

**Meeting of the Planning Board
Thursday, October 19th, 2023**

The 10th meeting of the Milton Planning Board for FY2024 convened at 7:05 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:

Approval of minutes was deferred on a motion by Mr. Davis, seconded by Ms. Oldfield. Upcoming PB meetings were confirmed for October 26th and November 9th. An MBTA Communities zoning public forum is to take place November 1st at the Council on Aging

Staff Update:

Mr. Czerwienski reported that a contract would soon be drawn up for the new animal shelter and that the modular structure should be finished in approximately one year. He said that the Landing Committee had been drafting scopes of work for dredging, replacement of the dock and boat ramp and sea wall improvements. Mr. Eckart-Lee said that a public forum would be hosted November 6th by the Metropolitan Area Planning Council (MAPC) to address the rezoning of East Milton Square and that a \$30,000 grant had been applied for to cover the next phase of work on the Winter Valley microgrid project.

2. Citizen's Speak:

Steve Acerra of 49 Meadowview Rd. stated that the MBTA Board of Directors had determined Milton to not be a rapid transit community. He noted that the PB had submitted a request to the state for either reclassification or deadline extension, which received no response, and believed the PB should hold an executive session to discuss litigation strategies for requesting an injunction on forcing compliance pending a response to the reclassification request.

Kristine Hodlin of 112 Maple St. asked that the PB focus on the language of the MBTA zoning article that entails full compliance with the law and stated that elected officials are obligated to abide by the law. She said the zoning will be scrutinized at TM and that hastily crafted zoning will likely be sent back. She read remarks from the Attorney General (AG) addressing the repercussions of non-compliance, which would result in "civil enforcement action" and pose the risk of liability under fair housing laws.

Geoff Wilkinson of 199 Beacon St. stated that MBTA officials had established that Milton is a rapid transit community and that seeking reclassification was a "lost cause." He said that litigation would cause an unnecessary cost to taxpayers and that the AG has emphasized that non-compliance is "not an option" as well as a violation of state and federal fair housing laws. He said there was no provision for complying with the "spirit" of the law and referenced the Boston Globe article, "Inside the Gilded Gates," which he described as an "embarrassment to Milton." He said that there are many opportunities to comply with the law and mentioned the environmental and housing equity benefits of the zoning.

3. Public Hearing: 111 Highland St. Site Plan Approval (Cont.' from 10/12)

Bard Hajrizaj of 111 Spafford Rd. gave a presentation addressing the size of the building (60,000 SF), the wetness of the area, the number of employees at the facility (75), impacts on wetlands and traffic, hydrology issues, and safety concerns. He proposed banning trucks on the "ladder" streets and constructing signage to reduce the amount of traffic in surrounding neighborhoods. Comparisons to Northbridge's Needham facility were referenced.

Manette Donovan of 16 Spafford Rd. emphasized that the community is not against a memory care facility. She said that Spafford Rd. was extremely narrow, populated by young families and unable to withstand additional traffic. She believed that further traffic analyses are necessary. She displayed photos of backups and truck traffic and mentioned the lack of sidewalks. She said that hospital traffic has been an ongoing issue and that construction

vehicles will be disruptive and unable to make turns. She mentioned that 300 trees will be removed on Highland St., a scenic road, and described the project as “a square peg in a round hole” which should be reduced in size. She said that TM members were unaware of the reality of the traffic issues when the zoning was passed and that the hydrologist hired by the neighbors disagrees with the Conservation Commission regarding water problems, which will be worse with the deforestation.

Theresa O’Brien of 42 Spafford Rd. mentioned that the loading dock, which includes a dumpster, generator and transformer, will be the closest structures to the scenic road and should be moved to the back of the property. She wondered how TM Members would have voted for the zoning had they known the facility was for-profit and stated that most families will not be able to afford it at \$110,000-\$170,000 per year.

Antonina Welz of 179 Highland St. discussed the time, effort and expense put in by neighbors to protect their historic and scenic neighborhood. She said the neighbors support memory care facilities but that the one proposed is not right for the site. She discussed the impact on wetlands, wildlife, and traffic, and worried about the safety of memory care patients who might wander off the site.

Nadine Hanna of 11 Spafford Rd. said that the project is too big and will be disruptive to the neighborhood and environment. She said that developers are refusing to reduce the size of the building because it is a for-profit facility. She said the sewer line should go through Winter Valley instead of tying into Spafford Rd. and that the loading dock should be at the back of the property. She expressed concerns about rats and traffic and said that tractor trailers would be used which “cannot be controlled.” She said the tree removal and replacement plan was not conducive to conservation.

On a motion by Ms. Tougias, seconded by Ms. Oldfield, the hearing was continued to 7:05 November 9th.

