

MEETING MINUTES FOR SEPTEMBER 13, 2012

Milton Planning Board

The fifth meeting of the Planning Board for fiscal year 2013 was on Thursday, September 13, 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, Planning Director William Clark and Administrative Assistant Jean Peterson. Board Member Bernard J. Lynch, III was absent from the meeting.

1. ADMINISTRATIVE TASKS

The Board approved the Minutes of July 26th, August 9th and August 23rd, 2012.

Chairman Whiteside informed the Board that the Hearing on the Open Space Development off Hillside Street would be postponed due to his recusal as a Board member and the absence of Member Lynch. There must be at least four Board members present for a Hearing.

2. PUBLIC HEARINGS

Member Whiteside explained that there are two zoning articles scheduled to be presented at the Town Meeting on October 22, 2012. The law requires the Planning Board to make a recommendation to Town Meeting relative to all zoning articles.

Assisted Living Residential Development

This zoning article provides for a zoning overlay for assisted living facilities.

Public Comment:

Cheryl Tougias of 660 Canton Avenue is concerned that this article is written specifically for a particular model of assisted living, thus restricting an alternative model from another developer.

Chairman Whiteside made a motion to recommend approval of the Article deleting the requirement of a "minimum number of units". The Board voted all in favor.

Landscape/residential- 919 Blue Hill Avenue

This zoning article relates to a change in zoning at the site of Coulter Landscaping located at

919 Blue Hill Avenue. Attorney Edward Corcoran informed the Board that he represents Thomas Coulter, owner of the property. Attorney Corcoran began by explaining that the site has historically been operated as a combination of residence and business. He informed the Board that the Coulter family purchased the property in 1991 for the purpose of operating the family's landscaping business. The owner, Thomas Coulter resides on the property which also serves as the location for his business. In 2009, Mr. Coulter was granted a variance allowing him to continue to run his business. This decision was appealed by an abutter. A Land Court decision followed which prohibited the continuance of the business. An appeal is pending; if the appeal does not succeed, Attorney Corcoran stated that a change in zoning would be required. A Citizens' Petition is on the warrant for the October 22nd Special Town Meeting. Attorney Corcoran stated that a zoning change for a special permit procedure would allow Mr. Coulter a means to continue operating his business at that location. Attorney Corcoran noted that there are certain factors which make this property and business unique: it is located on a state highway, it is well located for the purpose for which it serves and it is next door to a Town facility. He also emphasized that Mr. Coulter has the strong support of the neighborhood. Chairman Whiteside stated that he thinks this might be a matter for the Board of Appeals.

Public Comment:

John Zychowicz of 245 Atherton Street spoke in support of Mr. Coulter's business and of the importance of commercial business in Milton.

Suzanne Moot of 1269 Canton Ave stated that Coulter Landscaping is a wonderful neighbor. She expressed surprise that the property is not presently zoned for commercial use.

Heidi Graf of 245 Atherton Street stated the importance of noting that the Coulter family resides on the property and that the business operates during *daylight* hours with no disruptions to the neighborhood. She is pleased that the business is contributing to the Town's commercial base. She also expressed concern that closing this business would be a hardship for the Coulter family as well as for the 15 families they employ.

William Blumenreich of 90 Bradlee Road asked the Board to do what is necessary to allow the Coulter Landscaping business to remain at its present site. He stated that they are a nice family and they operate a nice business.

Eric Edman of 5 Pagoda Street spoke favorably about the cleanliness of the Coulter Property. He stated that the business generates income for Milton and that traffic is minimal. He asked the Planning Board to help the Coulters keep their business going.

Joseph Sloane of 55 Concord Avenue spoke in support of Coulter Landscaping.

Chairman Whiteside reminded those in attendance that this is a Citizens' Petition and the

Planning Board needs to be well informed before it issues a recommendation to Town Meeting. He also stated that the decision on this matter will be determined at the Town Meeting in October.

Michael Coulter, brother of Thomas Coulter spoke ardently about his family's business. He did not provide an address.

Daniel Flynn of 211 Dudley Lane noted that the Coulter family has a legacy in this Town and that their business is an important part of this community.

