

**Town of Milford – Zoning Board**  
**Milford Town Hall – Room 3**  
**Meeting Minutes – January 12, 2023**

**Meeting Called to Order – 7:06 P.M.**

Members in attendance: David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David H. Pyne; John Dagnese; and alternate members Robert Capuzziello; and David Claro. Also, in attendance Melissa Tomas, Clerk, and Tim from Milford TV.

Not in attendance: Mark Calzolaio and alternate member Christopher Burns.

**Approval of Minutes**

Motion made by John M. to approve the minutes of the December 15, 2022 meeting – Second by Robert C. – Roll Call Vote taken: Unanimous – Minutes approved.

**General Business**

Chairman David Consigli opened the January 12, 2023 hearing.

**7:07 P.M. - Hearing of APO Building – Variance**

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

**Recused Members:** n/a

**In Attendance:** Attorney Bertonazzi, Harry Ohannesian; and Peter Lavoie, Engineer from D&L Design Group, Inc.

**Documents provided:** Petition for Variance dated 11/23/22; Assessors “Request for Abutters List” dated 11/21/22; Certified Abutter’s list dated 11/21/22; GIS Property Info 21-0-23; Planning Board recommendation letter to ZBA dated 12/14/22; Town Planner letter to Planning Board dated 12/13/22; copy of D&L Design Group, Inc., Plan “Variance Plot Plan for 44 Silver Hill Road in Milford, MA.” dated 11/14/22; Notice of Hearing dated 12/22/22.

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

Attorney Bertonazzi began his presentation to the Board. He explained the application; applicant would like to divide the parcel into two lots; existing lot and a new 48 x 30 parcel; raze existing garage to create the new parcel. Variance is needed for the lot width – they are short 13 feet. This is a unique situation – the existing dwelling is skewed to the easterly portion; lot is wider at the street and narrow at the back. There will be no additional traffic; and there will be removal of the garage. The applicant would like to propose a new 4-bedroom home.

Chairman Consigli began discussions with the Board asking if there were any questions. Board member Robert C. asked if there were any plans for trees or adding any buffer? Mr. Ohannesian informed the Board perhaps some arborvitaes. Chairman Consigli asked if they would be 8 ft., and or vinyl fencing?

**Public participation:**

George Murphy – 7 Robin Rd. – has owned his property for 32 years, said developer went in and reduced the values of the properties. Not in favor of the application as he has raised 5 kids in that home and will be the only house with 2 houses behind it. Trees have been removed and belong as part of the property.

Meghan McCullough – 9 Robin Rd. – is concerned about the removal of the trees and drainage issues. There have been previous drainage issues and now what happens if there are new issues? She would like to see the picture of the proposed new home.

Elizabeth Murphy – 7 Robin Rd. – informed the Board that it was very painful to watch all the trees coming down. They did not purchase their home with 2 houses in the back yard. Their house wasn't bought like that and would hope the Board considers that.

Anne McCullough – 5 Robin Rd. – spoke of her concerns to the Board. She talked about protected view; easement rights behind her property for electrical company; everything is leveled and there is no privacy.

-Attorney Bertonazzi informed the Board that there is no easement. Board member David Claro said there was a drainage easement at a different location but it is not an electrical easement.

Another resident asked if this will set precedent? Chairman Consigli informed her that this is the largest lot on the street therefore it will not set precedent.

Marcelo Costa – 46 Silver Hill Rd. – informed the Board that it was aggressive with the clean out; it is a large lot but doesn't see how a whole house will fit in the new lot.

Mark Packard – 13 Robin Rd. – told the Board the developer has no investment in the neighborhood; he looking to flip it and taking off.

**Vote:** Motion made by David Pyne to close the hearing - Second by John M. – Roll Call Vote taken – Unanimous – Hearing Closed.

**Vote:** Motion made by David Pyne to approve as submitted; add arborvitae trees 8' tall and 6 ft. apart; add four (4) 3" caliber trees planted in the rear of existing home; and new construction is to be a 3 Bedroom house - Second by John M. – Roll Call Vote taken – Unanimous – Application Approved.

**8:03 P.M. - Hearing of Club RE 1 LLC., – Variance**

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

**Recused Members:** n/a

**In Attendance:** Attorney David Bertonazzi.

**Documents provided:** Petition for Variance dated 11/10/22; Assessors "Request for Abutters List" dated 11/1/22; Certified Abutter's list dated 11/2/22; GIS Property Info 44-0-20; Planning Board recommendation letter to ZBA dated 12/14/22; Town Planner letter to Planning Board dated 12/13/22;

copy of D&L Design Group Plans “Variance Plot Plan for 186 Medway Street Milford, MA.” dated 10/24/22; Notice of Hearing dated 11/22/22; Letter in opposition from Amanda Haynes; Letter in opposition from Linda Catanzariti; Letter in opposition from Thomas and Lisa Long; Michael Gittleson; Letter in opposition from John Cairney; Letter in opposition from Thomas Harmon and Doreen Zinck-Harmon; Letter in opposition from David and Diana Haynes. Attorney Bertonazzi memo to Board requesting Withdrawal without prejudice dated 1/11/23.

Chairman Consigli opened the hearing. He read the Notice to Withdraw from Attorney Bertonazzi.

**Public participation:**

**Vote:** Motion made by John M. to accept withdrawal - Second by David P. – Roll Call Vote taken - Unanimous – Withdrawal accepted.

**8:05 P.M. - Hearing of Daniel Johnston/Ambassador Pool Dist. – Variance**

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

**Recused Members:** n/a

**In Attendance:**

**Documents provided:** Petition for Variance dated 12/19/22; Assessors “Request for Abutters List” dated 11/10/22; Certified Abutter’s list dated 11/10/22; GIS Property Info 25-44-106; Planning Board recommendation letter to ZBA dated 1/4/23; Town Planner letter to Planning Board dated 1/3/23; copy of Gloral Associates Plan “Plot Plan in Milford, MA – Owner Segundo Muyubisnay” dated 8-19-21; Notice of Hearing dated 12/22/22; Email to ZBA from Robert Arsenault dated 1/11/23; Email to ZBA from Building Commissioner John Erickson dated 1/12/23.

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

After opening the hearing and Board prepared for discussions, no one appeared in favor of the petition. The Board began their discussions on the application and with abutters present in opposition of the petition, the Board prepared to move forward and vote.

**Public participation:**

Abutters were present to speak in opposition of the application. The abutters discussed their frustrations with the property owner and the issues they have been facing for several years now.

**Vote:** Motion made by David Pyne to deny the application - Second by John M. – Roll Call Vote taken – Unanimous – Application denied.

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

**Meeting Adjourned – 8:27 P.M.**

Respectfully Submitted,

APPROVED:

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Melissa Tomas, Clerk

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David R. Consigli, Chairman