

# Zoning Workshop

Sponsored by the Milton Planning Board  
July 28, 2015

# Welcome!

- Introductions
- Purpose of this Zoning Initiative
- Process and Schedule
- Results of June Workshop and Survey to Date
- Zoning Topics: Critical Concerns
- Breakout Session 1
- Breakout Session 2
- Wrap-up

# Introductions

- Planning Board
  - Alexander Whiteside
  - Bryan Furze
  - Cheryl Toulias
  - Emily Keys Innes, chairman
  - Michael Kelly, secretary
- Planning Staff
  - Bill Clark, Director of Planning and Community Development
  - Tim Czerwienski, Assistant Town Planner
  - Julia Getman, Clerk

# Purpose and Possible Zoning Articles

- Public Initiative to Introduce and Test Possible Zoning Articles prior to October 2015 Town Meeting
- Topics from Milton Master Plan process, previous requests from citizens, and work of the Planning Board
- Possible articles include:
  - Signs
  - Condominiums
  - Accessory Dwelling Units
  - Bed & Breakfasts
  - Lighting
  - Amplified Music
  - Non-conforming uses
  - Non-conforming dimensions
  - Inclusionary Zoning
  - Institutional Review

# Process and Schedule

- Three Public Meetings
  - June 29: Zoning Workshop
  - July 28: Presentation of Proposed Zoning Articles: Draft 1
  - August 17: Presentation of Proposed Zoning Articles: Draft 2
- On-line Input
  - On-line Visual Survey – **ends August 11**
  - On-line Comments on Draft 1 – **ends August 11**
  - Second draft of articles posted on-line – **August 17**
  - On-line Comments on Draft 2 – **ends September 1**
- August 4: Initial Articles and draft language due to Board of Selectmen
- September 10: Public Hearing
- September 14: Final articles and final language due to the Board of Selectmen and Warrant Committee
- October: Town Meeting

Survey Results: Tim Czerwienski

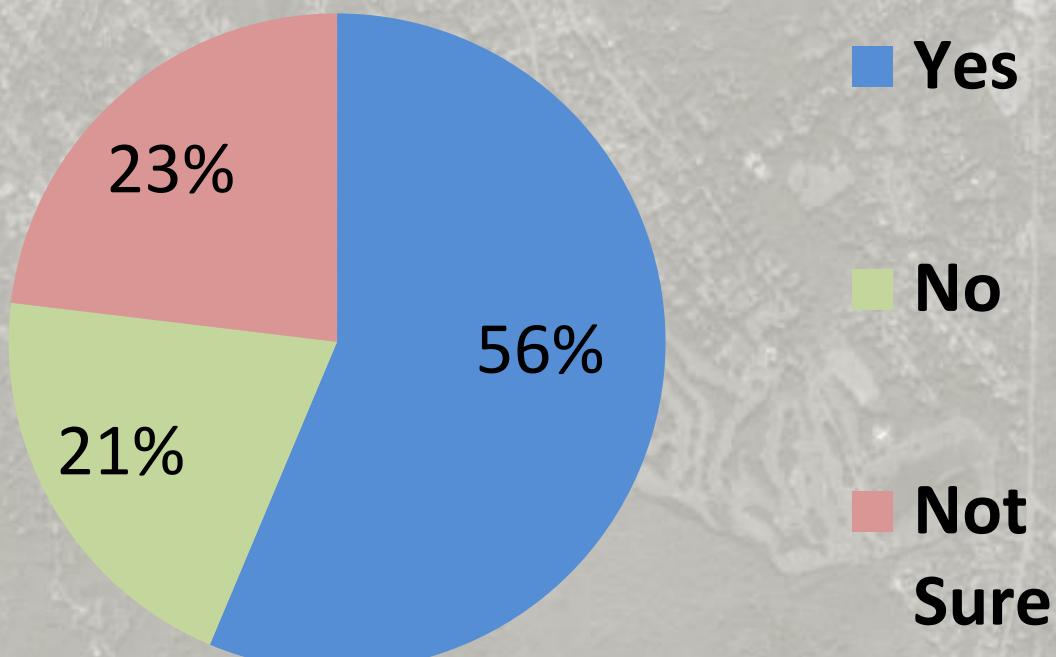
## **Results of June Workshop and Survey to Date**

- June 29 workshop: ~36 participants
- Survey online since July 7. Results as of July 27:
  - 404 partial responses
  - 316 complete responses
  - Still open! Go to the Planning Board website at [townofmilton.org](http://townofmilton.org)

