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June 10, 2013

Gregory P. Watson
Manager of Comprehensive Permit Programs
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108

Re: New England Fund Site Approval (Project Eligibility) Application

Project Name: Milton Mews
Location: Brush Hill Road, Milton, MA
Number of Proposed Units: 276
Subsidizing Agency: Massachusetts Housing Finance Agency
Applicant: Milton Mews Venture LLC
Developer: Mill Creek Residential Trust, LLC

Dear Mr. Watson:

On behalf of the Milton Board of Selectmen, and in response to an application for Site Approval (Project Eligibility) submitted by Milton Mews Venture LLC (the Applicant) for a proposed development of two hundred seventy six (276) rental units (the Project) on Brush Hill Road in Milton, MA, I submit the enclosed material as written comment, pursuant to 760 CMR 56.04 (3). This correspondence contains comments based on input from Town of Milton (Town) department heads and officials, and materials in Appendix E submitted by interested residents of the neighborhood. It is our understanding that other residents will be submitting their own comments.

A. Introduction

The Project would include two hundred seventy-six (276) rental units on twenty and 22/100 (20.22) acres located off Brush Hill Road (the Project site) in Milton, MA. Approximately nineteen (19) of those acres are located in the Town of Milton and one (1) acre is located in the Town of Canton. All building construction will be located in

Milton, but the Project will certainly result in impacts to the Town of Canton as well. The breakdown of the development is proposed as follows: one hundred ten (110)-one bedroom units; one hundred thirty-eight (138)-two bedroom units; twenty-eight (28)-three bedroom units and a six thousand (6,000) square foot clubhouse.

The Project site is a part of a rich ecosystem that serves as a connection between the Blue Hills Reservation and Fowl Meadow. The Project site is located within the Fowl Meadow/Ponkapoag Bog Area of Critical Environmental Concern (ACEC) and contains four (4) large wetland resource areas. A copy of the "Designation of the Fowl Meadow and Ponkapoag Bog Area of Critical Environmental Concern" issued by the Massachusetts Secretary of Environmental Affairs on August 20, 1992 (the ACEC Designation) is attached as Appendix E. As noted on page 12 of the ACEC Designation, the Fowl Meadow area of the ACEC "includes the largest wetland and flood storage area within the Neponset River basin" and "is one of the most significant wetlands in the metropolitan Boston region." The ACEC Designation also noted the existence of "state-listed rare species" of wildlife and a "concentration of historic and archaeological sites" in the Fowl Meadow area of the ACEC as well as opportunities it presents for environmental education.

The Project site fronts on Brush Hill Road which is a very busy urban collector road that connects with Route 138, a high volume State Highway that is classified as a principal arterial.

As discussed more fully herein, the Board of Selectmen recommends that project eligibility be denied. The application does not demonstrate that the Applicant is a non-profit organization or a Limited Dividend Organization or that the Applicant has control of the site, and the Project presents significant adverse impacts to public safety, the environment, and historical and archaeological resources.

B. The Project fails to comply with several requirements for a determination of Project Eligibility.

1. The Project fails to comply with the requirements of 760 CMR 56.04(1) and 760 CMR. 56.04(4)(f) for Project Eligibility, for the following reasons:

a.) 760 CMR 56.04(1)(a) provides that, in order to be eligible to submit an application to a Board of Appeals for a Comprehensive Permit, the Applicant shall be a public agency, a non-profit organization, or a Limited Dividend Organization. 760 CMR 56.04(4)(f) provides in part that one of the required findings for Project Eligibility is "that the applicant is a public agency, a non-profit organization, or a Limited Dividend

Organization". The Applicant is not a public agency. The application and supporting documentation do not indicate that the Applicant is a non-profit organization or a Limited Dividend Organization.

b.) Control of the Site

760 CMR 56.04(1)(c) provides that in order to be eligible to submit an application to a Board for a Comprehensive Permit, the Applicant shall control the site. 760 CMR 56.04(4)(g) provides in part that one of the required findings for a determination of Project Eligibility is "that the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed sufficient by the Subsidizing Agency to be sufficient to control the site".

