

SPECIAL TOWN MEETING

VOTED: The Town voted "YES" on a Standing Vote.

YES — 212 NO — 20

ARTICLE 7. To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain for recreation and conservation purposes in the name and on behalf of the Town, all or a portion of a parcel of land containing 22 acres, more or less, shown on the plan entitled "Plan of Land at Blue Hills Parkway — Canton Avenue — Gile Road, Milton, Massachusetts", which plan is on file at the office of the Town Engineer; to see what sum of money shall be appropriated therefor and determine whether such sum shall be raised by transfer from available funds or by borrowing under the applicable provisions of law, or otherwise; and to act on anything relating thereto.

VOTED: On the Warrant Committee's Revised Recommendation the Town voted to authorize the Board of Selectmen to acquire by gift or purchase for recreation and conservation purposes the entire parcel of land described in this Article; that the portion of said parcel comprising 15.0± acres, more or less, and labeled "Active Recreation Land," shown on the plan entitled "Plan of Land in Milton, Mass. showing proposed Land Acquisition (Lamb Property)", which plan is on file at the office of the Town Engineer, be acquired for recreation purposes; that the portions of said parcel comprising 7.5± acres, more or less, and labeled "Conservation Land", shown on the plan entitled "Plan of Land in Milton, Mass. showing proposed Land Acquisition (Lamb Property)", which plan is on file at the office of the Town Engineer, be acquired for conservation purposes; that the sum of \$170,000 be of the Town Engineer, be appropriated therefor; that to meet said appropriation the sum of \$20,000 be applied from the Purchase of Land — Lamb Property Account, the sum of \$40,000 be transferred from the Conservation Fund, and the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow up to the sum of \$110,000, under the applicable provisions of law; and that Town Boards and Committees, as appropriated, be authorized to make applications for state and federal funds to assist and/or reimburse the Town in connection with the acquisition of the land referred to in this Article.

Passed on a Standing Vote

YES — 166 NO — 61

ARTICLE 8. To see if the Town will vote to amend Section 3 of Chapter 2 of the General Bylaws of the Town by striking out the "1:00 o'clock in the afternoon" and substituting therefore the words "10:00 o'clock in the morning"; and to act on anything relating thereto.

VOTED. On the Warrant Committee's Revised Recommendation the Town voted "NO" on a Voice Vote.

ARTICLE 9. To see if the Town will vote to revoke the authorization to expend money, other than for expenses already incurred and/or necessary repairs to renovate, remodel, or reconstruct the present dog shelter until the Selectmen have received a report on the need for a new dog shelter, and question of the need for a new dog shelter has been voted on at the 1979 Annual Town Meeting.

The above Article submitted the the following:

Abigail C. Connelly, 74 Sias Lane
Martha T. Curtis, 135 Gun Hill Street
Anna Oldfield, 437 Pleasant Street
Minerva M. Parsloe, 1086 Blue Hill Avenue
Svetlana Glendon, 414 Canton Avenue
Helen P. Horak, 103 Canton Avenue
Elinor H. Lord, 36 West Side Road

June 13, 1978 Special Town Meeting
1978 Town Report

REPORT OF THE WARRANT COMMITTEE ANNUAL TOWN MEETING

MUNICIPAL LIABILITY

A word is in order about the erosion of the common law doctrine of sovereign immunity. Under that doctrine, a municipality enjoyed immunity from suit even when an employee, acting for the municipality, negligently injured another person. The only recourse of the injured person was to sue the employee and trust that the municipality would indemnify the employee with respect to any resulting judgment.

Two developments occurred in 1977 which will drastically alter this situation. First, the Supreme Judicial Court announced that it will no longer apply the doctrine of sovereign immunity, except to such limited extent as the legislature may prescribe; legislative action is expected this year which will probably greatly expand potential municipal liability. Second, even before acting on comprehensive legislation, the legislature on the last day of 1977 enacted legislation, Ch. 880, which appears to create unlimited liability for municipalities on account of the operation of motor vehicles by Police Officers or Firefighters.

Under consideration at this time is whether the Insurance (General) budget, Article 16, should be increased to provide personal injury and property damage insurance. Such insurance may cost in the order of \$50,000 per year. Additional funds for such insurance may be requested at the time of Town Meeting.

LAND USE

Again this year the major land use issues confronting the Town concern the Lamb property, comprising two large tracts, illustrated in Plates 4 and 5, pages 96 and 97, on opposite sides of Canton Avenue.

