

Planning Board Minutes, Wednesday, March 25, 2015

The seventeenth meeting of the Milton Planning Board for fiscal year 2015 was held on Wednesday, March 25, 2015 in the John Cronin 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, March 26, Thursday, April 9 and Thursday, April 23, 2015.

Chairman Whiteside addressed the room to remember J. William "Bill" Dolan, former Planning Board member, who passed away on February 26, 2015. A moment of silence was observed.

2. Citizen's Speak:

No citizens chose to speak at this time.

3. New Business:

ANR: 711 Randolph Avenue

Jim DeCelle of DeCelle, Burke & Associates approached the table regarding the zoning classification of two lots (A & B) at 711 Randolph Avenue. Currently they may be considered to be in two different districts; Lot A in Residence C and Lot B in Residence A. Town Planner Clark approached the table to say that zoning map printed in 2002 showed both lots to be in the Residence C district, but this map has not been adopted by Town Meeting. Prior maps showed the lots in different districts. The matter was continued.

Shoolman Way

Attorney Marion McEttrick approached the table representing Temple Beth Shalom to discuss two changes to the project on Shoolman Way. The first was a small additional lot. Mr. Gordon (who donated the land to the Temple) has an additional 1700 ft² he intends to add to the current parcel to square off an edge of the property to make it even with an existing stone wall. Attorney McEttrick questioned if she would need to submit a modified version of the definitive plan, or if the change could occur without one. Chairman Whiteside expressed that he thought if the temple acquired additional land, it doesn't have to change the subdivision.

The second change Ms. McEttrick requested regards the layout of the driveway. Currently the plans show a turn-around at the end of the driveway, however since plans have been made for a parking lot at the end of a driveway, the temple would like to remove the turn-around. Attorney McEttrick questioned if she would need to submit an amended plan. Chairman Whiteside said the plans could stay as is, with the stipulation that the turn-around not be built as originally submitted. Member Innes clarified that elimination of pavement was within the original roadway layout and there were no other changes in the plan of the roadway, so that the change could be

considered de minimis and the Board could approve the change. Town Planner Clark noted that removing the turn-around will result in less asphalt and more vegetation on the property, and that the neighbors support the alteration.

4. Public Hearing: Citizen's Petition on Condominium Planned Unit Bylaw

At 6:55PM a Public Hearing commenced to discuss a Citizen's Petition on a Condominium Planned Unit Bylaw that is on the Warrant for the May Town Meeting. Chairman Whiteside called for proponents of this article to speak, Taber Keally of 674 Brush Hill Road approached the table as one of the ten original signatories on the petition. He stated that he is a neighbor of the St. Pius property that was recently approved for condominium development, and he and other neighbors thought the Bylaw regarding that property was well done and want to see something similar enacted town wide, as opposed to more site specific zoning as it has been done traditionally. He expressed his thought that single family homes are a "money loser" as they can cause stress on the school system, where the spending per student is close to \$13,000 in Milton. He noted that the number of students living in the condominiums are not numerous. He concluded by saying this is an important issue.

Eric Shabshelowitz of 132 Ford Ranch Road approached the table. He stated that he thinks there should be a general Condominium Bylaw in place, but the current proposal is not appropriate. The St. Pius zoning worked for that particular parcel, but there are many other factors to be taken into account for town wide general zoning.

Chairman Whiteside then made some comments on his reaction to the Bylaw. He said it does not have minimum lot sizes, and makes unbuildable lots buildable. If the purpose is to preserve areas of scenic beauty and provide historic and environmental protection then the language needs to be more specific in the definition of those terms. He stated the language regarding bonuses was vague as well. Member Furze agreed that the lack of a minimum lot size is an issue, and that he does not want this particular submission to be the basis for a general article. Member Innes voiced a concern about the ability for parcels to be assembled in order to create a lot for development, and noted that changes to tighten up the requirements could address some of her concerns. She looks at this article on a town-wide basis, and feels the language is too vague to use as a guideline for writing a Special Permit. Member Furze agreed with Member Innes' suggestion that the Planning Board recommend to the Warrant Committee and Town Meeting that the article be sent back to the Board and the Working Group on Condominium Development for study and for a recommendation at the Fall Town Meeting.