The application and supporting documents do not indicate that the Applicant has control of the Project site.

The Applicant is identified as Milton Mews Venture LLC, an affiliate of Mill Creek Residential (formerly known as Trammell Crow Residential). The Project site is identified as three (3) parcels, located at 1259 Brush Hill Road, Milton, MA, at 1375 Brush Hill Road, Milton, MA, and at 1381-1383 Brush Hill Road, Milton, MA, respectively. As evidence of site control the Applicant submitted copies of three (3) Purchase Agreements. With respect to the Purchase Agreement for the property at 1259 Brush Hill Road, the Buyer is identified on pages 1 and 27 with the typewritten name Mill Creek Residential Trust LLC, which is crossed out and replaced by the handwritten name MCRT Investments, LLC. With respect to the Purchase Agreement for the property at 1375 Brush Hill Road, the Buyer is identified on page 1 as Mill Creek Residential Trust, LLC, and is identified on page 24, the signature page, with the typewritten name Mill Creek Residential Trust LLC, which is crossed out and replaced by the handwritten name MCRT Investments, LLC. With respect to the Purchase Agreement for the property at 1381-1383 Brush Hill Road, Milton, MA, the Buyer is identified on page 1 as Mill Creek Residential Trust, LLC, and is identified on page 22, the signature page, with the typewritten name Mill Creek Residential, LLC, which is crossed out and replaced with the typewritten name MCRT Investments LLC.

2. The application does not provide a basis for findings required by 760 CMR 56.04(4)(c).

760 CMR 56.04(4)(c) requires a finding by the Subsidizing Agency "that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building

massing, topography, environmental resources, and integration into existing development patterns”.

The Project fails to meet this requirement, for the following reasons.

a.) The Project presents threats to public safety

1.) Lack of Emergency Access

A serious flaw of the Project is its failure to provide adequate access for emergency vehicles. It is a commonly accepted planning principle that projects of any significant scope must provide two (2) viable means of emergency access. By providing two (2) means of emergency access, fire ladder trucks, fire engines and other emergency vehicles can obtain access even if there is blockage at one (1) access point. To that end, most towns, including Milton, require two (2) viable means of emergency access. The Massachusetts Housing Appeals Committee (HAC), which is the administrative arbiter of projects under Chapter 40B of the Massachusetts General Laws (Chapter 40B), has taken this issue very seriously and has taken a dim view of projects that do not provide adequate access. In Lexington Woods, LLC v. Waltham ZBA (HAC No. 02-36), the HAC rejected a one thousand (1000) foot long single access roadway that exhibited numerous curves and topographical challenges. Similarly, in OIB Corp v. Braintree ZBA (HAC No. 03-15), the HAC rejected a single access roadway that was overly steep.

The Project provides no emergency access. Emergency access is an important issue for any residential development. It is critical where, as here, the Project involves two hundred seventy six (276) units, and the project roadway measures approximately two thousand (2000) feet from Brush Hill Road to the rear of the Project site, has a twenty-five (25) foot elevation change and serpentine throughout the site at some very tight angles. This is plainly unacceptable under generally acceptable planning standards, the bylaws of the Town and the precedent set by the HAC.

The Project should include at least two (2) public safety emergency access points. Moreover, such access points must allow for viable access at all times and in all weather conditions.

2.) Dangerous Traffic Conditions

The portion of Brush Hill Road where the Project is proposed to be located is a rural section of Milton. The road was designed and constructed over one hundred (100) years ago. There are no sidewalks on Brush Hill Road and no traffic lights or signals.

