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# Introduction

Steve Keel

Town Meeting Member Precinct 1



## ***Save Tucker Neighborhood Presentation Will Demonstrate:***

- No essential change in the Temple Shalom site development proposal from it's inception in December 2008
- Proposal is a take it or leave it
  - 3 buildings; retail shopping center with a drive through pharmacy, another retail building and the Temple, or
  - Sell to a high density 40B developer and the Temple relocates to some other location

- Most of the neighbors/abutters oppose the current plan for commercial development
- By framing as commercial or 40B, the Developer and Temple have excluded all real discussion of alternative development
- Agreement was in place precluding other options

# Welcome To Our Tucker School



## Neighborhood



Video brought to you by:

**Darnell Turner**

Resident Blue Hill Terrace

**Catherine King**

Resident Concord Avenue

# History/Highlights of this Zoning Process

(or How a promising Planning Board process went bad)

## Late 2008

proposed Temple Shalom Project unveiled;

- Plan included a CVS, new Temple/School and another commercial building
- Very poor reception by neighborhood

Essentially same plan approved by the Planning Board in January 2010 – plan never changed

# History/Highlights of this Zoning Process

## May 2009

Poorly drafted “Ten Citizens” article presented to annual Town Meeting

- Town Meeting Members ‘Vote to Study’ sent article sent to the Planning Board
  - Get a better planning process and
  - Compromise
- Town Meeting Members unaware that a Purchase and Sale (P&S) agreement, locking out other options, already in place between the Temple Shalom and Developer

# History/Highlights of this Zoning Process

## June 2009

Alleged Advisory Board Process takes place

- P&S (purchase and sale) between Temple Shalom and Developer already signed
- Precluded any changes in the plan or serious consideration of alternatives

In reality ...

Advisory Board was a process to nowhere



# History/Highlights of this Zoning Process

## August 2009

LDS Report (financial feasibility study) commissioned by Planning Board

- Several viable options, including residential options offered
- Planning Board ignores options generated by its own consultant

Advisory Board dismissed ... Planning Board at this time, in effect controlled by the Developer

# History/Highlights of this Zoning Process

## December 2009

Planning Board presentation to Warrant Committee  
even before Planning Board vote

- Describes support for Developer's Proposal "50/50"
- No mention of significant opposition to the proposal from abutters/immediate community

Who is suppose to watch out for the interests of the abutters/neighbors/community?

# History/Highlights of this Zoning Process

## January 2010

Rushed public hearings and deliberations

- Quick vote taken by Planning Board as Clock approached midnight
- Rushing vote not in the Interest of abutters /neighbors /community
- Rushing vote in the interest of the Developer, Temple and Planning Board majority

# History/Highlights of this Zoning Process

## January 2010

Flawed proposed article forwarded to the Selectmen by Planning Board

- Essentially same as originally proposed in December 2008 except for a few trees, bushes and so-called green space
- 'Don't worry' community all of the traffic, noise, delivery, lighting etc. problems will be taken care of during the special permit process

Who is supposed to watch out for the interests of the abutters/neighbors/community?

# History/Highlights of this Zoning Process

- Neighborhood objections and suggestions, except for minor changes, rejected by the Developer
- Planning Board process though well intended, had no chance of resulting in any real compromise
  - proposed substantive changes were explained away, ignored or rejected by both the Planning Board and the Developer
  - never any intention by the Developer or Temple Shalom to change the original proposal
- Process was a sham

# Who Benefits?

Marion McEttrick

Town Meeting Member Precinct 1



# Other Development Options Could Give Greater Tax Benefits To The Town

The current proposal, for two commercial buildings including a pharmacy had the lowest tax yield for the town of any of the options the Planning Board requested be reviewed by the Board of Assessors.

- 27,000 SF commercial w/pharmacy, 24 garden style condos \$278,100
- 12,900 SF commercial w/pharmacy, 30 garden style condos \$247,200
- 40B condo development, 18 affordable, 54 market rate \$235,030
- 40B apartments, 27 affordable, 78 market rate \$167,500
- All commercial, 2 buildings, 27,900 SF, w/pharmacy \$157,100
  
- Compared to a base value with existing zoning of :
  
- Single family houses, 19 lots, @4500 taxes year \$85,500
  
- **The net effect of changing to the proposed zoning that the Special Town meeting will be voting on, which is similar to the last option but slightly smaller, from a tax revenue standpoint, would be \$71,600 a year.**

