

**Meeting of the Planning Board
Thursday, April 13, 2023**

The 22nd meeting of the Milton Planning Board for FY2023 was called to order at 7:07 p.m. in the Blute Conference Room of Town Hall.

Present: Planning Board members Meredith Hall (Chair), Cheryl Tougias (Secretary), Sean Fahy, Maggie Oldfield and Richard Boehler; Director of Planning and Community Development Tim Czerwienski (remote), Assistant Town Planner Josh Eckart-Lee (remote) and Sr. Administrative Clerk Julia Getman. Mr. Boehler arrived at 7:10 p.m.

1. Administrative Items:

On a motion by Ms. Tougias, seconded by Mr. Fahy, the 3/23/23 meeting minutes were approved 4/0/0 as amended. An upcoming meeting was confirmed for April 27th. Ms. Hall and Ms. Tougias thanked Mr. Boehler for his service to the Board and the Town.

Staff Update:

Mr. Czerwienski deferred the update.

2. Citizens Speak: There were no speakers.

3. Public Hearing: Bylaw Recodification Article

Town Clerk Susan Galvin discussed the history of the bylaw recodification process, the funding for which was approved by the Town in 2017. She explained the “double processing” system used by General Code to compare and correct the bylaws during digitization, noting that neither the language nor the context of the bylaws would be affected. She said that the bylaws had not been certified since 2009, two years before she was appointed, and that the Building Commissioner, residents and developers regularly rely on updated bylaws. On a motion by Ms. Tougias, seconded by Mr. Fahy, the zoning hearing was continued to a later time due to a timing conflict.

4. Public Hearing: 440 Granite Ave. Site Plan Approval (Cont.’ from 3/30)

The Board discussed Attorney Marion McEtrick’s draft site plan decision for the 24-unit development, written on behalf of Oranmore Enterprises LLC. Adjustments to the decision regarding street trees, architectural features and the Average Median Income percentage for subsidized housing were addressed. Certain language modifications were made by the Board members. The definition of “food service” as it may pertain to a ground level commercial space business, and how a restaurant may affect traffic and parking in the area were discussed. Ms. McEtrick mentioned that a variance for commercial parking would be requested of the Zoning Board of Appeals (ZBA), and it was agreed that the nature of a food-oriented business may be better defined within the conditions of the approval. Ms. McEtrick stated that the Department of Public Works (DPW), Town Engineer, Police and Fire Departments, as well as the Planning Board, must approve the Construction Management plan before construction can begin. Parking provisions, including shared spaces within the underground garage and 5 outdoor spaces, were discussed.

Public Comment:

Andrew D’Amato of 26 Pierce St. thanked Mr. Boehler for his service to the town. He said that the “already overburdened” neighborhood could not tolerate more traffic and mentioned the dangerous conditions of Granite Ave. He said that architectural features should be broken up to reduce massing and the building should be given a more traditional “village” look. He thanked the Board and developers for compromising on the project.

On a motion by Ms. Tougias, seconded by Mr. Boehler, the hearing was closed. The Board discussed the benefits of the project and addressed concerns about the architecture. The development team was commended for reducing the unit count and bringing the building height down by one story. Ms. Oldfield expressed disappointment that she was not a member of the Board during the early discussions of the project and said she was not fully supportive but recognized the need to move the project forward. On a

motion by Ms. Tougias, seconded by Mr. Boehler, the Board voted unanimously to grant Site Plan Approval and to approve the draft decision as amended.

Public Hearing: Zoning Recodification Town Meeting Zoning Article (Continued)

Bylaw Review Committee (BRC) Chair Peter Mullin said that the BRC supported the digitalization of the bylaws and had produced three versions of non-substantial changes before the fall of 2022 when Ms. Galvin and Mr. Prondak received approval from the PB to start the process over and send a new document to General Code (G.C.) for digitization.

Ms. Tougias mentioned that Town Counsel advised that the process required a clean baseline using the last certified version to and all amendments since 2009 to in order to produce traceable changes. Mr. Mullin reiterated that the BRC's changes were non-substantive and format oriented. Mr. Czerwienski stated that the BRC changes were "voluminous" and had a wide variety of edits that would be difficult for town meeting members to ascertain. He said that an updated, working copy was urgently needed and that formatting issues could be addressed in a second phase of the process.

Mr. Mullin stated that G.C. had provided a document in January of 2023 which had not been proofread and that a second version had been provided in February 2023 with additional changes that were not identified. Mr. Czerwienski discussed G.C.'s process of comparing and proofing the bylaws and questioned whether the consequences of forcing the town to continue to rely on outdated bylaws outweigh any formatting errors, and was confident that there were no discrepancies within the actual language of the bylaws.

Mr. Mullin mentioned discrepancies with the posting of the G.C. documents on the Town's website and in the May 2023 warrant and believed that proper notice may have been compromised. He said that G.C. created headings that may not accurately describe the bylaws and said that certain references and terminology diverge from the original language. He believed the process had been rushed and should be referred back to the Clerk for further study.

Public Speak

Kathleen O'Donnell, of 12 Belcher Circle, a former Planning Board member and current member of the Board of Appeals, noted that 14 years had passed since the bylaws had been codified and that Town boards and departments desperately need a complete, accurate and searchable set of bylaws. She said that the G.C. work during the digitization has been "ministerial and clerical" and that the process was a change in technology, not a change in the law.

Alex Whiteside of 79 Hillside St., a member of the Bylaw Review Committee, said that a fully accurate version of the zoning bylaws should go before Town Meeting with all formatting errors corrected. Ms. Oldfield supported digitization but stressed the importance of having accurate numbering systems and noted that members of the BRC have legal experience. Mr. Czerwienski explained that the difference between the January and February versions was that the blasting bylaw and wetlands bylaw were listed as zoning bylaws when they should have been listed under the general bylaws.

