

BOARD OF SELECTMEN'S MEETING WEDNESDAY, JUNE 22, 2016

In attendance: David T. Burnes, J. Thomas Hurley, Annemarie Fagan, Town Administrator, Emily R. Martin, Executive Secretary. Absent: Kathleen M. Conlon

1. Acting Chairman David T. Burnes convened the meeting at 7:11 p.m. in the Community Room at the Council on Aging in the absence of Chairman Kathleen M. Conlon, who was not present due to illness.
2. The Board confirmed a future meeting date of July 12, 2016.
3. At Citizens Speak, Carol Stocker of 291 Hillside Street addressed the Board representing Scott Johnson of 2 Stone Bridge Lane, who is President of the Hillside Neighborhood Association. Ms. Stocker requested the Board issue an immediate cease and desist order to the Department of Public works to halt paving Hillside Street until it follows the scenic road bylaw. Ms. Stocker stated that the DPW had widened the road which, under the bylaw, requires consulting the Planning Board and Conservation Commission, and requested the DPW grind the road to make it less smooth to deter speeding and to cut the road back to its original width. Claudia Clifford of 475 Harland Street spoke in support of Ms. Stocker, noting the hazards of the road and her outrage at the DPW proceeding with this work. Roberta Seymour-Williamson of 510 Harland Street noted that Hillside Street was to not be wider than 18 feet but the recent road work had increased it to 20 feet, and she is concerned about the safety of neighborhood children.

Although the response to Citizens Speak is generally held at the end of the meeting, Mr. Burnes asked Director of Public Works Joseph Lynch to discuss the issue, as he was in the audience waiting to speak another matter. Director Lynch informed the Board he is fully aware of the scenic roads and wetlands protection acts, and through the process of repaving the neighborhood around Hillside Street the DPW measured the width of the road at 100 foot intervals. There is only one point at which the road was widened; along a stretch of Hillside Street between Forest Street and Harland Street where the road had begun at 20 feet wide, narrowed to 18 feet wide, then widened back to 20 feet wide, in order to make it a consistent width. Mr. Lynch noted that, although no approval was needed for this project, he has documented the measurements of the road and they are on record. Director Lynch also informed the Board that the speed bumps would be returned to the area. Mr. Hurley asked that the Milton Police Department be contacted to increase traffic enforcement in the area, and Mr. Burnes requested the neighborhood be informed regarding any further work.

William Roche of 475 Harland Street questioned how Forest Street being widened would increase safety. Mr. Lynch clarified that the only widened section of the road is on Hillside Street between Forest Street and Harland Street, and that was done for consistency and to even out the road from where it had worn away from motorists taking an "s turn" from one side street to the other.

4. The Board recognized the three championship winning girls track teams, as Cross Country won the All-State title in the fall, Indoor Track won State Championship in the winter and Outdoor Track won the All-State title in the spring. Mr. Burnes commended Coach Tom Shaw and Assistant Coach Dionne Gardner-Crichlow for their guidance to lead the girls to three championships. Mr. Hurley commended the athletes for their dedication and ability to maintain their academics through the seasons. Mr. Burnes invited Coach Gardner-Crichlow and the athletes in attendance to the front of the room for recognition. Coach Gardner-Crichlow introduced Captain Mairead Dambruch, Naomi Negassi, Ashley Thermidor-Payne, Eliza O'Donnell, Clodagh Corcoran, Bridget Mitchell, Elise O'Leary, Ella Affanato and Colette O'Leary. Coach Gardner-Crichlow noted that this is the first time any school in Massachusetts has won three track championships in the same year, and said the goal for next year is to win all three All-State Championships.
5. A public hearing was opened regarding stormwater regulation and rate setting. Director of Public Works Joseph Lynch and Martin Pillsbury of the Metropolitan Area Planning Council attended to answer the Board's questions. Mr. Hurley noted that at the last public meeting a resident raised two questions: if grant money was available to assist in funding the federal mandate, and if gravel driveways will be considered pervious or impervious in the calculation of rates. Director Lynch answered that he inquired but there is no grant money available and that, although a well maintained gravel driveway would be considered pervious, not all driveways will be properly built and maintained so therefore all gravel driveways will be counted as impervious for calculating the fee. Mr. Hurley questioned the possibility of a credit system that had been raised previously, Director Lynch advised that there is an opportunity to implement that in the future, and there is also a provision for an appeal process.

David T. Burnes moved, J. Thomas Hurley seconded, and the Board voted unanimously to continue the public hearing to its July 12, 2016 meeting.

