

Planning Board Minutes, Thursday, January 8, 2015

The fourteenth meeting of the Milton Planning Board for fiscal year 2015 was held on Thursday, January 8, 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, Assistant Town Planner Timothy Czerwienski and Administrative Clerk Emily Martin.

1. Administrative Items:

There were no minutes to be approved at this time.

The next scheduled meetings of the Planning Board are Thursday, January 22, 2015, Thursday, February 12, 2015 and Thursday February 26, 2015.

2. Citizen's Speak:

Anna Mandell of 4 Hawthorne Road chose to speak regarding the former Saltonstall property at 704 Brush Hill Road. She mentioned she had been at the Condominium Development Working group meeting the night prior and had some questions regarding the Town Bylaws about Bed & Breakfasts, and how that might affect her decision to purchase this property for that purpose. She thinks this property is a great candidate for conversion, but she wants to make sure that it is an allowable use under Town laws before making the purchase. As there has not been any approved language for the purpose of B&Bs in Milton, Member Innes encouraged Ms. Mandell to be involved in the public process for the Amendments/Articles for the October Town Meeting.

3. Public Hearing:

At 6:49PM the public hearing regarding Thayer Nursery commenced. Chairman asked that Thayer give their presentation of the application to the Planning Board, and that the public then have an opportunity to speak, to be followed by discussion by the Board. Member Furze inquired if the public portion of the hearing would be kept open during Board discussion, Chairman Whiteside confirmed it would. Thayer Nursery owners Maggie and Josh Oldfield approached the table with their attorney, Ned Corcoran. Mr. Corcoran presented that there was an article passed at Town Meeting regarding landscaping business within the Town. He stated that certain operations had been relocated at Thayer Nursery and the owners would like to reinstate those aspects of their business.

A presentation was made of aerial views of the properties that highlighted certain areas and addressed abutter desire to change the sites of uses on the property. Where there had previously been mulch and landscaping materials there will now be plantings, and the storage of these materials would be relocated into bins placed in the yard with sprinklers on either end of the row to keep them cool and damp to contain dust and debris that might escape. They also proposed a redirected rout for delivery trucks to minimize noise and disturbance for the neighbors. Also proposed is an 8' cedar fence running along the property where it abuts 44 Forest Street, as well as a 12' fence along the property line on Parkwood Drive that will be lined with sound attenuation material which should reduce the volume of sound by 50%.

Attorney Corcoran stated there had been and will continue to be work being done about the drainage on the southerly line of the property. An impervious liner will be laid down on the

ground, covered by large rocks, followed by smaller and smaller rocks and lastly a layer of dirt to create an even, stable surface that allows water to drain through and prevents it from running off into abutting parcels. The DPW may allow a catch basin that will drain into the town sewer system at the northeasterly corner of the property, where the runoff is generally directed due to the topographical layout. There is also a former work area which will be converted into a nursery stock area, which will allow the ground to be more pervious to water to aid in addressing flooding/runoff issues.

The truck for firewood delivery will have a "walking floor" which will allow the loaded truck to back up to the barn and have the wood discharged out of the back of the truck by hydraulic moving "fingers" that maneuver the material one foot at a time until it is unloaded. This would reduce the amount of noise from the traditional unloading methods. Thayer is planning to install gym/skating rink matting in the beds of the dump trucks to minimize sound produced in the loading process. The nursery is working to ensure the lights on the property are directed away from abutting parcels, and have reworked the layout to allow for 34 parking spaces on site to accommodate their general low volume parking activity. They are also proposing to use seasonal police details on site when they have a higher volume of customers.

Before opening the floor to residents Chairman Whiteside read a letter against the landscape use by Thayer Nursery, and stated that the Board would accept letters regarding the various issues

Matthew Dunn approached the table as legal counsel for Phillip Johanning and John Rowe of 23 Parkwood Drive, and presented a memo he had prepared for his clients on their position regarding this matter. He stated he has been working with his clients on this for over a year, and he sees the application as deficient in many areas. He sees the main intent of the bylaw as permitting the reintroduction of the landscaping business at Thayer, while according protection to neighboring residents so there can be harmony between commercial and residential uses. He stated the current application includes a farmers market and a snow and ice removal business, and he emphasized that there is a stipulation in the bylaw that any activity approved under it needs to have been happening on the property in 2012 or before.

Chairman Whiteside stated this was a lot of information to think about it, and that Thayer should have some time to respond with the requested data. He also stated that the language of the zoning specifies that a Special Permit requires the applicant to present plans that details the information required (ex. what type of work will be done and how) in order to obtain enforceable measures. He said that the application currently has some areas on which it still needs improvement. Member Kelly said the memo presented in response to the application, and helps to show what is missing in it. Attorney Corcoran said he would have liked to have the memo prior to the hearing so that he could give better specifics; he was not prepared to respond in detail. He stated he would like to send a response to the memo to the Planning Board and Attorney Dunn, Member Kelly suggested using the memo as a checklist to ensure all points were answered. The Board mentioned other areas of concern they would like to see addressed; Member Furze inquired about the allocation and designation of parking, Member Innes voiced concern about the proposed hours as they differ from those laid out in the bylaw, Member Kelly would like to see the figures of 2012 operations (number of trucks, hours, etc.), and Member Duffy voiced his opinion that Building Inspector Joseph Prondak should come to a meeting to discuss his visit to the property.

