



**Select Board**

**Meeting Packet**

**May 28, 2024**



**MILTON POLICE DEPARTMENT**  
40 HIGHLAND STREET  
MILTON, MASSACHUSETTS 02186-3873  
PHONE: (617) 698-3800  
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JOHN E. KING  
CHIEF OF POLICE

April 22, 2024

Honorable Mark S. Coven,  
Trial Court of Massachusetts - District Court Department – Quincy Division

Dear Honorable Mark S. Coven,

Thank you for your invitation to participate in Law Day ceremonies at Quincy District Court on May 15, 2024. Please accept the following nomination for the Robert P. Dana Distinguished Service Award for Law Enforcement.

**Sergeant Brendan Douglas**

**Sergeant Timothy Doyle**

**Officer Henry Colligan**

**Officer Jason Conklin**

**Officer Travis Weekes**

**On Saturday May 20, 2023, Milton Police Officers Henry Colligan, Jason Conklin, Timothy Doyle, Brendan Douglas, and Travis Weekes responded to a shooting inside a multi-family dwelling. Upon arrival, officers secured a perimeter to the building and made entry. Officers located several individuals inside the victims' apartment. Based on the crime scene, officers proceeded to another apartment where they were able to quickly detain several other individuals.**

**These officers were able to arrest the party responsible for the shooting and recover three illegally possessed loaded firearms, included large capacity, and defaced serial numbers.**

**The officers' immediate investigation and quick actions were critical in solving the crime, making an arrest, and removing illegal firearms from the community.**

We look forward to Law Day and appreciate all you do on behalf of the Quincy District Court community.

JEK  
d-797

*John King*  
John E. King  
Chief of Police

## COMMITTEES OF THE SELECT BOARD

The Select Board may establish special committees of the Board apart from the existing standing committees, according to the following guidelines, provided that these guidelines apply only to committees of the Select Board and not to committees appointed by the Select Board pursuant to the Town's Bylaws or a charge by Town Meeting.

Any such committee shall be designated as either a "policy committee" or an "advisory committee." The former category shall comprise committees intended to develop a policy or policies to meet a specific need. The latter category shall comprise committees intended to provide ongoing expertise to the Board or the Town.

Committees of the Board may be proposed either by any member of the Board or by the Town Administrator. Any such proposal shall include a clear written statement of purpose for the proposed committee (including its designation as either a policy committee or an advisory committee). The committee will be established for the stated purpose by an affirmative vote by a majority of the Board.

Upon establishment of a committee, and after consultation with the proponent(s) of the committee's establishment, members of the Select Board, and the Town Administrator, a member of the Select Board delegated by the Board shall nominate its membership. The membership of a policy committee must include at least one member of the Select Board, who may ultimately bring the work of the committee to the table as a policy proposal.

Included in the Chair's nomination package shall be details (if any) about the length of service of individual members, resources to be provided to the committee either by the Select Board or the Town Administrator, and/or approximate dates on which the Select Board expects to see progress reports or other results of the committee's efforts. These nominations and details (if any) shall be subject to a majority vote of the Select Board.

Committees of the Select Board shall work with the Chair of the Select Board to define an effective working relationship with the Town Administrator, recognizing that 1) the Town Administrator's time is limited, and 2) the Town Administrator may be able to provide information and other valuable resources.

Committees of the Select Board are subject to all provisions of the Massachusetts "Open Meeting" Law, as well as all relevant policies of the Select Board. A committee may be dissolved by a vote of the Select Board at any time, and will be dissolved by a vote of the Select Board upon completion of its assignment.

<b>1<sup>st</sup> Reading:</b>	7/28/2021
<b>2<sup>nd</sup> Reading:</b>	4/6/2022
<b>Adoption:</b>	4/6/2022

## FINANCE COMMITTEE

### Goals

The finance committee shall meet regularly to review Town revenue and expenditures and to advise the Select Board and the Town Administrator on (1) the identification and presentation of capital needs, (2) the annual budget, (3) the 5-year financial plan, and (4) financial reports and other financial matters as requested by the Chair or three members of the Select Board. The finance committee shall also oversee the preparation of financial warrant articles for submission to the Warrant Committee in January of each year, and oversee the warrant preparation process for financial warrant articles on the Select Board's behalf.

