Meeting of the Planning Board
Thursday, September 24, 2020

The fourth meeting of the Milton Planning Board for FY2021 was called to order at 7:00 p.m. via the Zoom virtual meeting software following an Executive session with Town Counsel Kevin Freytag.

Present: Planning Board members April Anderson (Chair), Denise Swenson (Secretary), Cheryl Tougias, Kathleen O’Donnell and Richard Boehler; Town Planner Tim Czerwienski, Assistant Town Planner Allyson Quinn, Sr. Administrative Clerk Julia Getman.

1. Administrative Items: Mr. Chair Anderson relayed the terms of the open meeting law under the Governor’s order suspending certain provisions of the Open Meeting Law relating to the Coronavirus outbreak emergency. She noted that the meeting was being recorded and televised and provided directions on how to remotely join. Upcoming meetings were confirmed for October 8th and 29th. On a motion by Ms. Swenson, seconded by Ms. Tougias, the Board voted by rollcall to approve the 7/23/20 and 9/10/20 meeting minutes as amended, 5/0/0.

2. Staff Update:

    Wolcott Woods: Mr. Czerwienski stated that a request had been made by representatives of the development at 1672-1726 Canton Ave. for the Board to reconsider a requirement in the Great Estates bylaw requiring that homeowners be 55 years or older. Issues involving adult children and younger partners residing with the homeowners were considered. He mentioned that Attorney Edward Corcoran, representing the developer, was drafting language reflecting the change to present before the Board.

    227 Pleasant St. Subdivision: Mr. Czerwienski said that the Board of Health, responding to a waiver request to install a sidewalk on one side of the private way, believed that sidewalks on both sides should become a standing policy for all developments.

    Open Space Assessment: Mr. Czerwienski stated that the Town is working to reevaluate and update the open space and recreation space plan. He said that a state mandated report may open opportunities for open space and recreation grant funding from the commonwealth for construction and acquisition of open space and that the Parks Department manager and members of the Parks Commission and Conservation Commission supported the update.

    Public Bike Share: Mr. Czerwienski reported that the Metropolitan Area Planning Commission (MAPC) had been working to expand the public bike share program and that he would be working with the Bike Advisory Committee to expand it to Milton. He asked that the Master Plan Implementation Committee participate in the discussions.

3. Citizen’s Speak: No one spoke.


The Board discussed updates to the declaration of trust and easement plan, as well as updated grading and construction management plans. Specifications for the proposed perimeter fence and a profile diagram of the retaining walls had also been provided by the developer.

Attorney Marion McEttrick, representing the applicant, stated that the updated construction management plan did not include plans for blasting. She said that maintenance of the perimeter

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fence and retaining walls would be the responsibility of the homeowner’s association, as well as the storm water management system, which would be contracted to an engineering firm. A copy of the contract, as well as all maintenance reports, would be provided to the Department of Public Works (DPW) and Planning Department. An easement for emergency access and access to town-owned conservation land had been included. A revised grading plan showing lower retaining walls and an adjustment of grades was displayed. Construction materials, elevations and the location of the perimeter fence were included in the revised plans.

A wall profile diagram was addressed. Proposed retaining walls, grading, and views of the 6’ fence from both outside and within the property were discussed. Engineer Jim Burke discussed plans for grading and proposed retaining walls in greater detail. Ms. McEttrick believed the drainage system to be highly functional and said that it would not be affected by the new grading plan.

Public Speak:

Ann Clasby of 235 Pleasant St., a direct abutter, discussed concerns about construction noise and disruption and the effects construction activities might have on the health of nearby residents. She asked if decibel levels could be monitored and requested that extremely loud activities be contained within certain time brackets with limited hours so that residents could evacuate. She asked if noise-reducing fencing and buffers could be provided along her property line.

Ms. Anderson read a letter from abutter Judith Levasseur of 235 Pleasant St. expressing concerns about noise levels and possible damage to her home during construction. She asked about compensation from the developer for home inspections prior to construction and how to appeal the application.

Ms. Tougias discussed concerns about the health of trees along the property’s perimeter, noting that the root balls of trees on Ms. Clasby’s property extend into the construction area.

