

**Meeting of the Planning Board  
Thursday, October 26th, 2023**

The 12th 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:**

On a motion by Mr. Davis, seconded by Mr. Fahy, the 10/5/23 minutes were approved as amended, 5/0/0.

Staff Update: Mr. Czerwienski stated that a public forum hosted by the Metropolitan Area Planning Council (MAPC) will be held November 6th at the Milton Art Center to address East Milton Square rezoning.

**2. Public Hearing: MBTA Communities Overlay District Select Board Zoning Article**

Mr. Czerwienski provided an overview of what the MBTA Community Zoning Act entails, how the compliance process works, and how Milton is legally obligated to adhere to it. He emphasized that it was a zoning, not a housing mandate and that there is a critical need for new housing. The guidelines of the order, issued by The Executive Office of Housing and Livable Communities (EOHLC), were discussed, which were described as “flexible,” and different scenarios for meeting the requirements were presented. The repercussions of non-compliance were addressed, and it was noted that the Attorney General (AG) and governor had ruled noncompliance to be a violation of the law which could result in civil enforcement actions under civil rights and fair housing rights, as well as the loss of essential grant opportunities. He discussed the compliance models developed by consultants Utile, which covered units per acre, lot coverage, lot sizes, height restrictions, unit capacity, parking accommodations, Floor Area Ratios (FAR), open space, setbacks, dimensions, affordable housing and mandatory mixed-use developments. The fiscal analysis, conducted by RKG consultants, would be forthcoming.

Public Speak:

John Driscoll of 718 Randolph Ave., noting that a 40-unit 40B was being developed next to his house stated, “be careful what you wish for.” He questioned the term “MBTA Communities” considering the distance from that area of Randolph Ave. to rapid transit.

Deborah Felton of 20 Willoughby Rd. supported the zoning and multifamily housing, believed it would benefit her neighborhood and said that elected officials are obligated to uphold the law.

Kristine Hodlin of 112 Maple St. supported the Select Board’s (SB) article, noting the amount of work and consideration put into it, and the dire need for more affordable housing options in Milton. She said that taking an oath of office means upholding the law and that enhancements could be made to the zoning after the deadline for compliance of December 31<sup>st</sup>.

Ian Boyd of 44 Cliff Rd. said that he supports multi-family housing but that most of the burden of the zoning fell along the Eliot St. corridor and should be broadened to other districts.

Matt Morong of 136 Eliot St. said that the trolley line is an asset, providing proximity to transit for different communities, which entails financial returns, more affordable housing options, traffic and climate benefits. He said the article could be improved but that it has done all it can to preserve the character of the town.

George Simon of 290 Eliot St. asked if there would be any architectural or physical appearance standards for the new units and if tax benefits could be provided to existing homeowners that may be affected by the zoning.

Jack Cook of 15 Courtland Cir. said that the proposed Granite St. subdistrict was “unfair” and “not right” for the number of units proposed, the added traffic and sewage, the lack of walkability and public transit, and the unsafe driving conditions. He called the green initiatives “a joke,” said that the zoning would “choke” his neighborhood, and that the law was benefiting out of towners rather than Milton residents.

Katie Lagen of 544 Brook Rd. said that she was disappointed in the way the challengers of the MBTA Act are treated by elected boards. She said that most people are in favor of new housing if it is “thoughtful,” “reasonable” and includes affordable units. She said the Granite St. subdistrict is partially owned by the state which could result in any number of units and that most of the area is not within a half mile of public transit. She said the state is asking for too many units, the law should be challenged and the impending 40Bs should be taken into account.

Meghan Walsh of 107 Church St. said she had grown up in rent- controlled housing and supported affordable housing, but that 50% of the non-transit zoning fell on East Milton Square which was unfair. She said that 1,000 new cars would be added to the already congested area which would not only be unfair but unsafe.

Erikk Hokenson of 583 Eliot St. supported the article and espoused compliance. He said the zoning will increase housing stock and variety and enrich the community. He said the state has been clear on the law, no development was being proposed, the law supports sustainability and walkability, the fiscal impacts might benefit the town, and that the design standards could be worked on to keep the town beautiful.