### Membership

The finance committee shall consist of (2) members of the Select Board who shall be appointed by a majority vote of the Select Board.

### Procedures

The finance committee shall meet as needed, but no fewer than eight (8) times per year. The finance committee shall be a standing advisory committee. It shall be reorganized after the Annual Town Meeting. The finance committee may be dissolved only by a majority vote of the Select Board.

<i>1<sup>st</sup> Reading:</i>	7/28/2021
<i>2<sup>nd</sup> Reading:</i>	4/6/2022
<i>Adoption:</i>	4/6/2022

## **POLICY ADOPTION**

The adoption of new policies or the amendment of existing policies governing Town Government is solely the responsibility of the Select Board.

Policies will be adopted and/or amended only by the affirmative vote of a majority of the members of the Board, and only when such action has been scheduled on agendas of regular or special meetings of the Board as described below.

To permit time for study of all policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments will be included in Board members' informational packets, and will be presented to the Board for two readings as an agenda item, in the following sequence:

### First reading

During the first reading, the Policy Committee of the Board will explain the purpose of the proposed policy. If there is a report about the proposed policy, it will be heard at this time. Members of the Board shall pose questions and make suggestions for any redrafting as necessary.

### Second reading

The second reading shall normally be designated on the agenda after the first reading of the proposed policy. At this meeting, the Board will discuss the proposed policy, and then either adopt or reject the policy, or send it back to the Policy Committee for further study. Amendments to the policy at this action stage will not require another first and second reading, unless a majority of the Board so directs.

The Board may dispense with the above sequence only to respond to an "emergency condition," as designated by a majority vote of the Board. In such cases, only the second-reading procedure outlined above shall be followed, and policy adoption shall still require an affirmative vote of a majority of the members of the Board.

Policies will be effective upon the date of their adoption unless otherwise noted by the Board.

<b>1<sup>st</sup> Reading:</b>	<b>7/28/2021</b>
<b>2<sup>nd</sup> Reading:</b>	<b>4/6/2022</b>
<b>Adoption:</b>	<b>4/6/2022</b>

## Milton Affordable Housing Trust Committee Charge

The Milton Affordable Housing Trust Committee will establish a fund to support affordable housing development, provide the organizational framework to insure that new affordable housing is sensitive to local needs and gains the necessary political support. The Committee will serve the community in a number of important capacities:

- The Committee will become an effective broker for housing resources, including donated land and money that may be dedicated to affordable housing initiatives and managed by the Trust.
- The Committee will serve as an articulate advocate for affordable housing in the community, sponsoring events and special forums to bring attention to the issue and promote local support. This local outreach helps dispel negative stereotypes about affordable housing and create a more productive dialogue within the community.
- The Committee will work cooperatively with developers, for profit and non-profit, on actual development projects, to insure better compatibility with and to address local concerns, needs and priorities.
- The Committee at some time in the future will seek funding to manage special programs (e.g., employer-assisted housing, committed loan pools with area banks, outreach to seniors regarding reverse equity mortgages, research projects, and regional partnership efforts).
- These entities will be a vehicle for the community to expedite new production efforts such as acquiring property through the housing support fund and overseeing the implementation of local housing strategies.

## Chapter 30. Finances and Administration

### § 30-16. Capital improvement program.

- A. The Select Board shall establish and appoint a committee of nine persons to be known as the Capital Improvement Planning Committee. Said committee shall be composed of one member of the Select Board, one member of the Warrant Committee, one member of the Planning Board, one member of the School Committee, one member of the Board of Library Trustees, the Town Accountant, the Consolidated Facilities Director, and two members of the community at large. Members shall serve for a one-year term beginning on the 15th day of August in the year of appointment. The Committee shall choose its own officers.

