

## **Planning Board Minutes, Thursday, April 9, 2015**

The nineteenth meeting of the Milton Planning Board for fiscal year 2015 was held on Thursday, April 9, 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, Assistant Town Planner Timothy Czerwienski and Administrative Clerk Emily Martin.

### **1. Administrative Items:**

There were no new minutes to be approved.

The next scheduled meetings of the Planning Board are Thursday, April 23, 2015, Thursday, May 14 and Thursday, May 28.

### **2. Citizen's Speak:**

Robert Jepson of 165 Hillside Street approached the table. He said it has been a tough winter and he frequently looked across the Fandry land, and he commended the Board for making the right decision in rejecting the application for development. He noted that being on the Board is often a thankless job, so he thanked the members for their work and participation.

### **3. New Business:**

#### **Shoolman Way, ANR**

Attorney Marion McEttrick approached the table to discuss a change in plot lines for the parcel of property that will become the new Temple Beth Shalom on Shoolman Way. Marvin Gordon had donated the original land for this project, and he wants to convey an additional parcel (29M2) to the current lot in order to correct a lot line and line it up with an existing stone wall. Member Innes made a motion to authorize this plan as not requiring subdivision approval, Member Kelly seconded. The Board voted unanimously to approve.

Attorney McEttrick also referenced a de minimis change that had been proposed at the previous meeting that needed to be approved as a minor modification. The original plan depicted a paved circle at the end of the street; the change eliminates the paved circle and provides for turnarounds in the parking lot. Chairman Whiteside said that the plans need not be modified, they can remain as is and the contractor would just omit the paved circle. Ms. McEttrick had drafted a motion to approve this change, she read it aloud and it was seconded. The Board voted unanimously to approve this change.

#### **Assistant Town Planner's Report**

Assistant Town Planner Czerwienski gave a report of projects he has been working on, including:

- Representing Milton in the South Shore HOME Consortium
- Assisting the Condominium Development Working Group
- Assisting the Affordable Housing Trust
- Working with the Animal Shelter Advisory Committee to choose a new location
- Creating a database of projects that the Board is currently undertaking and their statuses

- Attending various planning related conferences (Inclusionary Zoning, CPTC courses)

#### 4. Public Hearing:

##### **Scenic Road, 1424 & 1426 Canton Avenue**

At 6:45pm A Public Hearing commenced on a change to a scenic road at 1424 & 1426 Canton Avenue. Attorney Bob Sheffield approached the table as a representative of Historic New England, which had purchased the former Eustis Estate in June 2012 to convert into a house museum. Currently the main driveway is accessed through the gatehouse at 1424 Canton Avenue, however it is a narrow road that would be difficult for emergency vehicles and not suitable for anticipated traffic. The proposed change is to move a portion of the existing rock wall and remove 3 trees in order to provide a safely accessible entryway, to improve sight lines and provide safer two-way traffic, all while preserving the physical integrity of the gatehouse. Landscape Architect Skip Burke approached the table and explained where the proposed changes would occur to allow for better right of entry of buses, other traffic, and emergency vehicles. He noted that most of the stones that need to be moved are actually large single stones lined up in a row and not a traditional stacked stone wall and that those stones which are moved will be repurposed in lining the new driveway and elsewhere.

Steve O'Donnell, chairman of the Milton Historical Commission, approached the table in full support of this proposal. He said the Historical Commission was happy to be approached with a request that would help conserve a historical property. He also reinforced the information that the stone wall where the change is proposed is made up of mostly singular, large boulders laid out in a linear fashion.

Member Duffy inquired as to what would be in the museum. Diane Viera, COO of Historic New England approached the table to answer the questions. She said it will be a "house museum", where some rooms will be preserved as display rooms, and others will be used to host traveling exhibits. She anticipates accommodating school programs, family events, concerts and weddings. Member Duffy asked the area of the land, Ms. Viera told him it is 80 acres total.

Denny Swenson approached the table to represent the Friends of the Blue Hills, to say they are in favor of the proposed changes. Branch Lane, Tree Warden, posed a question asking how the change in driveway placement would affect the abutter across the street when cars are exiting the property. Attorney Sheffield answered that there will be limited nighttime activity on the property, and even on those infrequent occasions there is likely to be little effect, as there are many 12' trees planted on the abutting property across from where cars would be exiting. Mr. Lane also requested a signed copy of the plans, Attorney Sheffield had fulfilled that request prior to the meeting.

