

**Meeting of the Planning Board
Thursday, October 12th, 2023**

The 9th meeting of the Milton Planning Board for FY2024 convened at 7:01 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 Mr. Davis, the 9/28/2023 meeting minutes were approved as amended, 5/0/0. Upcoming PB meetings were confirmed for October 19th and 26th.

Staff Update

Mr. Czerwienski reported that a public forum to discuss MBTA Communities Zoning would take place at the Council on Aging November 1st.

2. Citizen's Speak:

Ryan Villard of 688 Randolph Ave. believed that the additional parking spaces applied for by the owners of Bent's (7-9 Pleasant St.) were unnecessary and that the area should remain residential. He said that people would continue to park on Pleasant Street and expressed concerns about snow removal, trash, lighting, and safety.

Diane DiTullio Agostino of 147 Ridgewood Rd. asked that PB agendas change the term "staff update" as the Director of Planning and Community Development is not staff to the Planning Board.

Donna Dickerson of 14 Capen St., speaking on behalf of her husband Peter Jackson, said that the PB should be compliant with the MBTA Communities zoning and focus on drafting zoning language. Providing multi-family housing in Milton was supported.

Meg Meropol of 45 Avalon Rd. said that many people rely on the Mattapan trolley but that it should not be considered rapid transit. She believed the MBTA zoning would "change the landscape" of Milton and add to school overcrowding.

Rob Rosofsky of 29 Waldo Rd. said that the MBTA zoning was "responsible" zoning and will help with housing shortages, global warming, and traffic issues. He supported multi-family housing, stating that it would increase home values and make Milton more desirable. He said that focusing on declassifying Milton as a rapid transit community was a "waste of time" and that legal action will result from non-compliance, which will be an expense to taxpayers.

Brian O'Halloran of 7 Morton Terrace stated that towns create zoning independently of the state and that it was unfair for legislation requiring 2,461 new units to be imposed upon Milton. He said that the guidelines of the legislation were not enforceable and that Town Meeting (TM) deserves more than one choice regarding compliance with the mandate.

Lindsey Sands of 6 Waldo Rd. said that she is "pro-development," but questioned how the increase in the town's population will affect its infrastructure. She believed that Milton's status as a rapid transit community should be challenged, asked about plans for affordable housing and questioned the repercussions of non-compliance.

Shannon Mahoney of 278 Eliot St. agreed with Ms. Sands, stating that Milton is not a rapid transit community, the number of units expected was "unfathomable," there is no affordability clause, the town's infrastructure would be challenged and that an increase in the use of public transit was "a lofty goal."

3. Public Hearing: 7-9 Pleasant St. Site Plan Approval

Bent's Owner Rob Falconi stated that the site plan was being updated and would go before the Zoning Board of Appeals (ZBA) on November 6th. On a motion by Mr. Davis, seconded by Ms. Oldfield, the hearing was continued to November 9th at 7:05.

4. Public Hearing: 111 Highland St. Site Plan Approval (Cont.' from 9/28)

Attorney Edward Corcoran, Esq., representing Northbridge, and engineer Paul Avery addressed stormwater management. Mr. Corcoran said that CAD files had been provided to the Town's peer engineer, Sean Reardon, of Tetra Tech, and that minor adjustments had been made to the zoning table, including an increase to the minimum buildable lot area. He said that the Floor Area Ratio (FAR) had dropped in size and that the driveway was widened at the suggestion of the fire chief. He said the plans were still within the requirements of the zoning and that the Conservation Commission (Con Comm) had determined the plans to be compliant with state stormwater standards. Mr. Avery addressed concerns about groundwater mounding presented by Scott Horsley, a water resource consultant engaged by residents, at the October 5th PB meeting, which he concluded were "de minimis," and discussed infiltration systems that he believed would prevent surface seepage. Mr. Reardon supported Mr. Avery's position and said that stormwater reports would be provided on a regular basis. Mr. Fahy suggested that a geotechnical engineer oversee the construction of the stormwater systems. The shape, size and design of the retaining walls were discussed. Mr. Horsley joined the meeting and discussed the impacts of 10 to 100-year storms, stating that further analysis was necessary, and proposed a ground water mounding analysis for the two infiltration systems planned for the site. Mr. Reardon said that he had reviewed the stormwater system design, studied applicable storm scenarios, and produced five Hantush model results. He was confident that the testing had been thorough, did not believe further analysis was necessary and believed that there were "simple solutions" to the expressed concerns. Other developments planned for the area were noted. It was suggested that the applicant revisit the traffic analysis to plan for truckloads of fill expected for the site. Mrs. Oldfield described the project as "a castle in a swamp" and Mr. Corcoran stated that reducing the size of the building was "non-negotiable" under the terms of the zoning approved at TM. Ms. Oldfield believed that it was not necessary to build to the maximum allowed by zoning and that there could be flexibility to suit the concerns of the neighbors.

Public Speak:

Bard Hajrizaj of 11 Spafford Rd. expressed concerns about the high water table on the site and said that surrounding residents rely on sump pumps to keep water out of their basements. He said there was no square footage specification for the facility in the zoning and that the water table will continue to steadily rise. He said that the plans were not compliant with the bylaw because they violate the 25' wetland buffer requirement, despite that the Con Comm voted to approve the proposal in order to accommodate fire trucks per the suggestion of Mr. Reardon. He believed the building size should be reduced so that the buffer can be maintained while accommodating emergency vehicle access.

