

**Meeting of the Planning Board  
Tuesday, January 31, 2022**

The 16<sup>th</sup> meeting of the Milton Planning Board for FY2023 was called to order at 7:33 p.m. via the Zoom virtual meeting software.

**Present:** Planning Board members Meredith Hall (Chair), Cheryl Tougias (Secretary), Richard Boehler, Sean Fahy and Maggie Oldfield; Director of Planning and Community Development Tim Czerwienski, Assistant Town Planner Josh Ekart-Lee and Sr. Administrative Clerk Julia Getman.

**1. Administrative Items:** On a motion by Ms. Tougias, seconded by Ms. Oldfield, the 12/8/22 and 1/12/23 meeting minutes were approved as amended, 5/0/0. Upcoming meetings were confirmed for February 9<sup>th</sup> and 23<sup>rd</sup>, March 9<sup>th</sup> and 23<sup>rd</sup>.

Staff Update: Mr. Czerwienski stated that a public forum would be held on February 16<sup>th</sup> for the discussion of MBTA Community zoning. He mentioned that two responses for the East Milton Square zoning RFP for consulting services had been received and that \$40,000 in Community One Stop for Growth funding, a \$10,000 matching grant from the Master Plan Implementation Committee (MPIC), and \$15,000 in grant funding from the South Shore Chamber of Commerce had been made available.

**2. Citizen's Speak:**

Referencing a proposed bylaw addressing outdoor lighting restrictions, David Venezia of 286 Central Ave. stated that gatherings after dark at Turners Pond are common, illegal, and ignored by law enforcement. He said that he had experienced violations of privacy and had installed exterior security lights, timed for 3-4 hours, which have been met with neighborhood opposition. He did not believe that they affected surrounding residents or wildlife and said he had conferred with the Milton Parks Department about the lighting. He mentioned that Turner's Pond is state property.

Ellen Stoddard of 241 Central Ave. stated that she had received 80 signatures of support for a warrant article restricting excessive outdoor lighting. She said that Massachusetts is the only U.S. state lacking wide-ranging lighting laws and that 55 MA towns have lighting ordinances. She discussed the ill effects that artificial lighting has on the natural cycles of wildlife.

Katie Lagan of 544 Brook Rd. described Mr. Venezia's exterior lighting as "unnecessarily bright" and said that it often remains illuminated throughout the night. She expressed concerns about the enforcement of lighting restrictions and the "unintended consequences" that might affect residents in other areas of town.

Kelly Lenz Carr of 348 Central Ave. discussed the parameters of "nuisance" lighting and how calculating lumens, wattage and lighting directions may define "nuisance." She mentioned noticeable effects on wildlife in the Turners Pond area.

**3. New Business:**

Vehicle Access, Egress and Maneuverability for Highland St. Memory Care Project:

Edward Corcoran, Esq., representing the Northridge development company, stated that a hearing and site walk with the Conservation Commission (Con Comm) were scheduled for the week of March 13<sup>th</sup>. He discussed fire truck and delivery truck access, egress and maneuverability within the site and swept path analysis. He reported that the plans had been reviewed by Fire Chief Madden, who had found them acceptable. Ms. Oldfield discussed the probability of tractor trailer trucks gaining access to the property in the future and their impacts on wetlands. Snow storage was addressed.

Public Comment:

Attorney Douglas Henry, representing Karen Bacardi of 137 Highland St., asked that a peer review be conducted to determine the effects of heavy trucks on the property.

Teresa O'Brien of 43 Spafford St. discussed the neighborhood impacts of truck traffic on Spafford Rd. and Highland St., noting that hospital truck traffic often causes backups.

Kelly Lenz Carr of 348 Central Ave. said that fire ladder trucks are approximately 45 feet long, 9 feet wide and extremely heavy. She said that tractor trailer trucks may be twice that length and up to 8.5 feet wide.

Gene Irwin of 120 Highland St. stated that the 2018 international fire code mandates that access roads require a minimum width of 26 feet and that large trucks would not be passable on the new road.

It was noted that town engineers would ensure the safety of the site and that additional studies would be conducted and included in the full special permit application.

Bard Hajrizaj of 11 Spafford Rd. said that Spafford Rd. is 20 feet wide and that trucks block both Highland and Spafford when turning onto Highland. He believed that widening the entrance may benefit the project and noted that Highland St. is a scenic road that does not allow trucks.

Denny Swenson of 65 Green St. said that she visited 7 Northridge memory care facilities and that most had a loop road circling the property or at least a ¾ loop. She said that industry standards for safety should apply to Milton's facility.