# Results of June Workshop and Survey to Date

## Signs

- Should Milton allow blade signs (projecting at a 90 degree angle from the wall)



# Results of June Workshop and Survey to Date

## Signs



4.26 / 5



3.93



4.07 / 5



3.82 / 5

Survey Results: Tim Czerwienski

# Results of June Workshop and Survey to Date

## Signs

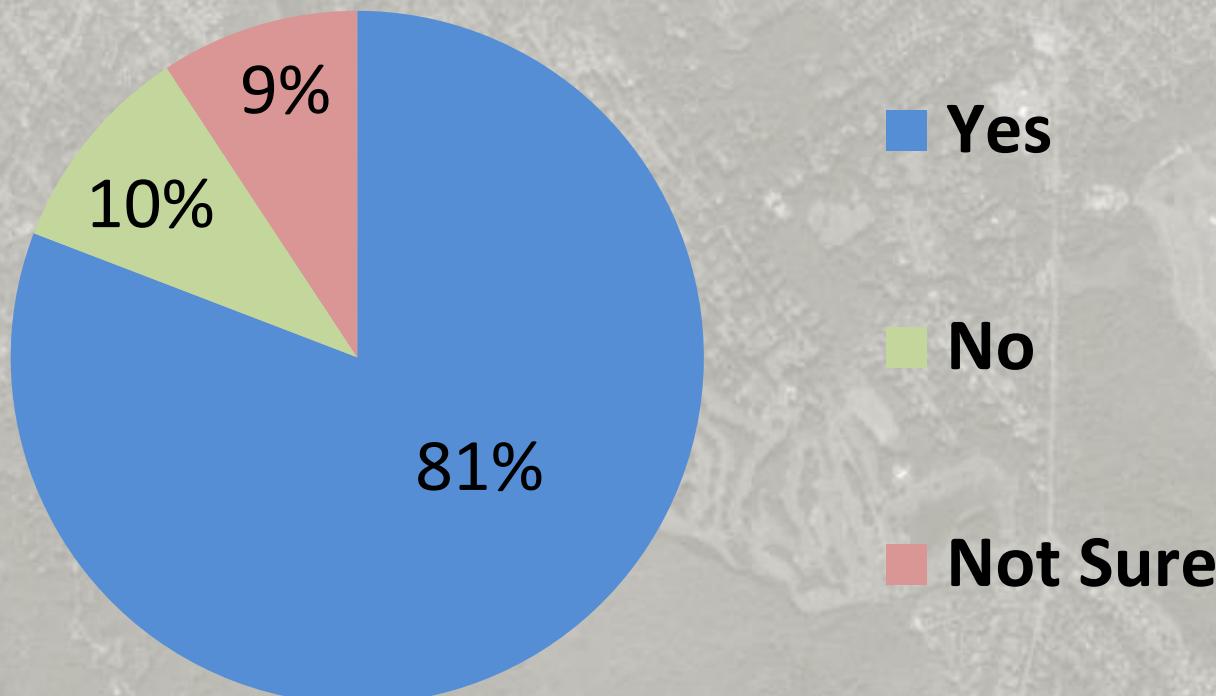


2.46 / 5

# Results of June Workshop and Survey to Date

## Mixed Use Condo Development

- Would you like condos in transit oriented areas to have commercial uses on the ground floor?



Survey Results: Tim Czerwienski

# Results of June Workshop and Survey to Date

## Mixed Use Condo Development



3.86 / 5



3.53



3.60 / 5

Survey Results: Tim Czerwienski

# Results of June Workshop and Survey to Date

## Mixed Use Condo Development



**2.39 / 5**



**2.58 / 5**

## Results of June Workshop and Survey to Date

### Accessory Dwelling Units

- Should Milton allow accessory dwelling units to be built:

Above a garage? **71% yes**

As a new detached structure?  
**53% yes**

As a conversion of existing accessory structure, such as a carriage house? **85 % yes**

As a new wing on an existing dwelling? **72% yes**

As a conversion of a portion of the existing dwelling? **79% yes**

## Results of June Workshop and Survey to Date

### Accessory Dwelling Units

- Should the owner of the primary residence be required to live on premises? **75% yes**
- Should the construction of an accessory unit require a special permit? **67% yes**
- Should there be a minimum lot size required for an accessory unit? **69% yes**

