P. Mastroianni, who describes it as a landmark. Left, built in 1899, the "Spite House" features rooms done in unusual geometric shapes.



Spite House is local legend

Continued From Page B1

"Everybody said he couldn't do it, so he hired some architects from Boston and did it anyway. It wasn't out of spite in a malicious sense, but just to show everybody that it could be done."

The house is remarkable for its efficient use of space, said Ralph P. Mastroianni, a Milford architect who helped refurbish the house in the 1970s.

It contains little more than 500 square feet of floor space, he said, but feels like a much larger home inside, due to sharply angled walls, curved windows and other unusual features, he said.

"Architects always talk about buildings that are site-specific," Mastroianni said. "This one certainly is. There's no other place you could build that house but on that corner."

Anna Nichols lived in the house until her death during the 1960s. Her sister lived in the house next door on Exchange Street, while the Kiley family lived in the house on Congress Street.

DeManche lived in the house for about nine months in 1969 — and found it no fun to live in such a home.

"I had a small child then, and I was afraid he'd run into the road," she said. "And it had no yard, and the washing machine was all the way in the basement. I didn't like it."

Still, DeManche said she regularly visits the Spite House.

"It's part of our lives," she said. "If you stuck your arm out the window, you could almost touch the other home, but it was a lovely family home."

The Spite House is now owned by

lawyer Warren S. Heller, who purchased it in 1978 after it had fallen into disrepair during several changes in ownership.

He and Mastroianni renovated the home, restoring the outer clapboards to their original design and preserving such things as the original curved wooden window frames and other features of the house.

Heller insists that he bought the house for selfish reasons: because it was cheap and offered a good location to open a business.

But the pride in Heller's eyes as he describes the building, with photos of it from past and present sprawled across his desk, betray his words.

Mastroianni said it best:

"It's a landmark," he said. "There are only a few homes in Milford that stand out in my mind as homes that it would be a shame to see torn down or gone. That house is certainly one of them."

WORCESTER TELEGRAM and GAZETTE - SUNDAY, NOVEMBER 17, 1996



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

8-12-2020

Zoning Board of Appeals
52 Main Street
Milford, MA 01757

RE: PETITION FOR Variance/Special Permit DATED 7-17-2020

APPLICANT: Warren Heller

LOCATION: 61 Exchange Street

Dear Board Members:

The Planning Board reviewed the petition listed above at their regularly scheduled meeting held on 8-11-2020 and recommends the following:

The Planning Board has made a favorable recommendation.

The Town Planner's letter is attached for your reference.

Sincerely,

Chairman, Milford Planning Board

cc: applicant



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

August 11, 2020

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

(
(**ZBA Variance/Special Permit Referral**
(**Warren Heller**
(**61 Exchange Street**
(**Map 48 Lot 580**
(**OR Zone**
(

Dear Mdm. Chairman:

The applicant requests a variance/special permit to convert the existing office use on the subject property to residential. Both office and residential uses are allowed within the OR district. The OR District was created in June of 2010, and this property was rezoned from CA Central Commercial to OR Office Residential in October of 2016. The lot size requirements were changed to 12-16k s.f. for two-family in October of 2005.

The subject property is an undersized lot in the OR zone. The building has been used as a professional (law) office for a number of years. Due to the 12-16k lot size requirement for two-family uses, a variance/special permit application is appropriate because the change is to two residential units with no office being retained. The variance is for the lot size and parking, and the special permit is for the two-family requirements.

Both the lot and the building pre-date zoning, so would otherwise be entitled to a single-family use regardless of lot size. There are no additions being proposed for the building, and there are no non-conformities relating to use. Therefore, I recommend a favorable report be forwarded to the Zoning Board of Appeals.

Respectfully,

Larry L. Dunkin, MCRP
Town Planner

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

RECEIVED
MILFORD TOWN CLERK

2020 JUL -7 AM 10:09

To the Zoning Board of Appeals
Milford, MA 01757

Date: 7/2/2020

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: Darlene East 698 Podunk Rd East Brookfield 01515
(Full Name) (Address)

Owner: Darlene East, Elaine Barnes, Joseph Dias, Stevea Dias (siblings)
(Full Name) (Address)

Tenant (if any): N/A
(Full Name) (Address)

1. Location of Premises 21 Cunniff Ave
(Address Number) (Name of Street)

Assessor's: 39 0 3
(Map) (Block) (Lot)

2. Within which Zoning District is the premises located? RB
3. State the Worcester Registry of Deeds Book and Page number, or the Land Court Certificate number for title of present owner BOOK 54177 Page 363
4. State whether there is in existence any executory option, lease, or purchase and sale agreement with respect to the property None
5. If variance is sought from side line requirements, how far from the side line(s) is (are) the nearest building on abutting premises N/A
6. State present use of premises yard
7. State proposed use of premises single family home
8. Give extent of proposed alterations, if any
9. Number of families or housing units for which building is to be arranged 1
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? 1.16
MINIMUM Lot SIZE
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? n/a
14. If the variance were not granted, what hardship would be caused by the circumstances described in 13 above? N/A
15. State why you feel the grant of the variance will not cause substantial detriment to the public good Comparable to Street's Lot sizes

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:

Darlene East

Owner

Signature:

Darlene East

Address:

698 Padunk Rd
E. Brookfield MA
01515

Address:

same

Telephone:

Cell phone: 774-277-5450

e-mail:

darleast1@gmail.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.



TOWN OF MILFORD BOARD OF ASSESSORS

JOSEPH F. NIRO
CHAIRMAN

JOSEPH F. ARCUDI

JOSHUA M. LIOCE

JENNIFER M. SCLAR, MAA
ASSESSOR/ADMINISTRATOR

52 MAIN STREET
MILFORD, MA 01757
508-634-2306 • FAX 508-634-2324

ASSESSORS@TOWNOFMILFORD.COM

RECEIVED
ASSESSOR'S OFFICE

JUL 02 2020

MILFORD, MA

Request for Abutters List

****PLEASE ALLOW 10 WORKING DAYS FOR PROCESSING****
\$25.00 FEE REQUIRED AT TIME OF REQUEST

Date of Request: 02 JUL 2020 Date List Needed: 7/2/2020

Requested by: JOHN EAST Phone: 508-397-2384

Name of Property Owner: DARLENE EAST, JOSEPH & STEVEN LIAS, ELAINE BARABES

Street Address of Property: 21 CORNIF AVE. Parcel ID: 39-0-3

REASON FOR LIST:

Hearing before the Zoning Board of Appeals ✓

Hearing before the Planning Board ✓

Hearing before the Conservation Commission

Other:

REASON FOR HEARING: (please check one)

Variance ✓ Special Permit Pole Relocation Liquor License

Other:

RADIUS FOR ABUTTERS: (please check one)

Liquor License

(Immediate abutters, not across a public way, include churches, hospitals and schools w/in 500')

300 FT (needed for variance and special permit) ✓

100 FT (conservation commission – notice of intent)

Direct (pole relocation) property directly where work is to be performed or parcel performed on

OFFICE USE ONLY

Date List Prepared: 7/2/2020 Two sets of labels: Yes

Fee Paid: \$ 25.00 Date: 7/2/2020 Check # 210 Cash \$

Date Copy to Town Clerk: 7/2/2020



TOWN OF MILFORD
BOARD OF ASSESSORS
CERTIFIED ABUTTERS LIST

Certified by: 

Date: 07/02/2020

300 ft.

Subject Properties - 21 Cuniff Ave.