6. A public hearing was held for a liquor license and change in hours on the Common Victualler license for the plate at Milton Marketplace. Owner Suzanne Lombardi answered questions from the Board regarding her hours of operation and what times she was planning on having alcohol available for purchase. Ms. Lombardi informed the Board that although the business is zoned for the hours she is requesting on her Common Victualler license, she does not plan to open later than her current hours of operation, and that she would like her liquor license to allow the plate to begin serving alcohol at 10:00 a.m. on Sunday to coincide with brunch and at 11:00 a.m. on all other days to coincide with lunch. Mr. Burnes questioned if the hours could be slightly delayed for an 11:00 a.m. start on Sundays and 12:00 p.m. for lunch. Ms. Lombardi stated that in the fast pace of the restaurant business it is difficult to keep track of a separate start time for liquor from the already implemented changeovers from breakfast to lunch. Town Administrator Annemarie Fagan informed the Board she had spoken to Chair Kathleen M. Conlon, who is in support of this application.

Mr. Burnes read the following letter into record dated June 19, 2016 that was submitted by resident Natalie Fultz:

“To the Board of Selectmen:

I read the notice in the Milton Times that there will be a hearing on June 22, 2016, at 7:00 P.M. at the Milton Council on Aging upon the request of Lombardi Enterprises LLC doing business as “the plate”, for the purpose of considering a liquor license to expose, keep for sale and to sell alcoholic beverages to be consumed on the premises by patrons. I called the Selectmen’s office today to inquire if the license was for “the plate” or for Lombardi Enterprises LLC and was advised this would be discussed at the meeting. I was also told that a request for longer hours would be discussed. How can this be discussed if it was not listed in the Notice of the Meeting? If this license is issued will it be for The Plate only or will Lombardi Enterprises LLC be able to use it for other establishments?

The Plate is open from 6:30 A.M. and closes at 3:00 P.M. When is this liquor going to be sold or consumed? Will it be sold from noon to 3:00 P.M.? If the liquor is served during this time you have business people having lunch – will there be a limit as to the amount of liquor allowed each patron?

Mr. Chan will be or already has applied for a liquor license for his new restaurant and bar.

East Milton does not need another liquor license. I would hope the Board will give careful consideration to the Lombardi Enterprises LLC request.

Sincerely,
Natalie Fultz”

Mr. Hurley answered the question posed by Ms. Fultz regarding the details of to whom the license is granted, stating that the liquor license is issued for the location, so it would only be valid for the plate’s location at Milton Marketplace.

The Board asked if any residents wanted to make a comment regarding this application. Peter Dunn of 84 Franklin Street, Vice President of the East Milton Neighborhood Association, spoke in favor of granting the license to the plate, stating that Ms. Lombardi is a neighbor and the EMNA supports her application.

J. Thomas Hurley moved, David T. Burnes seconded, and the Board voted unanimously to grant a liquor license to Lombardi Enterprises, LLC d/b/a/ the plate, to expose, keep for sale and to sell alcoholic beverages to be consumed on the premises by members and guests contingent upon the applicant’s agreement to the following conditions required by the Town and contingent upon legislative approval of the ABCC:

1. HOURS OF OPERATION – Hours of operation must be consistent with the Common Victualler’s license. No alcoholic beverages shall be sold or served from the premises to be consumed off the premises. No alcohol shall be sold, delivered or otherwise permitted with takeout or delivery service of food.