Manette Donovan of 16 Spafford Rd. asked that trucks only be allowed to exit and enter the property from Canton Ave. Mr. Corcoran said that that requirement would become part of the traffic plan.

#### Zoning Bylaw Codification

Mr. Czerwienski stated that General Code had recently provided a recodified zoning bylaw which includes all zoning amendments made since 2009 with no changes to content, language or style. He said there will be an "explanatory notes" section describing certain changes, and a derivation table listing the location of existing bylaws. He said the recodification bylaw will become a Planning Board article to be voted on at Town Meeting and that a public hearing will be held. The document will be studied by Planning staff, the Clerk's office, the Bylaw Review Committee, Board of Appeals, and Building Commissioner.

#### Outdoor Lighting Discussion:

Select Board Chair Arthur Doyle said that the ConComm had brought the adverse environmental impacts of exterior lighting to the attention of the Select Board and that several citizens had voiced complaints. He discussed a proposed illuminated billboard that was met with opposition in 2021 by Milton and Dorchester residents and others throughout town, and studies on lighting pollution by the Neponset River Watershed Association, environmental professionals and scientists. He said that the bylaw, which would provide lighting protections, was researched by Select Board Member Erin Bradley and reviewed by Town Counsel. Ms. Bradley discussed the definition of "nuisance" lighting and what outdoor lighting would be permitted in the bylaw, which would be enforced by the Building Inspector, who had reviewed the language. She discussed changes to wildlife at Turner's Pond and said that the definition of what constitutes "nuisance" would be the defining factor in determining lighting regulations, noting that lowering lumen levels, repositioning outdoor lights to avoid overspill and using motion detectors are easy adjustments. Concern over enforcing compliance within 3 weeks of the Attorney General's ruling was discussed and a public hearing process was proposed. Ms. Bradley noted that a petition with 80 signatures of support of the bylaw had been received. It was suggested that lighting language drafted in 2015 be considered, and Ms. Tougias suggested forming a small working group. It was noted that the May warrant had closed and that the article may be presented in the fall. A citizen's petition was noted as a possibility.

#### Public Comment:

Megan Walsh of 107 Church St. said that a formal complaint process should be implemented to avoid "petty, time-wasting" violation requests.

Andy D'Amato of 26 Pierce St. said that the Inspectional Services Department is overworked and that enforcement may be problematic. He said it was an "important matter that needs to be addressed properly."

#### Support for Dedicated Pickleball Courts/ Community Preservation Act Funding Application

Mary Blanchette of 33 Quisset Brook Rd. said that \$20,000 had been requested for funding a study to determine park areas that might accommodate up to 8 pickleball courts, and that 440 support signatures had been received. She said that at least 60 other towns had received CPA funding for pickleball, and that she is working on a feasibility study with Bill Madden, a landscape architect with Lombardi Landscape Architecture. Ms. Oldfield disapproved of the process and believed it should be the Community Preservation Committee's job to seek out Board approvals. She said public meetings should be held and did not believe that CPA funds should go towards studies.

Ms. Blanchette responded that there was no money available for a study, which would better identify the potential impacts on specific areas.

Ms. Hall mentioned that many opposition letters had been received from the Andrews Park neighborhood and asked if it could be exempt from consideration. She said she understood the need for a landscape architect to study drainage, topography and other issues. Ms. Blanchette said that many support letters were also received from that area and that fencing can ameliorate noise. She said that underutilized paved areas could possibly be used. Ms. Tougias stated that the Master Plan Implementation Committee noted that the Master Plan recommends outdoor activities and recreation for all ages, and no location was mentioned in the application.

Public Comment:

Danny Lane of 177 Alvin Ave. said that Andrews Park is in a close neighborhood with small lots and that pickleball would interfere with the quality of life. Mr. Boehler noted that the funding for a feasibility study would cover all parks, not just Andrews.

It was noted that Mr. Madden had provided an itemized list of how the \$20,000 would be spent and that site drawings, a timeline, preliminary budget, landscape plan, sighting, locations, and a project scope review would be included in the study.

Danny Lane Jr. of 177 Alvin Ave. mentioned that Andrews Park is very wet and not a good site for pickleball. He said that a neighborhood meeting had been held and that many people were opposed and that the grounds of the COA should be considered for pickleball courts.

Katie Conover of 1185 Brook Rd. supported pickleball but believed that Andrews is the only place where kids can free play and noted that many sports teams utilize Andrews. She said that Andrews should be removed from the feasibility study list and that she would like to see the \$20,000 spent on building the courts in an area the whole community can use.

