

Milton Planning Board

December 21, 2009

Remarks of Andrew Upton, counsel to

Save Tucker Neighborhood

Good evening. Andrew Upton on behalf of STN. I want to thank the Committee for allowing me to speak tonight.

I want to give a brief overview of some of the concerns the abutters and neighbors have concerning this proposed zoning.

The first concerns the need for this zoning. Temple members have made a passionate, yet financially undocumented case for this site redevelopment. Why is this lack of financial backup important? Because the Temple's needs are driving the decision to rezone. Yet the Temple will not back up their assertions of need with financial facts or data. There can then be no conclusion, but that the Temple has failed to state a financial claim for which relief can or should be granted, and that therefore the zoning should not be recommended by this Board.

Our second area of concern is what community purpose; goal or benefit will be gained by this zoning? While it is clear that new zoning could be a financial benefit for the Temple and the developer, and a chain of drugstores headquartered in RI, it is not clear what substantial benefit would accrue to the Town or to the neighbors. The addition of \$157,100 in taxable revenue represents \$6.03 per citizen of Milton. The addition of \$157,100 to the 2010 tax levy of \$58,583,813 is an increase of 0.00268%.

According to the Chief Appraiser for Milton, the CVS with mixed Commercial development that is proposed would generate almost \$100,000 less in taxes than a Pharmacy with residential housing and about \$120,000 less than Mixed Commercial and residential. The proponent has chosen the path of greatest hardship to the neighborhood, and the path of least benefit for the Town.

\$157,000 in extra tax money, weighed against the cost of the increased police and fire services needed at the site may end up as no benefit at all. To ask the Neighbors and those driving in the area to suffer blasting, construction, increased traffic, loss of open space, loss of housing opportunity and loss of their neighborhood, for a drive thru CVS, seems like a bad deal for everyone who doesn't have a personal financial stake in the process.

Zoning change such as would be required for the commercial construction proposed, must have roots in genuine planning objectives. Serving the Temple's secret financial needs are not enough. What planning objective is served by this development? It appears to have a negative impact on the environment, on traffic, on noise, on views and vistas, on public safety, and on

the quiet enjoyment of the residents in a historically residential neighborhood. This is not the creation of a new commercial district, this is not Smart Growth, this project creates de minimis open space. It creates a hand full of low wage jobs. This is not directly related to overall town objectives and, according to hundreds of residents who have registered their opposition, this project does not benefit the neighborhood. Is it really possible that the this project has gone thru more than 30 formal meetings, hundreds of hours of testimony and thousands of dollars in costs and there is not yet a single picture or rendering of what the new Temple is going to look like?

Finally, we think this article sets a terrible precedent for the Town. When a wealthy developer can use a religious institution as a stalking horse to force a commercial strip mall into this residential neighborhood, then **every neighborhood in Milton should be concerned**. How many churches in Town may have financial difficulties or be forced to close by the archdiocese? Would you want a drive thru CVS to replace your house of worship? And why must it be a drive thru? We know that CVS requests drive thru so they can maximize profitability, but has Milton ever expressed a preference for drive thru establishments? The answer is no. Communities fight tooth and nail against drive thrus as Milton has in the past. Why is it suddenly an imperative for this neighborhood?

We don't see Deval Patrick or Ned Johnson or Milton Academy advocating for a drive thru in their neighborhood. How is it appropriate only for this residential, working class, mixed race area?

While we would not object to an incidental benefit to the landowner, the purpose of new zoning should be to benefit the town as a whole, the neighborhood affected, and the abutters who have to live with it. New zoning should have a higher and better purpose than to benefit one party alone.

The Temple has not made the case for the need for this drastic rezoning, the rezoning does not benefit the neighborhood, and this precedent threatens every other neighborhood in Milton with unwanted uses, undesirable development, and an unfair outcome.