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Commonwealth of Massachusetts

Town of Milton

Denial of Application for Special Permit
Open Space Development on Hillside Street, Milton
John J. Fandrey & Todd Hamilton, Co/Applicants

On March 23, 2012 co-applicants the Estate of Joseph V. Fandrey and Todd Hamilton filed an application for a Special Permit for an Open Space Development on Hillside Street, Milton, pursuant to Section VI, Subsection M of Chapter 10 of the General Bylaws, known as the Zoning Bylaws. The application was for three [3] new single-family residential lots on 13 acres as shown on the plan entitled "Modified Open Space Development Plan, 153, 155, & 157 Hillside Street, Milton", dated March 23, 2012, updated September 7, 2012.

The Planning Board is duly constituted as the special permit granting authority under Section VI, Subsection M of Chapter 10 of the Milton Zoning Bylaws. The requested Special Permit requires a vote of at least four (4) of the five (5) members of the Planning Board in order to be approved. During the public hearing process the Chairman recused himself due to potential issues arising from the location of his residence.

After a lengthy public hearing process, on October 18, 2012 the Milton Planning Board voted on this application as follows: two (2) votes in favor and two (2) votes opposed. The application failed to obtain the required four (4) votes and the application is hereby denied.

The reasons for the votes opposed to the application are as follows.

The driveway as extended would be approximately one thousand eight hundred (1,800) feet long. The proposed new section of the driveway would serve three (3) homes. A total of at least six (6) homes would therefore be served by the driveway. A driveway of this length, serving this many homes, is not in keeping with the rural residential character of the neighborhood. The width and layout of the proposed new section of the driveway, and the fact that no street lights will be provided, would make it unsafe for vehicular traffic in general, and at night in particular. The proposed new section of the driveway does not have sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed residential use of the three (3) lots to be served by it.

Although the driveway as extended would not be a subdivision road, the six hundred fifty (650) foot maximum length for a subdivision road in a Residence AA zoning district is instructive. The applicants have presented no basis for a determination that the driveway as extended with a length of



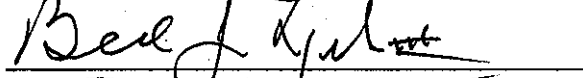
approximately one thousand eight hundred (1,800) feet would be acceptable in the proposed open space development, whereas a subdivision road in excess of six hundred fifty (650) feet would not be acceptable in a Residence AA zoning district without a waiver from the Planning Board.

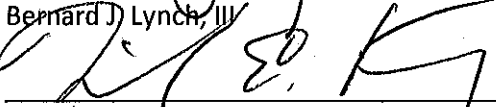
The applicants did not sufficiently investigate other means of access to the proposed development from Ford Ranch Road. The applicants did not present sufficient evidence that access from Ford Ranch Road would not be permitted under applicable environmental laws or regulations.

Thus, the proposed development is not in harmony with, and substantially derogates from, the intent or purpose of the Milton Zoning Bylaws, including without limitation Section VI M, and would result in substantial detriment to the public good.

The Milton Planning Board,

by:


Bernard J. Lynch, III


Michael E. Kelly

1-15-13
Date

1/15/13
Date