Abutters

ID	Site Address	Owner	Owner 2	Address	City	State	Zipcode
39-110-11	16 REAGAN RD	COLLINS JAMES C	COLLINS MAURA L	16 REAGAN RD	MILFORD	MA	01757
39-0-6	27 CUNIFF AV	DESJOURDY VIRGINIA		27 CUNIFF AVE	MILFORD	MA	01757
39-0-12	26 CUNIFF AV	BACCHIOCCHI ALFRED & ROSE LE	BACCHIOCCHI ROBERT, ALAN, LISA BERARDI TERRI A	26 CUNIFF AVE	MILFORD	MA	01757
39-14-13	4 HARDING ST	HOLTSNIDER TIMOTHY E	HOLTSNIDER PATRICIA	4 HARDING ST	MILFORD	MA	01757
39-14-20	8 HARDING ST	ANDERSON BARRY L	ANDERSON JOAN P	8 HARDING ST	MILFORD	MA	01757
39-14-31	6 HANCOCK ST	PARENTE JACLYN A	WYMAN CHRISTOPHER A	6 HANCOCK ST	MILFORD	MA	01757
39-0-18	16 CUNIFF AV	MADDEN JEFFREY E	MADDEN AMY M	16 CUNIFF AVE	MILFORD	MA	01757
50-0-20	11 CUNIFF AV	DE OLIVEIRA CLEBER LOPES &	FARCHETTI DEBORA FERNANDA	11 CUNIFF AV	MILFORD	MA	01757
39-0-5	25 CUNIFF AV	GOLDBERG CARLEEN		25 CUNIFF AV	MILFORD	MA	01757
39-110-13	12 REAGAN RD	PEREZ RAFAEL J	ROBINSON AMANDA R	12 REAGAN RD	MILFORD	MA	01757
39-110-9	19 REAGAN RD	DOCURRAL BENTO G JR - TRUSTEE DOCURRAL JEAN -TRUSTEE	DOCURRAL FAMILY IRREVOCABLE TR	19 REAGAN RD	MILFORD	MA	01757
39-0-2	17 CUNIFF AV	COSTA VANESSA		19 HAMILTON ST	FRAMINGHAM	MA	01701-7727
39-0-19	9 WESTERN AV	LEITE-MACDONALD DEBORA J TRUST	DEBORA J LEITE-MACDONALD REV TRUST	21 NORTH AVE	MENDON	MA	01756
39-0-22	22 CUNIFF AV	NOGUEIRA JOSEPH - TRSTEE NOGUEIRA ANNA - TRSTEE	NOGUEIRA FAMILY IRREV TRUST	22 CUNIFF AVE	MILFORD	MA	01757
39-110-10	18 REAGAN RD	TITARENKO IGOR	TITARENKO LIUBOV	24 CHURCH ST #33	WATERTOWN	MA	02472
39-14-30	4 HANCOCK ST	DONNELLY EDWARD	DONNELLY SHARON J	4 HANCOCK ST	MILFORD	MA	01757
39-14-7A	1 TAFT ST	KADRA CHRISTOPHER M	KADRA MELINDA S	1 TAFT STREET	MILFORD	MA	01757
39-110-5	11 REAGAN RD	NICKERSON JOHN F	NICKERSON SHEILA C	11 REAGAN RD	MILFORD	MA	01757
39-0-22B	15 WESTERN AV	VILANDRY BETHANY E		15 WESTERN AVE	MILFORD	MA	01757
39-0-23	17 WESTERN AV	ARVELOS ADRIANO D		17 WESTERN AVE	MILFORD	MA	01757
39-0-20	11 WESTERN AV	VASCONCELOS WILLIAM	VASCONCELOS MARIA	11 WESTERN AV	MILFORD	MA	01757
39-110-7	15 REAGAN RD	YANCEY RICHARD		15 REAGAN ROAD	MILFORD	MA	01757
39-0-4	23 CUNIFF AV	MARCAL WELLINGTON JOSE	MARCAL CRISTIANE RODRIGUES	23 CUNIFF AVE	MILFORD	MA	01757
39-14-14	6 HARDING ST	MARQUES HENRIQUE P JR		6 HARDING ST	MILFORD	MA	01757
39-0-1	15 CUNIFF AV	TOSTI MARK P		15 CUNIFF AVE	MILFORD	MA	01757
39-0-15	20 CUNIFF AV	PARENTE LUANN		20 CUNIFF AVE	MILFORD	MA	01757
50-110-14	10 REAGAN RD	MINICHELLO ALFRED & FORTUNATA CO-TRUSTEES	THE ALFRED J & FORTUNATA MINICHELLO FAM IRR TRST	10 REAGAN RD	MILFORD	MA	01757
39-110-6	13 REAGAN RD	CALDEIRA PEDRO H	RAMOS SILVANAN C	13 REAGAN RD	MILFORD	MA	01757
39-14-8	2 HARDING ST	FERNANDES CARLOS	FERNANDES FERNANDA M	2 HARDING ST	MILFORD	MA	01757
39-110-12	14 REAGAN RD	DENNIS JESSICA L DENNIS JASON T	THE DENNIS FAMILY IRREVOCABLE TRUST	14 REAGAN RD	MILFORD	MA	01757
39-0-21	13 WESTERN AV	AUGUSTINE GERALD A	AUGUSTINE JOANNE M	13 WESTERN AV	MILFORD	MA	01757
39-0-14	24 CUNIFF AV	FINO ALEXANDER L - LE	FILOSA MARYANNE & FINO-WALKER DIANE	24 CUNIFF AVE	MILFORD	MA	01757
50-0-19	9 CUNIFF AV	NIRO MICHAEL J		9 CUNIFF AVE	MILFORD	MA	01757
50-0-21B	12 CUNIFF AV	GRANT THEODORE A	GRANT CARLA M	12 CUNIFF AVE	MILFORD	MA	01757
39-110-8	17 REAGAN RD	CHAVES DORICARLA		17 REAGAN ROAD	MILFORD	MA	01757
39-0-17	18 CUNIFF AV	GODINO THOMAS P III	GODINO MEGHAN L	18 CUNIFF AVE	MILFORD	MA	01757
39-0-13	CUNIFF AV	FINO ALEXANDER L - LE	FILOSA MARYANNE & FINO-WALKER DIANE	24 CUNIFF AVE	MILFORD	MA	01757

**Property Information**

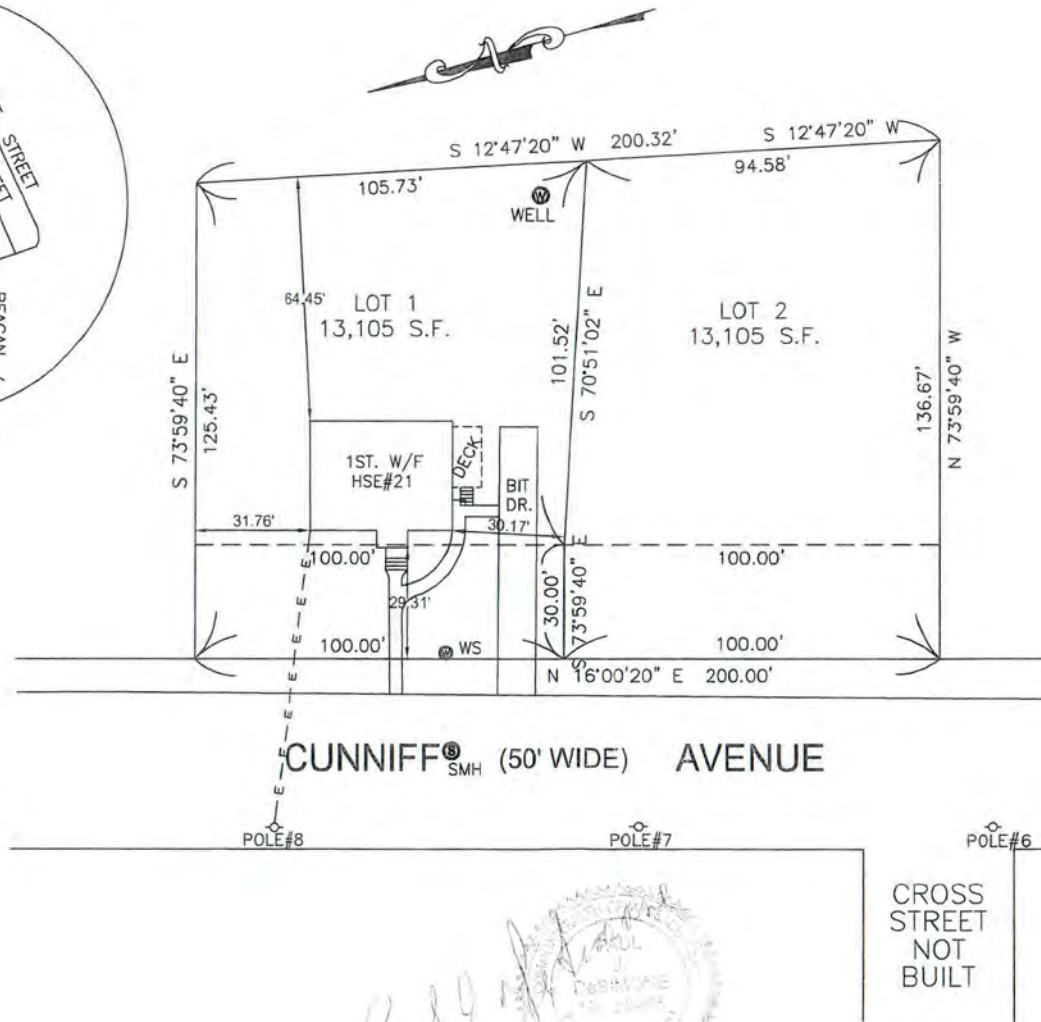
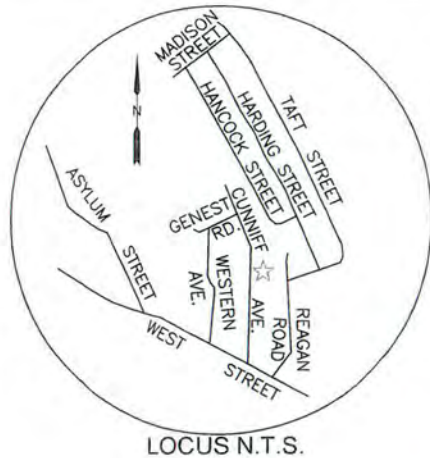
Property ID 39-0-3
Location 21 CUNIFF AV
Owner DIAS MANUAL & GLORIA - LE



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



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

PLAN OF LAND
 IN

MILFORD, MA.

SCALE: 1"=40' MARCH 16, 2020

OWNER: Manuel & Gloria Dias
 21 Cuniff Ave.
 Milford, Ma. 01757

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



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

8-12-2020

Zoning Board of Appeals
52 Main Street
Milford, MA 01757

RE: PETITION FOR Variance DATED 7-2-2020

APPLICANT: Darlene East

LOCATION: 21 Cunniff Avenue

Dear Board Members:

The Planning Board reviewed the petition listed above at their regularly scheduled meeting held on 8-11-2020 and recommends the following:

By unanimous vote the Planning Board has made an unfavorable recommendation due to the lack of hardship.

The Town Planner's letter is attached for your reference.

