Meeting of the Planning Board  
Thursday, October 8, 2020

The 5th meeting of the Milton Planning Board for FY2020 was called to order at 7:03 p.m. via the Zoom virtual meeting software.

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

**Absent:** Richard Boehler

**1. Administrative Items:** 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 novel 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 29th and November 12th. Approval of minutes was deferred.

**2. Staff Update:**
Mr. Czerwienski reported that a grant had been approved through the Shared Streets and Spaces Program to provide better parking options and safer pedestrian and biking routes on Brook Road. He discussed updating the Town’s FEMA floodplain overlay zoning maps to allow residents to qualify for federal flood insurance. He reported that 40B applications for 485 Blue Hills Parkway, 582 Blue Hill Ave. (BHA) and 648 Canton Ave. were before the Zoning Board of Appeals (ZBA) and asked if Board members would like to add comments to the site eligibility letters drafted in March. He mentioned that the East Milton 40B application had received site eligibility approval and that a formal application would be forthcoming. He said that two new site eligibility applications had been received for 16 Amor Rd. and 936 Brush Hill Rd. and that he would be collecting comments from Town Boards and Departments addressing the applications.

**3. Citizen’s Speak:**
Bryan Furze, 630 Brush Hill Rd. said he considered Milton to be “under attack” by the Tamposi Development firm which had purchased four properties for 40B development. He acknowledged the lack of discretion the Planning Board has over the 40B process but was “extraordinarily concerned” by the vulnerable position the Town now faces due to poor planning. He was particularly concerned by the size of the proposed 40B at 582 BHA, which would be almost twice the size of 88 Wharf. He asked that Town Boards acknowledge the “lack of appropriateness” for the project, including the scale, height, traffic and pedestrian dangers, lack of public transit, and significant historic value. He asked that the Board work “as hard as possible” with the Select Board and ZBA to reduce it to an appropriate scale, noting that two other 40B projects were planned for the Brush Hill Neighborhood. He asked that Mr. Czerwienski and Town Administrator Michael Dennehy “lead the process” to get the town into 40B compliance and work to implement the Housing Production Plan (HPP). He suggested putting the 711 Randolph Ave. 40B project forward, working towards a friendly 40B in East Milton and negotiating with the Tamposies to chip away at affordability requirements while reducing the size of their projects.
Steve Shapiro, 184 Robbins St. said that neighbors would like to get to the 10% requirement for affordable units but the scale of the 582 BHA project is concerning. He described the application as "disingenuous" in the way it presented traffic studies and the proximity to amenities and discussed concerns about pedestrian and bike safety.

Amy McGrath, 176 Robbins St., asked about submitting written statements to the PB and believed a strong position needed to be taken by the Board on the applications. Ms. O’Donnell encouraged the public to participate in the ZBA hearings to entail that comments become part of the official record.

Mary Jane Walker, 35 Vose Hill Rd., expressed concern about the number of current 40B projects in Milton, noting that the 582 BHA plans would have considerable impacts on both the neighborhood and the town, including impacts on traffic, schools and overcrowding. She stated her "vigorous opposition" to the projects and hoped the Board would share theirs as well.

Pat Mulligan, 236 Robbins St. agreed with previous comments. He said the intersection at Rte. 138 and Robbins St. is dangerous and believed a 40B at 582 BHA would increase traffic "exponentially." He said there were many young children in the neighborhood worried about cut through traffic. He discussed the historical significance of the house and garden. He believed there was "extreme concern and worry" for all citizens.

Stephen O’Donnell, 65 Hills View Rd., Chair of the Historical Commission, said he agreed with Ms. O’Donnell’s recommendation to share concerns with the ZBA. He discussed the extensive, time consuming process of approving new projects, such as those at 865 Brush Hill Rd. and the Carberry Estate, and hopes the Board will involve as much detail in their analysis of the 40B projects as they did on other large developments in order to get them to a point where they would benefit the town.

