

Meeting of the Planning Board
Thursday, April 27, 2023

The 23rd meeting of the Milton Planning Board for FY2023 was called to order at 7:03 p.m. in the Blute Conference Room of Town Hall.

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

1. Administrative Items:

On a motion by Ms. Tougias, seconded by Mr. Fahy, the 4/13/23 and 3/30/23 meeting minutes were approved 4/0/1 with Mr. Davis abstaining. An upcoming meeting was confirmed for May 11th.

Staff Update:

Mr. Lee reported that Jack Turner had started as the new Environmental Coordinator for the Town.

2. Citizens Speak:

Jay Fundling of 39 Sias Lane commended the Board for addressing the recodification of the bylaws, stating that they were “embarrassingly” out of date. He thanked Town Clerk Susan Galvin and Building Commissioner Joe Prondak for addressing the matter and mentioned that Town Meeting (TM) is being asked to approve the new numbering system, not the wording of bylaws.

3. Public Hearing: 1065 Brush Hill Rd. Subdivision Amendment

Doug Troyer, attorney for the applicants, briefly discussed the history of the site, first subdivided in 2018 when two new parcels were created, one designated for a newly constructed house. He discussed the setbacks for a parcel containing a carriage house and described how the new owners of 1065 planned to raze it to build a smaller, compliant dwelling within the site. He discussed the conditions established in 2018, which required modifications, including the condition that the abutting property at 1053 Brush Hill Rd. have a setback of 50 feet, the new building must have sprinklers, and the 2018 neighborhood agreement to pave the lower road be updated. Setback and buffer requirements between the separate parcels would also require adjustments, and he mentioned that neighbors had agreed to the amendment at a recent meeting. Engineer Jim DeCelle discussed the sewer connections for the new structure and setback requirements for future additions.

Public Speak

Becky Simonds of 1053 Brush Hill Rd. said that a 50-foot setback to her abutting property line was in the 2018 neighborhood agreement but erroneously left out of the subdivision approval. She asked that the amendment include the 50-foot setback.

It was requested that the plans be revised to include setbacks and the dimensions of the proposed new building.

Matt Cammack of 1057 Brush Hill Rd. asked if the new structure could be built up in height.

Ms. Hall responded that the height could not exceed the zoning requirements. She added that the 50-foot setback would prohibit any additions within the setback.

Architect Leslie Schnerberger stated that only a single-family dwelling, under the bylaws, could be permitted on the property.

On a motion by Ms. Tougias, seconded by Mr. Fahy, the hearing was continued to May 11th, 5/0/0.

4. Public Hearing: Zoning Recodification Town Meeting Article (Cont.' from 4/13/23)

Attorney Kathleen O'Donnell of 12 Belcher Circle, a Member of the Zoning Board of Appeals, asked that the Board support the recodification zoning bylaw. She addressed the objections presented by the Bylaw Review Committee (BRC), which she believed were “not substantive” and that “procedural problems”

should not deter TM from passing the article. She stated that General Code (GC) is a paid professional service working with 40 states and 135 Massachusetts towns, and that the BRC has stated that it reviewed the bylaws three times and has been working with General Code for three years. She stated that the existing bylaws have not been certified since 2009, are not organized and are “impossible” to search. She believed that it is more important for residents, Town departments and boards to be able to search a bylaw database rather than be deterred by clerical errors.

Ms. Tougias noted that Building Commissioner Joe Prondak has been frustrated by the state of the bylaws for many years, is the only official who truly understands the zoning code and will be leaving his position on May 12th.

Alexander Whiteside of 79 Hillside St., a member of the BRC, stated that he had provided four pages of comments to the Board regarding the recodification process. He asked how renumbering, renaming, reorganizing and adding materials to the bylaws can legally be achieved. He asked what the consequences of “repealing” the bylaws would be, including the enforcement of existing permits, and said that he was confused by what was being proposed by GC. He said that the terminology had been changed, the bylaws had been rearranged by GC, and that the “unofficial” 2017 zoning bylaws could be updated “relatively easily.” He believed that legal issues should be addressed by Town Counsel.