Robert Mussey of 291 Hillside Street spoke in support of this project. He has had prior dealings with Historic New England, and said that it has always been an outstanding organization. He believes they have high standards, and they will serve the town well. Member Kelly questioned the water flow off the new driveway. Steve Garvin, civil engineer on the project, answered there is a catch basin that will be installed towards the end of the driveway.

Member Kelly made a motion to approve this proposal, Member Innes seconded. There was no discussion, the Board voted unanimously in favor. Assistant Town Planner Czerwienski will send out a letter confirming the approval.

**Condominium Bylaw (continued from 03/26/15)**

At 7:09PM the Public Hearing on Condominium Bylaws continued. Chairman Whiteside recused himself from the discussion as he lives near one of the properties being discussed. Member Innes took the head of the table to run the continued discussion. She noted that the original article that is being presented to Town Meeting has been reviewed by the Board, and the Board is ready to recommend it be sent to the Planning Board for study, for discussion at Town Meeting in October. At the previous Planning Board meeting Attorney Marion McEttrick had brought forward a possible amendment, as did some members of a local neighborhood group. The Condominium Development Working Group had been asked to review these proposals as well, and to give their recommendations to the Planning Board. As there were several documents that have been submitted, Member Innes recommended hearing from each submitter to see whether there were issues which could be decided upon before the end of the night, or if further discussion was needed.

Member Furze wanted to clarify some points prior to the Hearing continuing. He reiterated that the article before the Board currently is the condominium bylaw that was submitted as a citizens' petition for May Town Meeting, and that the Board does not support it. He noted that the two additional proposals could potentially be presented to Town Meeting as friendly amendments of the article, which the Board could possibly recommend as replacement language in the original article. He said that Town Counsel has given an opinion that Attorney McEttrick's version is within the scope of the original article, and that the Town Moderator withheld any ruling. Member Innes observed that if the Town Moderator does permit the amendment to be considered, the Board should be ready to give a recommendation. Member Kelly voiced concern that it might be confusing and unfair to Town Meeting members to be asked to vote on possible amendments that have been submitted with inadequate advance notice.

Eric Shabshelowitz of 132 Ford Ranch Road approached the table as a representative of the group of residents to discuss their version of the amendment, last edited on 03/31/15. He asked whether the discussion would be postponed. Member Innes told him that there were two possible courses of action to be taken: the Board could continue the discussion to the next meeting, or they could first hear from neighbors and residents who attended this meeting to be heard, and then continue the discussion after. It was decided that they would hear the points from any person interested in commenting on the matter.

Mr. Shabshelowitz began by saying that there is not unanimous consent in the neighborhood in support of any proposed articles or amendments. He said that the biggest concerns of the neighbors with whom he has been working are the density of the development, the setback requirements and open space requirements. He finished his comments by saying he'd like to see the land developed responsibly and doesn't want to see an article pushed through simply for the sake of approving something. He wants to strike a balance between the needs of the neighborhood and the developer.

Attorney Marion McEttrick approached the table as legal representative of John Fandry, who owns land off Hillside Street and Ford Ranch Road which is the focus of her zoning article. She began by saying that the property has been held as an investment in the owner's family, and that overall he is looking for a return on his investment. Therefore he is exploring all of his options for the land, including a 40B development or selling the land to a church. She noted some comments on the other proposed amendment, and said that the principle issue is the disparity in requested density. Member Innes asked what the timeline was for the owner, Ms. McEttrick answered that an offer for the sale to a church would be on the table until June, and that she would like to see a solution for the property that isn't an institutional sale or a 40B. Member Furze inquired if the developer would meet with the neighborhood on this issue, Attorney McEttrick said he would.

Member Innes then called for any residents who wanted to speak on this matter.

Judy George of 52 Ford Ranch Road approached the table to speak. She expressed her belief that the town is development driven, and although it was difficult to agree, she supported a proposal for a 22 unit development. She commended Eric Shabselowitz for the work he's done.

Denny Swenson of 65 Green Street approached the table. She read a statement in which she noted her involvement in several local environmental conservation groups. She is concerned for any development in areas that are near sensitive environmental features. She wants protective language in any town-wide zoning in order to help preserve natural landscapes.

Paul Krasinski of 5 Stone Hill Lane approached the table to speak for some members of the Hillside Neighborhood Association (HNA). He said that there has been an arduous process, and many neighbors are not prepared to be for or against any of the proposals. He said they require more time to evaluate all options. Development is a business transaction and emotions should be kept out of the process. He said that the HNA has been in direct dialogue with developer Todd Hamilton, and that there are plans to continue the discussion working for a mutually satisfactory agreement.