During peak hours, Brush Hill Road already exhibits significant traffic. Calculation of trip generation data in accordance with Institute of Traffic Engineers standards indicates that the Project would generate two thousand (2000) vehicle trips per day. This volume of traffic would have a clear and adverse impact on safety along Brush Hill Road and area intersections, including the intersection with Route 138 which serves as a thoroughfare between Boston to the North and Route 93 to the South.

At least the following intersections will be impacted by the Project: Brush Hill Road and Blue Hill Avenue (Route 138), Brush Hill Road and Neponset Valley Parkway, and Brush Hill Road and Milton Street. Brush Hill Road is classified by the Federal Highway Administration as an urban collector road. Route 138 is classified by the Federal Highway Administration as a principal arterial. Neponset Valley Parkway is classified by the Federal Highway Administration as an urban principal arterial.

In 1998 the Town of Milton and the Metropolitan Area Planning Council submitted written comments to the Massachusetts Environmental Policy Administration (MEPA) about the impact upon Brush Hill Road and Route 138 of the proposed development of a Reebok headquarters off Route 138 in Canton, Massachusetts. In 2001 the Central Transportation Planning Staff (CTPS) of the Boston Metropolitan Planning Organization (MPO) conducted a study of the impact upon the Route 138 corridor of potential development. In 2011 the CTPS conducted a traffic safety study of the intersection of Neponset Valley Parkway and Brush Hill Road, of the intersection of Neponset Valley Parkway and Route 138, and of the intersection of Brush Hill Road and Milton Street. This CTPS study included a recommended remedial plan.

Copies of these studies are enclosed as Appendix A, Appendix B and Appendix C. None of these studies has resulted in any alterations or improvements by the Commonwealth of Massachusetts to any of these three (3) intersections or to Route 138 or Neponset Valley Parkway in these areas.

Without a comprehensive traffic study there is no way of knowing if the Project is appropriate for the Project site, and what, if any, mitigation or amelioration measures would be required as a result of the impact of the Project.

In the Sustainable Development Criteria Scorecard, pages 4 and 5, Section 6 "*Provide Transportation Choice*", the Applicant represents that "there is easy access to I-95 and I-93, as well as other major thoroughfares such as Rt. 24 and Rt. 138 providing access to other employment centers in the area". This is incorrect. It will be necessary for vehicular traffic to travel on Route 138 in order to travel to and from Routes 93, 95 and 24. Route 138 is a heavily travelled road. The substantial additional traffic generated

by the Project would increase the existing traffic congestion along Route 138. Without a comprehensive traffic study and suitable peer review, there is no way of knowing if the Project can be constructed without unacceptable impacts. At the very least, a comprehensive traffic study would inform the Massachusetts Housing Finance Agency (Mass Housing), the Town and the Applicant what mitigation measures would be required.

The intersection of Brush Hill Road at Neponset Valley Parkway is a known traffic safety concern. Additional traffic volume generated by this project will exacerbate the concern. As noted above, in 2011 CTPS completed a study and evaluation of this intersection, and issued a recommended remedial plan (see Appendix C). This locus is generally in a narrow roadway section. Given that the Applicant has provided no comprehensive traffic study, at a minimum the Applicant should be required to implement the safety improvements proposed in the CTPS Study as a portion of the mitigation associated with the Project.

A study of total, peak morning hour and peak evening hour trips to and from the Project site must be completed. At a minimum, a level of service, site distance, and warrant analysis should be completed to evaluate the ability of the intersection to move traffic safely to and from the site. There are currently no proposed turning lanes on Brush Hill Road proposed by the Applicant. It is not clear that the Applicant has the authority to obtain such turning lanes, or that the road layout will accommodate turning lanes. Turning lanes are essential on Brush Hill Road at or near the Project site, because Brush Hill Road is quite narrow in this area.

Brush Hill Road is a designated Scenic Roadway as defined under Chapter 40, Section 15C of the Massachusetts General Laws. Any proposed alteration to Brush Hill Road must be made in full compliance with applicable requirements, without any waiver of local requirements.

