

Town of Milford – Zoning Board
Milford Town Hall – Upper Hall
Meeting Minutes – October 13, 2022

Meeting Called to Order – 7:05 P.M.

Members in attendance: David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David H. Pyne; Mark Calzolaio and alternate members Robert Capuzziello; David Claro; and Christopher Burns. Also, in attendance; Melissa Tomas, Clerk; Town Counsel, Gerald Moody; Christopher George, IT Director and Nick from Milford TV.

Not in attendance: John Dagnese.

Approval of Minutes

Motion made by John M. to approve the minutes of the September 8, 2022 meeting – Second by Mark C. – Roll Call Vote taken: Unanimous – Minutes approved.

General Business

Chairman David Consigli opened the October 13, 2022 hearing.

7:07 P.M. - Hearing of Milford Groves Residential Holdings, LLC. – Special Permit & Variance

Members participating: David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David H. Pyne; Mark Calzolaio and alternate member Robert Capuzziello.

Recused Members: n/a

In Attendance: Attorney David Bertonazzi; Luke DeStefano from Bohler Company; and Carlton Quinn.

Documents provided: Petition for Variance dated 8/22/22; Petition for Special Permit dated 8/22/22; Assessors “Request for Abutters List” dated 8/16/22; Certified Abutter’s list dated 8/16/22; GIS Property Info 35-36-1; Planning Board recommendation letter to ZBA dated 9/21/22; Town Planner letter to Planning Board dated 9/20/22; copy of Allen & Major Associates, Inc. Plan “Proposed Office Building The Groves At Milford Brook Village South Milford, MA.” dated 10/13/22; Notice of Hearing dated 9/28/22; Memo to Board members from Shrey Shah dated 10/13/22.

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

Attorney Bertonazzi began his presentation to the Board. He spoke about the application and the revised plans submitted to the Board at the hearing. He then asked if the Board would prefer for him to go back in front of the Planning Board with the revised plans (as the Planning Board has not yet seen the revised plans) before continuing and presenting the matter to the ZBA?

Chairman Consigli requested that Attorney Bertonazzi first present and appear to the Planning Board and then come back to the ZBA.

There were no questions from the Board members.

Public participation: None

Vote: Motion made by John M. to continue the hearing to the November 10th hearing - Second by Mark C. – Roll Call Vote taken - Unanimous – Hearing is continued to 11/10/2022.

7:14 P.M. - Hearing of Sasha & Erik Meyer – Variance & Special Permit

Members participating: David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David H. Pyne; Mark Calzolaio and alternate member Robert Capuzziello.

Recused Members: n/a

In Attendance: Attorney David Bertonazzi.

Documents provided: Petition for Variance dated 8/30/22; Petition for Special Permit dated 8/30/22; Assessors “Request for Abutters List” dated 8/15/22; Certified Abutter’s list dated 8/16/22; GIS Property Info 41-0-362; Planning Board recommendation letter to ZBA dated 9/21/22; Town Planner letter to Planning Board dated 9/20/22; copy of Allen Engineering & Associates, Inc. Plans “Zoning Board of Appeals Plan for 44 Emmons Street Milford, MA.” dated 8/18/22; Notice of Hearing dated 9/28/22; Email to Board members from Chris Alt dated 10/5/22.

Chairman Consigli opened the hearing. He read the Notice of Hearing, the application, the Town Planner’s letter and the Planning Boards letter of recommendation.

Attorney Bertonazzi began his presentation to the Board. On behalf of his clients, he respectfully requested to withdraw the applications without prejudice.

Public participation: None

Vote: Motion made by John M. to approve the withdrawal of the applications without prejudice - Second by Mark C. – Roll Call Vote taken - Unanimous – Withdrawals Approved.

7:17 P.M. - Hearing of Andry Rezende – Special Permit

Members participating: David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David H. Pyne; Mark Calzolaio and alternate member Robert Capuzziello.

Recused Members: n/a

In Attendance: Andry Rezende.

Documents provided: Petition for Special Permit dated 9/15/22; Assessors “Request for Abutters List” dated 9/15/22; Certified Abutter’s list dated 9/15/22; GIS Property Info 48-0-557; Planning Board recommendation letter to ZBA dated 10/5/22; Town Planner letter to Planning Board dated 10/4/22;

copy of A.S. Elliott & Associates Plan “Site Plan for Special Permit 12-14 Prentice Avenue Milford, MA.” dated 9/12/22; Notice of Hearing dated 9/28/22.

Chairman Consigli began the hearing. He read the Notice of Hearing, the application, the Town Planner’s letter and the Planning Boards letter of recommendation.