# School Impact Of Residential Options Can Be Minimized

- The impact of higher density residential housing on the school population is much less than commonly believed.
- Design (how many bedrooms) and age restrictions can further reduce any impact
- If a higher density development is a 40R development it can be linked to payments to towns for any documented school impact
- For example, a development of 30 garden style condos , even with 3 bedrooms, was estimated in the NESDEC memo to add only 8-12 students to the school system. The marginal cost of adding that many students to a school would be insignificant, since they would be different ages and would be absorbed into the existing class structure.<sup>1</sup>
- Conclusion: housing of a moderate density or a mix of commercial and moderate density housing should not be taken out of consideration because of school impacts, because housing can be designed so that the impact will be insignificant**

<sup>1</sup>Source: NESDEC Memorandum to Superintendent Mary Gormley, August, 2009



# Tax Relief

- Additional revenue is good for the Town, no one can deny that.
- However it would take 20 proposals like this one to pay for last year's override.
- Once a community is built out as Milton is, and once all savings and efficiencies are achieved in a given year, overrides are necessary or a gradual deterioration in services will occur.
- This development will not change that reality.
- 76,000 in new revenue is not sufficient justification to transform a neighborhood from residential to commercial.
- Disregarding the value of homes and the quality of life of the neighborhood in favor of such a small return is unconscionable.
- Other development options could provide the same or better new growth to our tax base.

# Planning Board's Priority is Landowner's Benefit

Parameters for LDS Consulting Report, summer 2009 included evaluating three options, multi-family housing, assisted living and retail so as to generate income to meet Temple Shalom's goal of funds to build a new, smaller Temple, estimated to cost \$2.5m and funds to generate annual revenue of \$100,000. The options had been evaluated by the developer already; the consultant revised those estimates. **The Planning Board is supporting the option providing maximum profit to the landowner, not the partly residential option recommended by its consultant.**

Estimated value of options according to LDS was

Pharmacy	\$2,445,000
Pharmacy and residential condo	\$3,645,000
36 townhouses	\$2,232,000
72 garden style condos	\$2,160,000
Pharmacy and 2 <sup>nd</sup> retail building	\$4,000,000
Assisted living	\$1,720,000

Consultant recommends option 2, pharmacy plus residential; Planning Board adopts Option 5, pharmacy plus retail building

# Development Financing Data is Incomplete

- The Planning board received incomplete and contradictory information about the feasibility of development financing
- LDS Consulting stated that “a 40B rental development of 80-120 units may be able to produce the purchase price the Temple is seeking” without any supporting data
- LDS Consulting stated that financing for residential options is not currently available
- The failure to provide in-depth analysis of the 40B option for which financing is available, according to the consultant, and the dismissal of “residential options” because of the lack of financing is inherently contradictory because the 40B program can be designed as anything from single family residential to hundreds of units.

**As a result, other development options were disregarded without justification by the Planning Board.**

# This Precedent Matters, but Is it the Right One?

Emmett Schmarsow

Town Meeting Member Precinct 1



## ***East Congregational Church***



***(Site also includes a parking lot across the street.)***



***Heritage Hall, Granite Ave.***





## ***Saint Pius X Church***

***(property for sale)***







***St. Mary of the Hills  
(one of the three  
sites embraced  
by the planning  
board's original  
language.)***





***Will Property  
Rte 138***



# ***Milton Woman's Club***



***(90 Reedsdale Rd.)***



***(Reedsdale Rd  
and Rt 28)***

***Saint Elizabeth's  
Parish***

# Neighborhood Traffic Concerns

Joe Sloane

Advisory Committee Member



# **“Traffic Impact Assessment”**

## **December 2009**

- **Clearly states this is not a “Formal Traffic Impact and Access Study”**
- **Complete “Study” to be done after rezoning approval – during Special Permit process**
- **“with specific regard to off-site roadway and intersection improvements...”**

