

**Town of Milford – Zoning Board**  
**Milford Town Hall – Room 3**  
**Meeting Minutes – June 9, 2022**

**Meeting Called to Order – 7:03 P.M.**

Members in attendance: David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David H. Pyne; John Dagnese; Robert Capuzziello; and Christopher Burns. Also, in attendance; Melissa Tomas, Clerk; and Jerry from Milford TV.

Not in attendance: Mark Calzolaio.

**Approval of Minutes**

Motion made by John M. to approve the minutes of the May 12, 2022 meeting – Second by David P. – Roll Call Vote taken: Unanimous – Minutes approved.

**General Business**

Chairman David Consigli opened the June 9, 2022 scheduled meeting.

**7:05 P.M. - Hearing of Sandra & Peter Barlow – Petition for Variance**

**Members participating:** David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David Pyne; John Dagnese; Robert Capuzziello.

**Recused Members:** N/A.

**In Attendance:** Mark Allen, Allen Engineering; and Taylor & Nathan Barlow (son and daughter of applicants).

**Documents provided:** Petition for Variance dated 5/5/22; Assessors “Request for Abutters List” dated 3/15/22; Certified Abutter’s list dated 3/15/22; GIS Property Info 33-0-52; Planning Board recommendation letter to ZBA dated 5/19/22; Town Planner letter to Planning Board dated 5/17/22; copy of Allen Engineering & Associates “Presentation Plan for 9 Free Street” dated 6/9/22; Notice of Hearing dated 5/23/22.

Chairman Consigli began the hearing. He read the Notice of Hearing, the application, Town Planners letter, and the Planning Board recommendation.

Mark Allen from Allen Engineering began his presentation to the board. He explained the application, the proposed work and use. He informed the board that the proposed use was intended for the owner’s brother but has passed away 2 weeks prior to the meeting. They now intend to build the proposed application for a family member but it could be sold. Taylor explained to the members that her parents bought the home and lots in April 2021.

**Public participation:** None

**Vote:** Motion made by David P. to approve the application as submitted - Second by Robert C. – Roll Call Vote taken - Unanimous – Application approved.

### **7:15 P.M. - Hearing of Arista Development LLC. – Petition for Variance**

**Members participating:** John Mastroianni, Vice Chairman; David Pyne; John Dagnese; Robert Capuzziello; and Christopher Burns.

**Recused Members:** David R. Consigli, recused himself at 7:15pm and left the room.

**In Attendance:** Doug Benoit of Arista Development; and Brian King of Bergmann Architects Engineers Planners.

**Documents provided:** Petition for Variance dated 5/11/22; Assessors “Request for Abutters List” dated 4/26/22; Certified Abutter’s list dated 4/25/22; GIS Property Info 49-0-59; Planning Board recommendation letter to ZBA dated 6/8/22; Town Planner letter to Planning Board dated 6/7/22; copy of Bergmann Architects Engineers Planners “Walgreens” dated 12/20/21; copy of Bohler Engineering Plans “Walgreens” dated 12/20/21; Notice of Hearing dated 5/23/22.

Vice Chairman Mastroianni began the hearing. He read the Notice of Hearing, the application, Town Planners letter, and the Planning Board recommendation.

Doug Benoit of Arista Development began his presentation to the Board. He explained the proposed development, spoke in detail about the signs proposed and allowed per Zoning By-Laws. Applicant is requesting 3 wall signs on Prospect Street and 2 wall signs on Water Street side.

Board members began their questions and concerns. Member David P. does not believe they need a sign on the side of the building. Member John D. agrees with David P.; he doesn’t believe it’s necessary to have 2 pharmacy signs on the building. Robert C. questioned the significance of the pharmacy signs and was told its just to advertise they are a pharmacy store. Member Christopher B. asked questions in regards to the doors on the plans, asking is that the drive thru and was told it would be the drive thru area.

**Public participation:** None

**Vote:** Motion made by Christopher B. to approve the application to allow the Prospect Street side of the building as presented; Water Street side to have only the Walgreens sign; and Drive-thru side of building can have a pharmacy sign - Second by Bobby C. – Roll Call Vote taken - Unanimous – Application approved as stated above.

### **7:46 P.M. - Hearing of Rte. 85 Realty Corp. – Special Permit**

**Members participating:** David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David Pyne; Robert Capuzziello; and Christopher Burns.