Before the Board voted, Marion McEttrick approached the table again as a representative for Todd Hamilton regarding certain land on Ford Ranch Road. She stated that it is difficult to write an all-encompassing article for condominium zoning, and that she had taken the Citizen's Petition article and edited it to be site specific to that property. She is in communication with the Town Moderator to see if her amendment is within the scope of the original article. Member Innes suggested that Attorney McEttrick might consider trying to get this amendment heard at a Special Town Meeting in May. Member Innes suggested hearing from residents regarding the amendment, and tabling the Board discussion of the amendment until the meeting on Thursday, March 26.

At this point in time Chairman Whiteside recused himself from the discussion, as the amendment could affect the value of his property as he is an abutter. Eric Shabshelowitz of 132 Ford Ranch Road approached the table again. He noted that some of the neighbors have been meeting with the developer in order to help reach a proposal that suits both the neighborhood and the

developer. He expressed concerns with the amendment as written by Ms. McEtrick. He said although it was written to be site-specific, it seems like it could be applied more broadly on the existing site, or a site which could be assembled. Mr. Shabselowitz thinks the proposed 45 units is too dense and would change the character of the neighborhood, and he thinks the Bylaw should differentiate between uplands and wetlands as wetlands are not developable. He concluded by urging the Board to not approve the current amendment as is, but to continue to work with the residents and developer to find a conclusion that works for all parties.

Judy George of 52 Ford Ranch Road approached the table to speak as a long-time resident of the neighborhood. She stated that she would like to see the town grow and succeed, but does not think it should be done by destroying neighborhoods. She thinks that there can be an agreement reached to let Mr. Hamilton build a development, while still protecting the character of the area.

Member Innes asked if anyone else would like to speak. No further residents wished to comment on the matter, so the Public Hearing was continued to Thursday, March 26 at 7:00 PM.

Public Hearing: Thayer Nursery Special Permit:

At 7:37 PM a new Public Hearing for Thayer Nursery's application for a Special Permit for landscaping business at Hillside Street and Forest Street commenced. Prior to discussing the application, Chairman Whiteside acknowledged a letter he received from Phil Johenning of 23 Parkwood Drive regarding an interaction they had at the prior Planning Board meeting on February 12. Chairman Whiteside had ruled Mr. Johenning was out of order in his questioning of Building Commissioner Joseph Prondak, but realized how offense might have been taken at the ruling, and he apologized to Mr. Johenning for making him feel he wasn't treated respectfully. Chairman Whiteside also noted that the previously scheduled meeting for March 4 had been cancelled due to some solar panels that had fallen off the roof of the Town Hall, making it dangerous to use the building. As a result, he continued Public Hearing was cancelled, requiring the Hearing to be publicized and begun again. Member Furze asked whether previous testimony remained applicable, Chairman Whiteside stated that it was not.

Attorney Edward Corcoran approached the table on behalf of the applicants, the Oldfield family, who are applying for a Special Permit to reintroduce their landscaping business at Thayer Nursery based on a zoning article approved at the May 2014 Town Meeting. Mr. Corcoran gave some information on the volume of materials sold in 2012, and the levels of business they were conducting at that time. Attorney Corcoran referenced a table showing the frequency of deliveries to the Nursery, as well as a list of their vehicle inventory from 2012 and the expected schedule of replacements.

Mr. Corcoran drew attention to plans showing current conditions, and stated what functions are performed in which buildings. He also showed plans of proposed improvements at the Nursery, including changes in locations for storage and improvements in drainage. He noted areas that would have fences up to 10' high, with sound attenuation material attached to it to mitigate noise from the business. Additionally the business is planning to plant 12-14' evergreen trees along the sides of the new fences to create a further visual and sound barrier between properties. Attorney Corcoran described certain new storage bins planned for material on the property, and the plans to reposition sprinklers on the property to keep material damp and prevent it from creating dust that could travel to abutting properties.