3.) Excessive Burden on Police and Fire Protection

The main priority for the Milton Police Department and the Milton Fire Department will be the influx in population at the Project site. Based on estimates of new residents and the following sample formula, a conservative estimate of the resulting increase in residents from the proposed development is $276 \text{ units} \times 2.5 \text{ persons per unit} = 690 \text{ new residents}$. Increased police protection and fire service protection will be required. The Project involves two (2) four (4) to five (5) story buildings (Building A and Building B)

and one (1) three (3) to four (4) story building (Building C). The resulting demands upon the Milton Fire Department to respond to fire alarms, medical calls and other emergencies will be immense.

The application indicates that the proposed water system will not loop through and terminates at a dead end. In order to promote public safety and to facilitate fire suppression, the on-site water main system should be looped and provide additional connection points.

4.) In the Sustainable Development Criteria Scorecard, pages 4 and 5, Section 6 "*Provide Transportation Choice*", the Applicant represents that the Project is "Walkable to public transportation". In fact, the Project is not walkable to public transportation. There are no sidewalks along a very busy commuting corridor. Absent such sidewalks the Project cannot reasonably be deemed to be pedestrian compatible. The application does not indicate whether or not the Project proposes to install sidewalks. If sidewalks are proposed, it is unclear that there would be sufficient right of way width available to install a new sidewalk. The prevalence of historic stone walls along this corridor provides additional support for a conclusion that in fact sidewalks cannot be installed at this location. Without sidewalks, the Project is not "walkable to public transportation".

Presently there is no public transportation on either Brush Hill Road or Neponset Valley Parkway and very limited public transportation availability, namely, bus service, on Route 138. Close proximity to public transportation is essential in a project of this magnitude. The Applicant states that the Readville commuter rail station is within walking distance. In fact, the Readville commuter rail station is 1.3 miles from the Project site and there are no sidewalks along the roads to that station.

5.) Lack of Bicycle and Pedestrian Access

In the Sustainable Development Criteria Scorecard, pages 4 and 5, Section 6 "*Provide Transportation Choice*", the Applicant represents that the Project provides "increased bike and ped(estrian) access". In fact, the Project does not provide increased bike and pedestrian access. There are no bike lanes or paths along Brush Hill Road, a very busy commuting corridor. The application does not indicate whether or not the Project proposes to install sidewalks and bike ways. If sidewalk or on-road bicycling accommodations are proposed, it is unclear that there is sufficient width in the travel way to make such an accommodation.

6.) Increased Dependence Upon Vehicular Travel

The stated purpose of Section 6, "Provide Transportation Choice", at page 4, is "Maintain and expand transportation options that maximize mobility, reduce congestion, conserve fuel and improve air quality. Prioritize rail, bus, boat, rapid and surface transit, shared-vehicle and shared-ride services, bicycling and walking. Invest strategically in existing and new passenger and freight transportation infrastructure that supports sound economic development consistent with smart growth objectives."

The Project does not comply with this mandate. If anything, it accomplishes exactly the opposite result by requiring dependence on vehicular travel.

b.) The Project presents a threat to environmental protection.

The Commonwealth's Fourth Sustainable Development Principle of its Smart Growth Principles, a copy of which is enclosed as Appendix D, requires that a project proponent "Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes". The Project fails to comply with this requirement.

As noted above in the Introduction, the Project site is within the boundaries of the Fowl Meadow/Ponkapoag Bog ACEC.

An ACEC is a location that has been recognized by the Massachusetts Secretary of Energy and Environmental Affairs (Secretary) as having unique and/or significant natural resources that should be protected. If designated as an ACEC, a site receives increased environmental oversight. The Department of Conservation and Recreation administers the ACEC program for the Secretary. A development project that would be located within an ACEC will receive closer scrutiny than would a project located outside of an ACEC.

See generally <http://www.mass.gov/dcr/stewardship/acec/acecProgram.htm>.