2. SEATING – The maximum seating capacity is 70 as authorized by the Board of Appeals in their decision dated November 12, 2014.
3. MEAL SERVICE – Meal service must be available when alcohol is being served and a maximum of two alcoholic beverages may be served to a patron in any area of the restaurant prior to the service of a meal.
4. SERVICE OF ALCOHOL: The hours of service of alcohol will be 11:00 a.m. to 9:00 p.m. Monday through Saturday, and 10:00 a.m. to 6:00 p.m. on Sunday.
5. EMPLOYEE TRAINING – Licensee must participate in a program designed to train employees in methods of observation and detection to avoid serving or selling alcohol to intoxicated persons or to minors. All employees, whether full or part-time or occasional who engage in the sale, pouring, or service of alcohol shall, within thirty (30) days of their employment, be required to participate in and receive certification by one of the following training programs: *Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.)*; *Alcohol Intervention Methods (A.L.M.)*; or *other training provided by a certified trainer or approved by the Board of Selectmen*. Employees shall be re-certified by an approved training program or in-house trainer at intervals of no more than three years. Licensee must maintain a file containing copies of current certification records for all employees engaged in the sale, pouring or service of alcohol. The file shall be available for examination upon request of the Milton Board of Selectmen or the Milton Police Department.
6. SALE OF ALCOHOLIC BEVERAGES – The sale of alcoholic beverages at reduced or discounted prices during specified times, including without limitation ‘Happy Hours’ and ‘Two for the Price of One’ specials is expressly prohibited. The sale of alcoholic beverages in pitchers is prohibited.
7. MANAGEMENT SUPERVISION – The owner or in the case of a corporation or limited liability company, the Manager of the licensed premises, or his designee, shall be present on the premises at all times during which alcoholic beverages are sold. The names and addresses of each individual referred to in the preceding sentence shall be provided to the Board of Selectmen and the Chief of Police.
8. DESIGNATED LOCATIONS FOR SALE OF ALCOHOLIC BEVERAGES – The sale and/or service of alcoholic beverages is prohibited in any area not licensed by the Board of Selectmen and no change in such area or location shall be made without approval by the Board of Selectmen and unless shown on an amended plan.
9. NO ENTITY TO HOLD MORE THAN ONE LICENSE – No individual, partnership, corporation or Limited Liability Company shall be issued more than one license.

10. ONLY ONE LICENSE PER PREMISES – No more than one alcoholic beverage license may be exercised on the same premises at any time.
 11. RECORDS – Licensees shall maintain a file containing copies of the current certification records for all employees engaged in the sale, pouring or service of alcohol. The file shall be available for examination upon request of the Milton Board of Selectmen or the Milton Police Department.
 12. FAILURE TO COMPLY – LICENSE REVOCATION – Failure to comply with the requirements of this license, including but not limited to the sale or service of alcohol by an uncertified employee with more than 30 days of service, may result in a public hearing to determine whether the licensee’s license should be suspended, revoked or subject to any other sanction permitted by law.
 13. SMOKING – No smoking is permitted in the restaurant.
 14. LOTTERY AND KENO – THERE SHALL BE NO Lottery or Keno sales.
7. A public hearing was held regarding a lit sign application for Dunkin Donuts at 545 Adams Street. Architect George Delegas and Project Manager Sean Donovan of ViewPoint Sign and Awning presented proposed changes to the Board, consisting of a new logo on the lit sign on Granite Avenue and a change in decals on the glass of the front vestibule. Mr. Delegas noted in addition to the new signs, new landscaping is also being done during the renovation, which includes the addition of trash cans by the front and back of the building. Sign Review Committee Chair John Zychowicz informed the Board his Committee approves of the changes. Director of Planning and Community Development William Clark informed the Board that the Planning Board supports the application as well. Town Administrator Annemarie Fagan informed the Board that Chair Kathleen M. Conlon is also in support of these changes. When Mr. Burnes asked if there was any public comment, no residents came forward to speak.
- J. Thomas Hurley moved, David T. Burnes seconded, and the Board voted unanimously that that based upon the application submitted by you on behalf of Miltdun Realty LLC for three (3) vinyl signs to be attached to the glass atrium at the front of the building at 545 Adams Street, Milton, to be illuminated by a light in that atrium, and for the replacement of an existing illuminated pylon sign at the entrance to that building’s parking lot on Granite Avenue, the Board of Selectmen hereby determines that the applicant has demonstrated:
- a. There is a reasonable need for the sign. The applicant operates a business, Dunkin Donuts, at 545 Adams Street. The address is located in the Business district. The business has a walk-up entrance and driveway on Adams Street, as well as a vehicular entrance on Granite Avenue, where the existing pylon sign is located.
 - b. There is a reasonable basis for exempting the sign from applicable standards. The business operates from 5 AM to 10 PM, so illumination is necessary for patrons to see

the signs. The front wall sign and the double-sided pylon sign are substantially replacements for existing signs. The pylon sign will be the same size and composition, with the exception of a slight change in the coffee cup logo.

- c. The exemption of the proposed sign from such standards will not have a substantial detrimental effect on the community. The new signs are largely replacements for existing signs, and the total area of signs is reduced compared to the existing condition. The business is located entirely in the Business district, and each of the illuminated faces of the pylon sign face other Business district properties.