Sincerely,


Chairman, Milford Planning Board

cc: applicant



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

August 11, 2020

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

(
(**ZBA Variance Referral**
(**Darlene East**
(**21 Cunniff Avenue**
(**Map 39 Lot 3**
(**RB Zone**
(

Dear Mdm. Chairman:

The applicant requests a variance to subdivide the existing conforming lot into two substandard lots to create an additional building lot.

The lot is a 26,210sf regularly shaped, substantially level lot. There are no features related to the property that represent a hardship.

Therefore, I recommend an unfavorable report be forwarded to the Zoning Board of Appeals.

Respectfully,

Larry L. Dunkin, MCRP
Town Planner

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

RECEIVED
MILFORD TOWN CLERK
JUL -8 PM 1:03

To the Zoning Board of Appeals
Milford, MA 01757

Date: 07/08/2020

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: Melquisedeque Rezende 94 Purchase St
(Full Name) (Address)

Owner: Melquisedeque Rezende 94 Purchase St
(Full Name) (Address)

Tenant (if any): —
(Full Name) (Address)

1. Location of Premises 94 Purchase St
(Address Number) (Name of Street)

Assessor's: _____
(Map) (Block) (Lot)

2. Within which Zoning District is the premises located? Residential
3. State the Worcester Registry of Deeds Book and Page number, or the Land Court Certificate number for title of present owner 31811/38
4. State whether there is in existence any executory option, lease, or purchase and sale agreement with respect to the property NO
5. If variance is sought from side line requirements, how far from the side line(s) is (are) the nearest building on abutting premises 9ft from the back line
6. State present use of premises back yard
7. State proposed use of premises Gazebo back yard 20x20 ft
8. Give extent of proposed alterations, if any no applicable
9. Number of families or housing units for which building is to be arranged 1
10. Have you submitted plans for above to the Building Inspector? Yes
11. Has a building permit been refused? Yes
12. What section(s) of the zoning by-law do you ask to be varied? We're applying for a variance permit due to the location where we are purposing the gazebo as it is only 9 feet from the back line of the property.
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 soil is flat and minimal disruptions will be needed.
14. If the variance were not granted, what hardship would be caused by the circumstances described in 13 above? none
15. State why you feel the grant of the variance will not cause substantial detriment to the public good The gazebo like structure will be located in a fenced in backyard and will not cause any disruptions to neighbors nor will the structure be visible to others who are not in the backyard.

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:



Owner

Signature:



Address:

94 Purchase st
Melford MA 01757

Address:

94 Purchase st
Melford MA

Telephone:

774-244-2340

Cell phone:

774-244-2340

e-mail:

Tpralis78@hotmail.com

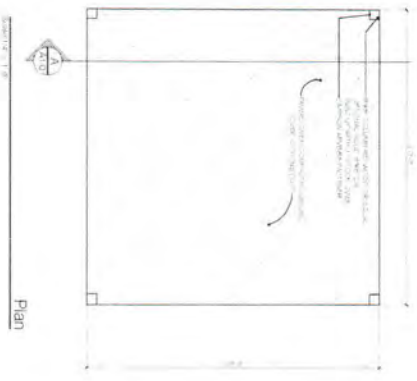
Attorney (if any)

Address:

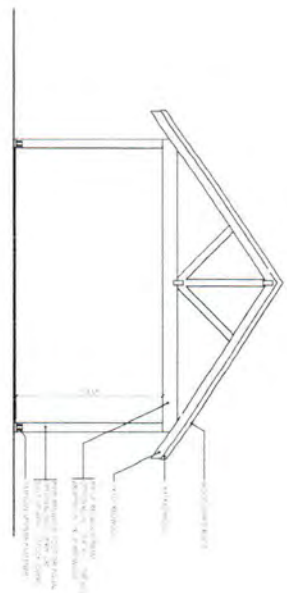
Telephone:

e-mail:

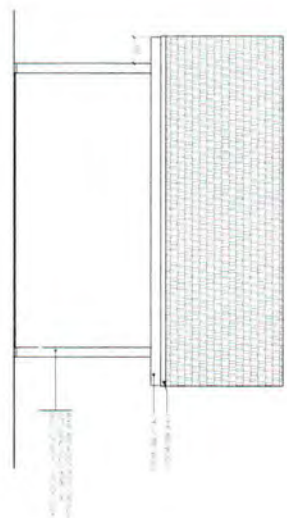
BE SURE THAT ALL QUESTIONS HAVE BEEN ANSWERED FULLY. IF MORE SPACE IS NECESSARY TO ANSWER ANY QUESTION(S), FEEL FREE TO USE AND ATTACH ADDITIONAL SHEETS.



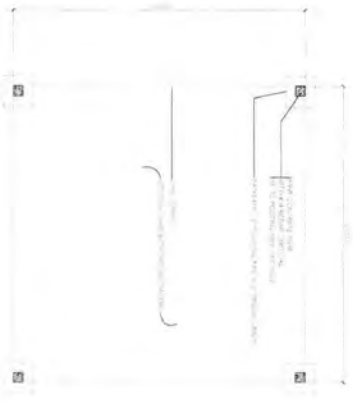
Plan



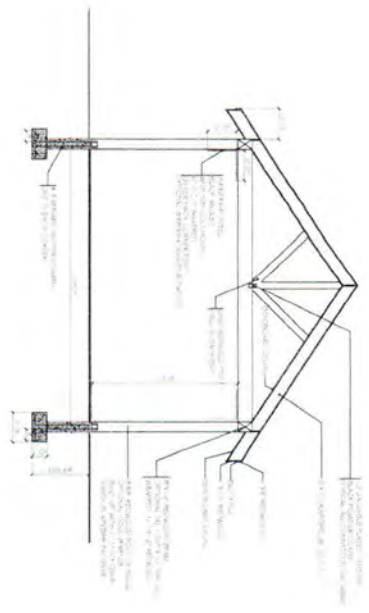
End Elevation



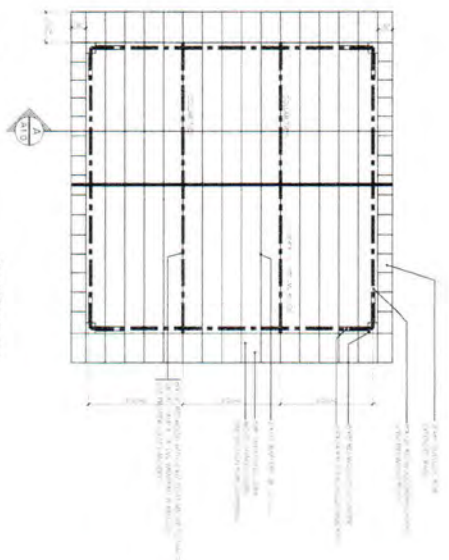
Side Elevations



Footing Plan

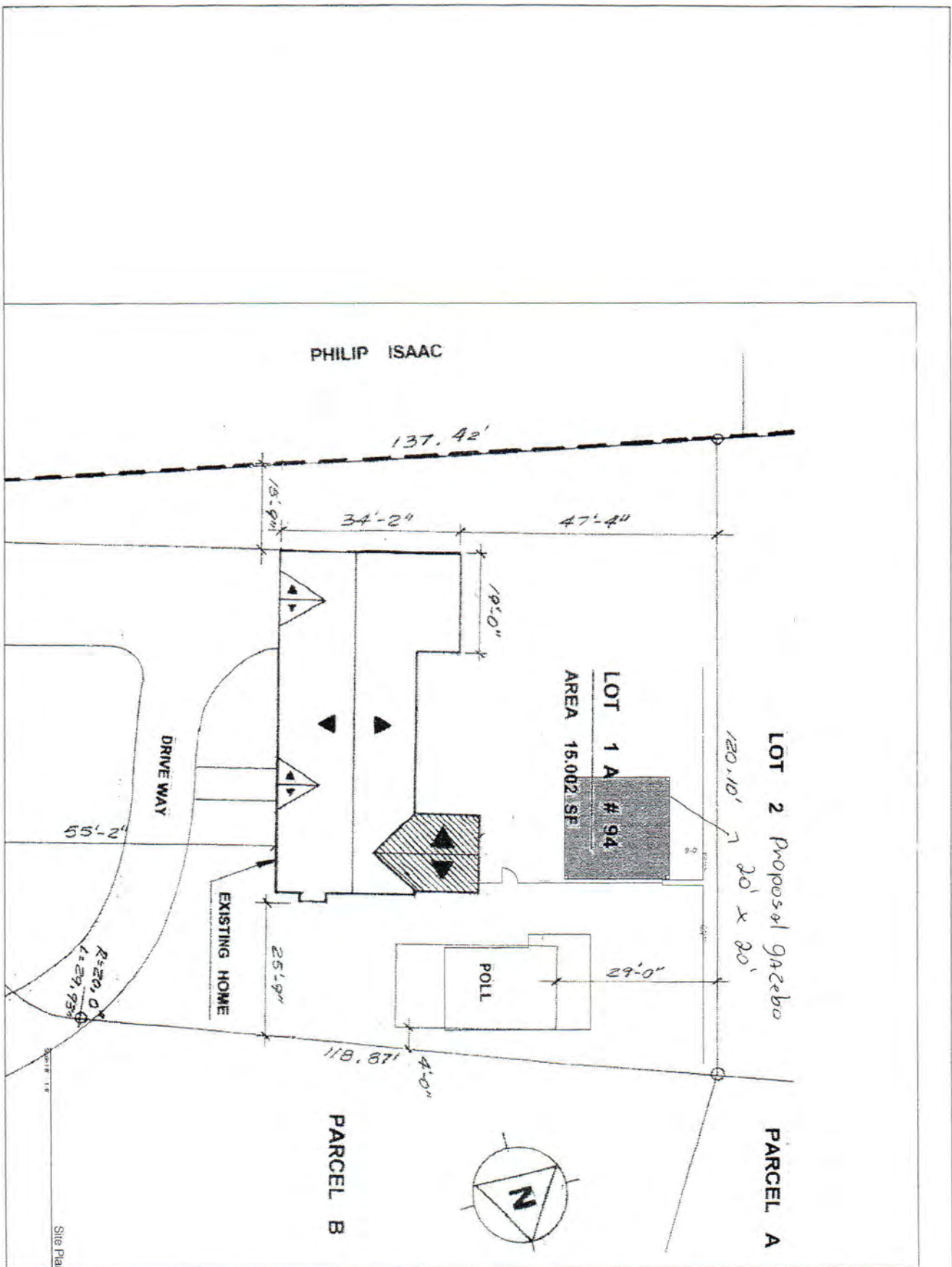


Section



Roof Framing

THESE PLANS ARE THE PROPERTY OF PAUL M. APKARIAN, ARCHITECTS, AND MAY NOT BE COPIED, REPRODUCED OR IN ANYWAY DUPLICATED FOR CONSTRUCTION WITHOUT WRITTEN PERMISSION OF PAUL M. APKARIAN ARCHITECTS