In designating this area as an ACEC in 1992, the Massachusetts Secretary of Environmental Affairs stated:

The Fowl Meadow and Ponkapoag Bog areas contain a variety of outstanding natural characteristics. **I find that the natural communities and habitat resources of the ACEC, especially Ponkapoag Bog and the northern part of Fowl Meadow, support designation**, as do the recreational opportunities associated with the resources of the area. ...

I find that the uniqueness of the ACEC derives from several factors. The Fowl Meadow area of the ACEC includes the largest wetland and flood storage area within the Neponset River Basin. It is one of the most significant wetlands in the metropolitan Boston region. The contrast between the open stretches of meadow and diverse wildlife habitat and the highly developed area that surrounds them is remarkable. This contrast is underscored by the concentrations of state-listed rare species that occur within both areas of the ACEC.

The concentration of historic and archaeological sites adds to the uniqueness of the area. As emphasized by the MDC, 'This is an unusually high site density (of prehistoric archaeological sites)..., and undoubtedly reflects the rich mosaic of topographical and geographical features of the Fowl Meadow/Ponkapoag Bog Region'. ... One of the unique features of the Fowl Meadow and Ponkapoag Bog areas is their exceptional educational value. These areas have been designated as a National Environmental Study Area, and environmental education programs are conducted by a wide variety of groups and organizations.' (emphasis supplied)

The bucolic nature of this treasured resource is evident from the pictures of Fowl Meadow which are enclosed as Appendix F.

The Project site is adjacent to Hemenway Drive, a private road that runs between Milton and Canton., which, in turn, abuts the Fowl Meadow. The Project site is an old-growth forest that is the habitat of numerous species of wildlife and includes a significant wetland system. It provides the first line of upland for snapping turtles, salamanders and other wetland dwellers as they emerge from vernal pools and wetlands in the Fowl Meadow when they spawn. A stream that originates in the Blue Hills reservation runs (for most of the year) through the Project site and into the Fowl Meadow. The stream and the underground watershed throughout the area provide a substantial amount of clean water that keeps the Fowl Meadow alive and healthy.

The Project will result in substantial alteration to and construction within four (4) wetlands areas shown on the Applicant's plans and within a majority of the protected buffer zone. The Applicant proposes to clear cut the forest and bulldoze a new landscape to accommodate large apartment buildings and parking lots. The buildings and parking lots would be located very close to the wetlands and would destroy the natural upland zone that borders the wetlands. A portion of each of Building A and

Building C would be located within the resource area as well as townhouses, garages, parking areas, the clubhouse and the pool.

The Project will be a barrier between the Blue Hills Reservation and the Fowl Meadow. Rather than promote the benefits of synergy among diverse contiguous resource areas, the Project will sever the area's environmental resources, resulting in adverse impacts both *upstream* and *downstream*. Additionally, the Applicant's proposed removal of the very large diameter trees that now exist at the Project site and replacement of them with much smaller trees would have a drastic negative effect on the future tree inventory and is not conducive to good site planning, habitat preservation or biological diversity.

In the 1960s, the construction of Interstate 95 was stopped at Route 128 rather than being continued into Boston in large part because of the major environmental damage that such construction would have caused to the Fowl Meadow. Similar to that proposed roadway construction, the Project's close location to the wetlands would adversely affect the natural resources of the Fowl Meadow/Ponkapoag Bog ACEC.

The Applicant's submittal is virtually silent on the impact that the Project would have upon (1) the ACEC and the existing streams and wetlands that run downhill from the Blue Hills Reservation through the Project Site and into the Fowl Meadow and (2) the wildlife habitat in the ACEC.¹ There is not even a comment in the application indicating that the Applicant has reviewed the Resource Management Plan for the ACEC. The Applicant should be required to provide a comprehensive wildlife survey, in order to determine the impact of the Project upon wildlife and wildlife habitat within the ACEC.

