

Planning Board Minutes, Thursday, March 26, 2015

The eighteenth meeting of the Milton Planning Board for fiscal year 2015 was held on Thursday, March 26, 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 four sets of minutes to be approved, December 10 & 30, 2014 and January 8 & 22, 2015. Member Innes made a motion to approve all four sets, Member Furze seconded and the Board voted unanimously to approve.

The next scheduled meetings of the Planning Board are Thursday, April 9, 2015, Thursday, April 23, 2015, Thursday, May 14 and Thursday, May 28.

2. Citizen's Speak:

Laura Griffin of 35 Denmark Avenue approached the table. She came to speak regarding a Citizen's Petition on Signs that has been submitted for the May 2015 Warrant. She distributed a packet of examples of signs in the Town of Milton to the Board members, indicating what she thinks are appropriate and inappropriate signs for the character of Milton. She asked the Board members as residents of the Town to support the petition. Mrs. Griffin said this is an urgent matter to be considered as soon as possible. She would like a moratorium on signs until this matter can be better addressed at the October Town Meeting.

3. New Business:

Discussion of Citizen's Petition on Signs

Chairman Whiteside used Mrs. Griffin's discussion to segue into the new business of the Citizen's Petition on Signs requesting a moratorium that is on the Warrant for the May Town Meeting. The article would declare a moratorium that extends until the Town Moderator appoints a 5 member committee to make recommendations on the sign bylaws and until the recommendations are adopted. Chairman Whiteside expressed his opinion that this is a zoning matter, and that the Planning Board should conduct a Public Hearing to get public opinion on the matter. Member Furze suggested declaring a more limited moratorium until the October Town Meeting. Chairman Whiteside noted that a Public Hearing would be necessary in order to recommend that action. Member Duffy recommended having Building Inspector Joseph Prondak at the next meeting to give his opinion. Town Planner Clark recommended having the Sign Review Committee attend the meeting as well.

4. Public Hearing:

Citizen Petition on Condominium Bylaw

At 7:00PM the Public Hearing on a citizen's petition for a Condominium Bylaw resumed. Chairman Whiteside recused himself from the hearing, and Member Innes acted as Chair for the discussion. Attorney Marion McEttrick of 10 Crown Street approached the table as counsel for

the owner and developer of a piece of land off Hillside Street that will be affected by this Bylaw. She said that she had submitted her amendment to the original Citizen Petition Article to the Town Moderator and Town Counsel to see if the amendment is within the scope of the original article. Town Counsel agreed it was within the scope, and that the Town Moderator indicated he might rule favorably on the matter. Ms. McEttrick noted that there is not enough time to submit her proposed amendment as a separate article. She said her amendment is meant to be site specific, and to impose restrictions on the development. Attorney McEttrick requested the opinion of the Board to see if they would recommend to Town Meeting adoption of this amendment to the original article. Member Innes noted the options which the Board had, and that the Board still had some time to discuss the options before making a recommendation to Town Meeting. Member Furze voiced his support of the creation of zoning to work towards town-wide zoning that isn't site specific. He proposed making a request to the Condominium Development Working Group for comments on this amendment for the next Planning Board meeting on April 9. He also suggested that the developer and owner of the property specified in this amendment meet with neighbors in order to further the discussion. Member Innes agreed with these recommendations, and said that the Board would delay a vote on whether to recommend the amendment so that they could have more input from residents prior to rendering a decision.

Thayer Nursery Landscaping Business Special Permit Application

At 7:16 the Public Hearing on the Thayer Nursery application for a Special Permit continued. Attorney Edward Corcoran approached the table. He began by addressing a question from the previous meeting as to who is the applicant for the Special Permit. He said that Maggie and Josh Oldfield are the applicants, the Oldfield Family LLC is the owner of a certain property, and Thayer Nursery is a co-applicant and also a successor in interest. Mr. Corcoran then distributed a redline copy of the amended application. Member Kelly questioned whether Town Counsel should be consulted. Chairman Whiteside noted that the Oldfield children were referenced in the Special Permit in 1987.

Attorney Corcoran reviewed changes made in the application, which included reclassifying under what section certain uses are listed per the request from Member Innes. She pointed out issues with some of the activities as specified in Sections 2 & 3 of the application. She advised as to several matters which needed to be adjusted with better specificity. Chairman Whiteside noted that if the Planning Board did issue a Special Permit that it would want the permit to be clear as to what is expected, hopefully to the point that it is self-executing. Attorney Corcoran said he would make certain application adjustments as requested.


Phil Johenning of 23 Parkwood Drive approached the table to question why the Dover Amendment was being referenced in regards to Thayer Nursery, as he believes the primary use of the land is not agricultural. Mr. Johenning was joined by his lawyer Matthew Dunn. Mr. Dunn mentioned certain figures of revenue compiled by Mr. Johenning, saying they were taken from an affidavit from Maggie Oldfield that had been submitted to the Zoning Board of Appeals. The Board clarified that activities protected by the Dover Amendment are not within its purview on this application, and that it was asking for clarification about uses to prevent any confusion on the issue. Attorney Dunn questioned what the level of business at Thayer Nursery was in 2012, the level which would be a baseline for much of what would be allowed under a Special Permit. Mr. Dunn read through a memo he wrote addressing concerns his clients have in regards to the Nursery and issues they would like to see addressed. Member Innes referenced a memo written by Building Commissioner Joseph Prondak that had been previously submitted in February which addressed certain concerns, she asked that the memo be included in the record.

Chairman Whiteside noted that the application included several plans for the business, and he suggested reading through the application and look at the corresponding plans to see if they are adequate and consistent and would provide for effective and convenient enforcement. Member Innes suggested that with the changing weather it might be prudent to do certain work for the new drainage. There was discussion about the proposed fences and the differences in height, as well as the non-continuous fence along the property. Chairman Whiteside noted that requirements for the fences would be included in the language of a Special Permit, if granted.

Pamela Lepore of 44 Forest Street approached the table to question the fairness of having the land care yard closer to her property. Maggie Oldfield read the description of the planned fence and tree plantings that would help mitigate the impact of the material delivery trucks on her property. Ms. Lepore suggested moving the material storage bins, Chairman Whiteside said that changes could be considered as an alternative to what has been submitted. He also said that if issued, changes could be made before renewal of the Special Permit.

Member Innes made a motion to continue the hearing to the next meeting on April 9, 2015 at 7:30PM. The Board voted unanimously to continue the hearing. Town Planner Clark announced a Public Hearing on April 9, 2015 regarding a scenic road at 1424 Canton Avenue, and advised the Board members to drive by the property to see where the proposed changes would take place.

5. **Adjourn:** 10:00PM



Emily Keys Innes, Chair