



Select Board

Meeting Packet

October 10, 2023

Nicholas Milano

From: Tim Czerwinski
Sent: Monday, October 30, 2023 12:10 PM
To: Nicholas Milano
Subject: Changes to zoning articles

Nick,

Below is a list of changes represented in the most recent versions of the MBTA Communities zoning articles.

- In Section D.5, we created a tiered Floor Area Ratio scheme, scaling down the allowable FAR as lot size increases. The intended effect is to enable roughly the same sized building to be allowed on a lot in the Eliot Street Corridor, irrespective of lot size. In the previous scheme, the size of the building could increase with the size of the lot.
- In Sections F.2 and F.5, we amended the lot size parameters in the Mattapan Station subdistrict. This stemmed from a question Roxanne had last week about potential development on the smaller parcels in that district. Under previous versions, there was no minimum lot size, so the model had some of the smaller house lots generating unit capacity (not a lot, but enough to notice). In this revised version, we set a minimum lot size of 5,000 sf and scale up with an additional unit for every 1,000 sf of lot size. This preserves a significant amount of units for the main Unquity House parcel, and limits any potential development on the single family lots to a handful of potential units.
- In Section F.5, we updated the Maximum Units per Acre in the Mattapan Station subdistrict to 45. This was an oversight in previous versions.
- In the Mandatory Mixed Use article, we made a number of amendments to include language recognizing the Bridge area of the Milton/Central Avenue Station Subdistrict. This change does not make any adjustments to dimensions or uses in the Bridge area, but previous versions of this bylaw had left that section out. This amendment is structured to replace whole subsections of the original article—rather than make precise in-text revisions—so even though the Bridge area is not subject to the Mandatory Mixed Use provisions, it did need to be included in the language of this amendment.

Tim Czerwinski, AICP

Director of Planning & Community Development

Town of Milton | 525 Canton Avenue | Milton, Mass. 02186 | 617-898-4847

TOWN OF MILTON 2023



DRAFT

Special Town Meeting

Monday, December 4, 2023

Milton High School Auditorium

7:30 p.m.

WARRANT

**INCLUDING THE REPORT OF THE WARRANT COMMITTEE
AND RECOMMENDATIONS ON ARTICLES
as required by Chapter 3, Section 4, of the General Bylaws of Town**

DECEMBER 2023 SPECIAL TOWN MEETING WARRANT

Commonwealth of Massachusetts, SS.
County of Norfolk

To any of the constables of the Town of Milton in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Milton, qualified to vote in Town affairs, to meet at the Milton High School Auditorium on Gile Road in said Milton on Monday, the fourth day of December next at 7:30 o'clock in the evening, then and there to act upon the following Articles to wit:

Articles 1-8

And you are directed to warn said inhabitants qualified as aforesaid to meet at the times and places and for the purposes herein mentioned by posting attested copies of the Warrant in each of the Post Offices of said Town fourteen days at least before the fourth day of December. Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk, on or before said fourth day of December 2023.

Given under our hands at Milton this 2nd day of November, two thousand twenty-three.

Michael F. Zullas
Erin G. Bradley
Roxanne Musto
Richard G. Wells, Jr.
Benjamin Zoll

MILTON SELECT BOARD

A True Copy: Attest

William J. Neville
CONSTABLE OF MILTON

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WARRANT ARTICLES AND RECOMMENDATIONS

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1	Zoning Bylaw and Zoning Map Amendment for Compliance with M.G.L. c. 40A §3A Multi-family zoning as-of-right in MBTA Communities	_____
2	Zoning Bylaw Amendment for Mandatory Mixed Use in the Milton Village Subdistrict	_____
3	Transfer of Land to the Conservation Commission	_____
4	School Building Committee Appropriation	_____
5	Amend the Fiscal Year 2024 Budget	_____
6	Bylaw to Require Recoding and Posting of Meetings of Elected Public Bodies	_____
7	Local Historic District Bylaw	_____
8	Citizen's Petition – Transfer of Land (Pope's Pond) to the Conservation Commission	_____

DRAFT

In compliance with the American with Disabilities Act, this Warrant can be made available in alternative formats. The December 4, 2023 Special Town Meeting, if requested, will be offered by assisted listening devices or an interpreter certified in sign language. Requests for alternative formats should be made as far in advance as possible.

Should you need assistance, please notify the SELECT BOARD at 617-898-4843 or 617-696-5199 TTY.

Smoking and other tobacco use is prohibited in school facilities and outside on the school grounds by MGL Chapter 71, Section 37H, “An Act Establishing the Education Act of 1993.” This law applies to any individual at any time.

Strong fragrances cause significant adverse reactions in some people, such as migraine headaches. Products with strong fragrances include personal care products such as perfume, cologne, fragranced hair products, after shave lotion, scented hand lotion, etc. Attendees at Town Meeting are requested to avoid wearing products with strong fragrances. As an accommodation to persons with such adverse reactions, and to allow safe and free access to the auditorium, the lobby and restroom, attendees at Town Meeting who are wearing products with strong fragrances, or who think they may be wearing products with strong fragrances, are requested to sit away from the sections nearest to the lobby entrance.

MESSAGE FROM THE TOWN MODERATOR ROBERT G. HISS

Welcome to the 2023 December Special Town Meeting!

As many citizens know, Town Meeting provided for Special Town Meetings to address urgent business facing the town that could not wait for the following Annual Town Meeting held in May of each year. This year, your Warrant Committee has received and voted on 8 articles for your consideration. These articles exclude many of the typical articles Town Meeting considers in the Annual Meeting which has some implications of which you should be aware.

First, I would encourage the members to read each article carefully and send your questions in advance of Town Meeting to the Board or Committee that submitted the article. This preparation on your part can make the best use of your time at Town Meeting. To assist with your preparation, your Moderator will again host our typical show on Milton Cable Access TV broadcast in the weeks preceding this Special Town Meeting where the Warrant Committee chair will explain the articles. I hope you will have the opportunity to watch. This has proven a useful approach to informing our citizens and I hope you find it useful.

Secondly, since the articles are by definition special, I believe that none of them are candidates for a Consent Agenda like those in our May Annual Town Meetings. Accordingly, we will consider each of the articles individually in the order written in the Warrant.

Thirdly, this Special Town Meeting will operate under all the rules of our Annual Town Meeting as printed in your May 2023 Warrant.

I look forward to seeing you at 7:30 PM on December 4, 2023.