# Zoning Topics

- Alexander Whiteside
  - Condominiums – Great Estates
  - Amplified Music
  - Nonconforming Dimensions (residential)
- Bryan Furze
  - Condominiums – Transit and Services
  - Nonconforming Businesses in Residential Districts
- Cheryl Toulias
  - Accessory Dwelling Units
  - Inclusionary Zoning
- Emily Innes
  - Signs
  - Bed & Breakfasts
  - Lighting
  - Institutional Review

# Zoning Topics

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# Condominiums – Great Estates

- Is a general condominium bylaw necessary or desirable?
- Can a neighborhood association be made an effective gatekeeper as to where condominium development should be permitted and, if not, what would be an effective gatekeeping provision?
- Is 2 units per acre the right density for all new projects and, if not, what is the right density or how should the right density be determined?
- Should the specific characteristics of qualifying sites be listed, and, if so what should those characteristics be?
- Is potential condominium development a generally desirable feature for the Town's residence A and AA areas?

## **Amplified Music**

- Is there an on-going problem with amplified music emanating from local athletic fields?
- Is there an ongoing problem with amplified music emanating from other sites, and, if so, where are they?
- Is the standard whether two persons can normally converse on a lot line a good standard by which to judge an acceptable level of amplified music, and, if not, what is a good standard?
- Should the Town secure the necessary equipment and provide training for an employee to determine ambient noise levels and the levels of amplified music upon a complaint or otherwise?
- Should the Selectmen be able to issue permits for use of amplified music under certain defied circumstances, and, if so, what should those circumstances be?

## **Nonconforming Dimensions (residential)**

- Is there a major problem involving certain houses in the Residence C district which cannot reasonably be expanded without encroachment on the zoning setback or height provisions?
- Are the zoning provisions regarding height and setback important?
- Should possible expansion of a dwelling into the setback area or above the maximum height be considered in the context as to whether there are similar dwellings already existing in the immediate neighborhood?
- Is preservation of the character of a neighborhood the most important factor in a determination whether to allow dwellings to be expanded into the setback area or above the allowable height?
- Should every decision about whether to allow variations in the height or setback of a dwelling in a Residence C district be made strictly on the basis of objective standards rather than on whether or not a particular application has drawn opposition?

## **Condominiums – Transit and Services**

- In transit-oriented areas and business districts, mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and/or second floor and residential units above the nonresidential space will be allowed and encouraged. and Milton's existing commercial tax base will be preserved and reinvestment and expansion to the commercial tax base will be encouraged.
- NMCDs will encourage the the creation of alternative forms of housing in Milton including affordable housing.
- The NMCD will allow the Planning Board to set specific hours of operation and apply consistency in hours of operation to businesses.
- The size of businesses will be limited to promote small business consistent with the character of Milton and provide services and amenities to the community.
- In business districts, NMCDs will be designed to create a pedestrian-friendly, village atmosphere. In non-commercial districts, NMCDs will be required to conform with underlying zoning.

## **Nonconforming Businesses in Residential Districts**

- Desirable non-conforming uses and businesses will be allowed and encouraged to continue and operate when desirable; reinvestment in such non-conforming businesses will be encouraged; and Milton's existing commercial tax base will be preserved and reinvestment and expansion to the commercial tax base will be encouraged.
- Expansion of non-conforming businesses will require the creation of public open space and/or alternative forms of housing in Milton including affordable housing.
- The NBUD will allow the Planning Board to set specific hours of operation and apply consistency in hours of operation to businesses.
- Compliance with existing zoning bylaws will be required for any expansion.
- Design guidelines shall be applied to all NBUDs to require consistency with Milton and neighborhood aesthetics.

## Accessory Dwelling Units

- ADU's are currently allowed in Section III, paragraph 9. The purpose of the new bylaw is to broaden the scope of ADU's to: allow older home owners a means of obtaining rental income, companionship, security and services, thereby allowing them to stay more comfortably in their homes and neighborhoods; and to add moderately priced rental units to the town's housing stock to meet the needs of smaller households and to make housing units available to moderate income households.
- The current bylaw requires approval from the Board of Appeals; the revised bylaw would allow ACU's located within a primary residence as of right with approval of plans by the building inspector.
- The current bylaw does not allow an ADU in a detached structure; the revised bylaw would allow ACU's in detached structures upon approval of a Special Permit by the Planning Board.
- The current bylaw requires the ADU or the primary residence to be occupied by the owner of the primary residence, and the other unit to be occupied by a relative or a nurse or nurse's aid providing care to the resident. The revised bylaw would maintain the requirement that the ADU or the primary residence to be occupied by the owner of the primary residence, however, it would not restrict the occupant of the other unit to a relative or caregiver.
- The current bylaw requires the removal of the unit upon expiration of the Special Permit; the revised bylaw allows for extension of the Special Permit and does not require removal of an allowable ADU.