In accordance with Section III. C. 5 of the Milton Zoning ByLaws, the Board of Selectmen hereby issues a permit for the proposed sign, upon the following conditions:

1. The design, lettering and illumination of the sign shall conform with the picture and specifications submitted with the application, copies of which are attached hereto and incorporated by reference.
2. The sign shall be illuminated only on days when Dunkin Donuts is open for business.
3. Illumination of the sign shall cease no later than fifteen (15) minutes after the close of business on each day that Dunkin Donuts is open for business.
4. Violation of any condition of this permit which is not cured within a time satisfactory to the Board of Selectmen shall be a basis for modification, amendment or termination of this permit by the Board of Selectmen.
5. This permit shall expire if Dunkin Donuts ceases to occupy the building at 545 Adams Street, Milton, or if Miltdun Realty LLC ceases to operate the business of Dunkin Donuts at 545 Adams Street, Milton.

Mr. Burnes offered a friendly amendment, which Mr. Hurley accepted, to include the following:

6. As part of the renovation project the applicant will landscape around the building, which includes the addition of trash receptacles in the front and rear of the building, and the applicant agrees that the employees will monitor and perform regular maintenance of these areas as part of the business' operational plan.
8. A public hearing was held regarding an application for a change in assignee on the sign permit and a change in business name on a panel for Super Petroleum Sign at 310 Granite Avenue. Attorney Edward Corcoran and owner Muftah Bugazia presented the proposed changes. Attorney Corcoran noted it was a mistake on the applicant's part of putting the business name, not the owner's name, on the application for a permit, and that there had been a change in the auto repair company so they would like to change the unlit panel advertising the auto care business to the correct company name. Sign Review Committee

Chair John Zychowicz noted that the Committee supports the application, provided the owner removes the banner signs in the windows as they were not approved.

J. Thomas Hurley moved, David T. Burnes seconded, and the Board voted unanimously that based upon the application submitted by Attorney Edward Corcoran on behalf of Milton Super Service LLC for approval of a free-standing illuminated sign located at the northwesterly corner of the gas station property located at 310 Granite Avenue, the installation of individual panels on the sign structure for sign logos on individual pumps, and canopy and awning lettering, the Board of Selectmen hereby determines that the applicant has demonstrated:

- a. There is a reasonable need for the proposed sign: The applicant operates a business, Super Petroleum, at 310 Granite Avenue. The address is located in the Business district. The business has walk-up entrances and a vehicular entrance on Granite Avenue and Wood Street. The existing pylon sign is located at the corner of Granite Avenue and Wood Street.
- b. There is a reasonable basis for exempting the proposed sign from applicable standards. The business operates from 6 AM to 11 PM, so illumination is necessary for patrons to see the sign.
- c. The exemption of the proposed sign from such standards will not have a substantial detrimental effect upon the community. The remodeled signs are largely replacements for existing signs, and the total area of signs is reduced compared to the existing condition. The business is located entirely in the Business district.

In accordance with Section III C 5 of the Milton Zoning Bylaws, the Board of Selectmen hereby issues a permit for the proposed sign, upon the following conditions:

Conditions:

1. The free standing illuminated sign will be lowered three and one half (3½) feet to a new total height of twelve and one half (12½) feet.
2. The location of the free standing illuminated sign shall be as previously permitted by the Planning Board's amended site plan approval dated June 9, 2011 (see attached image).
 - a. The Super Petroleum (top) panel will be as agreed to with the Milton Sign Review Committee in 2014, namely, a solid aluminum panel, red in color, with back-lit letters, silver in color, stating "Super Petroleum".
 - b. The second panel will be unlit. The panel will be solid aluminum with lettering stating "Euro Autohaus".

- c. The third section is the LED price panels, as agreed to with the Milton Sign Review Committee in 2014 with heavy window tinting on the north side of the price numbers to protect the homeowner next door. The price panel numbers will be illuminated only enough to allow visibility of the prices from the roadway and shall be non-intrusive to the adjacent home.
 - d. The bottom panel stating that the site is a State Inspection Station is allowed but the panel shall be unlit at all times.
- 3. The free-standing illuminated sign and supporting structure shall be removed upon sale of the property.
- 4. Daily sign and pump illumination shall cease within fifteen (15) minutes of station closing.
- 5. Window signage shall not be allowed unless it has received the prior approval of the Building Commissioner or other applicable Town of Milton authority.
- 6. Unlit Super Petroleum lettering is allowed on the station's pump island canopy.
- 7. Unlit logos on the individual gas pumps stating Super Petroleum and a pump number are allowed.
- 8. Lettering on the station's two (2) unlit doorway awnings is allowed;
 - a. The awning over the SP Mart entrance doorway shall be red with white lettering.
 - b. The awning over the Auto Care entrance doorway shall be black with white lettering "Euro Autohaus".
- 9. Violation of any condition of this permit which is not cured within a time satisfactory to the Board of Selectmen shall be a basis for modification, amendment or termination of this permit by the Board of Selectmen.
- 10. The permit shall expire if Milton Super Service, LLC ceases to own the subject free standing illuminated sign or if any of the subject businesses ceases to operate at 310 Granite Avenue, Milton.
- 9. Town Administrator Annemarie Fagan informed the Board that she is requesting a Reserve Fund Transfer in the amount of \$154,106 to the Law budget to cover unanticipated law bills through May 2016. Ms. Fagan noted these bills reflect charges accrued in cases regarding Thayer Nursery, proposed 40B projects and the superseding order of conditions for Hendries.