Diane DiTullio Agostino of 147 Ridgewood Rd. stated that the amount of fill being brought onto the site exceeds the allowable amount in the cut and fill bylaw. She said that the wetlands needed to be replicated and that conservation land was not being added to. She said that the PB Chair had promised that an assisted living facility would not be approved without a full vetting during the special permit process when the zoning was approved at TM and that Town Counsel had changed the description to "memory care facility." She noted that sink holes have developed in the area.

Nadine Hanna of 11 Spafford Rd. expressed disappointment that Mr. Reardon resisted further analysis. She said that a hydrologist, unlike a civil engineer, is a highly skilled, science-backed researcher, and Mr. Horsley had been hired at the expense of the neighbors. She said that Mr. Reardon should take a more neutral stance on the development.

Manette Donovan of 16 Spafford Rd. asked when residents could be allowed to speak at meetings, noting that public speak follows testimony and presentations by specialists and that citizens are forced to expedite their comments late into the meeting. She asked if more time could be allocated to public speakers at the outset of the hearings. She was asked to supply presentation materials in advance of the meetings for PB review.

Mr. Avery, Mr. Horsley and Mr. Reardon agreed to discuss the necessity of additional analysis outside of the meeting. On a motion by Ms. Tougias, seconded by Ms. Oldfield, the hearing was continued to October 19th at 7:05.

5. FY2025 Budget Discussion

Mr. Czerwienski reported that a department head budget meeting had recently taken place and that a level PB budget had been proposed, with additional funding for special projects. He asked the Board about priorities for the \$50,000 Plans and Studies budget and noted that the East Milton Square (EMS) rezoning and MBTA

Communities zoning are partially grant-funded. He said that the initial recodification process was close to being finalized and that a more comprehensive recodification may cost between \$30,000-\$40,000. Revisiting Accessory Dwelling Units, lighting, cut and fill and the Rules and Regulations of the Town were proposed. Establishing design guidelines and developing economic analyses for affordable units under the MBTA zoning were suggested. Hiring a part-time staff member or intern to work exclusively on Planning Board projects was proposed, and making productive use of consultants was suggested. Mr. Czerwienski suggested that \$40,000 be requested for codification and that the annual allotment of \$50,000 go towards smaller zoning initiatives. Creating form-based zoning for the MBTA Communities zoning within the codification was suggested. Mr. Czerwienski said he would research generalized pricing for certain initiatives and continue the discussion at the next meeting.

6. Old Business: MBTA Communities Zoning Discussion

Ms. Tougias said that the Select Board (SB) had voted on a revised article prepared by Mr. Czerwienski that includes much of the language she presented at the PB's Oct. 5th meeting, with some adjustments to FAR calculations. Lot coverage and acreage, setbacks and height restrictions, commercial space, green space and parking accommodations were discussed. Concerns about the density of the proposed Granite Ave. subdistrict were noted. The Milton Station, Mattapan Station, Blue Hills Corridor, East Milton Square and Eliot St. transit area boundary adjustments were discussed. Language provided by Ms. Oldfield was considered, which included the removal of the Granite Ave. and EMS subdistricts, reducing the number of units to well below the requirement while upholding the "spirit of the law" in her view. She noted that the law requires 15 units per acre and that is what she proposed on a select number of parcels. She noted the time restraints and importance of creating quality zoning. She believed that TM should have an option to vote on an alternative to the SB's proposed zoning which meets the zoned capacity required under EOHLIC guidelines of 2,461 units. She said that the article can be revisited and that her language was "mindful and respectful" of the work put forth by the PB. Timelines and the closing of the warrant were considered. The Board's obligation to follow the law and the legal repercussions of non-compliance were addressed. It was noted that citizens are both supportive and opposed to the zoning and that TM would make the final decision.

Public Comment:

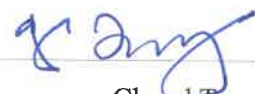
Ms. Agostino said that she believes that the Massachusetts constitution places the legal authority of creating zoning in the hands of the PB although the SB can "initiate" an article. She referenced a memorandum written by former PB member Alexander Whiteside in March of 2023 which stated that the guidelines of the MBTA zoning are not part of the law and mentioned that the town of Rockport has sued over the mandate. She said one MA town was changing its charter to keep zoning autonomous from the state, and noted that the consultants hired by the PB work for the state. Editorial note: the consultants are engaged by the Town, paid for through state grant funding. She discussed the Americans with Disabilities Act and how the conditions of certain trolley stops on the Mattapan Line are non-compliant and in poor condition.

Ms. Tougias said that it should be mandatory for districts allowing mixed-use developments to provide commercial space on the ground floor. The Board discussed what constitutes a simple majority vs. a 2/3 vote at TM and Mr. Czerwienski said that that would be determined by the Executive Office of Housing and Livable Communities (EOHLC). He said there was a question about whether the mandatory mixed-use component needed to be a separate article and if it required a 2/3 vote. He said a call would take place the following week with the Attorney General's municipal law attorney to discuss these questions and certain elements of the language.

7. Old Business: Discussion of Outside Legal Counsel

The discussion was deferred to the Oct. 19th PB meeting.

8. Adjourn: On a motion by Mr. Davis, seconded by Ms. Oldfield, the meeting was adjourned at 11:24 p.m.



Cheryl Tougias, Secretary

