

MEETING MINUTES FOR JULY 11, 2013

Milton Planning Board

The 1st meeting of the Milton Planning Board for fiscal year 2014 was on Thursday July 11, 2013 at 6:30 p.m. in the John Cronin 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 Meeting Minutes from May 6, 2013 and postponed approval of the May 23rd and June 27th Minutes. Future meeting dates were scheduled for August 8th and August 22nd, 2013.

2. Citizens Speak

Margaret Donovan of 41 Central Avenue addressed the Board to inquire about the status of the Hendrie's property. Chairman Whiteside informed her that a changed plan is being developed and that the Board will act promptly on a new application. Ms. Donovan also stated that she would like the Board to consider an upgrade and/or an increase in compensation for the Town Planner.

3. Public Hearing

Site Plan Approval – 534 Adams Street, Expansion of Mr. Chan's Restaurant

Robert Sheffield, Attorney for Walter Chan, Owner of Mr. Chan's Restaurant, addressed the Board. He stated that Mr. Chan is leasing the space adjacent to his restaurant, formerly the La Mirage beauty parlor, in order to expand his restaurant. Attorney Sheffield stated that Mr. Chan has an excellent reputation and that the Board of Health has been pleased with his management of the business. He informed the Board that Mr. Chan would like to expand service, encourage in-house dining, apply for a liquor license and for his business to become a fine-dining destination point. The Board discussed particulars including signage, the emergency exit door, parking, the awning and the façade. Chairman Whiteside requested plans for the awning, elevations and an updated graphic display for the next meeting. Discussion to be continued to July 25th at 7 p.m.

4. New Business

Housing Production Plan – discussion on DRAFT submittal.

Chairman Whiteside and Member Kelly spoke unfavorably about the HPP DRAFT. Chairman Whiteside stated that the Housing Production Plan should not endorse unwanted development such as the Milton MEWS. He objected with the DRAFT for listing unwanted developments as a goal. Chairman Whiteside, Member Innes and Member Kelly expressed concern about the lack of public input. Member Innes stated that a public process is a necessary component of the Housing Production Plan. The Board's consensus was to disapprove the goals set out in the draft and to require an inclusive site selection process in developing new goals. Discussion to be continued at next meeting.

Medical Marijuana – discussion to formulate new bylaw language.

Member Innes informed the Board that she is in the process of coordinating a meeting with Town Administrator Annemarie Fagan and Health Agent Michael Blanchard to discuss issues. She stated the importance of a public process.

40B off Ford Ranch Road (Fandrey property) – discussion

Chairman Whiteside recused himself from the discussion after explaining that he had been sued by developer Todd Hamilton's attorney, Marion McEtrick for participating as a Board member in Mr. Hamilton's previous application for a special permit. Mr. Hamilton had previously sought and was denied an open space special permit for said property. Chairman Whiteside explained that as an abutter to an abutter, he might have a presumptive financial interest. He explained that he had a costly appraisal done which ultimately showed that he had no financial interest in previous proposals but that in order to participate in discussions relative to the present proposal for a 40B, another appraisal might be required. Chairman Whiteside stated that rather than spend an additional costly fee for another appraisal, he would further consult with the Ethics Commission for advice on his possible participation. He stated that he would not participate until the situation is reviewed and advice given. Member Duffy assumed the role of Chairman. He explained **1.** that the property is owned by the Fandrey Estate which is under agreement with Todd Hamilton; **2.** Mr. Hamilton's special permit application for an open space development was denied; and **3.** that the original plan to build three house lots has escalated into a much larger scenario. Mr. Clark explained that the three proposed 40B scenarios are: 1. 32 homes, 2. 60 duplexes, or 3. 72-78 townhouses. Mr. Clark informed the Board that this proposal is not under the Planning Board's jurisdiction and the developer must wait the required amount of time before filing his 40B application. *A developer cannot file another application on a property within 1 year of having been denied a special permit.* If the Town accepts the proposal as a friendly 40B, then the lawsuit which was filed by Mr. Hamilton after being denied the open space special permit will be discontinued. Upon conclusion of the discussion Mr. Whiteside resumed his role as Chairman.

5. Old Business

Master Plan – reappointment and possible expansion of Master Plan Committee

Member Innes stated that Phase 2 of the Master Plan is a larger undertaking. She made a motion to re-appoint the current members and to add four members to make it a 14-member Board. The Board voted unanimously to add liaisons from the Conservation Commission, the Parks Commissioners, MAPC and the Historical Commission. She also added that the RFP is advertised in the newspaper and State Register. Member Innes informed the Board that her employer will not submit a proposal to avoid any conflict of interest.

Efforts to update Town Zoning map

Mr. Clark stated that Allan Bishop from the Engineering Department has done extensive work to update the GIS system. He stated that many parcels have been mislabeled and they are in the process of making corrections to and updating zoning maps. He stated that he anticipates providing more information at the meeting scheduled for July 25th.

Discussion of Zoning Articles for October Town Meeting

Member Innes informed the Board that she is working on language for a zoning article and Mr. Clark stated that he is reviewing the Sign Bylaw with the Building Commissioner.

17 Canton Avenue Discussion

Attorney Sheffield submitted a copy of the elevation and awning. Member Innes inquired about the target date for completion. Chairman Whiteside stated that he would like to approve the awning. Member Innes made a motion to approve the awning. Member Kelly seconded the motion and the Board voted all in favor.

6. Town Planner's Report

The Town Planner updated the Board relative to:

- Ulin Rink RFP
- Green Communities paperwork
- Massworks Grant
- East Milton Square design
- Zoning Map
- Milton MEWS data
- Solar park in lieu of wind turbine
- Legal issues with Town Counsel

7. Adjournment

The Meeting adjourned at 8:25 p.m.

Edward L. Duffy
Secretary