Robert G. Hiss
Town Moderator

REPORT OF THE WARRANT COMMITTEE FOR THE 2023 DECEMBER SPECIAL TOWN MEETING

Greetings to the Honorable Select Board, Town Meeting Members and Residents,

Thank you,

David J. Humphreys
Chair, Warrant Committee

Thomas A. Caldwell, Secretary

Lori A. Connelly

Allison Gagnon

Jay Fundling

Julie A. Joyce

Kristin G. Kociol

Jereem Langlais

Timothy P. Lyons

Julia Maxwell

Jeremiah J. O'Connor

Amanda H. Serio

Ronald T. Sia

Judith A. Steele

Stephen H. Rines

Karen Bosworth (Clerk)

ARTICLE 1 To see if the Town will vote to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaw, by adding the following Section [SectionTK]: MBTA Communities Multi-family Overlay District and to amend the Zoning Map to include the MBTA Communities Multi-family Overlay District, including the following subdistricts: Eliot Street Corridor Subdistrict, Milton/Central Avenue Station Subdistrict, Mattapan Station Subdistrict, Blue Hills Parkway Subdistrict, Granite Avenue Subdistrict, and East Milton Square Subdistrict as shown on the MBTA Communities Multi-family Overlay District Boundary Map, .

Section [SectionTK]: MBTA Communities Multi-family Overlay District

A. Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. Meet local housing needs along the full range of incomes, promoting social and economic diversity and the stability of individuals and families living in Milton.
2. Ensure that new multi-family housing creation is harmonious with the existing community.
3. Provide a wide range of housing alternatives to meet Milton's diverse housing needs.
4. Promote smart growth development by siting multi-family housing adjacent to transit or in areas where existing commercial and civic amenities and infrastructure already exist.
5. Increase the municipal tax base through private investment in new residential development.

B. Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately **TKTK** acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map.

1. **Applicability of MCMOD.** An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this Section [SectionTK].
2. **Underlying Zoning.** The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in Section [SectionTK] are governed by the requirements of the underlying zoning district(s).
3. **Sub-districts.** The MCMOD contains the following sub-districts, all of which are shown on the MCMOD Boundary Map: Eliot Street Corridor Subdistrict, Milton/Central Avenue Station Subdistrict, Mattapan Station Subdistrict, Granite Avenue Subdistrict, East Milton Square Subdistrict, and Blue Hills Parkway Corridor Subdistrict.

C. Definitions.

For purposes of this Section[SectionTK], the following definitions shall apply.

1. **Affordable unit.** A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.
2. **Affordable housing.** Housing that contains Affordable Units as defined by this Section [SectionTK].
3. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
4. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Milton, as defined by the U.S. Department of Housing and Urban Development (HUD).
5. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
6. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
7. **Compliance Guidelines.** *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.
8. **DHCD.** The Massachusetts Department of Housing and Community Development, or any successor agency.
9. **Design Guidelines.** Design Standards made applicable to all rehabilitation, redevelopment, or new construction within the MCMOD.
10. **Development standards.** Provisions of **Section [SectionTK] J. General Development Standards** made applicable to projects within the MCMOD.
11. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, DHCD's successor agency.
12. **Floor Area Ratio (FAR).** A measurement derived by dividing the total building area by the total lot area.
13. **Height, Feet.** Height shall be measured to the midpoint of the slope of a pitched roof, or the parapet of a flat roof, excluding the items specifically defined as allowable projections herein, from the average mean grade of the natural ground contiguous to the building.
14. **Height, Stories.** "Stories," as used in this section, shall not include a basement so long as the finished floor height of the first story is no more than four (4) feet above the average mean grade of the natural ground contiguous to the building.
15. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
16. **MBTA.** Massachusetts Bay Transportation Authority.

17. **Mixed-use development.** Development containing a mix of multi-family residential uses and non- residential uses, including, commercial, institutional, industrial, or other uses.
18. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
19. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
20. **Open space.** For the purposes of this subsection, open space shall mean a portion of a lot or of adjacent lots in common ownership exclusive of any building or buildings and/or their associated driveways and parking areas and shall include parks, lawns, gardens, landscaped areas, community gardens, terraces, patios, areas left in their natural condition, athletic fields, open air athletic courts, playgrounds, open air swimming pools, and any open vegetated areas. Driveways and parking areas permanent or temporary, shall not be counted as open space.
21. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
22. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
23. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
24. **Rooftop Terrace.** A roofless, raised platform on the roof of a building that provides community gathering space, such as a deck, terrace, community garden, or other outdoor amenities.
25. **Section 3A.** Section 3A of the Zoning Act.
26. **Site plan review authority.** The Planning Board is the site plan review authority.
27. **Subdistrict.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.
28. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLA used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.
29. **Transit station.** An MBTA subway station, commuter rail station, or ferry terminal.
 - a. **Commuter rail station.** Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.
 - b. **Ferry terminal.** The location where passengers embark and disembark from

regular, year-round MBTA ferry service.

- c. **Subway station.** Any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line.

D. Eliot Street Corridor Subdistrict

1. Purpose

The purpose of the Eliot Street Corridor Subdistrict is to provide opportunities for lower density, high quality multi-family housing that helps preserve the existing physical context of the one- and two-unit neighborhoods directly adjacent to the Mattapan Trolley line.

2. Applicability

An applicant may develop multifamily housing on certain parcels within a half mile of Mattapan, Capen Street, Valley Road, Central Avenue, and Milton stations, in accordance with the provisions of this subsection.

3. Uses Permitted As of Right.

The following uses are permitted as of right within the Eliot Street Corridor Subdistrict.

- a. Multi-family housing of up to three (3) units in a single building per lot on parcels 7,500 square feet or more.
4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section D.3.
 - a. Parking, including surface parking and parking within a structure such as a garage or other building on the same lot as the principal use.
5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Eliot Street Corridor Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	7,500
Height	
Stories (Maximum)	2.5
Feet (Maximum)	35
Minimum Open Space	40%
Maximum Units per Lot	3 on lots 7,500 sf or more

Standard	
Minimum Frontage (ft)	50

Front Yard Setback	
(ft.)	15
Side Yard Setback	
Minimum side setback (ft)	5
Minimum sum of both side setbacks (ft)	20
Rear Yard Setback	
(ft.)	20
Maximum Floor Area Ratio (FAR)	
Lots 7,500 to 9,999 square feet	0.7
Lots 10,000 to 14,999 square feet	0.52
Lots 15,000 square feet or more	0.35

6. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
7. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] D.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
8. **Number of parking spaces.** The following numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit

9. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit

E. Milton/Central Avenue Station Subdistrict

1. Purpose

The purpose of the Milton/Central Avenue Station Subdistrict is to allow for high quality mid-rise multi-family and mixed-use development while preserving the historic character of the Milton Village and Central Avenue business districts.

2. Applicability

An applicant may develop multi-family or mixed-use buildings up to 6 stories on certain large parcels in the area labeled East on the MCMOD Boundary Map, and up to 4.5 stories on certain large parcels in the area labeled West and Bridge on the MCMOD Boundary Map, in accordance with the provisions of this subsection.