Karen Hanna of 3 Norway Rd. said that 8/11 of her neighbors favored the zoning and that three had questions. She said those who would be most impacted gave positive feedback and that many people had moved to the area for MBTA access. She said it was unlikely for residents to make drastic changes to their properties, the positives outweighed the negatives and asked that Accessory Dwelling Units be revisited.

Ellen Stoddard of 251 Canton Ave., speaking on behalf of Sustainable Milton, supported the SB article, asked the PB to withdraw its non-compliant article, and suggested the PB focus on compliance while maintaining the character of the town. She said Sustainable Milton contributes to the Climate Action Plan and thinks the zoning will help reduce Milton’s carbon footprint while addressing the housing crisis, supporting sustainability goals, promoting walkability and a diverse housing stock, and conserving green space. She said that millions in grant funds which could go towards sustainability projects will be lost and that lawsuits will ensue with noncompliance. She believed that there is room and resources to welcome more neighbors while maintaining and enhancing the qualities loved about Milton.

Eileen Sharky of 35 Caroline Drive said that Milton is now in the spotlight for “closing its gates” when it could be known as the town opening the gates. She said the state had done its job and that it was time the Town did the same. She said that everyone deserves a home and that Milton can lead the way.

Marsha Grills of 30 Landon Rd. mentioned the housing crisis and how Milton is no longer affordable. She described the zoning as a “heavy burden but not impossible,” which has gone through many iterations and resulted in a solid plan that preserves the characteristics of each neighborhood. She said that the article was for zoning, not creating buildings, and that the Granite Avenue district would come under close scrutiny during the zoning process.

Elaine Benson of 67 Granite Place said that homeownership in Milton is “elusive” and that the zoning supports the ideas of the Master Plan regarding housing options and affordability. She supported compliance, walkable communities and access to amenities and said the article is “far from perfect” but attempts to preserve the character of the town.

Rob Rosofsky of 29 Waldo Rd. said that the zoning would allow for more housing options for seniors and town employees, help the town economically, reduce car usage, diversify the population, and bring a gradual, stable housing increase to the town. He said that noncompliance will result in litigation which

will cost the town and that an affordable and equitable Milton will make it more desirable. He denounced fear mongering and implored citizens to research the facts.

Ashali Singham of 62 Essex Rd. said that multifamily housing and rapid transit were the answer to many of the region's problems and hoped it gets passed.

Lindsey Sands of 6 Waldo Rd. disagreed with the concept of sustainability. She said that few people ride the trolley and that cars would be added to Milton's streets. She said the EOHLIC's letter denying reclassification was "poorly reasoned and written" and encouraged challenging its rapid transit determination. She questioned the lifespan of the trolley and expressed concerns about overdevelopment, overcrowding in schools and what to expect from commercial spaces.

Mike Dsida of 14 Cantwell Rd. said that the town is legally obligated to create more housing for the young and for the climate. He said that the zoning is not perfect but is a start towards allowing the town to take its own path before state mandates are enforced, civil rights are violated, and grants are eliminated. He said that according to the AG and governor there is no choice for noncompliance.

Jennifer Hunt of 78 Courtland Circle said she did not feel the Granite Avenue subdistrict was a good fit for the zoning due to the amount of traffic and lack of walkability and access to public transit in the area. She noted the limitless number of allowable cars per unit, said that Granite St. would be the first subdistrict to be developed and believed the area carried an unfair burden.

Colleen McCarthy of 108 Gulliver St. expressed the need for housing in Milton and asked if there were any affordable housing requirements included in the law.

Kathleen O'Donnell of 12 Belcher Circle said that the Planning Board was not responsible for a vote but rather a report to TM members who will cast their own votes. She said the zoning provides opportunities as opposed to requirements forced upon the town by 40Bs and that the guidelines include provisions that the town should always have had. She said that housing is no longer affordable and social mobility is no longer available. She urged support of the article.

Kat Gonso of 136 Eliot St. said that passing the zoning will make the neighborhood more diverse, equitable and inclusive and bring the community together. She hoped that the leaders of the community will set a "humans first" philosophy for the children of Milton by "doing what's right" and passing the zoning.

