

Town of Milford – Zoning Board
Milford Town Hall – Room 3
Meeting Minutes – September 14, 2023

Meeting Called to Order – 7:00 P.M.

Members in attendance: David R. Consigli, Chairman; David H. Pyne; John Dagnese; Mark Calzolaio; and alternate members Robert Capuzziello; and David Claro. Also in attendance Jerry from Milford TV.

Not in attendance: John Mastroianni, Vice Chairman; alternate member Christopher Burns and Melissa Tomas, Clerk.

Approval of Minutes

Minutes will be approved at the next meeting.

General Business

Chairman David Consigli opened the September 14, 2023 hearing.

7:06 P.M. - Hearing of Ernane DeSousa – Variance

Members participating: David R. Consigli, Chairman; David H. Pyne; Mark Calzolaio; and alternate members Robert Capuzziello and David Claro.

Recused Members: n/a

In Attendance: Attorney Mark Wickstrom and Ernane Silva.

Documents provided: Petition for Variance dated 6/20/23; Assessors “Request for Abutters List” dated 5/30/23; Certified Abutter’s list dated 5/31/23; GIS Property Info 49-0-388; Planning Board recommendation letter to ZBA dated 7/12/23; Town Planner letter to Planning Board dated 7/11/23; copy of A.S. Elliott & Associates Plan “Variance Plane of Land 19 Highland Street, Milford, MA.” dated 3/16/2023; Notice of Hearing dated 6/23/23; Memorandum in Support of Variance from Attorney Mark P. Wickstrom; Notice of Hearing dated 7/26/23; Request for Continuation from Attorney Wickstrom dated 8/16/23; Notice of Hearing dated 8/28/23; Agreement and Assent to Variance Petition dated 9/13/23; Agreement and Assent to Variance Petition dated 9/14/23.

Chairman Consigli began the hearing. He read the Notice of Hearing, the application and informed everyone that this hearing was continued and was re-noticed. He then read the Town Planners letter and the Planning Boards recommendation.

Attorney Wickstrom began his presentation to the Board. He spoke of the application and the new/revised plan with the proposed driveway; he presented the Chairman with a copy of the Occupancy Permit discussed; and also provided the Board with 2 letters of support from abutters.

Board members began their discussions and asked questions. Chairman Consigli reviewed the plan, expressed his concerns with the plan as it is still incorrect. He explained to Attorney Wickstrom that the new plan would need to go back to the Planning Board for approval. Member David Claro questioned the proposed driveway cut. Member Robert Capuzziello expressed his concerns, said he does not see

any hardship and the lot is lacking frontage and area. Member Mark Calzolaio questioned the applicant, asking who is living in the house now? Is there a basement unit/apartment? And questioned where is the hardship? Mr. Silva informed the Board that there is no basement unit or apartment (no kitchen in the basement) and Attorney Wickstrom spoke about the lot size being the hardship. Chairman Consigli then spoke of the two living quarters in the home, two driveways, and that two families have been living there. He also pointed out that the utilities have been separated and there are still incorrect plans for the application. No other members had questions or comments.

In closing Attorney Wickstrom spoke about possibly regulating the conditions. Such as a one-story dwelling; he spoke of the tree removal out back; and that his client is willing to add arborvitaes to the back lot.

Public participation: None

Vote: Motion made by Mark C. to deny the application as submitted - Second by Robert C. – Roll Call Vote taken – Unanimous – Application Denied.

7:16 P.M. - Hearing of William & Jane Rowe – Variance

Members participating: David H. Pyne; John Dagnese; Robert Capuzziello; and David Claro.

Recused Members: David R. Consigli, Chairman and Mark Calzolaio. (left the room)

In Attendance: Attorney Ernest Pettinari and William Rowe.

Documents provided: Petition for Variance dated 8/10/23; Assessors “Request for Abutters List” dated 7/25/23; Certified Abutter’s list dated 7/25/23; GIS Property Info 13-0-3B; Planning Board recommendation letter to ZBA dated 9/6/23; Town Planner letter to Planning Board dated 9/5/23; Guerriere & Halnon Inc. Plans “Plan of Land 234 Purchase St, Milford, MA.” dated 7/12/2023; Notice of Hearing dated 8/28/23.

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

Attorney Pettinari began his presentation to the Board. He spoke of the history of the home; the P&S Agreement for 234 Purchase Street; and the variance requirement for lot width and lot shape factor. He informed the Board that there is no change in use. Looking to market and sell the 2-family house and then the applicants will focus on the remaining acre and other lots.

