

Planning Board Minutes, Thursday, April 23, 2015

The twentieth meeting of the Milton Planning Board for fiscal year 2015 was held on Thursday, April 23, 2015 in the Carol Blute Conference Room in the Town Hall of Milton.

In attendance were Planning Board members Alexander Whiteside, Chairman, Edward L. Duffy, Emily Keys Innes, Michael Kelly, Bryan Furze, Planning Director William Clark, and Assistant Town Planner Timothy Czerwienski.

1. Administrative Items:

Chairman Whiteside acknowledged that this was Member Duffy's last meeting as a member of the Planning Board. Member Duffy said a few words, and the Board recognized his service with a round of applause.

The minutes for the February 12, 2015 meeting were approved.

The next scheduled meetings of the Planning Board are Monday, May 4; Tuesday, May 5; Thursday, May 7; Thursday, May 14; and Thursday, May 28.

2. Citizen's Speak:

No citizens chose to speak.

3. New Business:

Master Plan Update

Member Innes said that revisions from Planning Board members were being incorporated into the Master Plan, which would be ready for a vote to accept in May.

Town Planner's Report

Assistant Town Planner Czerwienski reported on a workshop he attended to gather information on the Massachusetts Historical Commission's Preservation Projects Fund grant.

4. Public Hearing:

Citizen Petition on Sign Moratorium Article

At 6:45 PM the Public Hearing on a Sign Moratorium was continued. Laura Griffin of Denmark Avenue, a signatory to the petition, spoke about the necessity for a moratorium on "non-conforming neon and LED signs." Chairman Whiteside expressed concern that the way the petition is worded could, in effect, repeal the sign bylaw forever. Amy Lenane of Grafton Avenue, another signatory, admitted the petition had flaws, but that the signatories were interested in any help the Planning Board could provide to improve oversight of signs. Chairman Whiteside said a committee to study the sign bylaw would be a good idea. Member Innes outlined various methods by which the article could be amended. Chairman Whiteside invited John Zychowitz and Ray Thill of the Sign Review Committee to discuss their work. Mr. Zychowitz explained that due to the restrictive nature of the current sign bylaw, most proposed signs require a judgment from the Sign Review Committee. He said that the committee developed design

guidelines to assist applicants who come before the committee, although the guidelines are not part of the current bylaw. Mr. Zychowitz also said that the bylaw makes no statement that lit signs are either conforming or non-conforming; rather, all applications for lit signs go before the Board of Selectmen. He said that the Warrant Committee had asked the Sign Review Committee for suggestions to improve the sign bylaw. Those suggestions included strengthening definitions of type, number, and size of signs; and that signs should not live beyond the business that applied for them. Chairman Whiteside said that a moratorium on any kind of signs says that the Board of Selectmen and the Sign Review Committee cannot do their jobs. Ted Hays, chair of the Warrant Committee, was invited to speak. He said the Warrant Committee did not like the idea of a moratorium, and that a new sign bylaw would be desirable. Member Furze said that he did not like the idea of a moratorium either, but was troubled by the Board of Selectmen being asked to make decisions on signs without any guidance from a robust bylaw. Member Innes made the following motion: "To recommend that the Town refer the issue of illuminated signs to the Planning Board for further study. The Planning Board will appoint a committee including members of the Sign Review Committee and a citizen representative. In the meantime, to approve a moratorium on lit signs until October 31, 2015. This moratorium shall in no way affect municipal signs and shall terminate on October 31, 2015." The motion was seconded, and the Board approved the motion by a vote of 4 to 1, with Chairman Whiteside dissenting. The Board agreed to send a representative to the Warrant Committee meeting on April 29, 2015 to discuss the issue.