THESE PLANS ARE THE PROPERTY OF PAUL M. APKARIAN, ARCHITECTS, AND MAY NOT BE COPIED, REPRODUCED OR IN ANYWAY DUPLICATED FOR CONSTRUCTION WITHOUT WRITTEN PERMISSION OF PAUL M. APKARIAN ARCHITECTS

A1.1	Proposed Site Plan	ARCHITECTURAL	SCALE: 1" = 10' 1/8" = 1'-0" 1/4" = 2'-0" 1/2" = 4'-0" 3/4" = 6'-0" 1" = 8'-0" 1 1/4" = 10'-0" 1 1/2" = 12'-0" 1 3/4" = 14'-0" 2" = 16'-0" 2 1/4" = 18'-0" 2 1/2" = 20'-0" 2 3/4" = 22'-0" 3" = 24'-0" 3 1/4" = 26'-0" 3 1/2" = 28'-0" 3 3/4" = 30'-0" 4" = 32'-0" 4 1/4" = 34'-0" 4 1/2" = 36'-0" 4 3/4" = 38'-0" 5" = 40'-0" 5 1/4" = 42'-0" 5 1/2" = 44'-0" 5 3/4" = 46'-0" 6" = 48'-0" 6 1/4" = 50'-0" 6 1/2" = 52'-0" 6 3/4" = 54'-0" 7" = 56'-0" 7 1/4" = 58'-0" 7 1/2" = 60'-0" 7 3/4" = 62'-0" 8" = 64'-0" 8 1/4" = 66'-0" 8 1/2" = 68'-0" 8 3/4" = 70'-0" 9" = 72'-0" 9 1/4" = 74'-0" 9 1/2" = 76'-0" 9 3/4" = 78'-0" 10" = 80'-0" 10 1/4" = 82'-0" 10 1/2" = 84'-0" 10 3/4" = 86'-0" 11" = 88'-0" 11 1/4" = 90'-0" 11 1/2" = 92'-0" 11 3/4" = 94'-0" 12" = 96'-0" 12 1/4" = 98'-0" 12 1/2" = 100'-0" 12 3/4" = 102'-0" 13" = 104'-0" 13 1/4" = 106'-0" 13 1/2" = 108'-0" 13 3/4" = 110'-0" 14" = 112'-0" 14 1/4" = 114'-0" 14 1/2" = 116'-0" 14 3/4" = 118'-0" 15" = 120'-0" 15 1/4" = 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TOWN OF MILFORD BOARD OF ASSESSORS

JOSEPH F. NIRO
CHAIRMAN

JOSEPH F. ARCUDI

JOSHUA M. LIOCE

JENNIFER M. SCLAR, MAA
ASSESSOR/ADMINISTRATOR

52 MAIN STREET
MILFORD, MA 01757
508-634-2306 • FAX 508-634-2324

ASSESSORS@TOWNOFMILFORD.COM
WWW.MILFORDMA.GOV

RECEIVED
ASSESSOR'S OFFICE

JUL 08 2020

MILFORD, MA

Request for Abutters List

****PLEASE ALLOW 10 WORKING DAYS FOR PROCESSING****
\$25.00 FEE REQUIRED AT TIME OF REQUEST

Date of Request: 7-8-20 Date List Needed: _____

Requested by: Melquisedec Rezend Phone: 774-244-2340

Name of Property Owner: Melquisedec Rezend

Street Address of Property: 94 Purchase st Parcel ID: 34-26-1A

REASON FOR LIST:

Hearing before the Zoning Board of Appeals _____

Hearing before the Planning Board _____

Hearing before the Conservation Commission _____

Other: _____

REASON FOR HEARING: (please check one)

Variance ☒ Special Permit _____ Pole Relocation _____ Liquor License _____

Other: _____

RADIUS FOR ABUTTERS: (please check one)

Liquor License

(Immediate abutters, not across a public way, include churches, hospitals and schools w/in 500') _____

300 FT (needed for variance and special permit) ☒

100 FT (conservation commission – notice of intent) _____

Direct (pole relocation) property directly where work is to be performed or parcel performed on _____

OFFICE USE ONLY


Date List Prepared: 7/8/2020 Two sets of labels: Yes

Fee Paid: \$ 25.00 Date: 7/8/2020 Check # 1268 Cash \$ _____

Date Copy to Town Clerk: 7/8/2020



TOWN OF MILFORD
BOARD OF ASSESSORS
CERTIFIED ABUTTERS LIST

Certified by: 

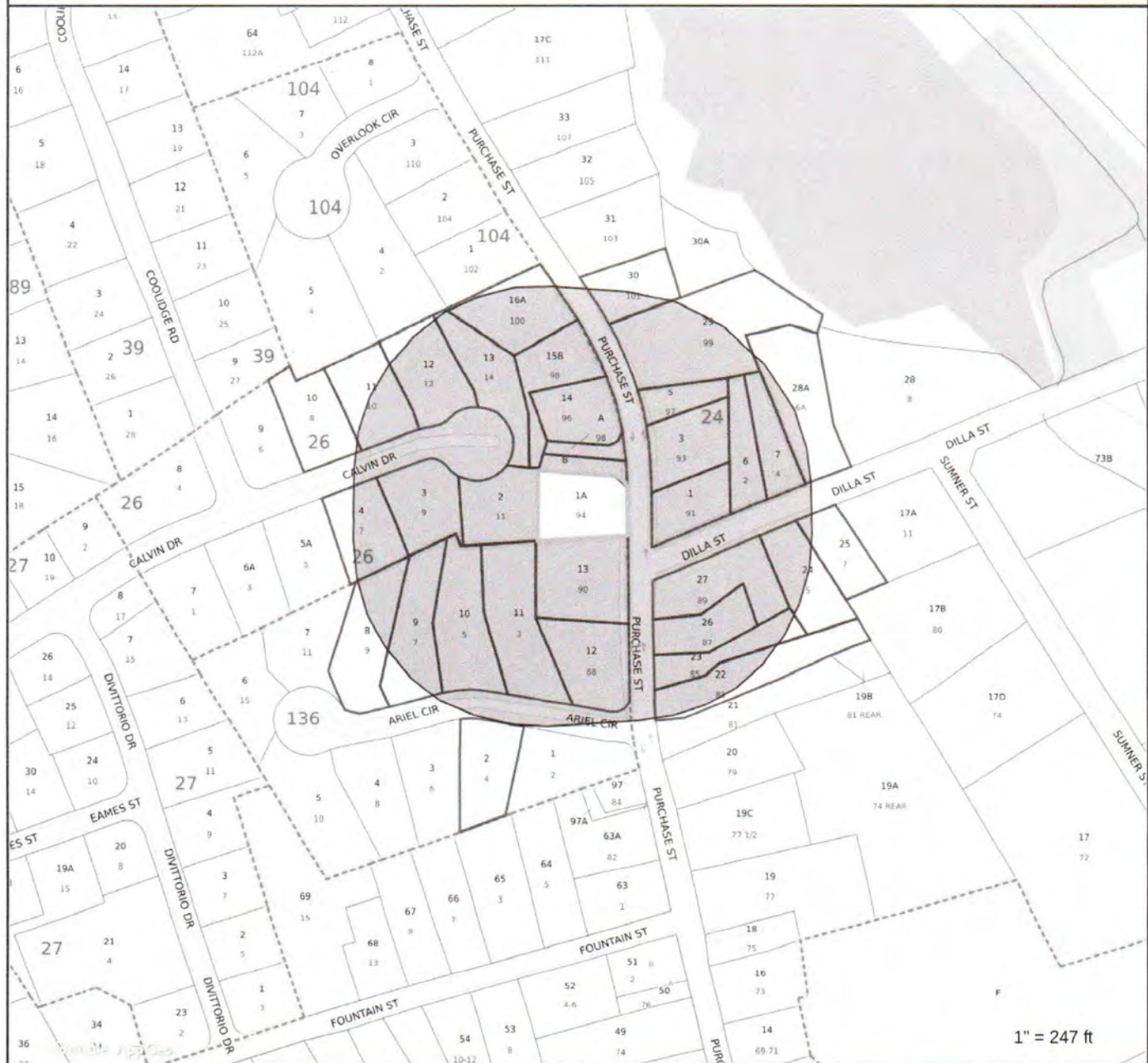
Date: 07/08/2020

300 ft.