J. Thomas Hurley moved, David T. Burnes seconded, and the Board voted unanimously to approve and forward to the Warrant Committee a reserve Fund Transfer Request in the amount of \$154,106.00 to cover unanticipated law bills through May 2016.

10. J. Thomas Hurley moved, David T. Burnes seconded, and the Board voted unanimously to approve and forward to the Warrant Committee a transfer in the amount of \$8,882.83 from the Cemetery Department Salary and Wage line to the Cemetery General Expense line, as requested by Cemetery Superintendent Therese Desmond.

J. Thomas Hurley moved, David T. Burnes seconded, and the Board voted unanimously to approve and forward to the Warrant Committee a transfer in the amount of \$15,000 from the Library Department Salary and Wage line to the Library General Expense line, as requested by Library Director William Adamczyk.

J. Thomas Hurley moved, David T. Burnes seconded, and the Board voted unanimously to approve and forward to the Warrant Committee a transfer in the amount of \$923 from the Planning Department Salary and Wage line to the Planning General Expense line, as requested by Director of Planning and Community Development William Clark.

11. J. Thomas Hurley moved, David T. Burnes seconded, and the Board voted unanimously to authorize Chairman Conlon to approve any reserve fund transfer requests and end of year 3% transfer requests that may be submitted after this meeting, and forward to the Warrant Committee for approval on behalf of the Board.

12. J. Thomas Hurley moved, David T. Burnes seconded, and the Board voted unanimously to extend the deadline for the concurrent demolition of the Town-owned property at 0 Central Avenue and the Carrick Realty Trust property at 131 Eliot Street from June 30, 2016 to September 30, 2016.

13. Town Administrator Annemarie Fagan informed the Board that the Southeastern Public Employees Association contract had been successfully negotiated, the second of seven unions in Town to reach a new agreement.

J. Thomas Hurley moved, David T. Burnes seconded, and the Board voted unanimously to approve a three year contract with the Southeastern Public Employees Association effective July 1, 2016 through June 30, 2019.

14. The Board discussed a twelve year agreement for a grant of easement that had been negotiated with Wharf Street, LLC that will expire in July 2016. Wharf Street LLC is no longer the owner of the property, and therefore an extension of the grant of easement must be signed by the new owner, Milton Landing Condominium Trust. The proposed agreement is for a one-year extension, until a long term agreement is reached.

J. Thomas Hurley moved, David T. Burnes seconded, and the Board voted unanimously to approve and sign a one-year extension of the grant of easement between the Town of Milton and Milton Landing Condominium Trust.

15. Town Administrator Annemarie Fagan thanked the Interfaith Clergy Association for organizing and the Board of Selectmen for co-hosting the memorial service held on June 15 for the victims of the Orlando shooting on June 12. Ms. Fagan also reported on a meeting with FAA Regional Administrator Amy Corbett and her deputy Todd Friedenbergh that she, Kathleen Conlon, Community Advisory Committee representative Cindy Christiansen and Airplane Noise Advisory Committee Chair Andrew Schmidt had on June 17. Ms. Fagan noted it was a congenial meeting during which the Town articulated its concerns about air traffic over Milton. The Chair will send a follow-up letter to the FAA.
16. Acting Chairman David T. Burnes announced the bench dedication for the late Al Thomas being held at Cunningham Park on Sunday, June 26 around 1:40 p.m., prior to a 2:00 p.m. baseball game, with a cookout to follow at the American Legion Post.
17. J. Thomas Hurley announced the We Are Milton festival happening at Hutchinson's Field on Saturday June 25 and Sunday June 26, with music all day and fireworks on Saturday at 10:00 p.m. and Celtic music on Sunday.
18. The Board noted Financial Policies as a future agenda item.
19. J. Thomas Hurley moved, David T. Burnes seconded, and the Board voted unanimously to adjourn at 9:00 p.m.