Andry Rezende began his presentation to the Board. Mr. Rezende spoke of the application and explained the proposed changes. He discussed the history and existing use of the property. He explained that he would like to change the commercial space back to residential. use. He informed the Board members that he would be happy and available to answer any questions.

Board members had a few questions for Mr. Rezende. Questions were asked about the current use of the property; proposed changes; and rental history. Member Mark C. said he has been in the property and is familiar with the uses.

Public participation: None

Vote: Motion made by Robert C. to approve the application as submitted - Second by John M. – Roll Call Vote taken - Unanimous – Application Approved.

7:22 P.M. - Hearing of Geara Realty – Special Permit

Members participating: David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David H. Pyne; Mark Calzolaio and alternate member Robert Capuzziello.

Recused Members: n/a

In Attendance: Attorney Ernest Horn; Tim Powell, Civil Engineer.

Documents provided: Petition for Special Permit for 3 Cedar St. dated 9/20/22; Petition for Special Permit for 108 East Main St. dated 9/20/22; Assessors “Request for Abutters List” dated 9/19/22; Certified Abutter’s list dated 9/19/22; GIS Property Info 42-0-261; Planning Board recommendation letter to ZBA dated 10/5/22; Town Planner letter to Planning Board dated 10/4/22; copy of PVI Site Design, LLC. Plan “Proposed Redevelopment 108 East Main Street, Milford, MA.” dated 9/19/22; Notice of Hearing dated 9/28/22.

Chairman Consigli began the hearing. He read the Notice of Hearing, the application, the Town Planner’s letter and the Planning Boards letter of recommendation.

Mr. Powell, Civil Engineer began his presentation to the Board. He explained the application and spoke in detail about the Special Permit request. He spoke of the design, landscaping and proposed changes. Attorney Horn then spoke in detail to the members about the traffic light at the location; moving the light to avoid exposure. Board members raised concerns and spoke about the particular location/ intersection. Chairman Consigli suggested donating a portion of the land to the Town to relocate the light; or spoke about granting an easement. Attorney Horn informed the Board that his client paid premium price for the property and he wasn’t thinking to donate land to the Town to lose space.

Board members had several questions and discussions arose on several matters/topics. Chairman Consigli spoke again of it being a state road, and questioned how many feet are required for a right of way? Member David Pyne spoke about the corner of the property and the light issues and traffic pole concerns. He requested the applicant to meet again with Town Engineer to discuss options that work best for the applicant and the Town. Member Mark C. questioned the number of parking spaces in front, asked about spaces on the side and back; and he asked about the landscaping of the area. Mr. Calzolaio also questioned whose responsibility it is for the traffic light? After reviewing the plans, Chairman Consigli presented options to Mr. Powell for a 15 ft. easement to have access to the traffic light.

Attorney Horn informed the Board that he would be happy to relocate the light (base & light) onto the property with the State's recommendation. Chairman Consigli informed the Board members, Attorney Horn and the applicant that he would like conditions on the Special Permit; 5 ft easement to the Town, and that the Special Permit runs with the applicant (not the property).

Public participation: None

Vote: Motion made by Mark C. to approve the application as submitted with the following Conditions; Special Permit for 3 Family; 5 ft. easement; 6 parking spaces for the 3-family property; Special Permit is to the applicant and not attached to the property - Second by John M. – Roll Call Vote taken - Unanimous – Application Approved with Conditions.

7:53P.M. - Hearing of Rte. 85 Realty Corp. – Special Permit

Members participating: David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David H. Pyne; Mark Calzolaio and alternate member Robert Capuzziello.

Recused Members: n/a

In Attendance: Atty. Knapik; Kevin Meehan; Luke DeStefano; and Tariq Fayyad.

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; copy of contact sign-up sheet from abutters dated 8/11/22; memorandum in Support of Grant of Special Permit to Milford Zoning Board of Appeals dated October 12, 2022; Memo from Attorney Knapik to ZBA Members; RE: 53 Medway Road, Milford, MA dated October 13, 2022; McMahon Traffic Impact Study; RE: Gas Station and Convenience Store Development, 55 Medway Road, Milford, MA. Dated October 2022.

Chairman Consigli began the continued hearing. He read the memo submitted from Attorney Knapik requiring withdrawal of the Special Permit for the car wash. Motion was made by John M. to approve the withdrawal of the Special Permit for the car wash – Seconded by Robert C. - Roll Call Vote taken - Unanimous – Special Permit for the car wash was withdrawn.