3. Uses Permitted As of Right.

The following uses are permitted as of right within the Milton/Central Avenue Station Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section E.3.
 - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.
5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Milton/Central Avenue Station Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height (East)	
Stories (Maximum)	6
Feet (Maximum)	75
Height (West and Bridge)	
Stories (Maximum)	4.5
Feet (Maximum)	60
Minimum Open Space	40%
Maximum Units per Acre	40

Standard	
Minimum Frontage (ft)	none
Front Yard Setback ⁽⁷⁾	
(ft.)	15
Side Yard Setback	
Minimum side setback (ft)	5
Minimum sum of both side setbacks (ft)	20
Rear Yard Setback	
(ft.)	30
Maximum Floor Area Ratio (FAR)	1.0

6. **Multi-Building Lots.** In the Milton/Central Avenue Station Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] E.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide

additional habitable space within the development.

9. **Number of parking spaces.** The following numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit
	Minimum Spaces
Non-residential component in a mixed-use development	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Non-residential component in a mixed-use development	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of 10 units or more, or a mixed- use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).

12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

13. **Parking Reduction.** Developments under this subsection may provide fewer parking spaces where, in the determination of the Site Plan Review Authority, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination, the authority shall consider complementary uses, transportation demand management (TDM) measures, shared parking arrangements, vehicle-share arrangements and electric vehicle charging stations.

F. Mattapan Station Subdistrict

1. Purpose

The purpose of the Mattapan Station Subdistrict is to provide high quality mid-rise multi-family housing on large sites in a transit-oriented district.

2. Applicability

An applicant may develop multi-family housing up to 6 stories on certain parcels of at least 5,000 square feet, with additional units for every 1,000 square feet of lot area, near the Neponset River across from Mattapan Square.

3. **Uses Permitted As of Right.** The following uses are permitted as of right within the Mattapan Station Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

- 4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section F.3.
 - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.
- 5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Mattapan Station Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	5,000
Lot Area per Additional Unit (SF)	1,000
Height	
Stories (Maximum)	6
Feet (Maximum)	75
Minimum Open Space	40%
Maximum Units per Acre	45

Standard	
Minimum Frontage (ft)	none
Front Yard Setback (ft.)	15
Side Yard Setback	
Minimum side setback (ft)	5
Minimum sum of both side setbacks (ft)	20
Rear Yard Setback (ft.)	30
Maximum Floor Area Ratio (FAR)	1.1

6. **Multi-Building Lots.** In the Mattapan Station Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] F.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
9. **Number of parking spaces.** The following numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit
Minimum Spaces	
Non-residential component in a mixed-use development	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
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Multi-family	1 space per Residential Dwelling Unit
Non-residential component in a mixed-use development	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of ten (10) units or more, or a mixed-use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).
12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.
13. **Parking Reduction.** Developments under this subsection may provide fewer parking spaces where, in the determination of the Site Plan Review Authority, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination, the authority shall consider complementary uses, transportation demand management (TDM) measures, shared parking arrangements, vehicle-share arrangements and electric vehicle charging stations.

G. Granite Avenue Subdistrict

1. Purpose

The purpose of the Granite Avenue Subdistrict is to provide high quality, higher density multifamily or mixed-use development on large commercial or underutilized parcels with good access to transit, shared use paths, and Interstate 93.

2. Applicability

An applicant may develop a multifamily or mixed-use project up to 6 stories on certain large parcels in the northern part of the district along the Neponset River and up to 4 stories on certain large parcels in the southern part of the district between Granite Avenue and Interstate 93.

3. Uses Permitted As of Right.

The following uses are permitted as of right within the Granite Avenue Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.

Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section G.3.
 - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.
5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Granite Avenue Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height (north)	
Stories (Maximum)	6
Feet (Maximum)	75
Height (south)	
Stories (Maximum)	4.5
Feet (Maximum)	60
Minimum Open Space	40%
Maximum Units per Acre	45

Standard	
Minimum Frontage (ft)	none
Front Yard Setback	
(ft.)	30
Side Yard Setback	

Minimum side setback (ft)	10
Minimum sum of both side setbacks (ft)	20
Rear Yard Setback (ft.)	30
Maximum Floor Area Ratio (FAR)	1.1

6. **Multi-Building Lots.** In the Granite Avenue Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] G.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
9. **Number of parking spaces.** The following numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1.5 spaces per Residential Dwelling Unit
	Minimum Spaces
Non-residential component in a mixed-use development	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Non-residential component in a mixed-use development	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of ten (10) units or more, or a mixed-use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).

12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.
13. **Parking Reduction.** Developments under this subsection may provide fewer parking spaces where, in the determination of the Site Plan Review Authority, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination, the authority shall consider complementary uses, transportation demand management (TDM) measures, shared parking arrangements, vehicle-share arrangements, electric vehicle charging stations, and access to alternative modes of transportation.
14. **Granite Avenue Subdistrict Design.** The project design shall foster an appearance of a residential neighborhood, with multiple buildings of various sizes, scale, height and Building Types.
15. **Building Types.** Building types may include:
 - i. Duplexes
 - ii. Triplexes and Quadruplexes
 - iii. Townhouses
 - iv. Walk-up Multifamily (maximum of three floors and 12 units)
 - v. Elevator Multifamily (more than three floors and more than 12 units)
 - vi. Mixed-use buildings (ground floor active uses such as retail, services, community uses).
16. **Granite Avenue Subdistrict Site Planning.** Provide a pedestrian-oriented and human scaled environment where the automobile is accommodated but does not dominate. Utilize internal streets and sidewalks and design pedestrian connectivity between buildings and outdoor spaces.

H. East Milton Square Subdistrict

1. Purpose

The purpose of the East Milton Square Subdistrict is to provide high quality multifamily and mixed-use development that bolsters the Town's largest business district and maintains East Milton Square's historic village downtown character.

2. Applicability

An applicant may develop a multifamily or mixed-use project up to 2.5 stories on parcels largely corresponding with the existing East Milton Square business district, as well as certain adjacent parcels in residential zones.