Subject Properties - 94 Purchase St.

Abutters

ID	Site Address	Owner	Owner 2	Address	City	State	Zipcode
34-0-25	7 DILLA ST	KEANEY ELAINE M		7 DILLA ST	MILFORD	MA	01757
34-24-1	91 PURCHASE ST	ORTEGA ALEXANDER		91 PURCHASE STREET	MILFORD	MA	01757
34-26-4	7 CALVIN DR	PLICHTA MICHAEL J		31 EAST 31ST STREET APT 5H	NEW YORK	NY	10016-6808
34-26-10	8 CALVIN DR	PIAZZA LOUIS H	PIAZZA ELAINE J	8 CALVIN DR	MILFORD	MA	01757
34-26-11	10 CALVIN DR	KLOSEN STEPHEN D	KLOSEN SUSAN M	10 CALVIN DR	MILFORD	MA	01757
34-26-13	14 CALVIN DR	FOLEY SUSAN FRANCES		14 CALVIN DRIVE	MILFORD	MA	01757
34-26-A	98 PURCHASE ST	SAAD GHASSAN	SAAD BOUTHAINA	98 PURCHASE ST	MILFORD	MA	01757
34-26-16A	100 PURCHASE ST	OCCHIONERO MARK A	OCCHIONERO ANDREA L	100 PURCHASE ST	MILFORD	MA	01757
34-26-B	PURCHASE ST	TOWN OF MILFORD	C/O LEGAL OFFICE	52 MAIN ST	MILFORD	MA	01757
34-136-8	9 ARIEL CR	RABINOVITZ MARC J	RABINOVITZ DONNA M	9 ARIEL CIR	MILFORD	MA	01757
34-136-12	88 PURCHASE ST	AUSTIN SHAWN P	AUSTIN KIMBERLY A	88 PURCHASE ST	MILFORD	MA	01757
34-136-10	5 ARIEL CR	PATEL HIMANSHU C	PATEL SEJAL	5 ARIEL CIR	MILFORD	MA	01757
34-24-3	93 PURCHASE ST	PABON MIGUEL A	PABON HARRIET M	93 PURCHASE ST	MILFORD	MA	01757
34-136-9	7 ARIEL CR	DOS SANTOS FERNANDO	DOS SANTOS MARIA	7 ARIEL CIR	MILFORD	MA	01757
34-24-5	97 PURCHASE ST	DOLLIVER STEPHEN A		97 PURCHASE ST	MILFORD	MA	01757
34-26-3	9 CALVIN DR	DRISCOLL CHRISTOPHER	DRISCOLL RACHEL	9 CALVIN DRIVE	MILFORD	MA	01757
34-136-2	4 ARIEL CR	BRADLEY CAROL A		4 ARIEL CIR	MILFORD	MA	01757
34-136-11	3 ARIEL CR	BOELKE BRENDAN E	BOELKE TERESA A	3 ARIEL CIR	MILFORD	MA	01757
34-24-7	4 DILLA ST	FEATHERSTONE SHAUN F	FEATHERSTONE ELAINA	4 DILLA ST	MILFORD	MA	01757
34-0-26	87 PURCHASE ST	PABLA GURMIT		75 DARLING WAY	STOUGHTON	MA	02072
34-24-6	2 DILLA ST	RIVERA MICHAEL A	KENNY MELISSA A	2 DILLA ST	MILFORD	MA	01757
34-0-30	101 PURCHASE ST	VIDEIRA AMILCAR B & MORAIS JOAQUIM G TRUSTEES	VIDMORE REALTY TRUST	P O BOX 217	MILFORD	MA	01757
34-136-13	90 PURCHASE ST	DUNN GARY W		90 PURCHASE ST	MILFORD	MA	01757
34-0-28A	6A DILLA ST	BLAIS DELORES J	BLAIS DANIEL	6 A DILLA STREET	MILFORD	MA	01757
34-26-2	11 CALVIN DR	DIORIO MICHAEL A	DIORIO JOSEPHINE C	11 CALVIN DR	MILFORD	MA	01757
34-26-14	96 PURCHASE ST	SELLEW DANIELLE E		93 ELM ST	FRANKLIN	MA	02038
34-0-23	85 PURCHASE ST	PABLA GURMIT		75 DARLING WAY	STOUGHTON	MA	02072
34-26-12	12 CALVIN DR	TORRES MIGUEL	TORRES DAIBEL GONZALEZ	12 CALVIN DRIVE	MILFORD	MA	01757
34-0-22	83 PURCHASE ST	MATTO PAUL H		83 PURCHASE ST	MILFORD	MA	01757
34-0-27	89 PURCHASE ST	SHREE MAHALAXMI KRUPA LLC		89 PURCHASE ST	MILFORD	MA	01757
34-0-24	5 DILLA ST	BALIAN PETER J - TRUSTEE	FIVE DILLA ST NOMINEE TRUST	5 DILLA STREET	MILFORD	MA	01757
34-0-29	99 PURCHASE ST	CONSIGLI PAULA J		99 PURCHASE ST	MILFORD	MA	01757
34-26-15B	98 PURCHASE ST	SAAD GHASSAN	SAAD BOUTHAINA	98 PURCHASE ST	MILFORD	MA	01757



Property Information

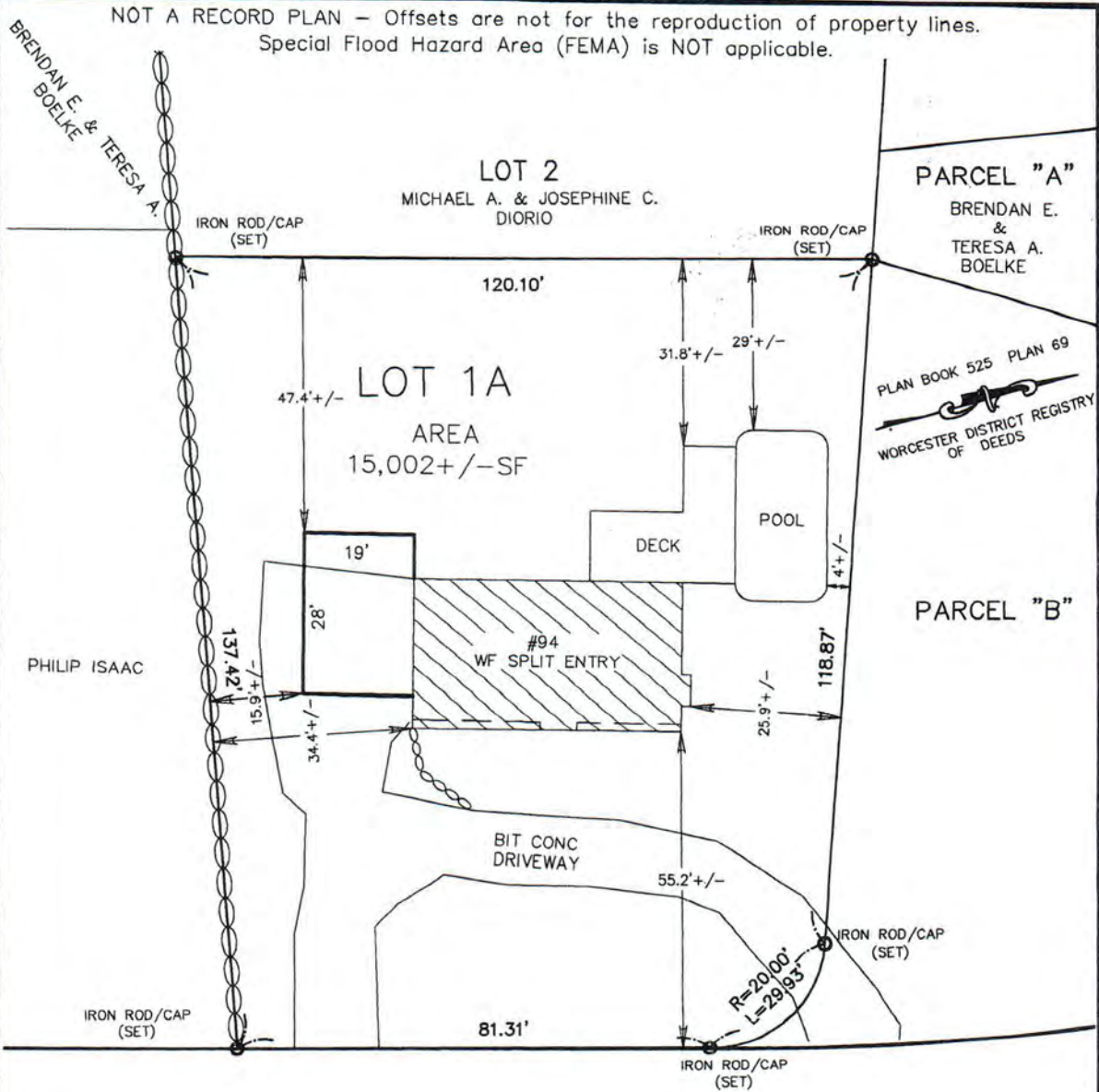
Property ID 34-26-1A
 Location 94 PURCHASE ST
 Owner REZENDE MELQUISEDEQUE



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



Frank R. Pirrello, Jr.
PROFESSIONAL LAND SURVEYOR



Guerriere & Halnon, Inc.