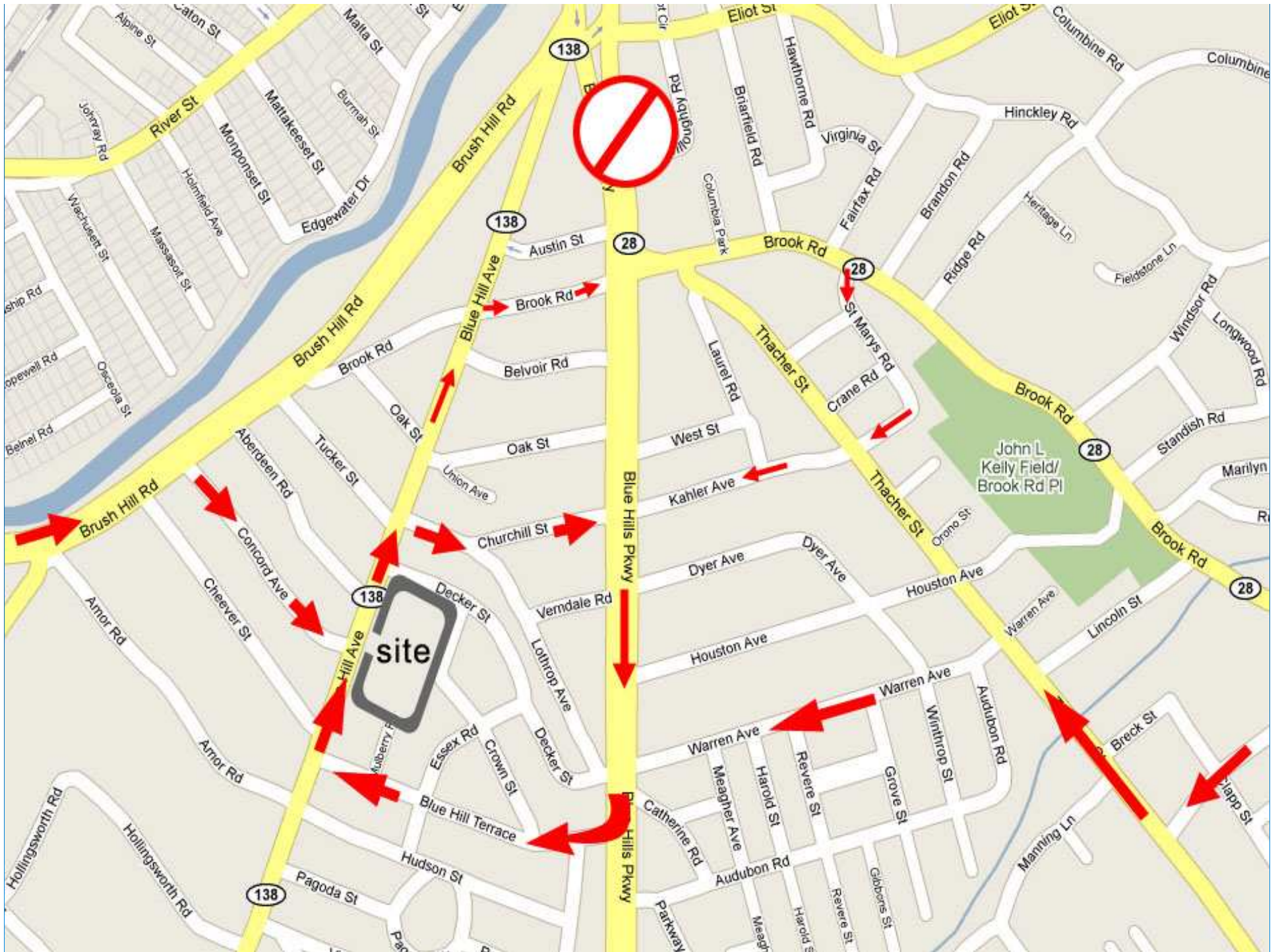
# Proposed Traffic “calming” Options For Streets Surrounding Proposed Shopping Center

- Raised Intersections
  - Speed Humps/Speed Tables
  - Chicane
  - Rumble Strip
  - Pavement Marking Treatments
  - One-way street networks
  - Neckdown
- Modern Roundabout
  - Speed Lumps
  - Median
  - Textured Pavement
  - Road Closings
  - Signs

# Proposed Shopping Center Trip Generation Statistics

- 1,400 new vehicle trips every weekday
- 1,700 new vehicle trips every Saturday
- 20-40% traffic increase on Blue Hill Terrace Street
- Traffic impacts will be “mitigated” but increased traffic will always be present on area roads