Margelin Gace, 12 Meeting House Lane, agreed with previous comments. He noted that impacts on traffic and schools could not be used as a basis for stopping the projects and urged a focus on the size and scale of the buildings and number of units. He stressed the need to work with the developer to mitigate bad effects and asked about the 40B consultant hired by the Select Board. It was noted that consultant Judi Barrett had assisted in crafting site eligibility response letters to Mass Housing from Town departments. Ms. O’Donnell stated that there was little the PB could do until the 10% quota was met but that the Housing Production Plan and a Condo Conversion bylaw were being worked on by the PB.

Victoria Dozier of 179 Robbins St. said her home, recently purchased, had been chosen for the safety and historical features of the area. She said she and her husband are proponents for affordable housing but believes it should be developed in areas with amenities, public transportation and more accommodating school systems. She said she was "outraged" by the scale of the proposed development at 582 BHA, and believed the safety and charm of the town will be compromised.

Dane Fletcher, 42 Vose Hill Rd., agreed with previous comments. He asked if there were town-owned parcels that may be considered in the negotiations. Ms. Anderson replied that she did not believe the developers were willing to negotiate and urged the public to stay engaged with the proceedings of the ZBA and focus on the application.

Barbara Alavi, 131 Alfred Rd., asked who had hired Ms. Barrett, how to review the comment letters, when the last housing assessment had been done, and if residents could object to the 10%
requirement. She believed the Covid pandemic was “undermining” the voices of residents and allowing 40B developers the opportunity to move “full steam ahead.” She described the 582 BHA proposal as “preposterous” and “obnoxious,” and said she did not feel support from the Town.

It was noted that Milton had voted to uphold the 40B statute when on a ballot for repeal in 2010, housing assessments are conducted according to the census, Ms. Barrett was hired by the Select Board and the response letters could be found on the Town website.

Amy McGrath added that the PB had the power to steer the language of the Town response and said elected officials must work to achieve the best outcome possible.

4. Old Business: Discussion of 2021 Zoning Articles

Tree Rules and Regulations & the Tree Bylaw
Ms. Swenson discussed new language affecting guidelines for tree protections and preservation during construction projects. Protections for stone walls, retaining walls, and smaller caliper trees (3”) were added. The use of bonds and the involvement of the Shade Tree Advisory Committee were discussed. On a motion by Ms. Swenson, seconded by Ms. O’Donnell, the improvements were approved by rolcall, subject to Town Counsel’s approval, 3/0/0.

The Board discussed revisions to Earth Materials Removal and Deposit of Fill regulations in the Town bylaws, adding protections for trees and treescapes. Tree removal, replacement, and size were addressed. The Board discussed forming a working group to streamline the language and incorporate feedback from the Building Commissioner before presenting it to Town Meeting in January 2021.

Condominium Conversion Bylaw
Ms. O’Donnell discussed edits to existing bylaw language which she believed would save older significant homes. She discussed the size, age and types of properties that would qualify, stating that acreage should not be a requirement. The Historical Commission, Conservation Commission and the Affordable Housing Trust would be consulted on the language, which would be more comprehensive and sensitive to existing buildings and the neighborhood. A build-out model would be developed to visualize certain outcomes and to identify unintended consequences.

5. Old Business: Amendment to Great Estates PUD Zoning Bylaw

Attorney Edward Corcoran, representing Northland Residential, asked that the language be adjusted to include non-age qualified occupants (under 55 years) such as dependent adult children, live-in caregivers, siblings and domestic partners of an age-qualified occupant. Attorney Anthony Cichello, representing several abutters, believed the article should be further studied before being presented to the warrant for the December 7th Town meeting. Mr. Corcoran asked that the Board vote to include it in the warrant, and to continue public hearing discussions before presenting it to town meeting. He mentioned that the decision was time-sensitive due to a pending purchase and sale of one of the units. It was noted that concessions had been made for the developer during an extensive permitting process in lieu of the 55+ age restriction and had been agreed upon by residents and public officials. The effect on occupancy rules for other age-restricted communities was considered, as well as the need for flexibility. On a motion by Ms. O’Donnell, seconded by Ms. Tougias, the Board agreed 3/1/0 by rolcall to submit the article to
the Select Board for inclusion on the warrant under the premise that the language would be studied, clarified, and shared with the community during the public hearing process.