4. MBTA Communities Zoning Discussion

Ms. Tougias stated that Mr. Czerwienski had incorporated many of her comments into the Select Board’s (SB) language, which was supported by the SB, but that certain design guidelines may be considered too subjective, which had since been amended. Mr. Czerwienski stated that the zoning language and map would be submitted as one article and that eligible properties in the transit area will have a minimum lot size of 7,500 SF. Unit sizes, lot coverage and setbacks were discussed, and it was noted that compliance consultants Utile had turned its focus towards the zoning guidelines. The timing of the hearing and drafting of a PB article were discussed. Mr. Czerwienski stated that the consulting firm RKG had received all of the information needed to conduct a fiscal impact analysis and would be asked to attend the Oct. 26th public hearing. Mr. Fahy asked that the DPW, Police and Fire departments weigh in on the fiscal analysis discussion. Projections on the pace and levels of population growth resulting from the zoning were discussed, as well as the obligations the developer and the town would have with improving the Town’s infrastructure when necessary. It was suggested that Floor Area Ratio (FAR) calculations generated by Ms. Tougias be shared with Utile.

Public Comment:

Mark Christo of 17 Waldo Rd. stated that FAR calculations are typically not used in suburban applications. He discussed FAR calculations for the proposed MBTA districts and believed that Norway Rd. would be “hit hard” because each lot is over 7,500 SF. He believed that the FAR should drop once the lot size reaches 10,000 SF. He discussed FAR calculations for different lot sizes and how certain neighborhoods would be more impacted than others, and believed the FAR should be scaled down. He worried that larger units would be unaffordable and that one parking space per unit “wasn’t in the cards.” He said that maintaining setbacks may help with curtailing property assemblages and that the Verizon building and surrounding area could be incorporated into the district.

Ms. Tougias responded that FAR calculations and setbacks are used for controlling size and need to be tiered differently in different sub-districts. Parking provisions and requirements for mixed-use developments and visitors were discussed.

Kristen Joyce of 642 Courtland Circle said that the proposed Granite Ave. subdistrict does not have parking, has flooding issues and “horrendous” traffic. She said the zoning does not increase access to public transit, there is no

safe access to amenities or parks without a vehicle and there are no plans for green space. She said one car per unit is “impossible.”

Ms. Oldfield discussed language she had prepared as a potential PB bylaw. She said that interpreting the guidelines as the law was “up for debate” and a court should determine if they are legally enforceable. She said her article met the letter of the law by zoning within a half mile of transit and providing 15 units per acre. She said that over development and the loss of trees have affected the climate, good zoning should not be “reactionary,” and that 500 units of 40B housing were coming to Milton. She said that much of Ms. Tougias’s language presented at the October 12th PB meeting had been incorporated, including provisions for site plan approval and affordable housing.. The main difference, she said, is the number of units allowed (527) instead of the compliant 2,461. It was noted that the zoning included specific properties and that the SB language included a wider range of districts as a means for including existing multi-family housing. The location, parcel area and number of current units in specific locations and how they could be altered by Ms. Oldfield’s proposal were discussed. Mr. Fahy believed the unit numbers were too low, but 2,461 is too high and that zoning should be created that “preserves aspects of the Town.” He supported the proposed 15-17% affordable housing rate and a good faith effort towards compliance. Ms. Oldfield emphasized that she supported the residents of the town, many of whom had not participated in the MBTA zoning process. It was noted that Milton Village is protected by design guidelines under the 2020 Milton overly zoning. Ms. Tougias encouraged the Board to support compliance, the terms of which may be adjusted in the future and believed that the Town may be better positioned to work with the state, which may grant relief on sculpting the guidelines if full compliance is adhered to at the onset. Concerns about the proposed density within the transit area and challenges faced by residents in the Granite Ave. subdistrict area were discussed.

Public Comment:

Steve Acerra of 49 Meadowview Rd. believed that both articles should be submitted to TM, noting that Ms. Oldfield’s language complies with the statute of the law and the SB’s article complies with the guidelines.

Ron Cecchini of 26 Cushing Rd. said that TM members need to know what the “Bottom Line” is of the zoning and exactly what they are voting for, as well as the cost of non-compliance. He said that \$35,000 would be lost in grant money to the Town and that lawsuits may ensue with non-compliance, but that only 11 other communities had been put under the same strict deadline, the zoning should not be rushed, and many more lawsuits will be forthcoming. He believed the \$35,000 was worth sacrificing to buy more time for developing zoning. He noted the low ridership of the trolley by Milton residents and suggested the Milton station stop be removed considering its \$1.8M cost per year to the Town and the impacts that 2,461 new units would have on existing residents.

Ms. Oldfield mentioned that because the trolley is not ADA accessible, the bylaw may expose the Town to a civil rights violation, and it was suggested that Town Counsel weigh in on the issue. The Board discussed committing to the 2,461 units (25% of the existing unit capacity of the existing housing stock) in the future and accepting Ms. Oldfield’s proposal, which would increase the number of units within the transit area from 5% to 10% and proposed eliminating the Granite Ave. and East Milton Square subdistricts laid out in the SB article.

Mr. Davis made a motion, seconded by Ms. Oldfield, the Board voted 4/1/0 to submit Ms. Oldfield’s language to the SB and to hold a 5:00 p.m. meeting on Tuesday, Oct. 24th to finalize the article and present it to the SB before its 7:00 meeting. Ms. Tougias opposed the motion.

On a motion by Ms. Tougias, seconded by Ms. Oldfield, the meeting was adjourned at 11:47 pm.



Cheryl Tougias, Secretary