**Concord Avenue on-street parking often leaves only a single lane for vehicle travel.**

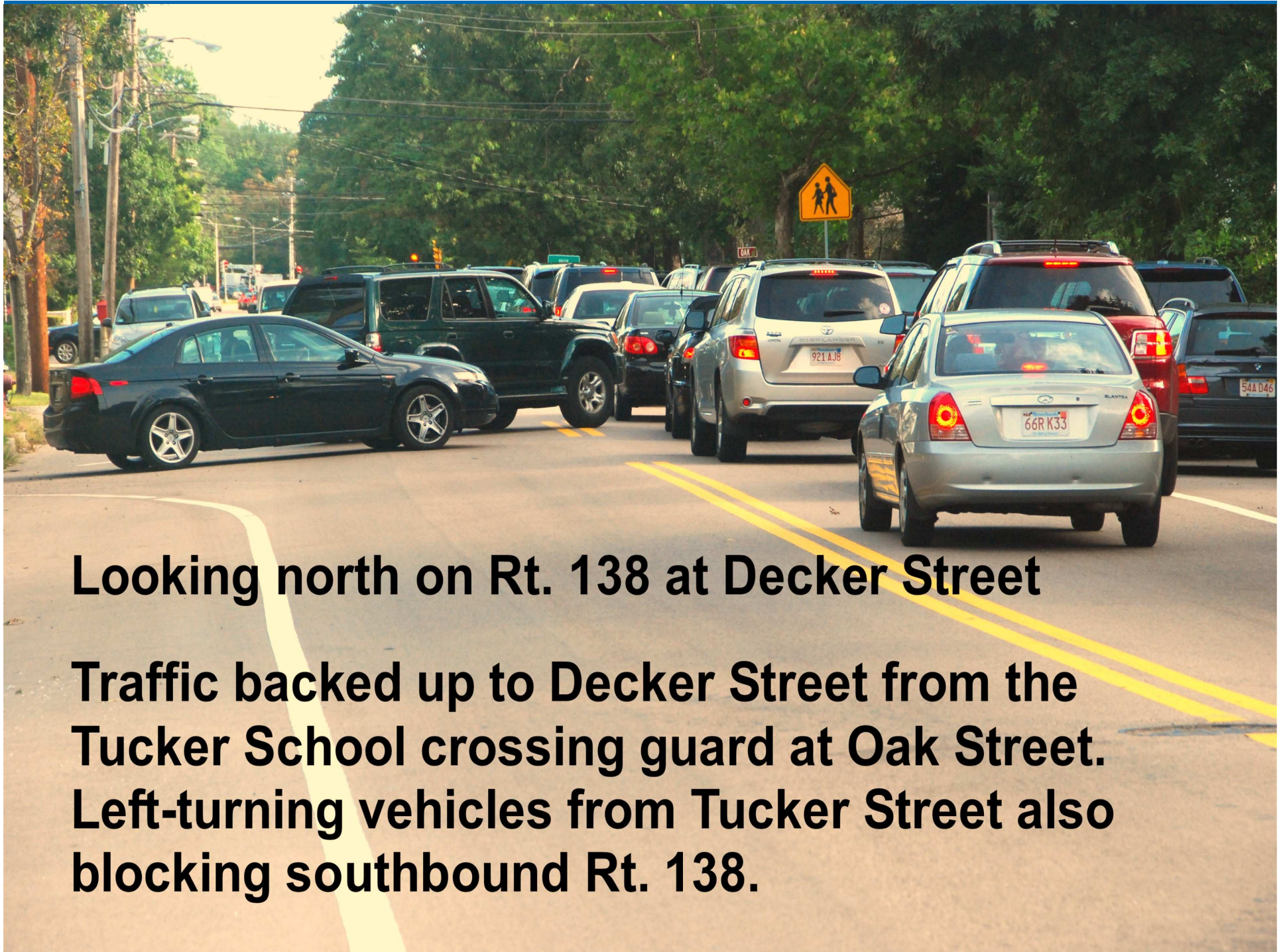




**Traffic backed up to Concord Avenue at  
light cycle change from traffic signal at  
Blue Hill Terrace Street**

**7:45am**





**Looking north on Rt. 138 at Decker Street**

**Traffic backed up to Decker Street from the Tucker School crossing guard at Oak Street. Left-turning vehicles from Tucker Street also blocking southbound Rt. 138.**