3. Uses Permitted As of Right.

The following uses are permitted as of right within the East Milton Square Subdistrict.

a. Multi-family housing.

b. **Mixed-use development.** As of right uses in a mixed-use development are as

follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section H.3.
 - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.
5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the East Milton Square Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height	
Stories (Maximum)	2.5
Feet (Maximum)	42
Minimum Open Space	40%
Maximum Units per Acre	30

Standard	
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Minimum Frontage (ft)	none
Front Yard Setback (ft.)	15
Side Yard Setback	
Minimum side setback (ft)	5
Minimum sum of both side setbacks (ft)	20
Rear Yard Setback (ft.)	30

6. **Multi-Building Lots.** In the East Milton Square Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] H.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
9. **Number of parking spaces.** The following numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit
	Minimum Spaces
Non-residential component in a mixed-use development	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit

Non-residential component in a mixed-use development	1 space per 500 SF of commercial space
--	--

11. **Bicycle storage.** For a multi-family development of ten (ten) units or more, or a mixed-use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).
12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.
13. **Parking Reduction.** Developments under this subsection may provide fewer parking spaces where, in the determination of the Site Plan Review Authority, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination, the authority shall consider complementary uses, transportation demand management (TDM) measures, shared parking arrangements, vehicle-share arrangements, electric vehicle charging stations, and access to alternative modes of transportation.

I. Blue Hills Parkway Corridor Subdistrict

1. Purpose

The purpose of the Blue Hills Parkway Corridor Subdistrict is to provide opportunities for lower density, high quality multi-family housing that helps preserve the existing physical context of the one- and two-unit neighborhoods adjacent to Blue Hills Parkway near Mattapan Station.

2. Applicability

An applicant may develop multifamily housing on certain parcels within a half mile of Mattapan Station along or adjacent to Blue Hills Parkway, in accordance with the provisions of this subsection.

3. Uses Permitted As of Right.

The following uses are permitted as of right within the Blue Hills Parkway Corridor Subdistrict.

a. Multi-family housing of up to 30 units per acre on parcels 7,500 square feet or more.

4. Accessory Uses.

The following uses are considered accessory as of right to any of the permitted uses in Section D.3.

a. Parking, including surface parking and parking within a structure such as a garage or other building on the same lot as the principal use.

5. Table of Dimensional Standards.

Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Eliot Street Corridor Subdistrict are as follows:

Standard	
Lot Size	

Minimum (SF)	7,500
Height	
Stories (Maximum)	2.5
Feet (Maximum)	35
Minimum Open Space	50%
Acre	30

Standard	
Minimum Frontage (ft)	50
Front Yard Setback	
(ft.)	20
Side Yard Setback	
Minimum side setback (ft)	5
Minimum sum of both side setbacks (ft)	20
Rear Yard Setback	
(ft.)	20
Maximum Floor Area Ratio (FAR)	0.7

6. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
7. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] I.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
8. **Number of parking spaces.** The following numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit

9. **Number of bicycle parking spaces.** The following **minimum** numbers of bicycle

storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit

J. General Development Standards

1. Development standards in the MCMOD are applicable to all subdistricts within the MCMOD. These standards are components of the Site Plan Review process in **Section [SectionTK] M. Site Plan and Design Review**.
2. **Site Design.**
 - a. **Connections.** Sidewalks shall provide a direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
 - b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged. Maximum driveway width in the Eliot Street Corridor and Blue Hills Parkway Corridor subdistricts is 12 feet and maximum driveway width in the Mattapan Station, Milton/Central Avenue Station, East Milton Square and Granite Avenue subdistricts is 24 feet.
 - c. **Open Space.** Acceptable activities within the minimum required Open Space include natural areas (including wetlands and surface waters), wildlife and native plant habitat, landscape plantings, agricultural activities, low-impact design stormwater management, non-motorized trails, courtyards, patios, decks, play areas and other low-impact recreational activities. Open Space shall not contain habitable structures, streets, driveways, or surface parking.
 - d. **Playground and Recreation Areas.** Any development containing forty (40) or more units shall provide an outdoor play area or common space for use by families with children.
 - e. **Setbacks.** No structure shall be erected within the required setbacks as specified in the Table of Dimensional Standards for each subdistrict. Driveways may be located within required setbacks provided that no more than 30 percent of the setback area shall be paved.
 - f. **Parking location.** Surface parking shall be located to the sides and rear to the greatest extent possible.
 - g. **Landscaping at parking perimeter.** A landscape buffer shall be provided at the parking perimeter. Shade trees, ornamental trees, shrubs, and other plant materials shall be included in the buffer. The minimum width of the buffer shall be 5 feet in the Eliot Street Corridor, Blue Hills Parkway Corridor, East Milton Square, Mattapan Station, and Milton/Central Station subdistricts and 10 feet in the Granite Avenue subdistrict.

- h. **Landscaping at parking interior.** A minimum of a five-foot wide landscape divider shall be provided between every 10 parking spaces and a shade tree shall be planted between every 20 parking spaces. A minimum of a five feet wide terminus landscape island shall be provided at the beginning and end of each row, and a shade tree shall be planted in each terminus island.
- i. **Screening for Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than 6 (six) feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
- j. **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- k. **Existing landscape.** Incorporate significant existing site features, such as trees of 12 inches caliper or more located within setbacks, stone walls, and historic fences into new development to the greatest extent possible.
- l. **Landscaping.** Use landscape design as a placemaking feature and not exclusively as a buffer.
- m. **Plantings.** Plantings shall include species that are native or adapted to the region and shall include shade trees. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- n. **Lighting.** Light levels shall not exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow. Light fixtures shall be Dark-Sky compliant and meet International Dark Sky Association certification requirements.
- o. **Mechanicals.** Mechanical equipment at ground level shall not be located in the Front Yard Setback nor in Open Space and shall be screened by a combination of fencing and evergreen plantings. Rooftop mechanical equipment shall be screened and incorporated into the architectural design.
- p. **Electrical Transformers and generators.** Electrical transformers and generators shall not be located at grade within the required setbacks to the extent allowed by utility company. Applicants shall consider locating transformers within buildings or within below grade vaults and locating generators on roofs. Transformers generators located at grade shall be screened by a combination of fencing and evergreen plantings to the extent allowed by utility company.
- q. **Utilities.** Locate utility meters to minimize their visibility. Integrate them into the building and site design. Minimize the visibility of utility connections.
- r. **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.

- s. **Resiliency and Sustainability.** Consider present and future climate conditions in assessing project environmental impacts, including carbon emissions, extreme precipitation, extreme heat, and sea level rise. Projects must identify site and building strategies that eliminate, reduce, and mitigate adverse impacts including those due to changing climate conditions.
- t. **Renewable Energy.** Projects shall consider access to solar energy in building placement, orientation and design.
- u. **Low Impact Development (LID).** Projects shall utilize low impact development strategies to the greatest extent possible, such as limiting the amount of impervious area, preserving and creating connected natural spaces, and using green infrastructure techniques such as rainwater harvesting, rain gardens, bioswales, permeable pavement, green roofs and tree canopy.
- v. **Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the Milton MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

3. **Buildings: General.**

- a. **Position relative to principal street.** The primary building shall have its principal façade and entrance facing the principal street. See also Section G.7. Buildings: Corner Lots.
- b. **Entries.** Entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

4. **Buildings: Multiple buildings on a lot.**

- a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
- b. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

5. Buildings: Mixed-use development.

- a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- b. Retail facades shall have a greater proportion of transparency than solids.
- c. Retail facades shall include small setbacks at street level to incorporate seating, displays and rain cover.
- d. Sidewalk width at retail facades shall be a minimum of 10 feet.
- e. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- f. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
- g. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

6. Buildings: Shared Outdoor Space. Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace.

7. Buildings: Corner Lots. A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

- a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
- b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
- c. Fire exits should be integrated into the building architecture.