Katie Conlon of 42 Reedsdale Rd. said that determining the net number of units was "very informative," which may reassure residents alarmed by the projected 2,461 required new units. She said that writing to state agencies about the classification of Milton as a rapid transit community was the right thing to do but the state made a determination, and we are bound to follow the law. She said Town Counsel advised that Milton comply with state laws by the Dec. 31<sup>st</sup> deadline which she believed to be "in Milton's best interest" and urged the SB, PB and Warrant Committee to give TM the best options for subdistrict boundaries and zoning language. She mentioned the traffic issues faced by the Granite St. subdistrict and asked if the Milton Healthcare, Fuller Village, Winter Valley and Quisset Brook could be reconsidered as subdistricts.

Jen Erbe-Leggett of 312 Fairmont Ave. discussed Milton's history of exclusionary zoning, noting that luxury homes were built on the Town Poor Farm and the Boston Globe had recently published an "embarrassing" article on the issue. She asked the town to do what is required of the state and to "do our fair share" to make housing equitable in Milton.

Matt Zoller of 313 Eliot St. urged compliance. He said the trolley connects to one of the most underserved communities in Boston and believed that seeking reclassification was wrong and a waste of time. He said that economics drive development and that projects that are not feasible will not move forward. He said the PB has the power to shape the guidelines and help residents "do the right thing" regarding redevelopment.

Vanessa Calderon-Rosado of 66 Rustlewood Road said that the MBTA law is the law of the commonwealth and there is an obligation to comply with the law while offering opportunities to families of various sizes and socio-economic status. She said that Milton is no longer affordable, and it is the duty of the town to provide housing opportunities for people in the service industry. She said the zoning will encourage the use of public transportation and will enhance the character of the town.

Kristen Joyce of 42 Courtland Circle stated that there is no access to amenities or public transportation from her neighborhood and that the environment will be negatively impacted with the addition of many cars. She asked why areas further south, on the bus route, with more land, were not being considered for the zoning.

Janet Ferone of 71 Central Ave. fully supported the zoning and noted that any change in town incites panic when residents should be viewing presentations and learning facts. She said that a variety of housing with affordable options is needed and that the article involves zoning, not building mandates. She said that going against the law is going against the moral code, grants would be discontinued, and legal fees would be a burden to the town.

Marc Christo of 17 Waldo Rd. said that in the 1960s the trolley was not converted to rapid transit when given the chance and that little has changed since. He said the zoning is based on a "false pretense" and that the MBTA infrastructure will be challenged with build-out. He said he supported compliance and development and would like to see the Milton Village overlay footprint expanded to include the F.A. King and Verizon buildings and wharf area parking lot. He discussed FAR calculations and how they affect massing in different areas.

Nora Harrington of 5 Columbine Rd. said there were many factors and parameters that went into the drafting of the zoning and is grateful for the design standards. She did not feel that multi-family housing would make neighborhoods look very different and was glad that FAR had been factored into the calculations. She said she believes the zoning protects the Town, as it may allow the town to build its own housing and meet its affordable housing goals. She said that a 40B could be built on Granite Ave. at any time and the SB zoning controls density, lot sizes and other design features.

Ron Cecchini of 26 Cushing Rd. said that the main concern was the deadline forced upon the Town, which only 11 other MBTA communities out of 177 are subjected to. He said that Town Counsel had made a distinction between guidelines and regulations.. Mr. Cecchini believed the guidelines are not enforceable law and should be challenged. He believed that many lawsuits would be forthcoming and that Milton should "take a \$35,000 hit" in order to get the zoning right by postponing compliance.

Tom Callahan of 16 Orono St. said that everyone can agree that providing affordable housing is a goal and that the zoning was largely for market rate when housing of all types and price levels, which is needed during this housing crisis. He believed that there was room to go above 10% affordability if the zoning passes and urged a yes vote.

Carolyn Cahill said that there is a serious housing shortage in the region and that no one was being forced out of their home, which may remain a single-family home if sold. She said the guidelines allow control over several factors, including lot size, density and height restrictions, which make it difficult for developers to overburden neighborhoods and which help preserve the character of the Town. She said that the maximum number of new units would be 1,700 when counting in existing units and that the zoning provides housing options in an unaffordable market.