Acting Chairman David Pyne asked Attorney Pettinari to explain the plans to the Board members and help clarify which lots are to be established, the lot lines; and who owns which lot. After several discussions amongst the members, Attorney Pettinari, and Mr. Rowe, the Board was clear as to the request by the applicant.

Public participation:

Jesse Crandall – 236 Purchase St. – is an abutter and asked for clarification as to what is being requested. The Board members helped inform him and Attorney Pettinari also answered some questions.

Vote: Motion made by John D. to approve as submitted - Second by David Claro – Roll Call Vote taken – Unanimous.

7:32 P.M. - Hearing of Pandolfo Company, Inc. – Special Permit

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

Recused Members: n/a

In Attendance: Mr. Joe Pandolfo and John Federico, Engineer from Guerriere & Halnon.

Documents provided: Petition for Variance dated 8/16/23; Assessors “Request for Abutters List” dated 8/14/23; Certified Abutter’s list dated 8/14/23; GIS Property Info 52-135-1; Planning Board recommendation letter to ZBA dated 9/6/23; Town Planner letter to Planning Board dated 9/5/23; Guerriere & Halnon, Inc. Plan “Amended Site Plan- Golden Nozzle Car Wash 39 Greene Street, Milford, MA 01757” dated 7/1//23; Notice of Hearing dated 8/28/23.

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

John Federico began his presentation to the Board. He discussed the revised plans and spoke of the changes made to the plans. He spoke of the features being maintained and what they would like to add. He spoke of the spaces available and the number of employees.

Board members began asking questions regarding the proposed work, additions, and existing facility from the prior Special Permit decision. Board members want ownership from Golden Nozzle to appear in front of the Board. A Special Permit is required for the business and they have been operating without the Special Permit for over 2 years. Chairman Consigli also noted that the vacuums that were installed need to be shut off immediately.

Joe Pandolfo began explaining to the members his process and direction from Town Planner and the Planning and Engineering Department. He spoke of the vacuums added to the facility, and spoke of the closed bays not being used. Discussions ensued about the added vacuums, and the transfer of the business. Golden Nozzle purchased the business approximately 3 years ago from the prior owners.

Public participation:

Anne Maria Caggiano – 33B Green St. – spoke to the members regarding this application. She told them the previous owners were very respectful; the back bays are being used for car detailing; attendants are loud and use profanities; buffing machines are very loud as well. She has made multiple calls to management and corporate. She stated this business is not very neighborly with noise level.

Harry Ohannesian – 18A Elm St. – also addressed the Board members. He stated that the previous owners were very respectful and pleasant to be nearby. Now it is much louder; residents cannot enjoy quiet time at home; it is very unpleasant.

Barbara Jean Dutko – 1B Vine St. – expressed her concerns to the members. She said there are two problems with tis business; she hears a lot of yelling and profanity and she cannot even open her windows at home; she is also concerned with safety. The entrance and number of vehicles are a safety issue.

Vote: Motion made by David P. to deny the application – (there was no second)

Vote: Motion made by David Consigli to continue the hearing until the October ZBA meeting - Second by Mark C. – Roll Call Vote taken – 4 in favor; 1 opposed (David Pyne) – Application Continued.

8:04 P.M. - Hearing of Daniel Ribeiro – Special Permit

Members participating: David R. Consigli, Chairman; David H. Pyne; John Dagnese; and Mark Calzolaio; and alternate member David Claro.

Recused Members: n/a

In Attendance: Daniel Ribeiro and his son.

Documents provided: Petition for Special Permit dated 8/24/23; Assessors “Request for Abutters List” dated 8/21/23; Certified Abutter’s list dated 8/22/23; GIS Property Info 42-0-314; Planning Board recommendation letter to ZBA dated 9/6/23; Town Planner letter to Planning Board dated 9/5/23; RealMapInfo LLC Plan “Proposed House Plot Plan of Land in Milford, Mass” dated 4/4/23; T Design, LLC Plans “New Construction 13 Domenick Street, Milford, MA.” Dated 4/20/23; Notice of Hearing dated 8/26/23.

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

Mr. Ribeiro’s son presented to the Board members. He provided the members with the building plans. He explained the history of the property; spoke of the fire damage; and discussed the new plans.

There were no questions from the Board members regarding the proposed work. The Board requested that the lot would need to be pinned at the corners; and the shed can stay.

Public participation: none

Vote: Motion made by David P. to approve as submitted with pinning the house corners, As-Built Plan upon completion; no more than 4 bedrooms; and two 3” caliber trees in front - Second by David Claro – Roll Call Vote taken – Unanimous – Application approved.

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

Meeting Adjourned – 8:13 P.M.

Respectfully Submitted,

Melissa Tomas, Clerk

APPROVED:

David R. Consigli, Chairman