Moreover, the Project would be built in the Town of Canton's Zone II, a Massachusetts Department of Environmental Protection designation intended to protect the area

¹ A neighbor of the proposed Project site informed the Milton Board of Selectmen that a blue-spotted salamander (*Ambystoma laterale*), which is included on the Commonwealth's list of "Species of Special Concern", was observed on Hemenway Drive (next to the Project site and the proposed five-story building) on April 1, 2013. A photograph of the blue-spotted salamander that the neighbor submitted to the Board of Selectmen is attached as Appendix G. Blue-spotted salamanders live in moist and wooded environments, such as the Project site. They are hatched in vernal pools such as those that exist in the Fowl Meadow and migrate up to several hundred feet before returning to the vernal pool to breed. *See generally* <http://www.mass.gov/eea/docs/dfg/nhosp/species-and-conservation/nhfacts/ambystoma-laterale.pdf>. As noted in the cited materials, according to the National Heritage Endangered Species Program of the Massachusetts Division of Fisheries and Wildlife, "[t]he major threat to this species ... is the loss, degradation and fragmentation of both aquatic breeding pool habitat required for reproduction and terrestrial habitat needed for foraging, overwintering, growth and development to development and urbanization." Efforts to preserve the blue-spotted salamander "focus on the preservation of vernal pools ... as well as a significant parcel (250-1600 meter radius) of upland habitat surrounding such breeding sites."

around Canton's drinking water wells. Without a comprehensive environmental review, the impact of the Project upon such wells cannot be determined.

The Town of Milton has enacted a comprehensive Wetlands Bylaw that is significantly more stringent than the State Wetlands Protection Act. For example, the Milton Wetlands Bylaw establishes a twenty five (25) foot zone of nondisturbance. Under the Milton Wetlands Bylaw and accompanying regulations, the entire hundred (100) foot buffer zone to wetlands is defined as a resource area.

The Milton Board of Selectmen is very concerned that the Project will adversely impact the wetlands on the project site. Such wetlands are valuable in their own right but also provide a vital link to the downstream Fowl Meadow reserve. The Applicant has failed to provide any substantive analysis of wetland impacts. Until such time as wetland impacts are fully and satisfactorily evaluated, a determination of Project Eligibility should be withheld.

The Project also poses significant environmental issues relating to stormwater. At a minimum, the Project design must fully conform to all requirements of the Wetlands Protection Act, Riverfront Act, and Massachusetts Stormwater Standards. To maintain the highest level of objectivity, the Town must be permitted the opportunity to utilize independent third-party review of the Project's proposed stormwater management system.

An operations and maintenance plan under the Massachusetts Stormwater Standards has not been submitted. Such a plan, at a minimum, must address street sweeping, catch basin cleaning, infiltration chamber and proprietary BMP inspection and maintenance, snow removal and stockpiling, anti-icing applications, etc. Given the scope of this project, Project Eligibility should not be issued until the Applicant provides a basic report that supports a viable storm water management system. Comprehensive stormwater analysis and calculations have not been submitted.

Without such analysis and calculations it is impossible for the Town and MassHousing to make any reasoned judgment on the feasibility of the system. Given the proximity of the wetlands and the ACEC, full analysis and adequate calculations must be provided and reviewed prior to issuance of Project Eligibility.

The Project site is sloped from a relative high elevation of one hundred four (104) feet +/- along the southerly property limit to a relative low elevation of fifty-six (56) feet +/- along the northerly property line. The Project proposes terracing the site to accommodate the bound grades. In doing so, significant earth removal will be

necessary. The Project proposes a principal stormwater management system whereby the collected water is infiltrated into the soils beneath the site. Validity of that proposal will be the focus of considerable review.

Interaction of substantial site grading and the preserved on-site wetlands must be validated.