Diane DiTullio Agostino of 147 Ridgewood Rd. said that the PB has not provided thorough information on the zoning, including financial impacts and traffic facts. She asked if the results of the Rockport lawsuit had been obtained and said at \$35,000 the concern for lost money is "not high on the list." She said the state allows local planning autonomy, a simple majority vote on the article is "questionable," and that the town has been under intense pressure to meet the deadline. She questioned the trolley's lack of accessibility and lack of compliance with the Americans with Disabilities Act (ADA).

Mr. Czerwienski addressed the public comments. He said that the bylaw has a provision that allows guidelines to be adopted in the future, allowing the Town some flexibility. He acknowledged that the proposed zoning for Granite Ave. is dense, and that the Town is sensitive to surrounding neighborhoods. He said that there are special conditions for areas within a flood zone, which are required to follow the Wetlands Protection Act and special requirements in building codes that are not reflected in the compliance model and zoning. He said that development would be “tricky if not impossible” on the site and that local zoning does not apply to state property. He said that the area had the most likelihood of traffic improvements due to it being a state road, and the state would have jurisdiction in site access permits.

Mr. Czerwienski noted that multi-family housing opens up opportunities for affordable housing and may allow Milton to rise above the 10% affordability requirement and emerge from the 40B umbrella. He said that creating three units from two is much harder than expanding one to two, so single family homeowners may be taking more advantage of the zoning than others. He said there are land use controls around parking, parking maximums will prevent over parking, and enforcement of street parking bans will need to take effect. He addressed creating subdistricts beyond the transit area on larger parcels of land, noting that following the mandate of 15 units per acre would make the parcels “intolerable” and would offset the balance of units in the transit area. He said that Utile had tested Winter Valley, which came out to 640 units under the zoning. This site is within direct proximity of a large 40B planned for Canton Ave. and the proposed memory care facility. At Quisset Brook 800 units were feasible but would place the burden on a different part of town without public transit or amenities which is less equipped to handle it. He discussed how the tiered FAR system, dependent on lot size, enabled the Town to achieve compliance without creating immense development. Ms. Hall mentioned that fiscal and build-out analyses were forthcoming. It was noted that town boards and citizens can put forward zoning and that it is the PB’s job to hold a public hearing and TM to adopt the zoning.

Public Speak:

Chris Shirley of 55 Courtland Circle asked if there was an appropriate number of proposed houses on Granite Ave. considering the flood zones, and asked why the post office, which is publicly owned, was removed from the zoning when the publicly owned property at Granite Ave. was not. Mr. Czerwienski responded that only sites that have a history of disposition or are named as strategic housing sites are approved in the Housing Production Plan and that the site on Granite had been designated as one of those sites in the 2020 plan.

Marc Christo of 17 Waldo Rd. asked why Utile had recommended increasing the FAR in the Blue Hill Parkway corridor. He asked about the rationale over disparities of unit sizes across districts. Mr. Czerwienski responded that FAR was included not for capacity restraints but for development size restraints across districts with different minimum lot sizes. He said that the unit size is averaged per subdistrict and that the model reverts to 1,000 SF per unit. He believed a good mix of housing types and sizes would be covered by the zoning.

On a motion by Ms. Tougias, seconded by Mr. Davis, the public hearing was closed.

**3. Discussion of Outside Legal Counsel on MBTA Communities**

Ms. Oldfield said that she had found it difficult to communicate with Town Counsel after learning from the Town Administrator that it was permissible for board members to contact him directly. She said she believed the PB needs its own representation and that if the PB plans to write its own MBTA zoning article it will need someone to write it for them. Ms. Hall read a memo from Ms. Oldfield to Town Counsel questioning the repercussions of the Justice Department determining the law to be illegal or invalid. She received no response. Ms. Hall read a letter from a resident to Town Counsel questioning the AG’s determination that noncompliance would result in civil litigation as a result of federal and state fair housing law violations, which they believed to be invalid, and asked what violations the Town would face

should TM vote against the zoning. It was requested that the questions be put in writing and addressed at the November 9<sup>th</sup> PB meeting.

**4. Adjourn:** On a motion by Ms. Tougias, seconded by Mr. Davis, the meeting was adjourned at 10:53 p.m.



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Cheryl Tougias, Secretary