J. Nicholas Vinke of 1359 Brush Hill Road (also of 60 Hemenway Drive in Canton) approached the table to speak as a representative of Friends of the Hemenway Woods. He gave a list of all the areas of preservation with which they concern themselves, and expressed his view that the proposed zoning is too broad and he's concerned about the possibility of it being applied to other areas in town. Member Innes agreed that applicability was a concern of the Board, and Member Furze clarified that the Condominium Development Working Group (CDWG) had discussed that they would like to know which lots would be subject to proposed zoning with the possibility of prohibiting assemblage.

Member Furze informed the Board that the CDWG has been working to find language for a Condominium Bylaw that might be acceptable. He said currently that the CDWG is not ready to put forth anything, but they have been having discussions on current proposals, and had comments for the Board. Member Innes continued the discussion to the April 23 meeting at 7PM, and asked that the different residential groups keep Assistant Town Planner Czerwienski updated.

#### **Thayer Nursery (continued from 03/26)**

At 8:11PM the Public Hearing on a Special Permit for Landscape Business for Thayer Nursery continued. Attorney Edward Corcoran approached the table as a representative of Maggie and Josh Oldfield of Thayer Nursery. The Board advised him that some uses being applied for could not be allowed. He said that impermissible uses would not be pursued.

Phil Johanning of 23 Parkwood Drive approached the table to read an email and a memo from his lawyer Matthew Dunn, who could not be in attendance. The email and memo detailed several issues concerning the current application and various revisions. He said the process has been chaotic, and recommended the Board keep close track of all amendments made to the application. Attorney Corcoran suggested that the current plans should not be modified to reflect adjustments until all necessary adjustments have been specified.

Maggie Oldfield approached the table to give the history of her family's acquisition of land and building of their nursery and landscape businesses. She also described ownership of the land and the businesses, as that had been previously questioned.

Chairman Whiteside asked the Board if they would like to proceed with the amended application or require that a new one be made. Member Innes suggested putting the date on the bottom of the pages

of the current application, Chairman Whiteside suggested that a notation saying "Revised on (date)" might help highlight any revisions. Member Furze questioned whether certain activities were in the correct section of the application. Member Innes said she could send a redline copy to Attorney Corcoran to help ensure that everything is filed under the correct sections consistent with the zoning.

Chairman Whiteside said the Board had dealt with the question of ownership, but it still needs to determine if the permit can be revised or if a new application should be submitted. Member Kelly asked if Town Counsel could be consulted on this matter, Chairman Whiteside said the Board would continue with a revised application unless Town Counsel offered advice that a new application is required.

Pamela Lepore of 44 Forest Street approached the table. She presented an alternate plan for the layout of the yard, and made the Board aware of the changes she believes should occur in order to fairly protect all abutters. Chairman Whiteside expressed his opinion that the current proposed layout looks adequate, Member Furze thanked Ms. Lepore for her efforts, but expressed his view that location of the operations yard isn't a matter in the purview of the Board for this Special Permit. Member Innes said the Board would continue to review the application to determine mitigation measures.

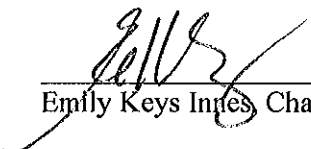
Robert Mussey of 291 Hillside Street approached the table to ask for equality in balancing distances when determining location of the operations yard.

Member Furze questioned why the fence along the property wasn't continuous. Maggie Oldfield approached the table to explain that they intentionally left breaks in the fence in case wildlife wanders on to the property, so animals would have alternate routes of exit in addition to the area from which they entered. She said that in some places where the fence wasn't proposed that they planned to plant trees as a natural buffer for the benefit of the abutters. It was noted that the Teevens of 39 Parkwood Drive had apparently not requested any fencing, and the Coles of 7 Parkwood Drive did not want a fence along their property. Discussion continued regarding the height and length of the fence, Member Kelly noted that a fence that is 10-12' high and 300'+ long may not be attractive, and other options might be considered. He also noted that no final decisions should be made about the fence height and material until they hear from the Teevens.

Scott Johnson of 11 Hillside Street approached the table and said that the wind overwhelmingly blows from the northeast, and such a wind blows away from the Johenning/Rowe property.

The Board advised that it will continue the hearing on the application to April 23 at 7:30PM. A motion to adjourn was voted unanimously.

**5. Adjourn: 10:13PM**

  
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Emily Keys Innes, Chair