Ms. Tougiada joined the meeting at 9:00 p.m.

6. Old Business: Wolcott Woods Special Permit Amendment Procedure

Referring to a di Minimis architectural adjustment that had been approved by the Board in July, Mr. Czerwinski noted that the special permit states that “If any board member or noted entity notices that the amendment is substantial, it shall be so treated.” Project Developer Steve Gallagher discussed the plans, which included the shifting of three units to better fit the topography without a change to the square footage. There were no public comments. On a motion by Ms. Swenson, seconded by Ms. O’Donnell, the Board voted by rollcall to accept the change as di Minimis, 4/0/0.

7. Public Hearing: 227 Pleasant St. Definitive Subdivision (cont. from 9/24)

Mr. Czerwinski reported that an arborist’s report and updates to the grading, landscape and Construction Management plans had been received.

Attorney Marion McEttrick, representing the applicant, discussed plans to remove a section of a retaining wall at the eastern lot line and adjustments to the landscaping along lots 4 and 5. She discussed the health of certain trees and plans for those to be removed and replanted.

Mr. Czerwinski stated that after meeting with the Building Commissioner and Town Engineer he believed certain details of the Construction Management Plan should be listed in a separate document for easier enforceability.

Enforceability of regulations such as trench excavations, construction material storage, stock piling, clearing of lots, construction hours and phasing schedules were discussed. It was agreed that grading plans must be consistent on the application, definitive subdivision plan and as-built plan. Methods for notifying the public of construction activities were discussed.

Protections for trees, erosion control measures and stabilization of cleared areas during construction were discussed. Engineer Jim Burke discussed the phasing of construction and installation of the infrastructure. It was suggested that the maintenance plan, which would include such safeguards, be included in the conditions of the permit and not part of the Construction Management Plan. Periodic status reports would be provided to members of the community by email. The Board agreed that the Construction Management Plan would be defined by the storm water bylaw and that erosion control measures would be determined by a National Pollutant Discharge Elimination System (NPDES) permit. References to blasting would be removed from the permit.

Public Speak

Ann Clasby, 235 Pleasant St. asked about the purpose of the retaining wall to be removed and the trajectory of runoff. Mr. Burke stated that the wall had no significant impact to the site design and that runoff would be stored in storage tanks to be slowly released onto Pleasant St.

On a motion by Ms. Swenson, seconded by Ms. O’Donnell, the hearing was closed.
On a motion by Ms. Swenson, seconded by Ms. O’Donnell, the definitive subdivision was approved by rollcall pending the review of the written decision and pending documents, 4/0/0.
Mr. Czerwienski reported that Town peer Engineer David Crispin of BSC Group had performed a final analysis for the property to establish the efficacy of the drainage and planting plans after a three-year legal battle between the Town, the Homeowners Association and the Developer of three new single family homes on the site. Mr. Crispin had provided a statement attesting that the storm water management system was considered “satisfactory” and that the site is stable. A landscape engineer had reported that the tree replacement plan had been substantially completed although 14 trees appeared to be stressed and in need of attention. 8 trees and 3 shrubs had died and needed to be replaced. The Board discussed the 3-year tree warranty in the Site Plan Approval, to be split between the developer and the Condo Association. Former Planning Board member Bryan Furze stated his belief that the warranty went to the Town for protection of abutting properties. It was noted that several BSC invoices owed by the developer were still outstanding.

Ms. O’Donnell made a motion that, based on the reports received from the Town’s consulting engineer BSC Group, the Planning Board should recommend that the Building Commissioner issue certificates of occupancy subject to payment of outstanding invoices to BSC Group and subject to whatever provisions the Building Commissioner needs to be satisfied with. Ms. Tougias seconded, and the Board approved the motion by rollcall, 4/0/0.

9. On a motion by Ms. Swenson, seconded by Ms. O’Donnell, the meeting was adjourned by rollcall at 10:58 pm.

Denise Swenson, Secretary