At last year's Town Meeting, \$170,000 was appropriated to acquire 22 acres of the 55 acre parcel of land adjacent to Pierce School, shown in Plate 4, page 96, on which to develop the playing fields recommended by the Physical Education Study Committee. It had been hoped that the Lambs would sell the Town that portion of the land particularly desired for the playing fields, although it had been indicated that they wished to dispose of the entire parcel at one time.

The Lambs have declined to sell the 22 acres to the Town unconditionally. Rather, they have offered to sell the desired land to the Town for the appropriated \$170,000, on the condition that the 33 acre balance of the parcel be acquired by HOME, Inc. (Housing Opportunities For Milton Elderly, Inc.), for the erection of 70 to 120 units of non-subsidized housing for the elderly in Milton, the unit cost of the housing not to exceed \$45,000. This offer is further conditioned on the Town's and HOME, Inc.'s agreement to preserve for conservation purposes and to maintain in reasonably good condition the open areas indicated in Plate 4, page 96, the open conservation portion of the land to be acquired by the Town, amounting to approximately 7 acres.

The Lambs have also indicated their willingness to sell privately the 32 acre parcel of land, shown in Plate 5, page 97, for "condominium" development if the Town is willing to rezone the land.

Thus, Article 43 has been submitted for HOME, Inc., to rezone the 33 acre portion of the 55 acre parcel for elderly housing, pursuant to the Town's Residence D-1 zoning established last year. Articles 44 and 45 have been submitted to establish new Residence E zoning and to apply this new zoning to the 32 acre parcel. In addition, Article 46 has been submitted to the Recreation Facility Committee, established pursuant to Article 38 at the 1977 Town Meeting, to acquire the entire 55 acre parcel in the event that the Town does not approve Article 43.

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REPORT OF THE WARRANT COMMITTEE ANNUAL TOWN MEETING

A. HOME, Inc. - Residence D-1 Zoning - Article 43

(Article 43 has been omitted from the Warrant)

The HOME, Inc., interest in the 55 acre parcel of land owned by the Lambs is not new. Interest in developing housing for the elderly of "moderate" means was expressed on an informal basis by the organizers of HOME, Inc., more than one year ago. When the Town voted to acquire only 22 of the 55 acres, HOME, Inc. became active, organized formally and proceeded with planning.

In the Fall, presentations of plans were made to the Warrant Committee with the indication that a Special Town Meeting might be requested to rezone the 33 acres to the Residence D-1 District. The Warrant Committee at that time was concerned: as to the feasibility of the plan which called for self-financing of the project by the tenants; as to the accuracy of the estimated costs, then estimated at a maximum unit cost of \$35,000 with tax and maintenance costs, estimated to be as low as \$150-200 per month; and as to the wisdom of an elderly person's investing \$35,000 in a form, a proposed non-negotiable bond, which could not be used as collateral for a loan if a financial crisis developed.

More recently, HOME, Inc., presented to the Warrant Committee a revised plan. The recent version of the development calls for the construction of 120 units of elderly housing of 700-1100 square feet each. The expected price is \$42 per square foot or from \$29,000 to \$46,200. Tax and maintenance costs are expected to be \$230-250 per month. As conceived, residents would own their own units, as "condominiums", and thus would have a mortgageable asset. Convention construction financing is envisioned.

The Warrant Committee has recommended a "NO" vote on HOME, Inc.'s Article 43 for several reasons. The concept as recently presented is too incomplete to permit a favorable recommendation. The condominium concept appears to be in conflict with our Zoning By-law which requires that housing in a D-1 District be owned and operated by a non-profit organization or a housing authority. The maximum unit price already exceeds the \$45,000 maximum stipulated by the Lambs and inflation is likely to further increase the maximum price. Financial planning is incomplete; at the presentation to the Warrant Committee it was indicated that it would not be until six months after Town Meeting that a financing commitment could be obtained. The Town, thus, has no assurance the project would be completed even if we rezone the land. Further, given the semi-rural nature of the surrounding area and the potential change in its character resulting from this project, we question the proposed density of three units per acre; we would prefer to see a lower density on the order of two units per acre. We also question whether the Town should not first absorb the Winter Valley housing for the elderly before it encourages further development.