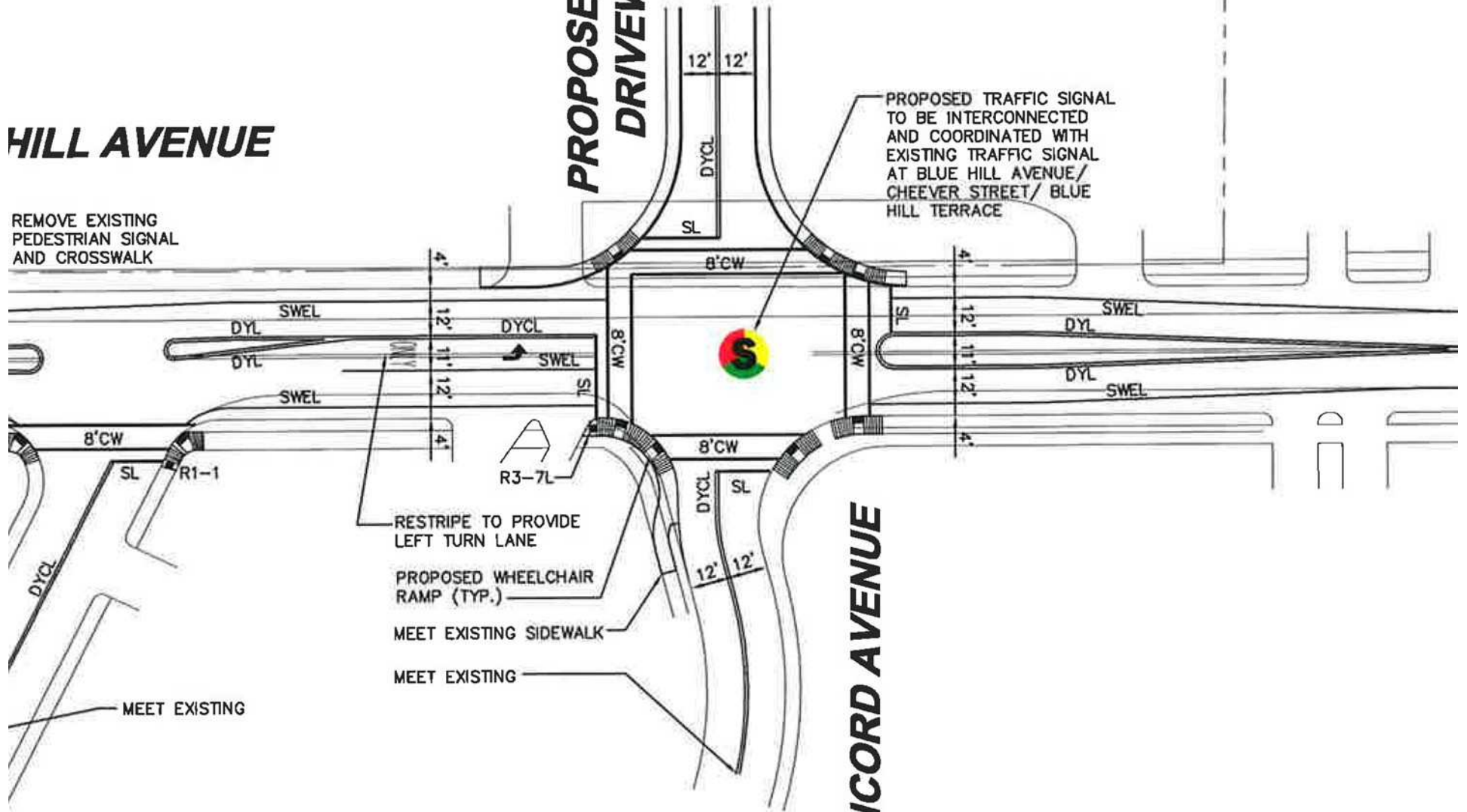


# HILL AVENUE

REMOVE EXISTING PEDESTRIAN SIGNAL AND CROSSWALK

# PROPOSED SITE DRIVEWAY

PROPOSED TRAFFIC SIGNAL TO BE INTERCONNECTED AND COORDINATED WITH EXISTING TRAFFIC SIGNAL AT BLUE HILL AVENUE / CHEEVER STREET / BLUE HILL TERRACE



# CONCORD AVENUE

MEET EXISTING

RESTRIPE TO PROVIDE LEFT TURN LANE

PROPOSED WHEELCHAIR RAMP (TYP.)

MEET EXISTING SIDEWALK

MEET EXISTING







# Traffic Data Analysis

## Peer Review February 2010

- **“The site plan does not convey the level of detail required to confirm that the site is likely to operate adequately.”**
- **“At this time, additional information is required to complete the review of the proposed project.”**

# My Neighborhood

Beth Fleitman

Advisory Committee Member

















COMING SOON

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America's #1 Pharmacy

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SCOTSMAN  
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www.willscot.com





# What a “No” Vote Really Means

Joe McEttrick

Town Meeting Member, Precinct 1



# We Do Not Fear Change

## Government Must Manage Change

- But we want GOOD change
  - Good for Temple Shalom
  - Good for the neighborhood
  - Good for all of Milton
- Good process that brings a good outcome: Process that is truly open, that draws on town planning and broad consensus
- A “NO” vote on Article 2 will allow a good decision making process
- We should start over to develop a new plan with a new or renovated Temple on the site if the congregation so desires.

# What About The “Chapter 40B” Threat

- The developer insists that a high density 40B project is the only alternative to a CVS pharmacy on the site. Does the passage of Article 2 give the Town “more control” and protect us from “40B? NO!
- If Article 2 is approved, a developer dissatisfied with the outcome of a “special permit” process can still threaten “going 40B” to obtain concessions from the Town.
- Approving Article 2 can make a 40B application more attractive for the developer. Changing the allowable use from residential to commercial increases the value of the land. This increases the developer’s allowable 40B costs.
- This can result in a greater profit for a developer who originally paid an above market price for the land. So Article 2 can make a 40B application more likely.