Citizens Petition Condominium Bylaw (continued from 4/9/15)

At about 7:46 the Public Hearing on Condominium Bylaws continued. Chairman Whiteside recused himself from the discussion as he is an abutter to one of the properties being discussed. Member Innes took the head of the table to run the continued discussion. Paul Krasinski of Stonehill Lane, representing the Hillside Neighborhood Association (HNA), spoke about productive negotiations that HNA had with the developer of the site, Todd Hamilton. He said the two sides were able to reach agreement on a potential plan for a 12-lot subdivision that made sense from a financial perspective and was acceptable to the neighbors. Mr. Krasinski said that they could not reach an agreement regarding support for the amendment to the citizens petition article discussed at the previous hearing. He said that talks are still ongoing, but that if the citizens petition amendment fails at Town Meeting, Mr. Hamilton will move forward with a 40B application.

Tim Kernan of Brush Hill Road spoke about his work on the Condominium Development Working Group. He said the group has been doing good work, but it is his belief that the Town should not pursue a town-wide condominium zoning bylaw.

Scott Johnson of Hillside Street clarified that the HNA had negotiated a subdivision up to 12 units, depending on the quality of the soil for septic purposes. He said that widespread condo development would open the Town to negative consequences.

Mr. Krasinski said that HNA would not be presenting an amendment to the citizen petition to Town Meeting. Marion McEttrick, an attorney for Mr. Hamilton and John Fandrey, the owner of the Ford Ranch Road property, spoke about potential options for the site. She thanked all sides for working so hard to reach a possible compromise.

The Board discussed whether it could support an amendment, and decided that it was not necessary or appropriate to take a position at this time. Ms. McEttrick said that her client had not yet instructed her one way or the other to continue pursuing the amendment, but that he was

seeking support for it because it was a better option for the neighborhood than a 40B development. Several residents expressed concerns about the amendment, and the ability of Town Meeting members to deliberate on it on the floor of Town meeting. Member Innes made a motion to recommend to Town Meeting that Article 48 be sent to the Planning Board for study. The motion was seconded, and the motion passed 4 to 0, with Member Duffy abstaining.

Thayer Nursery (continued from 04/09)

At about 8:53PM the Public Hearing on a Special Permit for Landscape Business for Thayer Nursery continued. Tina and Chris Teevens of Parkwood Drive, abutters to Thayer Nursery, spoke about their history with the nursery and the Oldfield family, and addressed a letter they sent to the Planning Board. They discussed with the Board the specifications of a chain link fence with sound attenuating material they would like to see along their property line. Josh Oldfield, one of the applicants, provided background on his relationship with Tina and Chris Teevens. Mr. Oldfield then explained a complaint that the Teevens letter brought up, that a large truck had recently made a noisy delivery at 3 AM. He said that the truck was let onto the Thayer Nursery property and left overnight to unload in the morning. The thermostat in the refrigerated truck malfunctioned, and the back-up cooling system caused the noise.

The discussion returned to the subject of fences. Other abutters to Thayer Nursery, John Rowe of Parkwood Drive and Pam Lepore of Forest Street, told the board the type of fence they would like to see along their property lines. After more discussion of fences, Member Kelly suggested that Mr. Oldfield propose a fence that works for Thayer Nursery, and the Board could vote on it.

Mr. Rowe approached the table and accused Member Innes of helping the applicants write their application. Member Innes explained that Maggie Oldfield, one of the applicants, emailed her for clarification of statements Member Innes made about Section 2 of the application at the previous meeting. She said that it has always been the Planning Board's practice to clarify what should be in an application, and that she was not participating in the writing of this application.

The Board returned to the subject of the fence, and recommended that the applicant install a continuous 10-foot tall chain link fence with sound attenuating material and permanent plantings on either side along the property line of abutters. Phil Johenning, an abutter, said that the application places all of the offensive activities in one area, and the Board should consider an alternative plan that the abutters submitted at the previous hearing. Member Innes said that as the process continues, the Board will keep in mind the optimal placement of each element of the landscaping business. Member Furze said he appreciated the neighbors' work on an alternative, but the Board needs to consider the application as it was submitted.

Member Innes said that the hearing would be continued to 7:15 PM on May 14, and to 6:45 PM on May 28.

5. **Adjourn:** 10:15PM


Emily Keys Innes, Chair