The Project should utilize Low Impact Development (LID) principles in the stormwater management design. At a minimum, the development should use porous pavements and rain gardens in the landscape design.

c.) Topography Issues

The topography of the Project site has a ten (10) foot to forty (40) foot vertical drop across the property running down from south to north. The sloping of the site will create multiple cut and fill issues for build-out of a proposal of this size, with building foundations, parking lot creation, and stormwater management causing groundwater issues, wetland impacts, and habitat issues. The topography of the Project site alone presents a risk of infiltration into the wetlands from pavement runoff, street sweeping, catch basin cleaning and snow and ice removal.

d.) Design Guidelines

As presented, the design of the new buildings at the Project site does not comply with the Massachusetts 40B Design Handbook. According to the Handbook, the State is looking to ensure that developments adhere to high standards that enhance the quality of life for residents and communities in which they reside. The Project will have two hundred seventy-six (276) units on nineteen (19) acres, a density of fourteen and two-tenths (14.2) units per acre. Fuller Village, the development directly across Brush Hill Road from the Project, has three hundred nineteen (319) units on sixty (60) acres, a density of five and three tenths (5.3) units per acre. The proposed buildings are three (3) to four (4) stories and four (4) to five (5) stories. The density of the Project and the height of its buildings are totally out of character in the semirural Brush Hill Road area of the Town of Milton.

e.) Archaeological Issues

The Project site is in an extremely sensitive archaeological area, located within one half (1/2) mile of three (3) known significant archeological dig sites (see Appendix H). For the sake of what may be found on this emergent space, an independent professional

archeological survey, paid for by the Applicant, should be undertaken at the affected areas. Without such a survey, the archaeological impact of the Project cannot be determined. Such survey should be satisfactorily reviewed by the Massachusetts Historical Commission or a similarly qualified organization prior to the issuance of Project Eligibility.

f.) Historical Issues

Several properties of historical significance are located within a short distance from the Project, as indicated in Appendix H. In addition, the historic Bishop William Lawrence House built in 1912 would be demolished in connection with development of the Project site. The magnitude of development proposed for the Project site is totally out of character with the historical nature of the immediate area.

C. The Developer's Compliance Controls

The Town respectfully requests that, before the issuance of Project Eligibility for the project, MassHousing verify that the developer has adequate systems to prevent, detect and respond to environmental, health, safety and other compliance issues because of the potentially significant impact of such issues on the community.

CONCLUSION:

In summary, the Project is not appropriate for the site for the following reasons:

1. The Applicant may not submit an application for the Project to the Massachusetts Housing Finance Agency because the application does not demonstrate that the Applicant is a non-profit organization or a Limited Dividend Organization or that the Applicant has control of the site.
2. The Project raises serious public safety concerns including the lack of an emergency access and the creation or exacerbation of unsafe conditions on Brush Hill Road and nearby intersections.
3. The Project raises serious additional public safety concerns for pedestrians, bicyclists and motorists include the lack of sidewalks, bike paths, turning lanes and traffic signals on Brush Hill Road and lack of access to public transportation.

4. The density of the Project and the height of its buildings are totally out of character with development in the area and will present an enormous burden on police and fire protection.
5. The Project presents a risk of danger to an area that, over twenty (20) years ago, was designated by the Secretary of Environmental Affairs to be an Area of Critical Environmental Concern. A comprehensive environmental review is necessary to determine the impact of the Project on environmental resource areas, wetlands, vegetation, drinking water and habitat.
6. The Project is within one-half (1/2) mile of three (3) significant archaeological dig sites.
7. The Project is completely out of character for the community in which it will be located.

For the foregoing reasons the Milton Board of Selectmen respectfully requests that the Massachusetts Housing Finance Agency determine that the Project is not appropriate for the site on which it is to be located, and deny the application for Project Eligibility in this matter. The Milton Board of Selectmen respectfully requests that the Massachusetts Housing Finance Agency conduct at this time a site visit open to the public. The Milton Board of Selectmen is confident that the site visit will demonstrate graphically why the Project is totally inappropriate for the Project site.

Sincerely,



Denis F. Keohane, Chairman
BOARD OF SELECTMEN