Pamela Lepore of 44 Forest Street approached the table to speak. She said she has been a resident of Milton for 33 years, and said there has been excessive noise, dust and odors that violate the Special Permits granted to Thayer Nursery. She said that the landscaping was supposed to be an accessory business, but it has outgrown that designation and had negatively affected the

neighborhood. She said the current application lists a seasonal artisans and farmer's market as proposed uses on page 3, and that those are not allowed activities under their current permits from the Zoning Board of Appeals. She stated her belief that the land owned by the Nursery at 237 Hillside Street is large enough to move the landscaping business to that property to lessen the impact on the neighborhood. She also expressed her feeling that the proposed 8' buffer fence is not high enough to mitigate the disturbance from trucks, which are 10-13' high, and questioned how many vehicles Thayer planned to have onsite as she thinks the 14 listed are too many. She also noted that the lighting from the Nursery has been a nuisance in the past. She thinks the current height of 25' is too high and should be lowered to no higher than 15.' She concluded by saying she isn't looking to put Thayer out of business, but she would like to ensure some protections for the surrounding residents.

Bridget Waldbaum of 194 Parkwood Drive approached the table to express her support as a neighbor of the Nursery and friend of the owners. She referenced the issue brought up at Citizen's Speak, noting that if Milton passed an article on B&Bs they would need to be owner occupied. She drew the comparison that the Oldfields are residents of the town in addition to running a business within it. She urged the neighbors to let the Oldfields know what they would like to see changed, as she believes they are willing to work with neighbors to diffuse the issues that trigger complaints. She noted that the proposed landscape business will be a good counterpart to the snow and ice removal Thayer does (and she believes that was a use of the business in 2012 and therefore allowable under this bylaw). She also expressed her belief that Thayer Nursery will follow established rules and be accountable to their neighbors, and to the Town.

Derek Schoette of 27 Forest Street approached the table to voice his support of the Nursery as a direct abutter and resident of 8 years. He said he has seen many improvements made since the summer and is impressed with the changes. He noted there is construction in the neighborhood, and cautioned neighbors to make sure the trucks about which they are complaining are actually those of Thayer. He feels that the trucks from the construction are more of a problem, since Thayer is a neighborhood business he thinks they are more cautious in the area than others. He said he considers Thayer Nursery to be a neighbor and not a business, and that the time and effort they have put into this process is admirable and shows their willingness to work with neighbors.

John Rowe of 23 Parkwood Drive approached the table to voice concern over the application. He said one of his biggest concerns is Thayer's compliance with Special Permit guidelines. He stated that two recent instances the Nursery was given a cease and desist order due to non-permitted use. He stated he doesn't think the Nursery will comply with the restrictions dictated by the Town, and that, because there is no provision in the zoning for penalties to be given if an infraction occurs, he doesn't think the Nursery will fully comply with the Special Permit (if awarded).

Phil Johenning also of 23 Parkwood Drive approached the table to voice concern as well. He expressed that he didn't believe the Oldfields had tried to collaborate with the neighbors, and that if they had the process would have been easier. He said that the current issue was not created by the abutters, but rather by the lack of effort and cooperation from the Nursery.

Attorney Corcoran approached the table again to address some of these concerns. He spoke of the approval of this bylaw at the May 2014 Town Meeting, in which there was an overwhelming majority vote to pass. He agreed that part of the issue is the permits issued in the past and questions as to what is allowed or restricted, and said that the key to overcoming any bad history is to communicate better with abutters. He also noted there is a significant trust in the Board and the Town to administer Special Permits wisely. Chairman Whiteside questioned the issue of parking at the business, as the plan shows possibly problematic areas for parking, Attorney

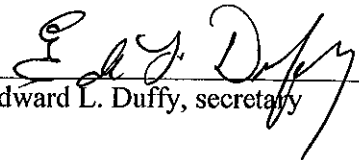
Corcoran answered that they will provide a more detailed parking plan to address the areas of concern. Discussion ensued regarding Hillside Street's capacity to accommodate larger trucks that deliver firewood, and how that will affect the surrounding neighborhood.

Chairman Whiteside also questioned the selling of "giftware" at the Nursery, he said that under a permit Thayer could sell Christmas trees and wreathes, but that the intention of the bylaw was not to allow a retail operation to open. Member Innes raised questions on the language in the Special Permit application. She noted that the bylaw specifies activities related to a landscaping operation, not a nursery operation. A special permit for a nursery operation is granted by the Board of Appeals. The application included all of the planned business activities as activities under the special permit. She affirmed that Thayer needs to list all planned business activities for the site, but for the section related to the activities for which a Special Permit is requested, only those activities related to a landscaping business should be listed.

Member Furze had a few questions before the Hearing closed for the evening, the first was in regards to the proposed fence around the property, and why it was not continuous. He asked if the photometric plan took into account the light originating from the Nursery that causes many complaints amongst the neighbors, and also requested a list of all business vehicles that includes their scheduled maintenance plan. He also requested the thoughts of the applicant on compliance, and what language could be added to help the Town and the Planning Board enforce that compliance.

Member Innes questioned the hours of operation, and advised the applicant to double check the proposed hours to ensure they are consistent with the Zoning. She also advised a checklist to go along with the application to ensure specific requirements are addressed so that it is easier to check that they are all met. Chairman Whiteside questioned the drainage of the Nursery, stating that if they use fertilizer that could eventually run into the Town drainage system Thayer needs to address that issue. Attorney Corcoran said he thinks Joseph Lynch and John Thompson of the Department of Public Works should weigh in on this issue as well.

4. **Adjourn:** 8:50PM


Edward L. Duffy, secretary