Mr. Corcoran described a type of truck utilized for the delivery of firewood, noting it uses hydraulics to "walk" the wood out of the truck as opposed to dumping it out all at once. He

pointed out areas for parking, providing 16 spaces for customers, 8 for employees and 10 for business vehicles. He stated that Thayer will work with delivery drivers to ensure that they follow instructions as to what route to drive to and how to access the Nursery property so as to minimize disturbance to the neighbors. He then asked the Board if they had any questions on his presentation. Chairman Whiteside said they would like to hear more about the drainage for the property. Jim DeCelle approached the table to discuss.

Mr. DeCelle described the proposed drainage plans, which include a trench with a stone swale on the southern border of the property that will empty water into a catch basin and recharge it into the ground through a leaching pit. Other water not netted by this system would be captured by a system planned for installation on the NE boarder of the property, where there would be some pre-treatment with an overflow pipe from a catch basin which would connect with town drainage. Chairman Whiteside questioned what might happen if fertilizer on the ground mixes with the water runoff, Mr. DeCelle answered fertilizer would be removed from the water as it filters through a Cultech system. Member Furze inquired what the state standard is for the peak discharge rate of stormwater, and how that relates to the amounts calculated for the new drainage system at Thayer Nursery. Mr. DeCelle said he would find those figures for the Board. Member Furze also questioned the maintenance schedule for the Cultech system, MR. DeCelle answered there is a schedule for inspections on the system to ensure it's working properly.

Phil Johenning of 23 Parkwood Drive approached the table to state that the current drainage system is inadequate, and produced several photographs of his back yard showing flooding as evidence to the Board. John Rowe, also of 23 Parkwood Drive, approached the table and pointed out areas of issue with the current drainage system. Attorney Corcoran conceded that there is still work to be done, but with the recent record snowfall it has not been possible to access the land to survey the area.

Members Furze and Kelly questioned the management of truck deliveries on site, Mr. Corcoran demonstrated on the site map the direction of traffic, including the route taken by diesel fuel delivery trucks. Pamela Lepore of 44 Forest Street approached the table to question the frequency of fueling of trucks owned by the Nursery. Mr. Corcoran answered that the vehicles would fill up at the pump as needed, but would not be idling and would leave the area as soon as it was refueled.

Chairman Whiteside brought up MGL 40A, section 3 (commonly known as the "Dover Amendment") with respect to parts of the application that reference agricultural uses that are exempt from zoning, and where those uses are located. Member Innes questioned the categorization of certain uses in the different sections of the application. She said that it was unclear what activities were actually being applied for under the Special Permit. She recommended Mr. Corcoran reference specific activities under the sections of the application so it is clear which activities are being applied for under the application and which activities are regulated by a Special Permit from the ZBA and what activities are exempt under the agricultural exemption (Dover Amendment). Member Innes asked about firewood and material sales, Chairman Whiteside said that all activities for Landscaping should be listed on the Special Permit so there can be proper monitoring.


Dr. Martin Dunn of 50 Brierbrook Street approached the table to speak in favor of Thayer Nursery being granted a Special Permit, with reasonable standards for operation to be monitored by the Town.

Attorney Matthew Dunn (who represents Phil Johenning and John Rowe of 23 Parkwood Drive), approached the table to discuss the application. He questioned whether the current application is a new application. Chairman Whiteside expressed his view that the Board is reviewing the original application as revised. Mr. Dunn ran through the timeline of the application since it was initially submitted on October 21, 2014, and stated he felt that the process has become confusing as there have been multiple drafts of the application. He referenced a memo dated January 7, 2015 in which he questions who is the actual applicant for the Special Permit. Attorney Dunn read parts of the zoning and portions of the application. He questioned whether a Special Permit can be issued based on and the application as filed. Member Innes suggested that this matter be looked into further for discussion at the next meeting on the following evening.

Pamela Lepore of 44 Forest Street approached the table again to discuss a letter she had sent to the Planning Board prior to the meeting on March 4 that had been cancelled. She resubmitted it at this meeting for the record. She expressed her displeasure at the relocation of the landscape material storage bins closer to her property. She expressed her belief that all fencing around the property should be uniform around the Nursery property, and that any vehicles that need to be replaced should be replaced with electric vehicles to reduce noise.

Member Duffy made a motion to adjourn the meeting and continue the Hearing until the next evening at 7PM. The motion was approved with a unanimous vote.

5. **Adjourn:** 9:50PM



Emily Keys Innes, Chair