The Town deserves and must have more complete information before it makes a decision on a project of this magnitude. The Town must have reasonable assurance that it will not face the monumental task of picking-up the pieces of an unsuccessful venture. For these reasons our recommendation is negative at this time; we are open to reconsideration, however, should HOME, Inc.'s plans progress and our concerns be addressed.

B. Residence E Zoning - Articles 44 and 45

The proposed Residence E zoning for the 32 acre parcel of property, shown in Plate 5, page 97, is somewhat unique in concept. It would permit the construction of attached single family dwellings, connected by party walls. Residence E zoning could be applied only to land parcels of more than 25 acres and 70% of the buildable land area must be maintained as open land. The density permitted would be a maximum of one dwelling unit per 20,000 square feet of land area and the average number of bedrooms per dwelling unit would not exceed 2.5. A development could only be commenced after issuance of a special permit by the Planning Board following a public hearing. The Planning Board would be permitted to set conditions and limitations in the special permit which are consistent with the proposed by-law, Article 44.

REPORT OF THE WARRANT COMMITTEE ANNUAL TOWN MEETING

Accordingly, the majority of the Warrant Committee recommends approval of Article 6.

ARTICLE 7 - ACQUISITION OF LAMB PROPERTY

The 1977 Annual Town Meeting voted, pursuant to Article 37, to acquire 22 acres of the Lamb property for recreation and conservation purposes, shown in Plate 2, page 9. The Lambs have since agreed to sell that land to the Town for the \$170,000 appropriated, but only on the conditions that seven acres, indicated in Plate 2, be maintained for conservation purposes and, further, that the remainder of the land be rezoned for HOME, Inc., as now proposed by Article 6, to permit sale of the entire parcel of land at one time.

Article 7 seeks to reauthorize the acquisition of the 22 acres for recreation and conservation purposes. Reauthorization appears to be needed in view of the negative vote on Article 46 at the 1978 Annual Town Meeting which sought to acquire the 55 acres of the Lamb property or a "lesser portion". Reauthorization is desirable, in any event, in view of the passage of time since the approval of the acquisition by the 1977 Annual Town Meeting and in view of the conservation restrictions imposed by the Lambs after that approval was voted.

The need for the recreation facilities proposed for the Lamb property, first noted in the High School's accreditation report, was documented last year by the Physical Education Study Committee. The Study Committee found outdoor physical education facilities to be inadequate due to the intensive use of the fields behind the High School for both physical education and after school sports programs. Facilities were also found to suffer from space limitations both at the High School and at adjacent Kelly Field which is also used by the High School. The solution proposed by the Study Committee, basically, was to remove team sports from the High School field and Kelly Field and to dedicate their use to physical education classes and intramural programs. This solution requires additional space, however, for the development of necessary additional fields. The Study Committee recommended that the Town acquire the necessary space at the Lamb property on which to develop the additional field facilities.

If the parcel is purchased, as recommended, \$20,000 of the purchase price would be applied from available funds appropriated for this purpose in 1977, and \$30,000 will be transferred from the Conservation Fund. The \$120,000 balance of the purchase price would be bonded. Assuming a 4-year bond and an interest rate of 5%, the tax rate impact of the bond would range from \$0.45, in the first year, to \$0.39, in the fourth year. If construction is approved at a subsequent Town Meeting, an additional \$700,000 may be required; if \$650,000 of the construction costs is bonded for 15 years at an interest rate of 5.0%, the tax rate impact over the bond life will range from \$0.98 in the first year to \$0.53 in the last year, for an average impact of \$0.76.

As it has before, in light of the established need, the Warrant Committee strongly supports the acquisition of land at the Lamb property for the development of the needed recreation facilities. The Warrant Committee recommends approval of Article 7.

Respectfully submitted,

CHARLES C. WINCHESTER, *Chairman*
CHARLES M. DONOHUE, *Secretary*
JOSEPH S. COLLINS
WEBSTER A. COLLINS
W. GLEASON CONDON
MARIA DeMELLO
DIANNE W. HAYES
JOHN J. MULVANEY

ANNE M. RICHARDSON
RUSSELL G. SIMPSON
ELSPETH TAYLOR
ARTHUR T. WALLACE
JOSEPH K. WALSH
GALEN E. WIFHOLM
EDWIN H. WOLFE

*Mr. Wifholm was not present during presentations to and discussion and voting by the Warrant Committee with respect to Article 6.