

**Meeting of the Planning Board
Thursday, September 28th, 2023**

The 7th meeting of the Milton Planning Board for FY2024 convened at 7:04 p.m. in the Blute Conference Room of Milton 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 Ms. Oldfield, the 8/3, 8/10, 8/28, 9/7 and 9/14 meeting minutes were approved as amended, 5/0/0. Upcoming meetings were confirmed for 10/5, 10/12 and 10/26. An MBTA Communities public forum was confirmed for 10/3 at the Council on Aging.

Staff Update

Mr. Czerwienski reported that a public forum addressing open space and recreation took place September 18th and that the Attorney General had approved the recodification article voted on at the annual Town Meeting.

2. Citizen's Speak:

Nadine Hanna of 11 Spafford Rd. asked that decorum be maintained and said that speakers should be able to make their points uninterrupted and without being rebutted.

3. New Business:

Andy D'Amato of 26 Pierce St. gave a presentation on the East Milton Neighborhood Association's Community Preservation Act (CPA) application for the installation of a water filling station at Andrews Park. He discussed health and environmental benefits and said that the Board of Health as well as the Parks Department supported the application. On a motion by Ms. Hall, seconded by Mr. Fahy, the Board voted 4/0/1 to provide a letter of support to the Community Preservation Committee. As a member of the CPC, Ms. Tougias abstained.

4. Public Hearing: 111 Highland St. Site Plan Approval (Cont.' from 9/14)

Attorney Ned Corcoran, representing Northbridge, reported that attorney Scott Horsley had submitted a letter disputing the findings of the Conservation Commission (Con Comm) and the peer engineering firm Tetra Tech regarding stormwater design and impact on wetlands. He said that the plans, which were approved by the ConComm, met all state and local requirements for stormwater management adjacent to wetlands. Ms. Hall noted that the PB had requested a hydrologist review of the application. Sean Reardon, a civil engineer with the board's peer review firm of Tetra Tech, mentioned that hydrology was part of his expertise. The level of cut and fill and their effect on the water table was discussed. Engaging a hydrogeologist and having a cut and fill analysis performed were requested. Mr. Reardon discussed the state's stormwater standards and the way in which Tetra Tech evaluates the applicant's proposed stormwater management systems. ConComm Chairman John Kiernan discussed the issues with stormwater that had caused the first application to be withdrawn and resubmitted. He said that state guidelines require that no net increase in offsite water flow occur, and that ConComm and Tetra Tech were satisfied with the new plans. Conservation Agent Steve Ivas said that the amount of discharge had been carefully measured, discussed how two watersheds capture the runoff, and where the water will flow. New construction planned for the area and the removal of many trees were considered. It was noted that a storm water report would be provided to the town each year. The 25' wetlands buffer area, which would be infringed upon, turn around areas for large trucks within the site, and how sanding for ice might affect wetlands were discussed.

Public Speak:

Attorney Dan Hill, representing members of the neighborhood, requested a CAD file to determine bylaw compliance and said that neighbors were concerned about on-site flooding. He said that models are not

always accurate and questioned the runoff effects on Pine Tree Brook and Wendell Park. He said that monitoring wells had been requested and that there was “no margin for error.” He said that there has been no analysis of groundwater or “mounding” effects and proposed using alternative models. Hydrologist Scott Horsley discussed the large area of impervious surface which will increase the runoff and cause the water table to rise, and the fact that he did not believe the plans met the MA Dept. of Environmental Protection (DEP) standards. He presented results from a Hantush model, which was described as “universal,” and disagreed with Tetra Tech’s model. Mr. Reardon stated that he would address Mr. Horsely’s analysis in writing. The board requested that the applicant provide a response to the public testimony regarding stormwater management and hydrology. On a motion by Mr. Davis, seconded by Ms. Tougias, the hearing was continued to Oct. 12th at 7:10 p.m.

5. Old Business:

East Milton Square Zoning Update from the Metropolitan Area Planning Council (MAPC)

MAPC Principal Planner Josh Fiala said that MAPC aimed to design proactive zoning regulations for adoption at Town Meeting, in an attempt to guide future investments in planning with a focus on the community’s vision. He said that MAPC consultants were exploring the priorities and goals of the surrounding community, including property owners and developers as well as the broader needs of the town as a whole. Previous planning documents, studies and feedback from local residents were being considered. He discussed a community engagement plan and interviews conducted with stakeholders, and said that there was substantial support for the initiatives. Building heights, traffic and parking were the primary concerns of the community, and a public forum would be held in November. He said he would return to the Board Oct. 5th with additional updates.