Engineering & Land Surveying
333 WEST STREET, MILFORD, MASS. 01757
(508) 473-6630 FAX: (508) 473-8243
www.guerriereandhalnon.com

P:\GB656\dwg\GB650\Survey\BPPP\GB650 Sept 21 2007.dwg

LOT 1A G-8650

LOT 1A G-8650



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

8-12-2020

Zoning Board of Appeals
52 Main Street
Milford, MA 01757

RE: PETITION FOR Variance DATED 7-8-2020

APPLICANT: Melquisedeque Rezende

LOCATION: 94 Purchase Street

Dear Board Members:

The Planning Board reviewed the petition listed above at their regularly scheduled meeting held on 8-11-2020 and recommends the following:

By unanimous vote the Planning Board has made an unfavorable recommendation due to the lack of hardship.

The Town Planner's letter is attached for your reference.

Sincerely,


Chairman, Milford Planning Board

cc: applicant



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

August 11, 2020

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

(
(**ZBA Variance Referral**
(**Melquisedeque Rezende**
(**94 Purchase Street**
(**Map 34 Blk 26 Lot 1A**
(**RB Zone**
(

Dear Mdm. Chairman:

The applicant requests a variance to construct a 20' x 20' gazebo on the subject property to be 9' from the rear property line, 25' required in the RB zone.

A scaled site plan indicating the location of the proposed gazebo has not been submitted. A smaller gazebo should be considered since there is already a swimming pool in the adjacent yard area. There are no features whatsoever relating to the lot itself that represent a hardship.

Therefore, I recommend an unfavorable report be forwarded to the Zoning Board of Appeals.

Respectfully,

Larry L. Dunkin, MCRP
Town Planner

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

MILFORD TOWN CLERK
2020 JUL -6 AM 8:50

To the Zoning Board of Appeals
Milford, MA 01757

Date: 06/30/2020

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. ^{registry of deeds} 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 hercof. 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: Chelsea, Carl Boncoeur, Karen Anderson 58A Dilla St Milford-Ma
(Full Name) (Address)

Owner: Chelsea, Carl Boncoeur, Karen Anderson 58A Dilla St Milford Ma
(Full Name) (Address)

Tenant (if any): _____

1. Location of Premises 58A Dilla St Milford-Ma
(Address Number) (Name of Street)

Assessor's: 27 72B
(Map) (Block) (Lot)

2. Within which Zoning District is the premises located? RB
3. State the Worcester Registry of Deeds Book and Page number, or the Land Court Certificate number for title of present owner Book 58877 Page 308
4. State present use of premises residential
5. State proposed use of premises residential
6. Give extent of proposed alterations None
7. Number of families or housing units for which building is to be arranged _____
8. Have you submitted plans for above to the Building Inspector? _____
9. Has a permit been refused? _____
10. Pursuant to what provisions(s) of the zoning by-law do you seek a special permit and for what purpose(s) renewal of the previous inlaw permit
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 Property was purchased with the understanding that the lower inlaw unit was grandfathered in when and want to continue to use that space for my mother and current owner Karen Anderson
- (b) the proposed use of the premises will not create undue traffic congestion or impair pedestrian safety none
- (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 none
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 CBoncam
Signature: [Signature]
Karen Anderson
Address: 58A Dilla Street
Milford, MA 01757

Owner CBoncam
Signature: [Signature]
Karen Anderson
Address: _____

Telephone: 781-330-9701
Cell phone: _____
e-mail: Chelseaanderson3@gmail.com

Karen Anderson
58A Dilla St.
Milf

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.

To whom it may concern,

I am writing this letter as it has been difficult for me to reach anyone by phone. I am currently refinancing my house and apparently need a permit for the in law and 2nd kitchen in my house. I bought this house in 2018 and was told during the purchase that it was a permitted in law. The next year (2019) I refinanced with no issues and no mention of a permit. Now this year I am refinancing again and am being told I need a new permit. With these hard times, the rate that I have locked in now will help my family tremendously, but unfortunately this is all pending on this permit. Anything you can do to speed up this process would be greatly appreciated. Please let me know if there is anything I can do.

Also per directions on the permit process request my neighbors are Doreen Morin at 58 Dilla St, and Lauren Pratt at 66 Dilla St.

Thank you so much,
Chelsea Boncoeur
58 Dilla Street

RECEIVED
MILFORD TOWN CLERK
2020 JUL 17 AM 11:12

August 4, 2020

Town of Milford
Zoning Board of Appeals
Town Hall 52 Main Street
Milford, MA 01757

RE: Item 5 of the ZBA agenda concerning the application of Chelsea and Carl Boncoeur, and Karen Anderson all of 58A Dilla Street, Milford, MA for a Special Permit for renewed approval of a supplemental apartment under the applicable provisions of the Town of Milford's Zoning By-Laws

To: David R. Consigli, Chairman and Members of the Zoning Board of Appeals

This letter confirms receipt of your Public Hearing Notice to us for August 13, 2020.

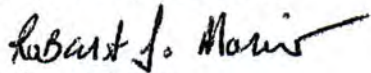
We will not be participating remotely, however, offer our comments below for the Zoning Board of Appeals.

The concept of a supplemental apartment (in-law) does not concern us along as it is specific to family as outlined in your by-laws.

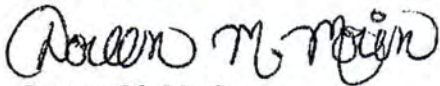
If the intended use is to be open to that of a rental with tenants, we then would oppose such use.

Feel free to contact us should you have any questions.

Respectfully submitted,



Robert J. Morin
#508-560-1912



Doreen M. Morin
#508-560-9558

58 Dilla Street
Milford, MA 01757

27 0 72B
MAP BLOCK LOT

1 of 1 RESIDENTIAL
CARD Town of Milford

APPAISED: 446,500 / 446,500
USE VALUE: 446,500 / 446,500
ASSESSED: 446,500 / 446,500



Patriot
Properties Inc.

PROPERTY LOCATION

No	Alt No	Direction/Street/City
58A		DILLA ST, MILFORD

OWNERSHIP

Owner 1:	BONCOUER CARL & CHELSEA
Owner 2:	ANDERSON KAREN
Owner 3:	
Street 1:	58A DILLA ST
Street 2:	
Twn/City:	MILFORD
St/Prov:	MA Cntry
Postal:	01757
Own Occ:	Y
Type:	

PREVIOUS OWNER

Owner 1:	CHISOLM, WILLIAM C. -
Owner 2:	MARCUS, MICHAEL R. -
Street 1:	58A DILLA ST
Twn/City:	MILFORD
St/Prov:	MA Cntry
Postal:	01757

NARRATIVE DESCRIPTION

This parcel contains .817 ACRES of land mainly classified as ONE FAM with a SPLIT ENT Building built about 1968, having primarily BRICK VENTR Exterior and 3164 Square Feet, with 2 Units, 2 Baths, 1 3/4 Bath, 0 HalfBath, 9 Rooms, and 4 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int
------	------------	--------	----------

PROPERTY FACTORS

Item	Code	Description	%	Item	Code	Description
Z	RB	RESIDENTI	100	water	1	TYPICL
o				Sewer		
n				Electri		
Census:				Exmpt		
Flood Haz:						
D				Topo	1	LEVEL
s				Street	1	PAVED
t				Gas:	4	MEDIUM

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
101	ONE FAM		35608		SQUARE FESITE			0	3.4	1.17	5	1.00	T1							141.886						141,900	

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Legal Description	User Acct
101	0.817	298,300	6,300	141,900	446,500		0
							GIS Ref
							GIS Ref
							Insp Date
							07/21/15
							12363!
							PRINT
							Date Time
							01/15/20 17:46:07
							LAST REV
							Date Time
							07/06/18 14:53:56
							jen
							2363
							PAT ACCT.
							Notes

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2020	101	FV	298,300	6300	.817	141,900	446,500		Year End Roll	12/2/2019
2019	101	FV	245,800	6300	.817	141,900	394,000		Year End Roll	11/21/2018
2018	101	FV	183,100	6200	.817	141,900	331,200		YER	11/29/2017
2017	101	FV	166,100	6200	.817	141,900	314,200	314,200	Year End Roll	12/22/2016
2016	101	FV	147,700	5500	1.12	149,100	302,300	302,300	year end	12/4/2015
2015	101	FV	141,000	5500	1.12	142,600	289,100	289,100	Year End Roll	11/21/2014
2014	101	FV	142,100	5500	1.12	125,100	272,700	272,700	Year End Roll	11/6/2013
2013	101	FV	144,000	5500	1.12	131,700	281,200	281,200	Year End Roll	11/7/2012

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Notes
CHISOLM, WILLIA	58877-308		5/31/2018		479,900	No	No		
CYR ROSEANN M,	53713-329		5/13/2015		340,500	No	No		JOINT TENANTS WITH THE RIGHTS OF SURVIVORSHIP
CYR ROSEANN M,	53460-147		3/12/2015	SOLD TO ABUT	100	No	No		27-0-72B SOLD 9,244 SF TO 27-0-72A
CYR ROSEANN M L	33388-330		4/23/2004	CONVIENCE	100	No	No		
CYR ROSEANN M L	22584-044		5/15/2000	CONVIENCE	100	No	No		CONFIRMATORY DEED
CYR ROSEANN M,	22473-068		4/7/2000	CONVIENCE		No	No		LIFE ESTATE
CYR EUGENE E +,	22128-326		12/10/1999	CONVIENCE		No	No		
	4556-107		4/26/1965	OTHER		No	No		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
3/30/2017	17-0157	MANUAL	9,500	C				BATHROOM REMODEL T

ACTIVITY INFORMATION

Date	Result	By	Name
6/26/2018	SALES REVIEW	120	REBECCA ALGE
6/14/2017	INFO FM PRIMT	120	REBECCA ALGE
7/21/2015	MEAS & NOTIC	120	REBECCA ALGE
10/8/2008	MEAS+INSPCTD	163	SUE
10/23/2001	MEAS+INSPCTD	274	DAVID RUBERT
2/1/2001	MEAS+INSPCTD	185	C. KEEFE
3/10/1994	MAILER SENT	131	DEAN MOORHOU
5/6/1991	SKETCH ONLY	500	TOWN CARD

Sign: VERIFICATION OF UNIT NOT DATA

Total AC/HA: 0.81745 Total SF/SM: 35608 Parcel LUC: 101 ONE FAM Prime NB Desc AVG-GD Total: 141.886 Spl Credit Total: 141,900

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted.

