

Town of Milford – Zoning Board
Milford Town Hall – Room 3
Meeting Minutes – June 8, 2023

Meeting Called to Order – 7:01 P.M.

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

Not in attendance: alternate member David Claro.

Approval of Minutes

Motion made by John M. to approve the minutes of the May 11, 2023 meeting – Second by John D. – Roll Call Vote taken: Unanimous – Minutes approved.

General Business

Chairman David Consigli opened the May 11, 2023 hearing.

7:05 P.M. - Hearing of Alexander Piscia – Variance

Members participating: David R. Consigli, Chairman; John Mastroianni, Vice Chairman; John Dagnese; David H. Pyne; and Mark Calzolaio.

Recused Members: n/a

In Attendance: Attorney David Bertonazzi and Alexander Piscia

Documents provided: Petition for Variance dated 4/28/23; Assessors “Request for Abutters List” dated 2/17/23; Certified Abutter’s list dated 2/21/23; GIS Property Info 40-18-23; Planning Board recommendation letter to ZBA dated 5/17/23; Town Planner letter to Planning Board dated 5/16//23; copy of Allen Engineering & Assoc. Plan “Zoning Board of Appeals Plan for 10 Bandy Lane Milford, MA.” dated 3/22/2023; Notice of Hearing dated 5/19/23; Memorandum in Support of Application for Variance dated 4/3/23.

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

Attorney Bertonazzi began his presentation to the Board. He explained the application and the proposed work which was to be done. He spoke in detail about the water issues in the yard; the odd shaped lot; details of the new structure; aesthetically appealing to the neighborhood; and that it matches the home. Attorney Bertonazzi also discussed the work that was completed at the property; the expenses of the new structure; the cost to raze the new structure; and expenses to move the structure. Explained that his client is willing to work with the neighbors.

Chairman Consigli asked the Board members for their concerns or questions. Member Christopher Burns did not have a question at this time. Member Robert C. had a question about the arborvitaes

behind the shed. Chairman Consigli spoke about applicants who try to do the right thing and he understands that sometimes circumstances hit. Members Mark C. and Robert C. spoke about the error made in the Building Department. Member John D. discussed how most applicants come in good faith to the Board, the property is kept up, unfortunate to see the applicant go through this situation because it was an unfortunate mistake, and in this situation the applicant has evidence of all the work that was done. Member David Pyne did not have any questions or comments.

Chairman Consigli spoke of the 14 signatures in support. He then spoke about the drainage work that was done at the property prior to the installation of the new shed. Several conversations took place regarding the proposed changes to be made and several different options in addressing the matter. He explained to the applicant that he needs to work with the neighbors and is looking for suggestions on how to improve this shed aesthetically. Abutters were not happy and were vocal as to the process and the applicant's misrepresentation to the Town and neighbors. Chairman Consigli offered suggestions to remediate the situation while being understanding of the expenses to the applicant as well as the abutters concerns.

Public participation:

Kelly Boccia of 11 Bandy Lane addressed the Board and read her letter in opposition. She spoke of the inconsistencies throughout the process, as well as her concerns that the applicant was not faithful on his application. She lives directly across the street from the applicant and is not happy with the shed and has called the Building Department numerous times to address the matter.

Julia Furnari of 8 Bandy Lane read her letter in opposition to the Board members. Her property abuts the applicants and she has numerous concerns and issues regarding the applicants work. She informed the Board members that the applicant was not honest with the neighbors. She also spoke on several topics such as the paved area/size; large structure with electricity, violation of the By-Laws; she called the Building Department several times throughout the process with concerns and no one came out to inspect; and she wants the trees removed from her property.

Zach Samiljan of 2 Bandy Lane informed the Board that he is in favor of the application. He said Mr. Piscia does well in keeping up his property and it looks nice.

Cody Patnaude of 13 Bandy Lane addressed the Board and said he disagreed that the shed is an eyesore. He said applicant is always taking care of his property. He feels that those in opposition should have spoken up when the pad was being installed not after all the work is done.

Vote: Motion made by David P. to close the hearing at 8:11 P.M. - Second by John D. – Roll Call Vote taken – Unanimous – Hearing closed.

Vote: Motion made by David P. to approve the application with the following conditions: remove arborvitae from abutters property; install a white vinyl fence down the lot line (stopping at the edges of the shed, not on Funari's property); install an elevated shrub bed (4' wide and 2 ½' high) with 4 new arborvitae trees that are 6', each tree to be planted 3 ft. apart - Second by John M. – Roll Call Vote taken – Unanimous – Application approved.