Brenda and Joe Oskin of 143 Franklin St. asked how the applicants can transition from a feasibility study to full funding within a month without representation from surrounding neighbors. Ms. Blanchette responded that that timeline did not exist.

Mr. Fahy suggested that tennis and basketball court usage be assessed for determining possible multi-use. It was noted that the Parks and Rec Department is a co-applicant on the funding application.

Mr. Czerwienski said that the Planning Board can participate in the Open Space Plan and determine the uses for open space by engaging the public and determining priorities. He said that once that plan is finalized state funding from DCR and the Division of Conservation Services may become available for acquiring open space.

Ms. Blanchette said that the Parks and Rec. mission statement mentions developing recreation opportunities for older people, and that the fields are used when kids are in school.

Andy D'Amato of 26 Pierce St. asked if there would be a component to the feasibility study to assess the effects of noise and traffic on the neighborhood and asked if noise levels would be studied. Ms. Blanchette said the study would include the effects on homes within a certain proximity to the courts.

Dennis Walsh of 60 Howe St. said his house is 40 feet from tennis courts and that lawsuits had been filed by members of public over noise. He mentioned an acquaintance living in a condo community that invested \$1M in pickleball courts which were taken out within a year due to the high number of complaints.

Brenda Oskin of 143 Franklin St. said she understood the need for the study but that no consideration was given to neighbors. She said that an engineering company specializing in the effects of pickleball noise should be engaged.

Elaine Benson of 67 Granite Place strongly supported a town-wide study of all of the parks and appreciated Ms. Blanchette's passion and effort. She believed it was reasonable to start with a feasibility study.

Ms. Tougias suggested that the effects on surrounding neighborhoods should be a condition of support of the study. She said it should be clear that one site is not being proposed and that the Board is not showing preferential treatment towards one CPC project without having reviewed other applications in the same category. She made a motion to provide a letter of support from the Planning Board with those caveats, seconded by Mr. Fahy, which passed 3/1/1 with Mr. Boehler abstaining and Ms. Oldfield voting no.

Presentation by Environmental Coordinator Meera Patel

The presentation was deferred due to illness.

#### **4. Old Business:**

##### **Approval of 10 Bassett St. Site Plan Approval and 26 Woodlot Drive Special Permit Amendment**

Ms. Tougias made a motion to authorize Mr. Czerwienski to execute and file the letter of approval for the special permit amendment, seconded by Mr. Boehler, which passed 5/0/0.

##### MBTA Communities

Mr. Czerwienski discussed a community outreach meeting scheduled for February 16<sup>th</sup> to inform the public about MBTA Communities zoning requirements. He said that surveying tools had been utilized to assess the public's level of knowledge and its ideas about the town's approach. The discussion would include what the law entails, what compliance means, what consultants have said and deadlines to be met. A Q & A session would follow. Strategies for publicizing the meeting were discussed. He mentioned that State funding from the Citizens Housing and Planning Association (CHAPA) for outreach technical assistance may be available and that the Metropolitan Area Planning Council (MAPC) is engaged in a knowledge exchange with MBTA communities. He discussed data on the usage and frequency of the Mattapan trolley and how it compares to the Red Line at peak hours, and said that the trolley line and its stations need to be refurbished. He said that Utile Consultants would perform a first run analysis on the compliance model and that a first draft of the zoning should be completed in March, when further details would continue to be examined.

*Mr. Boehler left the meeting at approximately 11:15 p.m.*

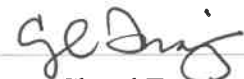
##### Fiscal Year 2024 Budget Priorities Discussion

Mr. Czerwienski stated that the deadline for supplemental budget requests had been extended. Funding for a full rewrite of the zoning bylaws was proposed to address segments of the zoning code that are out of compliance and out of date with state law, lack purpose paragraphs, have inconsistent and incomplete definition sections and lack dimensional tables, which was estimated at \$40,000. He said the Bylaw Review Committee would support a commitment to cleaning up and updating the bylaws and making them searchable on the website. It was noted that grant money had been received by the town to revamp the town website and make it more user-friendly. On a motion by Ms. Tougias, seconded by Ms. Oldfield, the Board voted to request \$40,000 in supplemental funding for phase 2 of the recodification process which would include making the bylaws consistent and compliant with state law, with consistent definitions, a purpose segment added to certain sections, a dimensional table and other things of similar nature, which was approved 4/0/0.

#### **5. Committee Update Discussion**

The discussion was deferred to a later date.

**6. Adjourn:** On a motion by Ms. Oldfield, seconded by Mr. Fahy the meeting was adjourned at 11:19 p.m.

  
Cheryl Tougias, Secretary