MBTA Communities

Town Counsel Peter Mello of Muphy, Hesse, Toomey & Lehane addressed the difference between the MBTA Communities statute and guidelines. He said that the statute confers upon the Executive Office of Housing and Livable Communities (EOHLC) the explicit statutory authority to promulgate requirements, and that any legal challenge in court would give HLC “substantial deference.” He discussed a memo submitted by his firm that provided examples of related court cases affirming HLC’s authority, noted that the statute drives the guidelines, and said that the court defers to the goals of reform contained in the statute. He believed that any challenge to the guidelines would be “fraught with risk.” Karis North, a colleague and former member of the Massachusetts Municipal Lawyers Association who worked on the legislation, said that she agreed with the analysis of Mr. Mello. She said she knew of no other community that had challenged the guidelines, and that HLC is the authority on the guidelines. The requirements for having a simple majority vs. a super majority vote on changes to the zoning at Town Meeting were discussed. The process of creating a Site Plan Review process with design guidelines and the role of the Planning Board in the rezoning process were discussed. Schedules and repercussions for missing the warrant deadline were touched upon. She said the language drafted for the Select Board, based upon the state’s model zoning, was a good starting point.

RKG analyst Eric Halvorsen discussed RKG’s process for building the fiscal analysis model. He discussed the firm’s strategy for data collection and model inputs, including budgetary efficiency factors and the incremental cost per housing unit. He addressed fixed costs, town budgets, tax revenues, construction costs, education costs, school budgets and housing prices. He said that further details would be supplied to the Board before the next meeting.

Utile consultant Zoe Mueller gave a presentation on the feedback received from the 9/14 PB meeting. She discussed alternative approaches to the Transit Area Triplex vs. the Tiered Transit Area, including new concepts on subdistrict acreage vs. the density denominator and mandatory mixed use (MMJ) unit capacity. Milton 3A and MMJ Districts (Mattapan Station, the Transit Area Triplex, Milton Station West, (MMJ), Milton Station Bridge, Milton Station East (MMJ), Granite Ave. North, Granite Ave. South, East Milton Square and the Blue Hills Parkway Corridor were addressed. Utile consultant Matthew Littel gave a presentation on the Grantie Ave. buildout plans, including heights, dwelling unit counts, density and

parking coverage. Ms. Mueller presented compliance model summary options, which addressed acreage, lot size, unit capacity, zoning parameters, units per lot, setbacks, parking and building coverage and height and density options. The Board discussed design guidelines and standards that could be included in the conditions. Mr. Fahy noted that the Select Board had presented a position on why Milton should be reclassified as a non-rapid transit community and pursue the 10% density requirement vs. the rapid transit requirement of 25% of existing housing stock. Ms. Tougas questioned the concept of “starting from scratch” on zoning language and noted that grant funded experts had been engaged to create a workable compliance model. Ms. Hall believed that the Select Board’s (SB) article, drafted by Mr. Czerwienski and other town officials, was a “good start,” and that the article could be made stronger by the PB by incorporating additional provisions.

Mr. Czerwienski stated that the probability of Milton being reclassified as not a rapid transit community is “vanishingly small” and that he had no confidence that it would happen under any circumstances. He discussed a letter from the MBTA addressing the parameters for classifying commuter lines as rapid transit and said that there is “no way” the trolley doesn’t fall into that category. He said that HLC had also expressed that they did not plan to reclassify Milton.

The Board discussed the unit count, open space and parking accommodations within the Granite Avenue subdistrict. It was noted that the SB would put forth an article at TM regardless of whether the PB provided input and that a decision on the zoning map was necessary in order for the PB to move forward with zoning language. It was noted that the map could be adjusted. The scope of Utile’s involvement in drafting the zoning language and guidelines was discussed.

Public Speak

Nick Brown of 50 Columbine Rd. encouraged the Board to adopt the zoning on its own terms and believed that complying with the zoning is important. He suggested that the impacts on residential neighborhoods be reduced and said that a “well thought out” plan is essential. He noted that if the PB does not act, the SB will submit its own language.

Ashley Brown of 50 Columbine Rd. appreciated the time and effort put into the zoning by the PB. She urged it to move forward with the Option 1n map, which she believed “made the most sense.” She believed that the fourplex plan would lead to teardowns which would “drastically change the Town.” She said that the PB was in the best position to determine the zoning and that the PB “needs to act.”

The discussion was continued to October 5th.

6. Adjourn: On a motion by Ms. Oldfield, seconded by Mr. Fahy, the meeting was adjourned at 11:57 p.m.



Cheryl Tougas, Secretary