Database: AssessPro - Milford2020

apro

2021

Type:	18 - SPLIT ENT		
Sty Ht:	1 - 1		
(Liv) Units:	2	Total:	2
Foundation:	1 - CONCRETE		
Frame:	1 - WOOD		
Prime Wall:	8 - BRICK VENT		
Sec Wall:	17 - SHAKES		10 %
Roof Struct:	2 - HIP		
Roof Cover:	1 - ASPHALT SH		
Color:	BRICK		
View / Desir:			

Full Bath:	1	Rating:	VERY GOOD
A Bath:	1	Rating:	GOOD
3/4 Bath:	1	Rating:	GOOD
A 3QBth:		Rating:	
1/2 Bath:		Rating:	
A HBth:		Rating:	
OthrFix:		Rating:	

Kits:	1	Rating:	VERY GOOD
A Kits:	1	Rating:	GOOD
Frp1:	2	Rating:	AVERAGE
WSFlue:		Rating:	

Location:	
Total Units:	
Floor:	
% Own:	
Name:	

Grade: C - AVERAGE	
Year Blt: 1968	Eff Yr Blt:
Alt LUC:	Alt %:
Jurisdic:	Fact:
Const Mod:	
Lump Sum Adj:	

Avg Ht/FL:	STD		
Prim Int Wal	2	- PLASTER	
Sec Int Wall:	1	- DRYWALL	20 %
Partition:	T	- TYPICAL	
Prim Floors:	3	- HARDWOOD	
Sec Floors:	6	- CERAMIC T	20 %
Bsmnt Flr:	12	- CONCRETE	

Phys Cond:	GD - Good	23.
Functional:		
Economic:		
Special:		
Override:		
	Total:	23.2

Basic \$ / SQ:	84.00
Size Adj.:	0.93850493
Const Adj.:	1.02445221
Adj \$ / SQ:	80.762
Other Features:	104915
Grade Factor:	1.00
NBHD Inf:	1.00000000
NBHD Mod:	1.00000000
LUC Factor:	1.00
Adj Total:	388389
Depreciation:	90106
Depreciated Total:	298283

WALKOUT BSMT IN-LAW APT IN LLV. PAT
864= PATIO AROUND POOL. 2015 RA.
DECREASE LOT SIZE FY17 PLAN 912/25..

1st Res Grid	Desc: Line 1										# Units	1
Level	FY	LR	DR	D	K	FR	RR	BR	FB	HB	L	O
Other												
Upper												
Lvl 2												
Lvl 1												
Lower												
Totals	RMs: 9		BRs: 4		Baths: 1		HB					

Exterior:	
Interior:	
Additions:	
Kitchen:	
Baths:	
Plumbing:	
Electric:	
Heating:	
General:	

No Unit	RMS	BRS	FL
1	6	3	M
1	3	1	
Totals			
2	9	4	

SPEC FEATURES/YARD ITEMS										PARCEL ID		27-0-72B
--------------------------	--	--	--	--	--	--	--	--	--	-----------	--	----------

PARCEL ID 27-0-72B

Code	Description	A	Y/S	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/S	Dep	LUC	Fact	NB Fa	Appr Value	JCod JFact	Juris. Value
12	POOL I-G	D	Y	1	16X32	A	AV	1970	23.86	T	55	101			5,500		5,500
19	PATIO	D	Y	1	864	A	AV	1970	1.79	T	55	101			700		700
MN	FIRE PIT	D	Y	1	4	A	AV	2015	20.00	T	0	101			100		100

Rate	Parcel ID	Typ	Date	Sale Price
------	-----------	-----	------	------------

WtAv\$/SQ:		AvRate:		Ind.Val	
Juris. Factor:		Before Depr:	80.76		
Special Features:	0	Val/Su Net:	67.92		
Final Total:	298300	Val/Su SzAd	140.24		

Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	1ST FLOOR	2,127	80.760	171,781
LLV	LOWR LEVEL	2,073	52.290	108,404
OSP	SCRN PORCH	96	25.160	2,416
STG	STORAGE	96	9.090	873

	Sub Area	% Usbl	Descrip	% Type	Qu	# Ten
4	LLV	100	FLA	50 V		0

Net Sketched Area:		4,392	Total:		283,474
Size Ad	2127	Gross Area	4392	FinArea	3164

AssessPro Patriot Properties, Inc



More: N	Total Yard Items:	6.300	Total Special Features:		Total:	6.300
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TOWN OF MILFORD BOARD OF ASSESSORS

JOSEPH F. NIRO
CHAIRMAN

JOSEPH F. ARCUDI

JOSHUA M. LIOCE

JENNIFER M. SCLAR, MAA
ASSESSOR/ADMINISTRATOR

52 MAIN STREET
MILFORD, MA 01757
508-634-2306 • FAX 508-634-2324

ASSESSORS@TOWNOFMILFORD.COM
WWW.MILFORDMA.GOV

Request for Abutters List

****PLEASE ALLOW 10 WORKING DAYS FOR PROCESSING****
\$25.00 FEE REQUIRED AT TIME OF REQUEST

Date of Request: 7/9/20 Date List Needed: as soon as possible Thanks!

Requested by: Chelsea Boncoeur Phone: 781-330-9704

Name of Property Owner: Chelsea & Carl Boncoeur, Karen Anderson

Street Address of Property: 58A Dilla Street Parcel ID: Lot 72B
minus Parcel "A"
minus Parcel "B"
resulting in lot 72E

REASON FOR LIST:

Hearing before the Zoning Board of Appeals _____

Hearing before the Planning Board _____

Hearing before the Conservation Commission _____

Other: Special permit for in law (previous owner had obtained)

RECEIVED
ASSESSOR'S OFFICE

JUL 13 2020

MILFORD, MA

REASON FOR HEARING: (please check one)

Variance _____ Special Permit ☒ Pole Relocation _____ Liquor License _____

Other: _____

RADIUS FOR ABUTTERS: (please check one)

Liquor License

(Immediate abutters, not across a public way, include churches, hospitals and schools w/in 500') _____

300 FT (needed for variance and special permit) ☒

100 FT (conservation commission - notice of intent) _____

Direct (pole relocation) property directly where work is to be performed or parcel performed on _____

OFFICE USE ONLY

Date List Prepared: 7/15/2020 Two sets of labels: Yes

Fee Paid: \$ 25.00 Date: 7/9/2020 Check # 1159 Cash \$ _____

Date Copy to Town Clerk: 7/16/2020



**TOWN OF MILFORD
BOARD OF ASSESSORS
CERTIFIED ABUTTERS LIST**

Certified by:

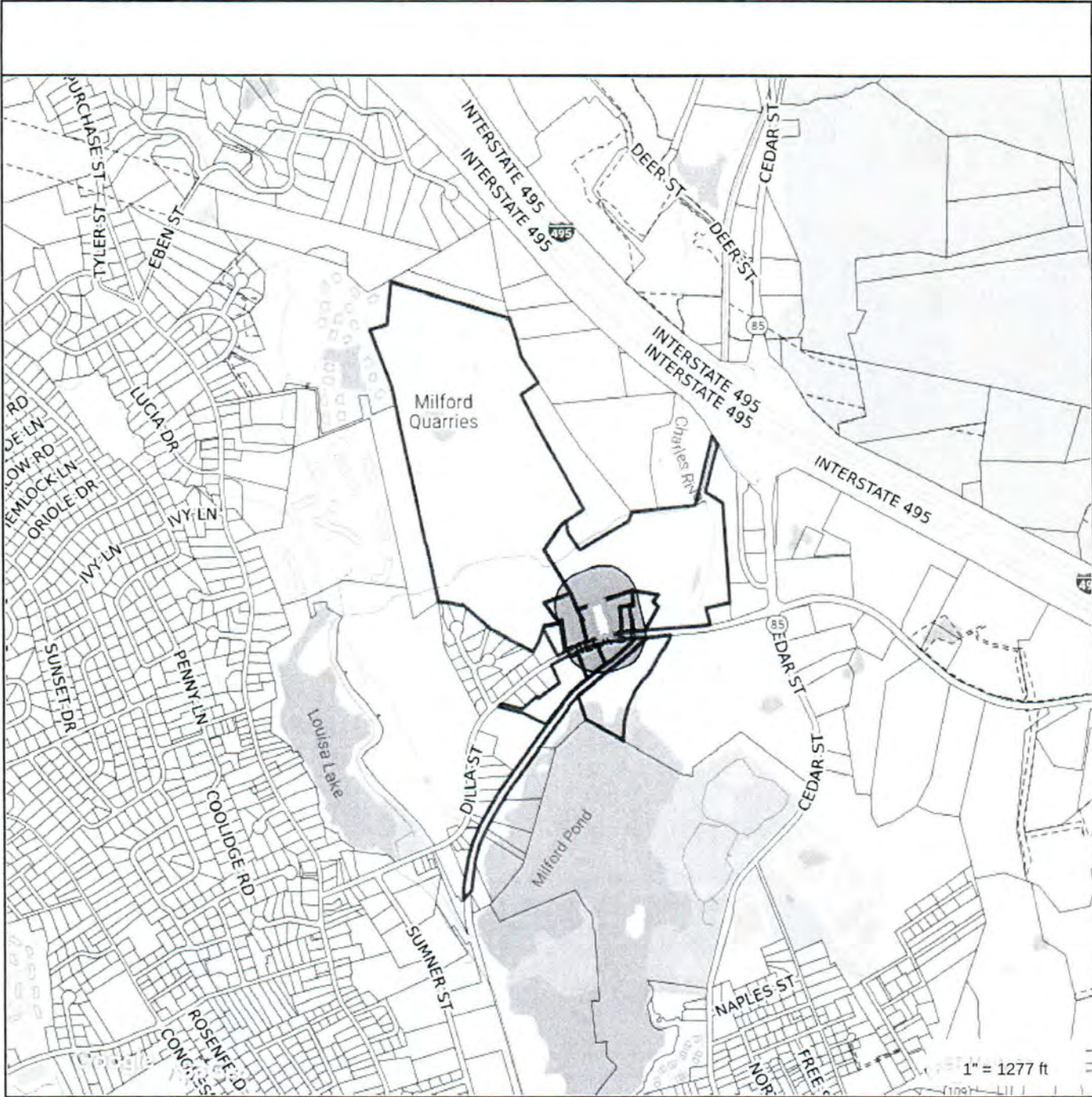
Date: 07/16/2020

300 ft.

Subject Properties - 58A Dilla St.

Abutters

ID	Site Address	Owner	Owner 2	Address	City	State	Zipcode
27-0-74	DILLA ST	MILFORD WATER CO		66 DILLA ST	MILFORD	MA	01757
28-0-10	68 DILLA ST	MILFORD WATER CO		66 DILLA ST	MILFORD	MA	01757
28-0-10A	64-66 DILLA ST	MILFORD WATER CO		66 DILLA ST	MILFORD	MA	01757
28-0-8	DILLA ST	MILFORD WATER CO		66 DILLA ST	MILFORD	MA	01757
27-0-1	REAR DILLA ST	MILFORD WATER CO		66 DILLA ST	MILFORD	MA	01757
20-0-6	REAR PINWOOD RD	TOWN OF MILFORD		52 MAIN ST	MILFORD	MA	01757
27-0-10	57-1/2 DILLA ST	SABATINELLI ERIC	C/O LANDSCAPE DEPOT	53 DILLA STREET	MILFORD	MA	01757
27-0-72A	58 DILLA ST	MORIN ROBERT J & DOREEN M		58 DILLA ST	MILFORD	MA	01757
27-0-70	54 DILLA ST	EDEN THOMAS B		54 DILLA ST	MILFORD	MA	01757
28-0-9	62 DILLA ST	DELEKTA TONYA M & RAYMOND J		62 DILLA ST	MILFORD	MA	01757
27-0-71	53 DILLA ST	VENDETTI-LOMBERTO JULIE & ELLIS JENIFER J &	VENDEETTI JOSEPH F TRS RAMBLER TRIO RE TRUST	411 WEST CENTRAL STREET	FRANKLIN	MA	02038
27-0-72C	60 DILLA ST	PRATT JOHN G & LAUREEN T		60 DILLA STREET	MILFORD	MA	01757
27-0-14	59 DILLA ST	MULLEN JOHN J	MULLEN CARLA E	59 DILLA STREET	MILFORD	MA	01757



Property Information

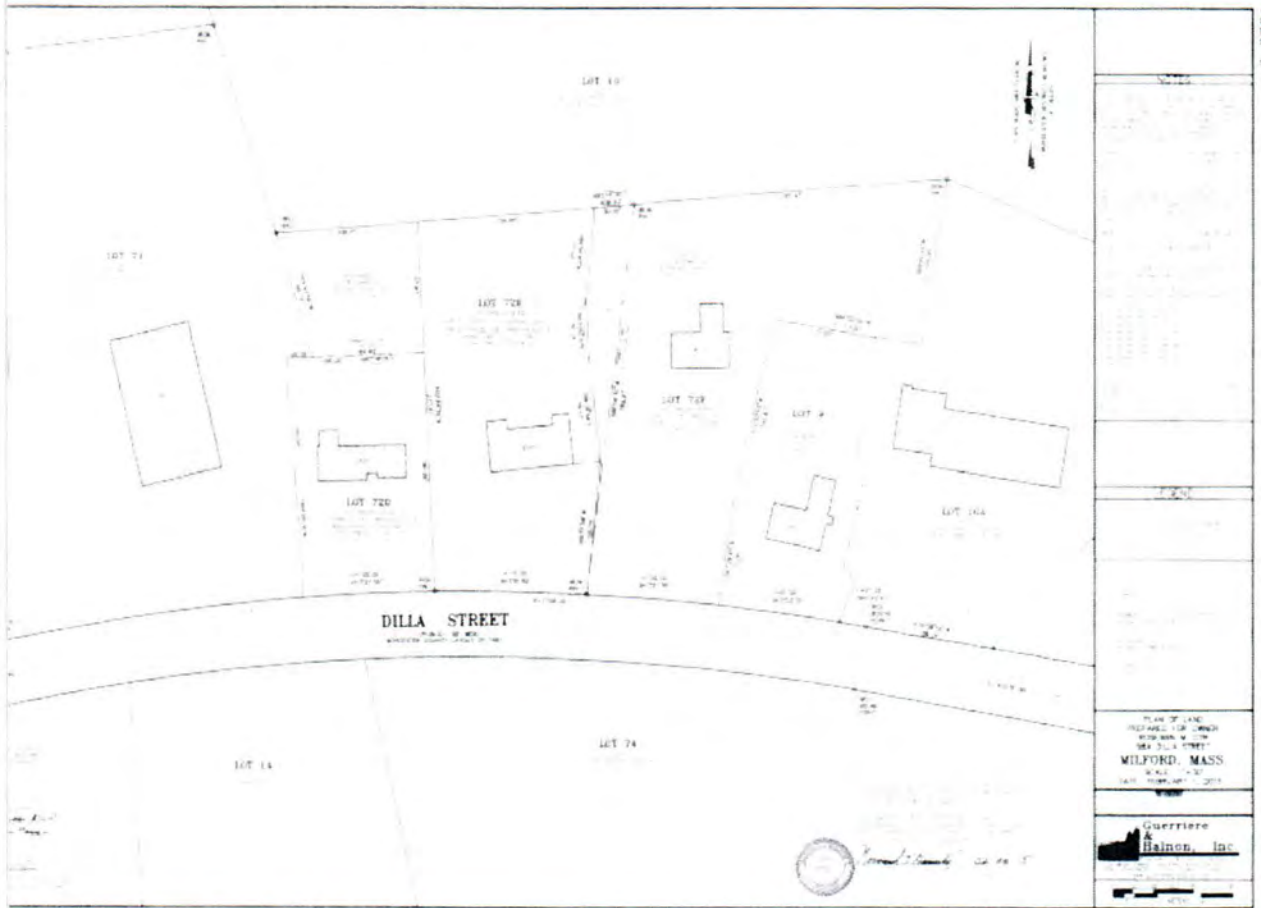
Property ID 27-0-72B
Location 58A DILLA ST
Owner BONCOUER CARL & CHELSEA

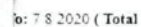


MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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





Type	Desc.
PLANS	

de

v. Business Services, LLC. All Rights Reserved. Version 3.5.1 © 2019 LLC



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

8-12-2020

Zoning Board of Appeals
52 Main Street
Milford, MA 01757

RE: PETITION FOR _____ Special Permit _____ DATED 6-30-2020

APPLICANT: _____ Chelsea Boncoeur _____

LOCATION: _____ 58A Dilla Street _____

Dear Board Members:

The Planning Board reviewed the petition listed above at their regularly scheduled meeting held on 8-11-2020 and recommends the following:

By unanimous vote the Planning Board has made an unfavorable recommendation due to the application being incomplete.

The Town Planner's letter is attached for your reference.

Sincerely,


Chairman, Milford Planning Board

cc: applicant



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

August 11, 2020

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

(
(**ZBA Special Permit Referral**
(**Chelsea Boncoeur**
(**58A Dilla Street**
(**Map 27 Lot 72B**
(**RB Zone**
(

Dear Mdm. Chairman:

The applicant requests a special to maintain a supplemental apartment on the subject property.

The application as submitted is incomplete. A scaled floor plan of the house indicating the location of the supplemental apartment has not been submitted. The applicant has indicated that the supplemental unit was in existence when they purchased the house, however I find no record of a special permit having been granted.

Therefore, I recommend an unfavorable report be forwarded to the Zoning Board of Appeals due to the incomplete application.

Respectfully,

Larry L. Dunkin, MCRP
Town Planner