8. Buildings: Infill Lots. If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of each subdistrict's dimensional standards. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.

9. Buildings: Principal Façade and Parking. Parking shall be subordinate in design and location to the principal building façade.

- a. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.
- b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.

- c. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.

10. Building Design.

- a) Buildings greater than forty (40) feet in length, measured horizontally, shall incorporate wall plane recesses or projections having a depth not less than four (4) feet and extending at least twenty percent (20%) of the length of the façade. No uninterrupted length of façade shall exceed forty (40) horizontal feet. No projection shall extend into a required setback.
- b) Buildings shall have a clearly defined base and roof edge so that the façade has a distinct base, middle, and top.
- c) All sides of buildings shall be given as much architectural detail as the front. The building shall present a unified architectural design approach. Where windows are not possible or appropriate for the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls.
- d) Change in material shall accompany a change in form or plane and shall not be used within the same plane to reduce perceived bulk.
- e) Use durable materials that convey scale in their proportion, texture, finish and detailing and that contribute to the visual continuity of existing historic neighborhoods. Windows and doors shall have low reflectivity glass.
- f) Locate an addition to the side or rear of the existing building to the greatest extent possible.
- g) Entrances, exits, windows and doors shall be surrounded by architectural detail that highlights these features of the façade.
- h) In general, all windows shall be taller than they are wide. This requirement shall apply to windows on the first floor as well as upper floors. Windows that are horizontally oriented may be broken up with the use of mullions.
- i) All stairways to upper floors shall be enclosed within the exterior walls of buildings.
- j) Garage entrances and service and loading areas shall not face an open space or street directly unless no other location is feasible.
- k) Rooftop terraces shall be set back a minimum of ten (10) feet from any façade wall and secured by a perimeter fence at least four (4) feet in height.

11. Waivers.

Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this **Section [SectionTK] J. General Development Standards**, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.

K. Design Guidelines. The Site Plan Review Authority may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction within the MCMOD. Such Design Guidelines must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

L. Affordability Requirements.

1. Purpose.

- a. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
- b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
- c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and
- d. Work to overcome economic segregation allowing Milton to continue to be a community of opportunity in which low and moderate-income households have the opportunity to advance economically.

2. Applicability. This requirement is applicable to all residential and mixed-use developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion. No project may be divided or phased to avoid the requirements of this section.

3. Affordability requirements.

- a. **Subsidized Housing Inventory.** All units affordable to households earning 80% or less of AMI created in the MCMOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.
4. **Provision of Affordable Housing.** In Applicable Projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded up and down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

5. Development Standards. Affordable Units shall be:

- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- b. Dispersed throughout the development;

- c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
- e. Distributed proportionately among unit sizes; and
- f. Distributed proportionately across each phase of a phased development.
- g. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

6. **Administration.** The Zoning Enforcement Officer shall be responsible for administering and enforcing the requirements in this section.

M. Site Plan and Design Review

- 1. **Applicability.** Site Plan and Design Review is required for all projects in all subdistricts. An application for Site Plan Review shall be reviewed by the Permitting Authority for consistency with the purpose and intent of Sections [SectionTK] D through [SectionTK] I.
- 2. **Submission Requirements.** As part of any application for Site Plan and Design Review for a project within the MCMOD submitted under Sections [SectionTK] D through [SectionTK] I the Applicant must submit the following documents in electronic format to the Department of Planning and Community Development. Physical copies may be requested by the Permitting Authority:
 - a. Application and fee for Site Plan and Design Review.
 - b. Existing conditions survey that shows existing structures, parking areas, open space features, walls, fences, trees of 12 inches caliper or more, utilities, easements, wetlands and wetlands buffer zones, and topography with contours at 1-foot intervals. The survey shall include contours, buildings, and trees of 12 inches caliper or more on adjacent properties within thirty (30) feet of lot boundaries.
 - c. Existing conditions narrative, including adjacent neighborhood and historic context, with photographs and diagrams as appropriate.
 - d. Site plans that show required setbacks, the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, parking areas, open space areas, stormwater management, utilities, dimensions of building(s) and parking areas, setback dimensions, proposed grading, retaining walls and other information commonly required by Municipality for Site Plan Review. Where a portion of the site is to remain undisturbed by the proposed work, such area shall be so indicated on the plan.
 - e. Landscape plan that shows layout, species, spacing, sizes, quantities and details for all plant materials, and locations and details of fencing and landscape walls. Architectural plans, elevations, sections, three dimensional views and renderings of the building(s)

showing the architectural design of the building(s) in context. Drawings shall indicate proposed materials and colors.

- f. Lighting plan that shows locations and specifications for all exterior lighting fixtures for Eliot Street Corridor and Blue Hills Parkway Corridor subdistrict.
- g. Photometric plan that shows locations and specifications for all exterior lighting fixtures and lighting photometrics for Mattapan Station, Milton/Central Station, East Milton Square and Granite Avenue subdistricts.
- h. Traffic impact analysis for Mattapan Station, Milton/Central Avenue Station, East Milton Square, and Granite Avenue subdistricts.
- i. Shadow study for Mattapan Station, Milton/Central Avenue Station, East Milton Square, and Granite Avenue subdistricts.
- j. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the Permitting Authority.
- k. Narrative of compliance with the applicable design standards of this Section[SectionTK].
- l. A copy, if any, of the determination of applicability issued by or the notice of intent filed with the Conservation Commission of the Town of Milton under MGL c. 131, § 40, or Chapter 15 of the General Bylaws of the Town of Milton.
- m. Upon written request, the Site Plan Review Authority may, at its discretion, waive the submission by the applicant of any of the required information.

3. Procedures.

- a) Upon receipt of a complete application to the Department of Planning and Community Development, the application shall be circulated, as appropriate, to the Building Commissioner, Fire Department, Police Department, Historical Commission, and Engineering Department, requesting comments by the first public hearing. For development applications within a Local Historic District, the Site Plan Review Authority shall seek comments from the Historical Commission before the first public hearing; filing with the Historical Commission is recommended prior to submission to the Site Plan Review Authority.
- b) The Site Plan Review Authority shall conduct a public hearing. Subsequent changes and revisions to application materials shall be submitted with a narrative summarizing the changes in the new submittal.