Attorney Knapik began his presentation to the Board. He explained there were 2 Special Permits requested; they withdrew the Special Permit for the car wash, and are now only requesting the Special

Permit for the gas station/convenience store. He spoke in great detail to the members explaining all the changes made to the application and project based on the meeting with residents/abutters. He explained the car wash was removed; eliminating access points; parking changes; reduced the size of the convenience store; etc. (Memo from Attorney Knapik has been included in the file for reference.)

Luke DeStefano began his presentation to the Board. He explained the redevelopment of the Alamo Restaurant; spoke of the parking spaces; 5 fuel dispensers for 10 fueling stations; one curb cut (full movement); and the other significant changes made to the application such as; elimination of car wash; 7 vacuum stations; building being reduced by 20%; reduce parking from 35 to 28; had 3 curb cuts now only 1; and the relocation of the electric car charging stations (to be as far away as possible).

McMahon Traffic Impact Study was presented to the Board. The study was discussed in detail and fuel trips and peak hours were the main topics. All members of the Board received a copy of the traffic study for presentation.

Kevin Meehan – Owner/Applicant spoke with the Board. He explained that his team made all the changes requested by abutters/residents. He explained they removed the car wash as requested. He is willing to sell the property/land to the abutters for what he paid for the property and has put into the property, and then the abutters can put a dog park there.

Board members began their discussions and questions. Member Mark C. asked about traffic impact with the new Milford Federal Bank. Chairman Consigli asked about hours of operation and Mr. Meehan replied 6 am to 10 pm. Member Mark C. asked about the 5 electric vehicle (EV) stations; Member Christopher Burns asked what the 2 green boxes were on the plans? Luke DeStefano replied those are the trash station/dumpster locations. Mark C. also asked if there was an overflow area for card waiting to fill up; he was told no. Board member David Pyne asked if cars could face either direction when filling up; and he was told yes.

Public participation:

Troy Roberts – of 6 Naples Ct. told the Board that traffic is horrendous at hat end of Town, he can't get through Town. He spoke of safety concerns as there are no sidewalks; how can kids get to the convenient store to get candy? Are we waiting on a tragedy? Chairman Consigli informed Mr. Roberts that the parcel was industrial land and now its CB – they can build convenient store by right.

Stefanie McKenzie of 55 Medway Road addressed the Board. Reiterated what the applicant stated “no one will go out of their way for gas” but if it's the cheapest in Town, it will cause more traffic. What about the Bike Trail? She expressed her concerns for traffic and safety.

Scott McKenzie – resident of Medway Street and abutter to the proposed project site addressed the Board. He informed the Board that there are over 300 signatures in opposition, 4 meetings to date; project does cause harm to the neighborhood; debating the By-Laws about nuisance/harmony in regards to charging stations. He informed the Board that 100% of abutters are opposed to the project; and asked if any Board member would want this project across the street from them?

Other residents also addressed the Board. Concerns and issues were discussed such as: groundwater, underground tanks; leakages; who is responsible and how are they monitored; and proximity to wet lands. Bohler Engineering explained the tanks are double walled; monitored 24/7; state of the art

technology. He informed the residents that the property owner is responsible to clean up/repair. Another resident concern was traffic. Left turns out of the gas station should not be allowed due to the number of travel lanes on Medway Street.

Attorney Jim Roberti explained to the Board that the Board should be placing conditions on this application; such as changing hours; and addressing concerns of people charging vehicles after hours. Mr. Meehan addressed Atty. Roberti's comments by stating he needs to get the OK from the Planning Board to move forward. He also explained that there are new chargers that can charge vehicles in 15 minutes.

Mike Meurant – resident of Venice Street- addressed the Board and informed them that they are changing the community. He explained that gas stations are dirty and smelly; he's asking the Board to protect the residents. He spoke of traffic and congestions at the stations.

Motion made by David P. to approve the hours of operation from 6 A.M. to 10 P.M. – Second by John M. – Roll Call Vote taken: 4 members in favor and 1 opposed. (Member Mark C. in opposition).

Motion made by David P. for Planning Board review for lights to/facing abutters – Second by John M. – Roll Call Vote taken: 4 members in favor and 1 opposed. (Member Mark C. in opposition).

Motion made by David P. to approve the application as submitted with the conditions discussed; min. of 2 employees; min. 2% price reduction; full-service pumps to be identified; 3x4 signs designating full-service pumps – Second by John M. – Roll Call Vote taken: 4 members in favor and 1 opposed. (Member Mark C. in opposition).

Motion made by John M. for site plan approval – Second by David P. – Roll Call Vote taken: 4 members in favor and 1 opposed. (Member Mark C. in opposition).

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

Meeting Adjourned – 9:23 P.M.

Respectfully Submitted,

APPROVED:

Melissa Tomas, Clerk

David R. Consigli, Chairman