Ms. Tougias mentioned that the Board had voted to support Mr. Prondak and Ms. Galvin's fall 2022 initiative to re-start the process, noting that they are legally responsible for work requiring adherence to updated bylaws and rely on accurate information. She stressed the urgency of transferring the bylaws into a usable, updated digital version which was considered more important than typographical mistakes that could be fixed in phase 2. Mr. Mullin suggested that the document be proofread and presented at the fall Town Meeting. Mr. Czerwienski said that some numbering, heading and internal references may be problematic, but the language is the same. Mr. Mullin suggested that Mr. Prondak use the unofficial, paper version until the final G.C. product is further reviewed. On a motion by Ms. Tougias, seconded by Mr. Fahy, the hearing was continued to April 27th.

5. Public Hearing: 111 Highland St. Memory Care Facility

Mr. Corcoran discussed plans to enlarge a culvert on the site following an April 1st site walk. He said that peer engineers Tetra Tech had not yet provided comments on the traffic report and that he had plans to meet with DPW Director Chase Berkely to discuss traffic calming measures. He said that he had met with the abutter at 137 Highland St. and agreed to provide renderings of post-construction landscaping, with three layers of buffering along the property line. He said a color-coded plan identifying trees to be saved was being produced and that updated site sections, broken into subsections, were being developed. Paving, exterior lighting and the number of parking spaces were discussed.

Manette Donovan of 16 Spafford Rd. gave a presentation on the hazardous traffic conditions on Spafford Rd. She noted that many children live in the area, the street is narrow and has no sidewalks, it is not safe for school buses, and that hospital vehicles often use Spafford Rd., causing cars to back up, and that 228 new trips a day are expected at the project site. She said it was not an appropriate site for a 70-unit structure in a residential area with wetlands.

Gene Irwin of 129 Highland St. said that the Town's Rules and Regulations state that sewer systems must be gravity fed and that there is no place for sewage in such a swampy area. He said that a Swept analysis had not been conducted and that the hearings were a waste of time if fire trucks cannot safely access the property.

Francis Carty of 36 Spafford Rd. supported the building of a memory care facility but believed the site was not the right location for it. She said that neighbors had worked hard for their homes, their biggest assets, and that resale values would greatly diminish.

Theresa O'Brien of 42 Spafford Rd. said she supported having a memory care facility but believed it should be smaller, the loading areas moved to the back, and that Saturday construction hours should start at 9:00 a.m. instead of 7:00 a.m. She said that the building would be fully visible from the street in the winter and there are no significant tree plantings planned for Highland St.

Bard Haurizaj of 11 Spafford Rd. discussed severe flooding in the area during rainfalls, said that the water table is only 22-33 inches below grade, and expressed concern that the proposed project will worsen flooding. He believed the existing clay stormwater drainage pipe may fail and said that there were many unanswered technical issues that should be addressed by a professional hydrologist.

Ms. O'Brien mentioned that a large 40B was approved at 648 Canton Ave., a new building was approved for Winter Valley, and stormwater from all three parcels drains into the same system.

Daniel Hill, an attorney representing the neighbors on Spafford Rd., strongly recommended that a professional hydrologist survey the area. He said the plans present a "gross overutilization of an environmentally sensitive site," and will adversely affect wetlands, cause flooding on abutting properties, and increase traffic. He said that buffer zones for wetlands should have gradual slopes, not vertical slopes with retaining walls, and that access to the site does not comply with the fire code standards. He asked that peer review engineer Sean Reardon review CAD files of the site to verify the dimensional calculations for open space and lot coverage, which are critical eligibility requirements of the zoning bylaw.

Nadine Hanna of 11 Spafford Rd. asked why the developer would not carry the expense of tying the sewer system into that at Winter Valley and providing vehicle access through the Winter Valley campus. She said that the screening plan was not robust enough and asked for a double planting of the buffer, noting that the forest was going to be "ripped out," and the nature of the neighborhood would be gone.

Allen Hankins, an attorney representing the Welz family at 179 Highland St., said that the existing stormwater structure on the site had not been surveyed and questioned how construction would take place not knowing what lies beneath the surface. He said an existing manhole structure was going to be removed and that there is no record of what it ties in to and how its removal will affect stormwater management.

Tosia Welz of 179 Highland St. said that she supported all of the comments made by her neighbors.

Frank Donovan of 16 Spafford Rd. asked how PB meetings are organized, noting that the discussions tend to take place late into the evening and are not getting the attention they deserve.

On a motion by Ms. Tougias, seconded by Ms. Oldfield, the hearing was continued to May 11th. Ms. Oldfield left the meeting at 11:30 p.m.

6. MBTA Communities Zoning Discussion

Ms. Tougias asked if the contract with Utile consultants had run its course and if it was able to improve on the compliance model to include additional district areas for the purpose of providing subdistricts with varying densities. She said there were “more things to test” and that Utile should supply a report. Mr. Czerwienski replied that Utile would be able to create another model of districts and visualizations of those districts and that he had prepared a report for review and feedback but time did not allow him to present it. He said that the Metropolitan Area Planning Council (MAPC) had offered technical assistance with the models and that the Utile and MAPC contracts would last through the fiscal year. Scheduling a meeting to specifically address MBTA zoning was proposed.

7. On a motion by Mr. Fahy, seconded by Ms. Tougias, the meeting was adjourned at 11:39 p.m.



Cheryl Tougias, Secretary