# The Planning Board Has Not Fully Explained 40B

- The LDS consultant's conclusions on the profitability of a high density 40B development were not challenged or substantiated by the Planning Board.
- The Planning Board has not considered that Chapter 40B regulations allow mixed institutional, commercial and residential design options.
- If a "hostile" 40B application as repeatedly described by the developer is filed, it is not clear that an ugly development out of proportion to its surroundings would be allowed.
- New 40B regulations require a development design appropriate to the massing, architecture and topography of the neighborhood even though density can be higher.



## Chapter 40B Is Not A Credible Threat For At Least A year. We Have Time To Design A Compromise Plan.

- A referendum question has been placed on the November 2, 2010 State Election Ballot to repeal Chapter 40B. If Massachusetts voters approve repeal, any Chapter 40B application not approved (by a local board or the Housing Appeals Committee) before January 1, 2011 will be invalidated.
- If an “unfriendly” 40B application were contemplated after this Town Meeting, the filing of a detailed application, financing approval and hearings by the Board of Appeals would not be complete before the effective date of the 40B repeal of January 1, 2011.
- It is likely that developers will await the outcome of the November 2, 2010 referendum before assuming the expense of preparing and submitting a complex 40B application. Until that date there is a practical moratorium on 40B applications.

# What Alternatives Can Be Considered By The Planning Board?

- One option not yet seriously considered by the Planning Board would be Chapter 40R transit friendly housing with mixed use: small commercial serving the immediate area such as coffee shop or small food store and institutional use (non-profit educational and religious use).
- This site is close enough to public transit to be eligible.
- Town Meeting approval is required for a Chapter 40R development.
- A Chapter 40R development would be primarily residential (as is the surrounding neighborhood) and would have some affordable units.
- Chapter 40R is linked to legislation that can provide funding for any documented school impact of the development.
- The residential component of a Chapter 40R development must be a minimum of eight to twenty units per acre, depending on design; the acreage to be used for the residential use is determined by the zoning written by the Town.

# With a “NO” Vote Where Can We Go From Here?

## Work together to Protect Milton’s Quality of Life

- We need quality zoning to provide a home for Temple Shalom, preserve a calm, well-ordered environment for neighbors, and to promote positive growth for the Town’s tax base.

### Seek Neighborhood Input

- The ideas and opinions of neighbors are valuable in designing new facilities. They know why they bought houses in the neighborhood and why they remain. They know better than anyone else the local traffic patterns, roads and topography.

### Improve Data Collection and Dialogue

- Any land use decision is only as good as the quality of information gathering and the openness of planning discussions.

### Promote Community Healing

- Eighteen months of contention over the future of the Temple Shalom site has jeopardized relations between the Temple congregation and the neighborhood. Reconciliation and a fresh look at mutual needs will restore the spirit of the neighborhood.

# Protect the Tucker Neighborhood and the Town

Steve Keel

Town Meeting Member Precinct 1



# Protect the Tucker Neighborhood And the Town

- This issue has been one of the most divisive issues to face our community and town for some time
- The neighbors/abutters/community are not anti-Temple
  - We would like the Temple to stay
  - We are committed to working with the Temple
  - We want to work to reach a true compromise

The Temple is an important piece of the community but not the whole community... one piece of the community is not of more value than another

# Protect the Tucker Neighborhood And the Town

The Temple Shalom signed a purchase and sale agreement that made this an all or nothing process...

- Build the development our way or we sell to the highest bidder
- Never was any intention to change this position...

This position was clearly stated, on several occasions, by a Temple Shalom representative, to the Planning Board and Advisory committee in June 2009 and several times thereafter

# Protect the Tucker Neighborhood And the Town

The Temple Strategic Planning process was 3 to 4 yrs

- The community has been asked to go through a process, in just 7 months, w/o hope of compromise, and agree with the Temple/Developer
- Essentially the community has been told;
  - “Don’t worry” about other development ideas/proposals,
  - We considered them all, “this is the best one”

A majority, of the community/neighborhood...  
does not agree and rejects this logic.

# Protect the Tucker Neighborhood and the Town

Our homes, though they may have less market value than homes in other Milton neighborhoods

- are as important to us as anyone's home in Milton is to them
- does not mean that the neighborhood should be singled out for commercial development

Our neighborhood is no more worthy of commercial development than any other neighborhood in Milton



# Protect the Tucker Neighborhood and the Town

Most of the residents supporting the proposal  
are not neighborhood residents,  
they live in other neighborhoods in Milton.