4. **Outside Consultants.** When reviewing an application, the Site Plan Review Authority may determine that the assistance of outside consultants is warranted due to the size or complexity of a proposed project or because of the project's potential impacts. The authority may require that applicants pay a review fee consisting of the reasonable costs incurred by the authority to assist in the review of applications. The authority may

engage engineers, architects, landscape architects, planners, or other appropriate professionals who can assist the authority in analyzing an application to ensure compliance with all relevant laws, bylaws and regulations.

5. **Timeline.** Site Plan and Design Review should be commenced no later than 30 days of the submission of a complete application and should be completed expeditiously. In general, site plan review should be completed no more than 6 months after the submission of the application.
6. **Site Plan Approval.** Site Plan Approval may reasonably regulate matters such as vehicular access and circulation on site, architectural design of buildings, site design and screening for adjacent properties. Site Plan approval for uses listed in the Permitted Uses subsection of Sections [SectionTK] D through I shall be granted upon determination by the Site Plan Review Authority that the following conditions have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
 - a. the Applicant has submitted the required fees and information as set forth in Municipality's requirements for a Building Permit and Site Plan Review; and
 - b. the project as described in the application meets the development standards set forth in Section [SectionTK] J. General Development Standards.
 - c. The project as described in the application meets design guidelines as may be adopted by the Site Plan Review Authority.
7. **Decision.** The decision of the Site Plan Review Authority shall be by a majority vote of the board as constituted (i.e., three affirmative votes).
8. **Project Phasing.** An Applicant may propose, in a Site Plan and Design Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildup of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Section [SectionTK] L. Affordability Requirements.
9. **Appeal.** Any person aggrieved by a decision of the Site Plan Review Authority made under this Section [Section TK] may appeal said decision to a court of competent jurisdiction under MGL c. 40A, § 17.

N. Severability.

If any provision of this Section [SectionTK] is found to be invalid by a court of competent jurisdiction, the remainder of Section [SectionTK] shall not be affected but shall remain in full force. The invalidity of any provision of this Section [SectionTK] shall not affect the validity of the remainder of Milton's Zoning.

And to act on anything relating thereto.

Submitted by the Select Board

RECOMMENDED that the Town vote

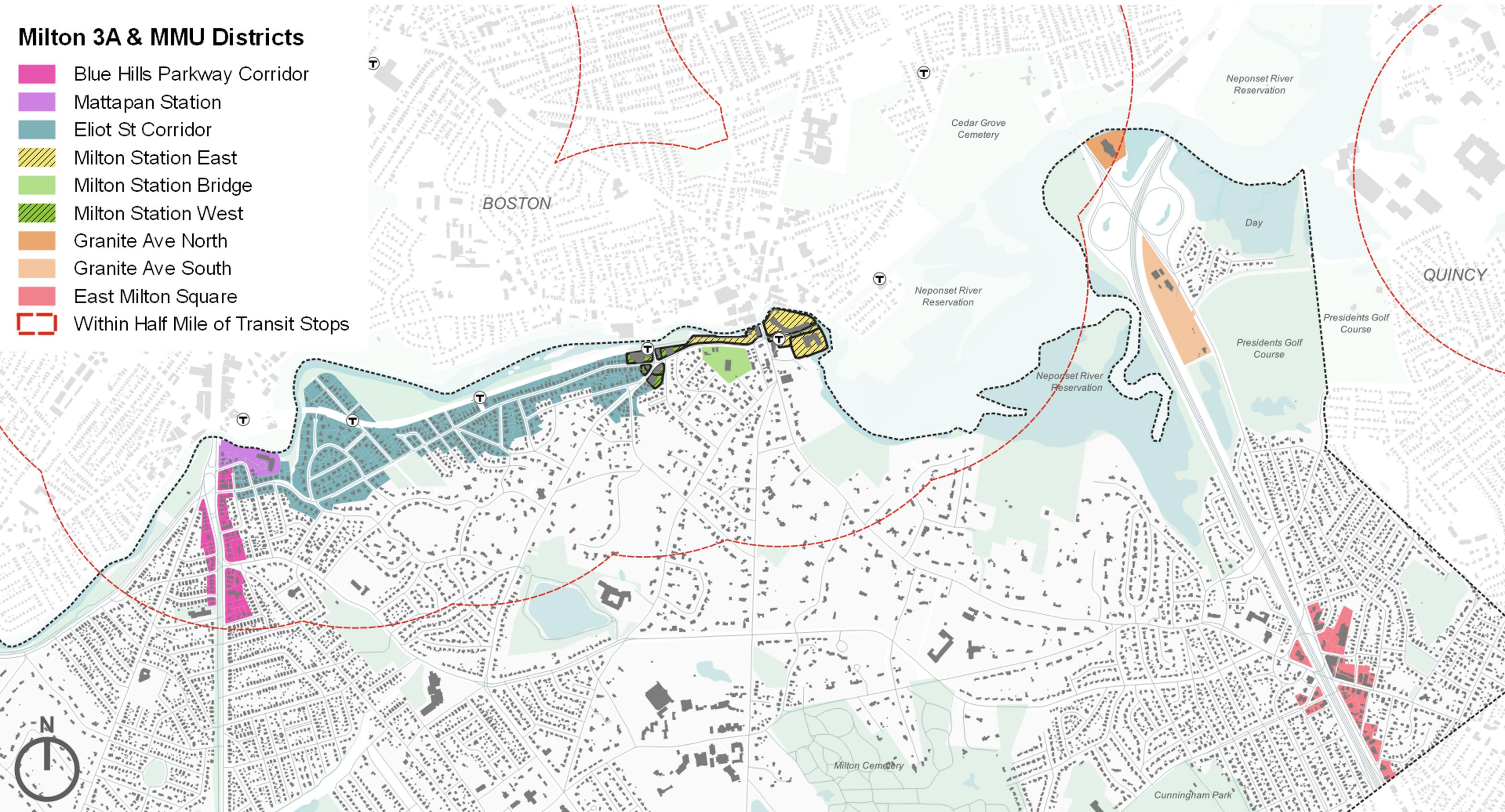
COMMENT: 

DRAFT

MBTA Communities Multi-family Overlay District Boundary Map

Milton 3A & MMU Districts

- Blue Hills Parkway Corridor
- Mattapan Station
- Eliot St Corridor
- Milton Station East
- Milton Station Bridge
- Milton Station West
- Granite Ave North
- Granite Ave South
- East Milton Square
- Within Half Mile of Transit Stops



ARTICLE 2 To see if the Town will vote to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaw, by changing the following subsections of [SectionTK]E. Milton/Central Avenue Station Subdistrict of Section [SectionTK]: MBTA Communities Multi-family Overlay District

2. Applicability

An applicant may develop mixed-use buildings up to 6 stories on certain large parcels in the area labeled East on the MCMOD Boundary Map, and up to 4.5 stories on certain large parcels in the area labeled West on the MCMOD Boundary Map, in accordance with the provisions of this subsection. An applicant may develop multi-family or mixed-use buildings up to 4.5 stories in the area labeled Bridge on the MCMOD Boundary Map, in accordance with the provisions of this subsection. Developments in the East and West areas of the Milton/Central Avenue Station Subdistrict require a multi-family component and a ground-floor non-residential component.