[Amended 5-13-2013 ATM by Art. 46; 10-27-2014 FTM by Art. 5]

- B. The Committee shall study proposed capital projects and improvements involving major tangible assets and projects which have a useful life of at least five years and cost over \$25,000. All officers, boards and committees, including the Select Board and the School Committee, shall, by October 1 of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing five years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is first submitted to the committee as herein provided.

[Amended 5-1-2017 ATM by Art. 6]

- C. The Committee shall prepare an annual report recommending a capital improvement budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Select Board for its consideration and approval. The Board shall submit its approved Capital Budget to the Warrant Committee, which shall make its recommendation to Town Meeting for adoption by the Town.

- D. Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for survey, architectural or engineering advice, options or appraisals, but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than 10 years in the future.

[Amended 5-1-2017 ATM by Art. 6]

- E. The Committee's report and the Select Board members' recommended Capital Budget shall be published in the Town report.

## **ARTICLE 13 ESTABLISH A MASTER PLAN IMPLEMENTATION COMMITTEE**

To see if the Town will vote to authorize the Board of Selectmen and the Planning Board to appoint a Master Plan Implementation Committee for the purpose of reviewing the implementation plan within the Town's Master Plan, established under Massachusetts General Laws, Chapter 41, Section 81D, at least twice annually, and to recommend to the Planning Board and the Board of Selectmen the actions necessary to implement such plan, including timing, resources, and responsibilities. Said Committee is expected to report to the Planning Board and the Board of Selectmen at least twice annually.

Said Committee will report to Town Meeting at least annually, at the Town Meeting regularly scheduled in October or, if no such meeting is held, the next Annual Town Meeting. The report will contain the following information:

- (a) implementation steps accomplished within the past year;
- (b) anticipated steps to be accomplished within the next two years; and
- (c) resources, including Town Meeting appropriations or other actions, necessary to complete those steps.

Said Committee shall consist of five members to be appointed jointly by the Planning Board and the Board of Selectmen for terms that are renewed annually. One member shall be a member of the Planning Board or its designee and a second member shall be a member of the Board of Selectmen or its designee. The other members shall have expertise in planning, architecture, economic development, landscape architecture, real estate, or other relevant fields.

The Master Plan Implementation Committee will exist for ten years from the date of establishment by Town Meeting. Such term may be extended by vote of Town Meeting. At the end of ten years, said Committee shall report to the Planning Board, the Board of Selectmen, and Town Meeting its recommendation as to whether the Master Plan shall be updated under Massachusetts General Laws, Chapter 41, Section 81D;

and to act on anything thereto.

Submitted by the Planning Board and the Board of Selectmen

**RECOMMENDED that the Town vote to authorize the Board of Selectmen and the Planning Board to appoint a Master Plan Implementation Committee for the purpose of reviewing the implementation plan within the Town's Master Plan, established under Massachusetts General Laws, Chapter 41, Section 81D, at least twice annually, and to recommend to the Planning Board and the Board of Selectmen the actions necessary to**

implement such plan, including timing, resources, and responsibilities. Said Committee is expected to report to the Planning Board and the Board of Selectmen at least twice annually.

Said Committee will report to Town Meeting at least annually, at the Town Meeting regularly scheduled in October or, if no such meeting is held, the next Annual Town Meeting. The report will contain the following information:

- (a) implementation steps accomplished within the past year;
- (b) anticipated steps to be accomplished within the next two years; and
- (c) resources, including Town Meeting appropriations or other actions, necessary to complete those steps.

Said Committee shall consist of five members to be appointed jointly by the Planning Board and the Board of Selectmen for terms that are renewed annually. One member shall be a member of the Planning Board or its designee and a second member shall be a member of the Board of Selectmen or its designee. The other members shall have expertise in planning, architecture, economic development, landscape architecture, real estate, or other relevant fields.

