

MEETING MINUTES FOR MARCH 21, 2013

Milton Planning Board

The twenty first meeting of the Milton Planning Board for fiscal year 2013 was on Thursday, March 21, 2013 at 6:30 p.m. in the John Conference Room.

In attendance were Planning Board members Alexander Whiteside-Chairman, Edward L. Duffy, Emily Keys Innes, Michael E. Kelly, Bernard J. Lynch, III, Planning Director William Clark and Administrative Clerk Jean M. Peterson.

1. CITIZENS SPEAK

There were no citizens present to address the Board.

2. NEW BUSINESS

Discussion of ANR Plan off Ford Ranch Road, between #147 and #151 Hillside Street; (continued from March 14th); John J. Fandrey, Owner, John J. Fandrey & Todd Hamilton, Applicants.

Chairman Whiteside informed the Board that he received a letter from Town Counsel John Flynn stating a determination that access to Lot A on the proposed ANR plan is not legally required to be through its frontage on Ford Ranch Road. Chairman Whiteside read the letter from Town Counsel to the Board and concluded that if access from Ford Ranch Road is not illusory then the plan would need to be approved. He expressed concern that Parcel K-8-2, since it does not have frontage, was not labeled "*not a buildable lot*". He stated that the Board would be able to endorse the plan if labeled properly. Attorney McEttrick disagreed stating that K-8-2 is a parcel and a parcel isn't a buildable lot. Chairman Whiteside stated that since K-8-2 has boundaries and is shown on the plan then it is therefore a lot. Attorney McEttrick also stated that the application is for creation of a single ANR lot. Chairman Whiteside disagreed stating that it is a subdivision. After further discussion and consultation with Town Counsel, Chairman Whiteside made a motion to approve the plan pursuant to written decision to be filed with the Town Clerk. Member Innes stated her intention to abstain from voting on this matter due to her absence from the previous meeting and her unfamiliarity with the material. The Board voted 4-0-1 with Member Innes abstaining. Attorney McEttrick suggested adding an additional sentence to the decision so that it read:

"At a duly posted meeting on March 21, 2013 the Milton Planning Board pursuant to G.L.c.41 Sec.81P voted 4-0-1 with Member Innes abstaining to authorize the Town Planner to endorse the plan, as modified in March 2013, as not requiring subdivision approval (ANR) on the basis of Town Counsel's opinion expressed in a letter to the Chairman of the Planning Board that there is no legal requirement that a property owner use the lot's frontage on a street for access to the

lot. This plan does not determine the status of Assessor's Parcel K-8-2 as a buildable lot (notation to be added to plan)."

Chairman Whiteside made a motion to approve the decision as so amended. The Board voted 4-0-1 with Member Innes abstaining.

Member Duffy made a motion to enter into executive session to discuss litigation regarding the Fandrey property on Hillside Street as discussion on the matter in open session may have a detrimental effect on the litigating position of the Planning Board. Chairman Whiteside conducted a roll call vote of each Board member. All members voted YES.

3. EXECUTIVE SESSION

The Board returned to public session for the purpose of adjourning.

4. ADJOURNMENT

The Meeting adjourned at 7:56 p.m.

Edward L. Duffy
Secretary