3. Uses Permitted As of Right. The following uses are permitted as of right within the Milton/Central Station Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor (required component in East and West areas)
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

- i. Non-residential use shall not exceed a maximum of 33 percent of the total area of a building or lot.
- ii. Non-residential uses shall be required in at least half of the ground floor of the building, provided the non-residential use does not exceed 33 percent of the total area of the building or lot. The ground floor may also include separate entrances for upper level uses, common areas, or lobbies.

9. **Number of parking spaces.** The following numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit
Minimum Spaces	
Non-residential component in a mixed-use development	No minimum

And to act on anything relating thereto.

Submitted by the Select Board

RECOMMENDED that the Town vote

COMMENT:

DRAFT

ARTICLE 3 To see if the Town will vote to transfer to the care, custody, management and control of the Conservation Commission the following parcels of land:

- (1) Approximately 1.82 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 57 Lot 3
- (2) Approximately 0.41 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 56 Lot 7
- (3) Approximately 2.95 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 56 Lot 8
- (4) Approximately 20.06 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 56 Lot 9
- (5) Approximately 1.81 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 56 Lot 10; and

to authorize the Select Board to obtain all necessary Governmental approvals necessary to accomplish the purpose of this article; and to act on anything relating thereto.

Submitted by the Select Board

RECOMMENDED that the Town vote to transfer to the care, custody, management, and control of the Conservation Commission, the following parcels of land:

- (1) **Approximately 1.82 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 57 Lot 3**
- (2) **Approximately 0.41 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 56 Lot 7**
- (3) **Approximately 2.95 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 56 Lot 8**
- (4) **Approximately 20.06 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 56 Lot 9**
- (5) **Approximately 1.81 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 56 Lot 10; and**

Vote to authorize the Select Board to obtain all necessary Governmental approvals necessary to accomplish the purpose of this article.

COMMENT:

ARTICLE 4 To see if the Town will vote to authorize the School Building Committee to employ an Owner's Project Manager, architects, engineers, or other professionals for the purposes of conducting feasibility studies and/or preparing detailed plans, specifications, working drawings, and other necessary documents for the construction and furnishing of a school building and employ surveyors, engineers or other professionals, and to pay expenses incidental thereto, involving the acquisition, disposition or transfer of land related to construction of such school building; to see what sum of money the Town will vote to appropriate for the purposes of this article; to see if the Town will vote to make this appropriation contingent on the Town's not participating in the school building assistance program administered by the Massachusetts School Building Authority; to determine how said appropriation shall be raised, whether by borrowing, transfer from available funds, or otherwise; and to act on anything relating thereto.

Submitted by the School Building Committee

RECOMMENDED that the Town vote to authorize the School Building Committee to employ an Owner's Project Manager, architects, engineers, or other professionals for the purposes of conducting feasibility studies and/or preparing detailed plans, specifications, working drawings, and other necessary documents for the construction and furnishing of a school building and employ surveyors, engineers or other professionals, and to pay expenses incidental thereto, involving the acquisition, disposition or transfer of land related to construction of such school building; and, appropriate \$400,000 from funds certified by the Department of Revenue as free cash for the purposes of this article, provided that no funds shall be expended from this appropriation if the Massachusetts School Building Authority ("MSBA") invites the Town of Milton into the MSBA program and the Town of Milton enters the MSBA program.

COMMENT: 

ARTICLE 5 To see by what sums of money the Town will vote to amend the appropriations voted at the 2023 Annual Town Meeting for the twelve-month period beginning July 1, 2023; and to determine how said appropriations shall be raised, whether by transfer from available funds or otherwise; and to act on anything related thereto.

Submitted by the Select Board

RECOMMENDED that the Town vote to amend the following appropriation voted by the 2023 Annual Town Meeting by the article referenced in the table below for the twelve-month period beginning July 1, 2023:

Department	2023 ATM Article	Current FY2024 Appropriation	FY2024 Adjustment	Revised FY2024 Appropriation
Reserve Fund	40	\$250,000	\$350,000	\$600,000

Total Amendment \$350,000

and that to meet said appropriation the sum of \$350,000 be raised from the tax levy.

COMMENT: _____.

ARTICLE 6 To see if the Town will vote to amend the Town of Milton bylaws by inserting the following new section:

Chapter 12, Article VIII Recordings

Section 12-33 Applicability

The public meetings of all elected public bodies shall be audio and/or video recorded.

The following elected public bodies are subject to this bylaw: Board of Assessors, Board of Health, Board of Park Commissioners, Library Board of Trustees, Planning Board, School Committee, Trustees of the Cemetery, and the Select Board.

Section 12-34 Exceptions

Notwithstanding any other provisions of this Bylaw, the following types of public meetings are not subject to Section 12-33, and therefore are not required to be audio and/or video recorded:

- Meetings of subcommittees of the elected public bodies identified in Section 12-33;
- Site visits and meetings conducted on property that the Town of Milton does not own or lease;
- Executive sessions; and
- Emergency meetings, held in accordance with M.G.L. c. 30A §20 provided that the elected public bodies shall make reasonable, good faith efforts to record emergency meetings.

In the event of technology failure or power disruption, the elected public body shall make reasonable, good faith efforts to audio and/or video record its meeting, but if despite such reasonable, good faith efforts the public body is unable to make such a recording, the elected public body shall not be required to cancel or adjourn its meeting.

Section 12-35 Posting of Recordings

All recordings shall be made publicly available within two weeks of the meeting date. For the purposes of this section, “publicly available” shall be defined as: available on the Town of Milton’s website, the MPEG Access, Inc. website, or through a third-party audio/video website to which the Town is authorized to add content, including, but not limited to the Town’s YouTube page, MPEG Access, Inc.’s YouTube page, or other social media website pages.

And to act on anything relating thereto.

Submitted by the Select Board

Recommended that the Town vote to refer the proposed bylaw back to the Select Board for further study.