8:17 P.M. - Hearing of Kevin Tomaso – Variance

Members participating: David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David H. Pyne; John Dagnese; and Mark Calzolaio.

Recused Members: n/a

In Attendance: Kevin Tomaso; Devin & Alisa Haughey.

Documents provided: Petition for Variance dated 5/16/23; Assessors “Request for Abutters List” dated 5/3/23; Certified Abutter’s list dated 5/3/23; GIS Property Info 25-34-14; Planning Board recommendation letter to ZBA dated 6/7/23; Town Planner letter to Planning Board dated 6/6/23; copy of Land Planning, Inc. Plan “Site Plan located at 5 Annie J Circle Milford, MA” dated 5/11/2023; Notice of Hearing dated 4/21/23; Letter of Support from Daniel and Jennifer Scovil dated 5/3/23.

Chairman Consigli began the hearing. He read the Notice of Hearing; the application; Town Planners letter and Planning Board recommendation. He then read the Letter of Support from Daniel and Jennifer Scovil.

The Contractor, Kevin Tomaso began his presentation to the Board. He explained the application and the proposed work to be done at the property. He spoke of the family and the current living situation and the hopes to complete this project for added space for the family.

There were no questions from Board members.

Public participation: none

Vote: Motion made by John M. to approve as submitted - Second by John D. – Roll Call Vote taken – Unanimous – Application approved.

8:24 P.M. - Hearing of Gomes Realty Trust. – Variance

Members participating: David R. Consigli, Chairman; John Mastroianni, Vice Chairman; David H. Pyne; John Dagnese; and Mark Calzolaio.

Recused Members: n/a

In Attendance: Attorney Ernest Pettinari; John and Domingos Gomes.

Documents provided: Petition for Special Permit dated 5/17/23; Assessors “Request for Abutters List” dated 4/25/23; Certified Abutter’s list dated 5/10/23; GIS Property Info 48-0-373; Planning Board recommendation letter to ZBA dated 6/7/23; Town Planner letter to Planning Board dated 6/6/23; copy of Guerriere & Halnon, Inc. Plan “Variance Plan of Land 15 Draper Park Milford, MA.” dated 4/20/23; Notice of Hearing dated 5/19/23. Request to continue the Special Permit from Attorney Ernest Pettinari dated 6/1/2023.

Chairman Consigli began the hearing. He read the Notice of Hearing.

Motion made by John M. to suspend the reading of the application - Second by John D. – Roll Call Vote taken – Unanimous – Reading of the Application was suspended.

Chairman Consigli then read Town Planners letter and Planning Board recommendation.

Attorney Ernest Pettinari began his presentation to the Board. He explained the new plot plan, and presented the new plans to the Board members at this time. He discussed the proposed work as well as the division of the lots. Attorney Pettinari spoke of the front and side yard setbacks as well as the conditions of the lot. He then spoke about the abutting properties; the size of the lots as well as the types on homes in the neighborhood.

Member Christopher Burn asked for clarification as to which property they were discussing and Board members detailed the correct parcel for him.

Public participation:

Louie Burgos – of 24 West Street – informed the Board that his only concern is the very large and dangerous Pine trees at the rear of the property which abut his property. He is willing to work together with the applicants to take down the trees to benefit both properties. Chairman Consigli suggested that he and the applicants exchange telephone numbers so they can work together and coordinate the work.

Emily Austin – resident of West Street voiced her concerns about notice to neighbors about work being done, clean-up during and after the construction; and the construction site. She informed the members that she lives across the street from the former Kellet Funeral Home which has been under construction and she is constantly cleaning her front yard of debris that is continuously being blown over. She does not want the same to happen with this work. Chairman Consigli informed her that she too can exchange phone numbers with the applicants, and reach out with any concerns. He also reminded Ms. Austin that the applicants have been working on the existing home and if she has not had any issues to date, he does not believe she will have any problems with the new construction.

Vote: Motion made by David P. to approve as submitted - Second by John M. – Roll Call Vote taken – Unanimous – Application approved.

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

Meeting Adjourned – 8:42 P.M.

Respectfully Submitted,

APPROVED:

Melissa Tomas, Clerk

David R. Consigli, Chairman