# Protect the Tucker Neighborhood And the Town

- We are not against change, change is inevitable
  - change must consider the voice of the community and be open to compromise
- This proposal was not done with the community but rather it was done to the community
- This proposal is not considered a community amenity by the majority of the neighbors yet has been repeatedly marketed as an amenity

# Protect the Tucker Neighborhood and the Town

- *“Smart growth means developing and preserving our land in a way that gives us high-quality neighborhoods for all residents;*
- *preserves our built and natural heritage;*
- *expands choice and opportunity in housing, jobs, and transportation;*
- *and is fair for people of all backgrounds.”*

Metropolitan Area Planning Council [www.mapc.org](http://www.mapc.org)

# Protect the Tucker Neighborhood and the Town

This change in zoning sounds a lot like 'spot zoning'

- “Solely for the economic benefit of the owner of the property receiving special treatment”
- “Is not in accordance with a well considered plan for the public welfare”

If 'overlay zoning' can be written for this neighborhood.  
It can be written for any neighborhood site in Milton.

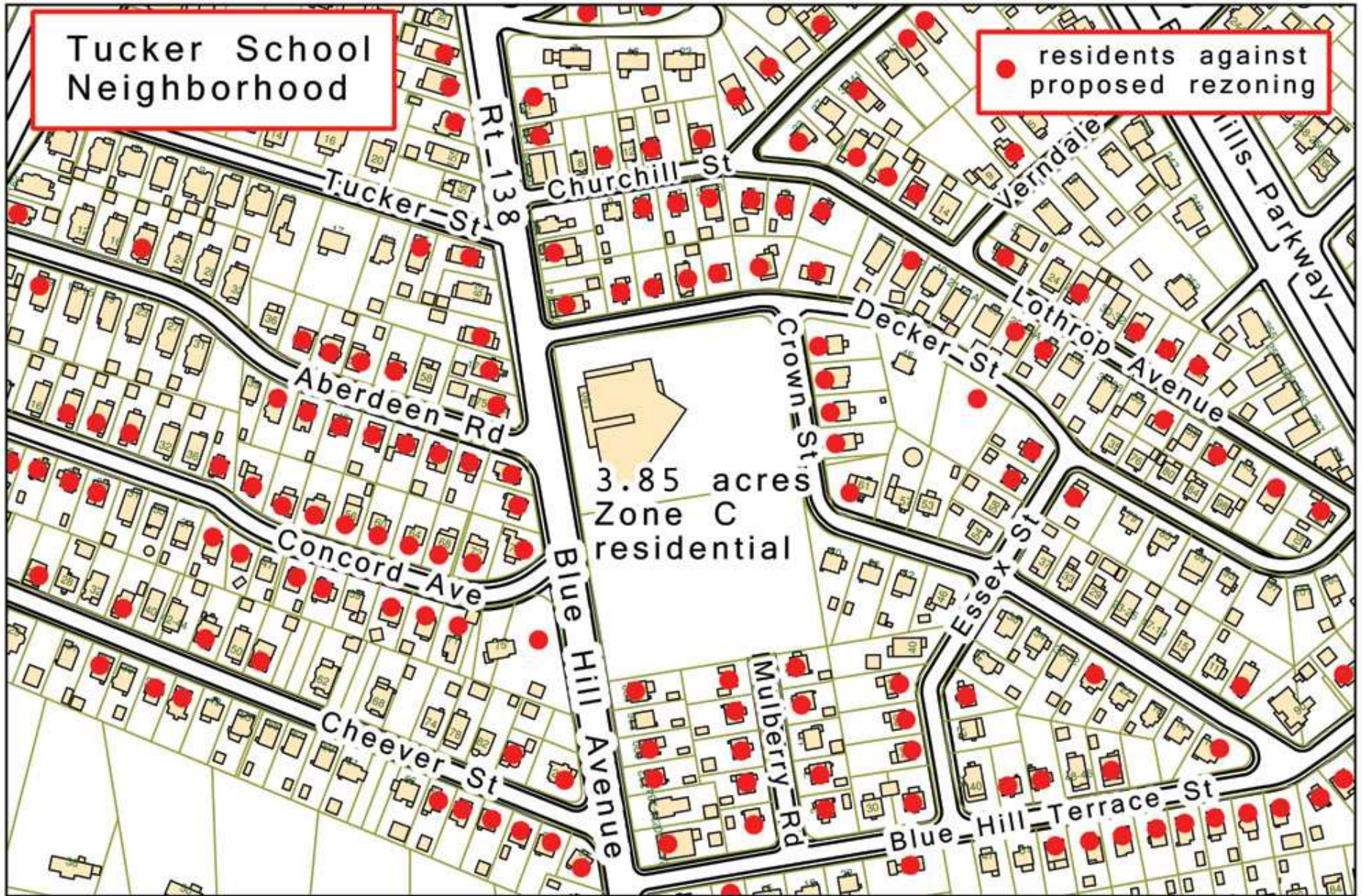


Tucker School  
Neighborhood



● residents against  
proposed rezoning





Tucker School Neighborhood

residents against proposed rezoning

3.85 acres  
Zone C  
residential



# Protect The Tucker Neighborhood And The Town

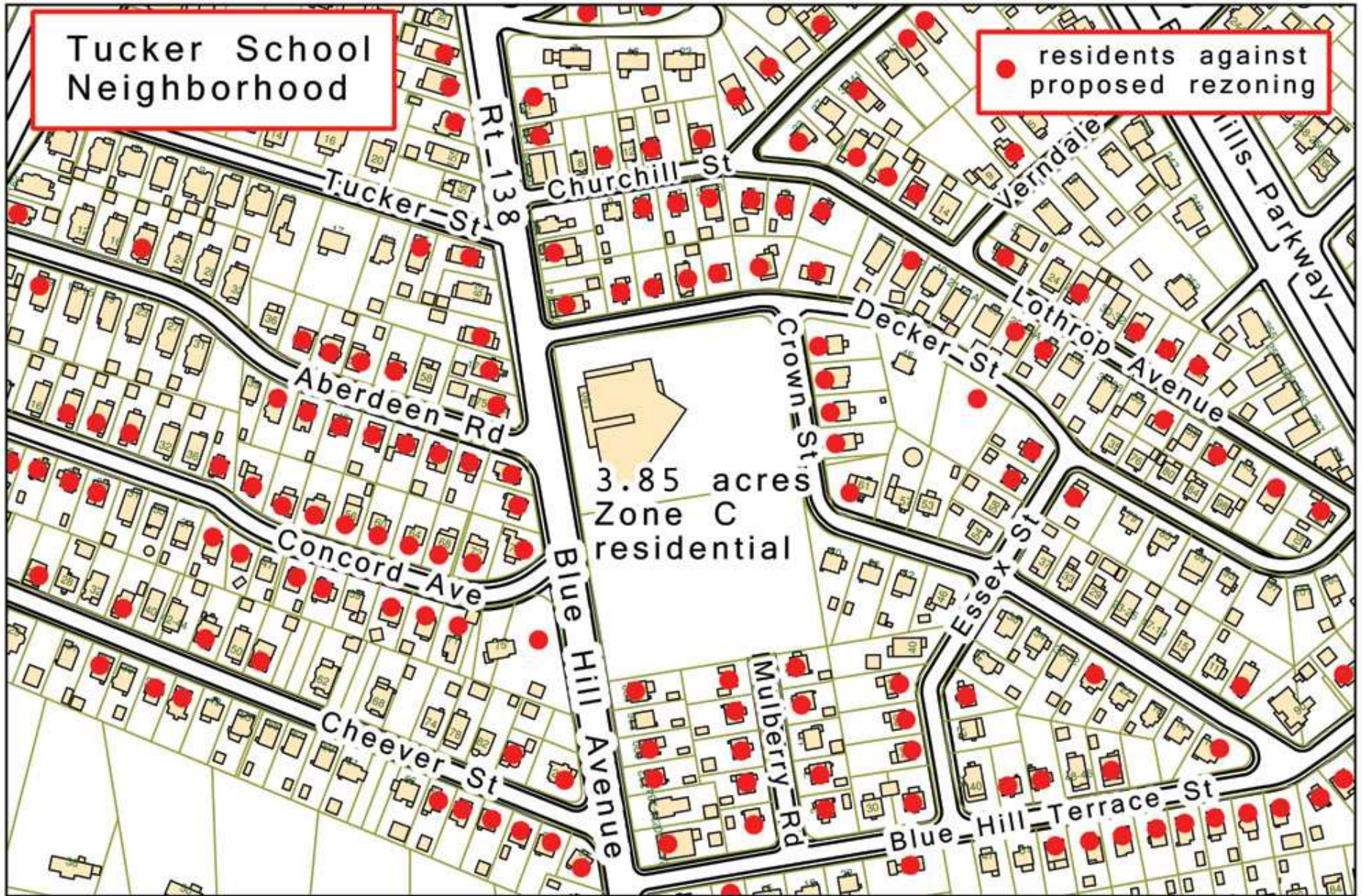
- Voting **NO** means that the neighborhood, community and town can start again with a **fair** process and come up with a compromise plan suitable for all.
- We are **prepared to work** with the Temple to stay, to look at true compromise proposals, proposals that allow the residents the chance to truly participate to be listened to and heard.

# Protect The Tucker Neighborhood And The Town

- We thought that the Planning Board would look out for the interests of the whole neighborhood, that did not happen.
- We look to you to join us to give us back our voice.

Please vote **NO** on this article, which is voting for the neighborhood, the community and the Town of Milton...for planned fair change





Tucker School Neighborhood

residents against proposed rezoning

3.85 acres  
Zone C  
residential