# Inclusionary Zoning

- The purpose of the bylaw is to encourage development of new housing that is affordable to low and moderate income households. It is intended that these units meet requirements of G.L. chapter 40B and count towards the town's Subsidized Housing Inventory.
- This section applies to developments of 10 or more dwelling units, a subdivision of 10 or more lots and assisted living facilities with 10 or more units. There is a voluntary bonus provision for developments of less than 10 units/ lots upon approval of the Planning Board.
- The units can be built on-site, on a different site, or fees may be paid to the Affordable Housing Trust Fund. Affordable units must be constructed upon completion of 30% of market units. There is a restriction on resale to maintain affordability.
- The Planning Board may grant a density bonus of 2 additional market rate units per 1 affordable unit with a maximum of 30% increased site density.
- A provision can be added to give residents of the town a preference in selection.

# Signs

- Draft zoning completely replaces sign definitions and text of zoning regulations.
- Defines sign regulations in both business and residential districts.
- Allows certain signs by right:
- Prohibits certain signs:
- Existing signs grandfathered – but, when condemned for neglect or when needing major repairs must be brought into conformance with new regulations.
- Clarifies process of obtaining sign permit; establishes role of Building Commissioner, Sign Review Committee and Board of Selectmen.

## **Bed & Breakfasts**

- Airbnb: regulate as a B&B, require registration but not inspection or taxes, or ignore?
- Can B&B host wedding receptions, graduation parties, other events?
- Can B&B provide afternoon tea, dinner, or other meals to non-residents?
- Should B&Bs be restricted to certain zoning districts?

# Lighting

- Initial draft is the Model Lighting Ordinance form the International Dark-Sky Association and the Illuminating Engineering Society
- Purpose of dark-sky lighting is to reduce lighting glare, overspill, and uplighting that create problems for both humans and wildlife; also contributes to energy efficiency and financial savings by reducing lighting that is not needed
- Provides standards for implementation and measurement.
- Should this apply to businesses, residential, multi-family residential, municipal?

## Institutional Review

- Dover Amendment does not allow Town to restrict religious or educational uses
- Town can place reasonable restrictions on:
  - Bulk of structures
  - Height of structures
  - Yard sizes
  - Lot area
  - Setbacks
  - Open Space
  - Parking
  - Building footprints
- How should the Town consider restrictions and review?
- Should municipal buildings be included?

# Break-out Sessions

- Purpose: discuss topics in more detail
- Split into four groups
- Twenty minutes to discuss the topic for that group
- At the end of twenty minutes, will switch to second set of topics
- If you have comments on other topics tonight, please see Tim for comment sheets
- The draft articles are online and you can leave comments on the draft articles online

# Break-out Session 1

- Alex
  - Condominiums – Great Estates
- Bryan
  - Nonconforming Businesses in Residential Districts
- Cheryl
  - Accessory Dwelling Units
- Emily
  - Signs
  - Lighting

# Break-out Session 2

- **Alex**
  - Amplified Music
  - Nonconforming Dimensions (residential)
- **Bryan**
  - Condominiums – Transit and Services
- **Cheryl**
  - Inclusionary Zoning
- **Emily**
  - Bed & Breakfasts
  - Institutional Review

# Wrap-Up

- On the Planning Board's website **now**
  - Final Master Plan
  - Presentation from June 29
  - Link to interactive survey from June 29 workshop
  - Draft zoning articles
- On the Planning Board's website **soon**
  - Final Master Plan
  - This presentation
  - Ability to comment on the draft articles
- Next zoning meeting: August 17 at High School/Pierce at 7pm

# Wrap-Up

Questions about today's  
workshop or this zoning process?

Please email

Tim Czerwienski, Assistant Town Planner at  
[tczerwienski@townofmilton.org](mailto:tczerwienski@townofmilton.org)

A grayscale aerial photograph of a city, showing a dense network of streets and buildings. The city is surrounded by green fields and some water bodies. The text is overlaid on this background.

Thank you!