Ms. Tougias discussed how the recodification process needed to begin with the 2009 certified base, and how subsequent amendments needed to be traceable. Ms. O’Donnell read the warrant article and stated that nothing was being “repealed;” the bylaws were being “renumbered and recaptioned,” clerical mistakes could be addressed in phase 2, and that the ZBA relies on Mr. Prondak’s “institutional knowledge” for zoning opinions. She read the BRC’s annual report, which mentioned its approval of using GC.

Mr. Czerwienski stated that GC had provided 80-85% of the final product. Legal repercussions of the recodification process were discussed. Ms. Oldfield asked that Town Counsel confirm in writing that existing special permits will be protected. Establishing a timeline for completing the final recodification product and the risk of having the article permanently stall if “returned for further study” were discussed.

Public Speak:

Jay Fundling of 39 Sias Lane said that GC had been tasked with digitizing the town’s bylaws to make them searchable, which would not require TM approval if no changes were made to the language, but that GC required a new numbering system triggering TM approval. He said the article asks for no language changes and that GC makes it “very easy” to compare the old with the new. He thanked the Town Clerk and urged TM to support the article.

It was agreed that there were legal questions to be resolved before the Board could vote to support the article. On a motion by Ms. Tougias, seconded by Mr. Fahy, the public hearing was closed.

5. Public Hearing: 1200 Brush Hill Rd. Scenic Rd. Application (Cont.’ from 3/30/23)

On a motion by Ms. Tougias, seconded by Mr. Fahy, the hearing was continued to June 8th at the request of the applicant.

6. Old Business: MBTA Communities

Mr. Czerwienski gave a presentation with data compiled by Utile Consultants that included a requirements overview, dimensional standards, model output and parcel size analysis for the transit area and subdistricts on Granite Ave. and in East Milton, and model output summary and compliance data with example model output scenarios were discussed. Concern about parcel assemblage was addressed, and a more detailed calibration of the Utile data was recommended. Multifamily unit capacity, district size calculations to create transit area subdistricts and parcel size analysis, building heights and setbacks, logical subdistricts and modeled district density were discussed. The role of the Metropolitan Area Planning Council (MAPC) with technical assistance was discussed. Design guidelines, existing non-

conforming dwellings, setback requirements and applying form-based coding to the zoning were discussed.

Public Speak:

Matt Morong, an architect, of 136 Eliot St. expressed concerns about the process related to the studies undertaken by Utile and said that he did not believe the results of their studies were helpful. He said that the MBTA zoning should be viewed as a design problem which is “nuanced and takes time.” He said that he believed a more intensive process was required by the Board and the consultants to address the zoning, and that good could come from compliance with the law.

Mr. Czerwienski said he would be meeting with MAPC to discuss a timeline for its consulting services for the zoning impact analysis. The Board discussed the MAPC budget and the factors and numbers that may apply to the impact analysis.

7. New Business: Reorganization of the Board and Committee Assignments

After a discussion of Members’ interests and schedules, and with a motion by Ms. Tougias, seconded by Mr. Fahy, the Board voted 5/0/0/ to assign Mr. Davis to the Capital Improvement Committee, Ms. Tougias to the Master Plan Implementation Committee, Mr. Fahy to the Telecommunications Committee, Ms. Oldfield to the Climate Action Plan Committee and Ms. Hall to the Open Space Committee. Ms. Tougias offered to attend an upcoming Community Preservation Committee meeting and an assignment to the Fair Housing Committee was postponed to a later date.

Ms. Tougias proposed that Mr. Fahy be Chair, which he declined. Ms. Oldfield made a motion to have Ms. Hall continue as Chair, seconded by Mr. Fahy. Ms. Tougias suggested tactics for making meetings and agendas more efficient and concise. She suggested that agenda items requested by all Board members be included on the agenda and that members provide periodic updates on committee work to the Board. She further suggested consistency with the reading into the record of written comments received by the Board.

8. Adjourn:

On a motion by Ms. Tougias, seconded by Mr. Fahy, the meeting was adjourned at 11:34 p.m.



Cheryl Tougias, Secretary

