

MEETING MINUTES FOR OCTOBER 18, 2012

MILTON PLANNING BOARD

The eighth meeting of the Milton Planning Board for fiscal year 2013 was on Thursday, October 18, 2012 at 6:30 p.m. in the Carol Blute Conference Room, Milton Town Office Building.

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. ADMINISTRATIVE TASKS

The Board approved the Minutes of September 18th and September 27th. The Board also approved future meeting dates of October 22nd at Milton High School and October 25th and November 8th 2012 at 6:30 p.m. in the Carol Blute Conference Room.

2. CITIZENS SPEAK

Thomas Callahan of 16 Orono Street addressed the Board relative to the Community Preservation Act. He represents a committee urging Milton citizens to vote in favor of the CPA tax. He explained the details of the Community Preservation Act and answered questions from the Board.

3. TOWN PLANNER'S REPORT

Mr. Clark updated the Board relative to:

- The Town's portion for the demolition of 131 Eliot Street
- East Milton Parking & Access Study – met with Mass Highway and filed a project need form and project information form.
- Zoning articles being presented to Town Meeting on October 22nd
- The Master Plan Committee
- HOME Program
- Wind Turbine issues
- Green Communities – finalizing Grant Program
- 36 Central Avenue – affordable issues
- FEMA – Changes to wording with houses in the flood plain and new flood plain maps
- Proposed developments
- Stormwater issues with DPW and Board of Health

4. PUBLIC HEARINGS

The Board voted to continue the Hearing for site plan approval of 36-50 Eliot Street to November 8, 2012 at 6:45 p.m. and the Hearing on the Bosworth property 81Y subdivision to October 25, 2012 at 7:15 p.m.

Open Space Development off Hillside Street

Prior to the hearing being resumed, Chairman Whiteside stated that he would not participate as a board member as a consequence of what he viewed as a misinterpretation of applicable law concerning presumed financial interests. Member Duffy served as acting chairman upon resumption of the hearing.

Marion McEttrick, Attorney for the applicant Todd Hamilton addressed the Board. She stated that the driveway, which has been the key issue regarding this development, was created as an access to all the lots, including the back lots proposed for development. She informed the Board that for over 60 years, other lot owners have been using the driveway and that the owner should not be deprived of the use of his own driveway; he should be able to develop his own property using his own driveway. She also stated that this proposal has many positive benefits and that it will work to the benefit of the abutters in some of the following ways: it minimizes development; it protects wetlands; the driveway design is safe; it will produce tax revenue; fire protection will be greatly improved with the addition of three fire hydrants; and it fulfills the requirements of the Open Space Bylaw.

Comments:

James Corliss of 151 Hillside Street spoke regarding the financial aspects of the proposal. He also recommended that the Board deny access through the driveway and encouraged access through Ford Ranch Road.

Edward Rental of 110 Ford Ranch Road stated concerns about possible flooding.

Lloyd Wilkie of 92 Ford Ranch Road stated concerns about possible flooding and is concerned about the possibility of abutting a bridge.

Janet Jepson of 165 Hillside Street read a letter from her sister on behalf of their mother who resides at 165 Hillside Street. She asked the Board to consider the hardships, consequences and liabilities of this proposal.

James McDonough of 147 Hillside Street stated that neighbors are trying to find the best solution and they feel that Ford Ranch Road is the preferred means of access to this

development. However, they are sensitive to the impact this may have on their Ford Ranch Road neighbors.

Matthew Grady informed the Board that he owns an animal removal company and he has worked for Mr. Rental in that capacity. He asked the Board to consider the wildlife in the area.

His opinion is that the impact to these animals will be significant if this land is developed. He presented pictures of various species of animals that he has seen on Ford Ranch Road.

Stephen Bresnahan of 159 Hillside Street expressed concern about the access of the development from Hillside Street relative to issues such as trash collection.

Kenan Foley of 161 Hillside Street spoke in opposition to the development.

Judith Arons of 285 Hillside Street spoke in support of her neighbors and encouraged the Board to think carefully before making a decision.

Harry Daniels of 4 Stonehill Lane asked the Board to consider the neighbors' concerns.

Robert Jepson of 165 Hillside Street is concerned about the developer's intentions relative to the neighborhood.

John McArdle of 147 Hillside Street asked the Board to consider the concerns of the public.

Robert Driscoll of 107 Hillside Street stated that Ford Ranch Road tends to flood and he disagrees that access to the development from Ford Ranch Road is a good alternative.

Mark Bobrowski, attorney for the Corliss family spoke in opposition to the permit. He stated that there is no "as of right position" and that the covenant, which allows existing owners to share in responsibility, is botched. He urged the Board to deny the permit.

Attorney McEttrick addressed some of the comments. She stated that if the covenant is botched, then it should be rewritten. She acknowledged the flooding issues on Ford Ranch Road and stated that that is another reason why access via the driveway versus Ford Ranch Road is the better solution. The issue of trash collection should be worked out with the DPW. She stated that nobody has offered to buy the land as open space and that this proposal creates fewer lots than other types of development. She requested that the Board approve the permit.

Member Innes made a motion to close the public hearing. The Board voted all in favor.

Member Innes made a motion to approve the Open Space Development Special Permit pursuant to conditions as determined by the Planning Board during its discussion. Mr. Duffy seconded the Motion. During that discussion, Mr. Lynch requested members of the audience to show

their support by a show of hands. A majority of the audience indicated no support for the project. Mr. Lynch declared that the people had spoken and that the proposal would not provide a public good. Mr. Lynch then said that his main concern was the safety and length of the driveway.

The Board voted 2-2. Members Duffy and Innes voted in favor of the motion and Members Kelly and Lynch voted against the motion. The motion failed. A written decision will be filed.

5. **NEW BUSINESS:**

St. Elizabeth's/597 Randolph Avenue reuse discussion

Dr. Richard Shea informed the Board that he met with Selectman Hurley, Mr. Clark, Father Walsh and the St. Elizabeth Parish Financial Manager relative to the property at 597 Randolph Avenue. He informed the Board that the Archdiocese is going to marke the property for single family homes.

6. **ADJOURNMENT:**

The meeting was adjourned at 10:00 p.m

Edward L. Duffy

Secretary