COMMENT: 

ARTICLE 7 To see if the Town will vote to amend the Town of Milton bylaws by inserting the following new section:

To see if the Town will vote to establish a Local Historic District Commission for the purpose of aiding in the preservation and protection of the distinctive history, characteristics, and architecture of buildings and places significant in the history of the Town of Milton, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture, as outlined in the Aug 21, 2023 report of the Local Historic District Study Committee to the Massachusetts Historical Commission and the Milton Select Board;

to authorize the Select Board to appoint seven members to serve on the commission for a period of three years, one member nominated by the Milton Historical Commission, one member nominated by the local AIA chapter (American Institute of Architects), one member nominated by the Greater Boston Association of Realtors, one member shall be an “at large” resident of Milton living outside local historic district boundaries;

The Town of Milton hereby establishes a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended.

1. PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive history, characteristics, and architecture of buildings and places significant in the history of the Town of Milton, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

ALTERATION, TO ALTER – The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING – A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE – A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

COMMISSION – The Historic District Commission as established in this Bylaw.

CONSTRUCTION, TO CONSTRUCT – The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DISPLAY AREA – The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

DISTRICT – The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.

EXTERIOR ARCHITECTURAL FEATURE – Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED – The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

SIGNS – Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE – A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, historic stone wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING – A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

3. DISTRICT

The DISTRICT shall consist of one or more DISTRICT areas as established through this Bylaw and as listed in Section 13 (Appendices) as may be amended from time to time through this Bylaw.

4. COMMISSION

4.1 The DISTRICT shall be overseen by a COMMISSION consisting of seven (7) members who are residents of the town, to be appointed by the Board of Selectmen, two members initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.

4.2 The COMMISSION shall include, one member from two nominees solicited from the Milton Historical Commission, one member from two nominees solicited from the chapter of the American Institute of Architects covering Milton; one member from two nominees of the Greater Boston Association of Realtors covering Milton; one property owner from within each of the DISTRICT areas; and one at-large town resident living outside any of the DISTRICT areas. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

4.3 The Select Board may appoint up to four alternate members to the COMMISSION in a like manner. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two or three years, and for three year terms thereafter.

4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

4.5 Vacancies shall be filled in the same manner as the original appointment for an unexpired term.

4.6 Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.

4.7 Four members of the COMMISSION shall constitute a quorum.

4.8 All members shall serve without compensation.

5. COMMISSION POWERS AND DUTIES

5.1 The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

5.2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the

conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

5.3 The COMMISSION, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.

5.5 The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

6.1 Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public way, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.

6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

7. PROCEDURES FOR REVIEW OF APPLICATIONS

7.1 Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION an application for a CERTIFICATE of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the COMMISSION to enable it to make a determination on the application.

7.2 The COMMISSION shall determine within fourteen (14) business days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.

7.3 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.

7.4 If the COMMISSION determines that such application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Milton. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax

list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.

7.4.1 A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

7.5 Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION.

7.6 The concurring vote of a majority of the members shall be required to issue a CERTIFICATE.

7.7 In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.

7.8 If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.

7.9 If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.

7.10 The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.

7.11 If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the application for a CERTIFICATE, or within such further time as the

applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship Due to Failure to Act.

7.12 Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.

7.13 A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the regional planning agency. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the COMMISSION, unless a further appeal is sought in the Superior Court as provided in Chapter 4OC, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

8. CRITERIA FOR DETERMINATIONS

8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.

8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section IA of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view from a public way.

9. EXCLUSIONS

9.1 The COMMISSION shall exclude from its purview the following:

9.1.1 Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify.

9.1.2 Storm windows and doors, screen windows and doors, and window air conditioners.

9.1.3 The color of paint.

9.1.4 The color of materials used on roofs.

9.1.5 The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not

involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

10. CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Milton, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.

11. ENFORCEMENT AND PENALTIES

11.1 The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

11.2 The COMMISSION, upon a written complaint of any resident of Milton, or owner of property within Milton, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Milton to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty one (21) days of receipt of such request.

11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$500.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

11.4 The COMMISSION may designate the Building Commissioner of the Town of Milton to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

12. VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

13. APPENDICES

Appendix 1:

Milton Village District

The Milton Village District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Milton Village District are defined and shown on the Local Historic District Map of the Town of Milton, Sheet 1-2023 which is a part of this Bylaw. Sheet 1 is based on the 2023 town GIS map and was created with the help of the Town of Milton Engineering Department / GIS. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein. to see what sum of money the Town will vote to appropriate for the commission's purposes, including without limitation for the retention of architectural or other consultation services and historical research; to determine how said appropriation shall be raised, whether by borrowing or otherwise; and to act on anything relating thereto.

And to act on anything relating thereto.

Submitted by the Local Historic District Study Committee

RECOMMENDED that the Town vote to refer the proposed bylaw back to the Local Historic District Study Committee for further study.

COMMENT: 

DRAFT

ARTICLE 8 To see if the Town will vote to transfer to the care, custody, management, and control of the Conservation Commission, and to be subject to the provisions of Article 97, the following parcel of land: approximately 41.4+ acres of land, shown on the Town of Milton Assessor's Map as Map C Block 34A Lot 4 and to authorize the Select Board to obtain all necessary Governmental approvals necessary to accomplish the purpose of this article.

Submitted by Citizen's Petition. The following is a list of the first ten citizens who signed the petition:

Diane DiTullio Agostino	147 Ridgewood Road
Margaret T. Oldfield	397 Hillside Street
Stephen M. Kelleher	93 Nancy Road
Joan L. Gancarski	75 Oak Street
Anne Louise. Murphy	20 Mountain Laurel Path
Joseph F.. Murphy	20 Mountain Laurel Path
Michael Patrick Vaughan	32 Governor Belcher Lane
Nancy J. Vaughan	32 Governor Belcher Lane
Virginia M. Donahue King	377 Canton Avenue
John Paul King	377 Canton Avenue

RECOMMENDED that the Town vote No.

COMMENT: 

Town of Milton
525 Canton Ave
Milton, MA 02186

**Town Meeting will be held on
Monday, December 4, 2023
Beginning at 7:30 p.m.**

The Milton High School auditorium
is reserved for additional Town Meeting
sessions at 7:30 p.m. on December 11 and
December 12

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DRAFT

ECRWSS
POSTAL CUSTOMER RESIDENT
MILTON, MA 02186

Select Board Statement regarding Israel:

The Select Board unequivocally condemns in the strongest way Hamas's terrorist attacks perpetrated against innocent civilians. There is no rationalizing or excusing such atrocities. The attack has reopened painful memories and scars left by a long history of anti-semitism, and the genocide of the Jewish people. We support Israel's right to defend itself, and we stand with our Jewish neighbors in their time of need.

DRAFT