Chairman Whiteside stated that he would like to further consider if spot zoning is justifiable in this situation. He stated that there are drafting issues with this Article that need to be addressed and would therefore abstain from voting. Member Duffy made a motion to make a *general recommendation of support* of this proposed article to Town Meeting. Member Kelly abstained from voting as he hires Coulter Landscaping for snow removal. The Board voted 2-0-2 in favor of the Motion.

333 Hillside Street, Bosworth property, 81Y subdivision

Charles Bosworth, owner of the property presented with Engineer, James Burke. He explained that a preliminary plan was previously submitted and had since been revised. Mr. Bosworth is proposing to build a single-family home and re-pave an existing access drive-thru through the right-of-way. An easement document will be provided. Mr. Clark explained to the Board that the Fire Chief requested that three hydrants be included in the plan. Chairman Whiteside suggested that the Department of Public Works discuss the matter of the fire hydrants with the Fire Chief. Mr. Bosworth felt that was reasonable.

Attorney Robert Sheffield addressed the Board. He informed the Board that he represents Martin Deane, an abutter to Mr. Bosworth's property. He explained that Mr. Deane is concerned about possible erosion from the roadway that goes down to his property and that Mr. Deane would like to preserve a culvert. Mr. Bosworth agreed to leave the culvert as is. Attorney Sheffield stated that leaving the culvert as is would be satisfactory to Mr. Deane. Mr. Whiteside stated that the plan will be approved upon receipt and approval of the easement document. He explained that the easement document is necessary in order to preserve the neighbors' rights as it allows them the same right to go over the easement as they have to go over the road.

Public Comment:

Paul Krasinski of 5 Stonehill Lane requested clarification on future development.

The Hearing was continued to September 27, 2012 at 7:15 p.m.

36-50 Eliot Street, Milton Hill Project

Attorney Edward Corcoran and Landscape Architect, Blair Hines presented their responses to the Revitalization Committee relative to revising the landscape plan for the proposed apartment building located at 36-50 Eliot Street. The following issues were discussed:

Balconies: Attorney Corcoran explained that the Sullivan family, the owners of the building, do not want to remove the balconies and have agreed to enforce the storage of unsightly items on the balconies. Bike racks will be kept in a storage room on the lower level.

Shadow Study: He informed the Board that there will be significant shadows. Therefore, conducting a shadow study is not necessary. He also informed the Board that the Sullivan family will be committed to the safe removal of snow and ice during the winter months.

Comprehensive Traffic Study: A study was submitted for the development and does not feel that it is necessary to submit another.

Safety of truck arrivals/departures: He stated that this matter does not need to be studied. Attorney Corcoran assured the Board that arrivals and departures of trucks will be done safely.

He also informed the Board that the character of the Henry House will be preserved.

Blair Hines discussed three primary purposes of the detailed landscape plan:

1. To create an attractive setting for residents which will include benches, flowers and shrubs.
2. Mitigate the impacts of development on abutters.
3. Present a front, rather than a rear on Eliot Street and install narrow-growing red maple trees.

Public Comment:

John Zychowiz of 245 Atherton Street commented that the majority of his committee's recommendations have been addressed and that he is pleased with the improvements. However, he does not think that the balconies are well incorporated with the design of the building.

Mark Christo of Waldo Road commented that the building is somewhat large for the site. He is of the opinion that the building should be built from brick.

Member Innes stated that this is a residential building which is consistent with other residential buildings which are not built from brick.

Member Innes made a motion to accept the landscape plan. The Board voted all in favor. The Hearing is continued to October 11, 2012 @ 6:45 p.m.

Open Space Development off Hillside Street

The Hearing is rescheduled to September 18, 2012 at 7:30 p.m.

3. **OLD BUSINESS:**

Gun Hill Street ANR

Chairman Whiteside stated that he approves of the plan. He made a motion to authorize Mr. Clark to endorse this plan stating that that subdivision approval is not required. The Board voted all in favor and granted Mr. Clark authority to endorse the plan.

131 Eliot Street

The Board deferred signing the Decision of Denial for an application for a special permit at 131 Eliot Street.

4. **ADJOURNMENT:**

The Meeting adjourned at 9:50 p.m.

Edward L. Duffy
Secretary