**Recused Members:** John Dagnese, recused himself at 7:46 pm. and left the room.

**In Attendance:** Luke DeStefano of Bohler Engineering.

**Documents provided:** Petition for Variance dated 5/16/22; Assessors “Request for Abutters List” dated 5/5/22; Certified Abutter’s list dated 5/5/22; GIS Property Info 43-062B; Planning Board

recommendation letter to ZBA dated 6/8/22; Town Planner letter to Planning Board dated 6/7/22; copy of Bohler Engineering Plans “Rte. 85 Realty Corp.” dated 5/16/22; Notice of Hearing dated 5/23/22; Letters from Abutters and Signatures Collected dated 6/8/22.

Chairman Consigli began the hearing. He read the Notice of Hearing, the application, Town Planners letter, and the Planning Board recommendation.

Luke DeStefano of Bohler Engineering began his presentation to the Board. He spoke of the application and described the proposed work. He then asked the board for a continuance of the hearing so that the owner/developer will have time to meet with the abutters and residents as there is a lot of concern and opposition based on the number of people present this evening.

**Public participation:**

Scott McKenzie – resident of Medway Street and abutter to the proposed project site asked to be recognized by the Board. Expressed his frustration with the developer (who is in the building but attending the meeting) He would expect him to face the abutters and concerned residents and not walk away. Scott submitted the petitions signed into record with Chairman Consigli. The abutters all expressed their disapproval of the application and would like time to retain counsel, and provide the board with further documentation from other Town Department and Boards.

**Vote:** Motion made by Christopher B. to continue the hearing until 8/11/2022 - Second by Robert C. – Roll Call Vote taken - Unanimous – Application continued.

**8:15 P.M. - Hearing of Bento Pinto & Roy Vaz – Petition for Variance**

**Members participating:** David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David Pyne; John Dagnese; and Robert Capuzziello.

**Recused Members:** N/A.

**In Attendance:** Attorney Ernest Pettinari and Roy Vaz.

**Documents provided:** Petition for Variance dated 5/17/22; Assessors “Request for Abutters List” dated 5/6/22; Certified Abutter’s list dated 5/9/22; GIS Property Info 26-0-9; Planning Board recommendation letter to ZBA dated 6/8/22; Town Planner letter to Planning Board dated 6/7/22; copy of Guerriere & Halnon, Inc. Plans “142 Purchase Street” dated 4/29/22; Notice of Hearing dated 5/23/22; Memorandum in Support of Application dated 6/9/22; copy of Guerriere & Halnon, Inc. Plans “142 Purchase Street” revised and 6/9/22.

Chairman Consigli began the hearing. He read the Notice of Hearing, the application, Town Planners letter, and the Planning Board recommendation.

Attorney Pettinari began his presentation to the Board members. He spoke of the Planning Board meeting regarding this matter. He submitted new plans to the members for review. He informed the Board that Mr. Vaz will have a title exam completed on the property, as he bought it in 2021 from the Town of Milford at foreclosure. Attorney Pettinari continued his discussions and compared his client’s

application/proposed work to the lots on Lydia Lane. His client is asking for 1 lot not a subdivision road. The lot is irregular in shape and conforming except to front and width factor.

The Board members began their discussions and questions regarding the application. Member David Pyne expressed his content that the plan shows the lots subdivided. He also said that Benny and Roy have an excellent reputation in town. Member Robert C. asked about a buffer zone. Christopher B. asked to have plantings on outside of driveway for privacy. Discussions and comments ensued about relocating the homes on Lot B and Lot A and installing arborvitaes along the lines for privacy.

**Public participation:**

Greg Allegrezza of 138 Purchase St., informed the board that he is concerned with ledge, already has drainage problems. He is concerned about blasting, sewer lines, water lines, electricity being installed drainage, and a retaining wall. He also made note that the new home will be looking into his existing home. Some other concerns he spoke about were noise during construction, and that his driveway is currently located in Mr. Pinto and Mr. Vaz's property.

David Bruce of 3 Dana Circle informed the board that his electrical panel had to be changed due to flooding, so he also has concerns with the proposed project.

Martin Frongillo of 6 Dana Circle questioned why 2 houses on one lot?

Daniel Choate of 3 Penny Lane asked if there would be a natural barrier or fencing installed for privacy. He was told it would be all natural.

**Vote:** Motion made by David P. to approve the application subject to the conditions specified in the Decision - Second by John D. – Roll Call Vote taken - Unanimous – Application approved with conditions on both Lot A and Lot B.

**Adjournment:** Motion by Robert C. to adjourn the meeting – Second by John M. – Roll Call Vote taken: Unanimous – Meeting adjourned.

**Meeting Adjourned – 9:05 P.M.**

Respectfully Submitted,

APPROVED:

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Melissa Tomas, Clerk

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David R. Consigli, Chairman