Developer Kyle Harnish noted that the abutter on the opposite side of the development, at 211 Pleasant St., did not wish to keep the trees on his property that may be affected by the construction. The elevations of the retaining walls and their effect on the health of existing trees were discussed. Ms. Tougias noted that the Town’s Rules and Regulations require that grading be minimized and significant trees be protected, and addressed plans for cutting and filling. She did not believe the tree removal plan properly represented the number of trees to be impacted. She said that there were no plans to save significant trees and believed there were options in the design for the saving of trees. Mr. Burke said he was “very confident” he could save a significant oak tree on Ms. Clasby’s property and said the trees along Pleasant Street would be preserved. Ms. Tougias asked that the cutting be minimized, a retaining wall be tiered and that the wall be built further in from the property line.

Mr. Harnish said he had spoken to abutters in March and addressed concerns about tree removal and wall and fence construction. He said he would comply with the “strict” building codes of the town and would warn abutters about significant construction disruptions. Ms. Tougias asked that equipment causing the least amount of noise, vibration and dust be used in construction. Ms. O’Donnell said she would like to include protections in the language for trees along Pleasant St. and Ms. Clasby’s property line. Ms. Swenson discussed guidelines, drawn from the International Society of Arboriculture, on avoiding tree damage during construction, treatment of trees damaged by construction, and new tree planting provisions. She discussed photographs of the
trees lining Ms. Clasby’s property and damage to roots stretching into the development. She asked that notification of extremely noisy activities and consolidating construction times should be added to the language. It was noted that 30 trees would be removed and 67 new trees planted.

Mr. Harnish said he expected construction to last 2-3 years in accordance with the selling of the homes and would like to get construction started as soon as possible, before the onset of winter. Enforceability of noise impacts was discussed.

The Board discussed creating breaks in the wall along the 211 property line to make it look less “institutional.” The trees on the Clasby property and trees on Pleasant St. would be documented and included in the permit for protection. On a motion by Ms. Tougias seconded by Ms. Swenson, the meeting was continued by rollcall to Thursday Oct. 8th, 5/0/0.

5. 8 Parkwood St. Landscaping Discussion

Mr. Czerwinski discussed how in 2017 a developer had accidentally razed a large number of Town-owned trees on the property and had provided $12,000 in security checks to the Town to be used over three years to ensure replacement and proper irrigation.

Carol Stocker of 291 Hillside St., a member of the Hillside Neighborhood Association (HNA), described how 33 mature trees were illegally clear cut along the historic and scenic road, which had “defaced” the neighborhood. She said that 17 trees and 80 shrubs had been replanted, and that three of the new trees were failing. She asked that access to the funds held in escrow be extended from April to July of 2021, when a better health assessment could be secured. She said that the three-year time limit was established as a verbal agreement and that there was no video recording of the meeting in which the terms were discussed.

Jason Benzaken, Chair of the HNA, said that the agreement was discussed at the HNA’s January 2018 meeting and are noted in the minutes of the 4/12/2018 Planning Board meeting.

Ms. O’Donnell asked that a written agreement with a time line be procured. The legal steps for obtaining funds from the security checks were considered. Ms. Swenson stated that volunteers from the neighborhood have been tending to the parcel and were in need of mulch as well as a pickup truck to haul away debris. Anticipated expenses and involving the DPW to help with maintenance was discussed. Mr. Czerwinski said he would explore options and help Ms. Stocker work with the DPW.

6. Old Business:

2021 Zoning and the Housing Production Plan: Ms. Anderson said that discussions would take place at the October 8th Planning Board meeting.

East Milton Status Report: Mr. Czerwinski said that consultant Judi Barrett would be attending an October PB meeting and noted that the scope of work had been provided. He said that her contract expires at the end of the year and that she is on schedule to meet her target. Three more meetings of the East Milton Working Group are expected to take place, and the working group was successfully building a knowledge of planning procedures which he believed will enrich community understanding of planning incentives.

7. On a motion by Ms. Swenson, seconded by Ms. Tougias, the meeting was adjourned by rollcall at 9:20 p.m.
Denise Swenson, Secretary