The Master Plan Implementation Committee will exist for ten years from the date of establishment by Town Meeting. Such term may be extended by vote of Town Meeting. At the end of ten years, said Committee shall report to the Planning Board, the Board of Selectmen, and Town Meeting its recommendation as to whether the Master Plan shall be updated under Massachusetts General Laws, Chapter 41, Section 81D.

*COMMENT: The Master Plan will be presented to the Town in the Auditorium of the High School on September 29, 2014. The Master Plan Implementation Committee (MPIC) is the next step in evolving outcomes as recommended in the Master Plan. The MPIC will report to the Board of Selectmen and Planning Board as to actions necessary to realize the directives of the Master Plan, to map out strategies for those actions, and to monitor the progress of actions taken. It will report to the Town in general at the October Town Meeting and will have a charge of ten years, with an extension of that charge into the future at the discretion of Town Meeting.*

*The Warrant Committee feels strongly that the best way to capitalize on the investment made to date (\$125,000) in the Master Plan is to pass this article.*

*We believe the proposed committee will enliven the Plan and through constant involvement prevent its slow death on a dusty shelf.*

**ARTICLE 41** To see if the Town will vote to extend the term of the Master Plan Implementation Committee from ten (10) years to eleven (11) years; revise the Master Plan Implementation Committee membership requirements to include expertise in sustainability and climate change, conservation, facilities management, construction, public policy and diversity, equity, and inclusion; and, revise the charge to include recommending targeted updates to the Town's Master Plan and to submit those recommendations to the Planning Board and Select Board for approval.

Submitted by Master Plan Implementation Committee

**RECOMMENDED that the Town vote to:**

- (1) extend the term of the Master Plan Implementation Committee, established by Article 13 of the 2014 October Special Town Meeting, from ten (10) years to eleven (11) years.**
- (2) Insert the following sentence into the charge: "Said Committee is expected to recommend targeted updates to the Town's Master Plan and to submit those recommendations to the Planning Board and Select Board for approval."**
- (3) Revise the membership requirements as follows: "Said Committee shall consist of seven members to be appointed jointly by the Planning Board and the Select Board for terms that are renewed annually. One member shall be a member of the Planning Board or its designee and a second member shall be a member of the Select Board or its designee. The other members shall have expertise in planning, architecture, economic development, landscape architecture, real estate, *sustainability and climate change, conservation, facilities management, construction, public policy and diversity, equity and inclusion*, or other relevant fields."**

## **Select Board Milton Landing Committee**

### **Charge**

To advise the Select Board on the implementation of the Metropolitan Area Planning Council (MAPC) Waterfront Recreational Access Study at Milton Landing final summary report (2018), to advise the Select Board on and collaborate with the Planning Board on implementation of the Milton Village Mixed-use Planned Unit Development Overlay Zoning (2020); to identify and review opportunities for the augmentation of and expansion of active and passive open space connections to Milton Landing and the Neponset River waterfront area; to identify and review opportunities to enhance water access and quality of water for water-dependent uses and the activation of the blue economy.

**PROPOSED CHARGE FOR THE  
MUNICIPAL BROADBAND COMMITTEE**

The charge to the committee is to explore the possibility of creating a municipal fiber optic network for the benefit of Milton's residents, local business community, non-profit institutions and town government. The committee will develop a report surveying a number of broadband development subject areas, including but not limited to such an undertaking's capital cost. This report will make recommendations for the consideration of the Board of Selectmen and will report to the Board of Selectmen quarterly.

**ARTICLE 6** To see if the Town will vote to establish a School Building Committee for the purpose of planning the construction, alteration, renovation, remodeling, and furnishing of school buildings; to authorize the Moderator to appoint nine members to serve on the committee, two of whom shall be members of the School Committee; to see what sum of money the Town will vote to appropriate for the committee's purposes, including without limitation for the retention of architectural or other consultation services and for preliminary schematic drawings and specifications; to determine how said appropriation shall be raised, whether by borrowing or otherwise; and to act on anything relating thereto.

**VOTED.** The Town voted to establish a School Building Committee for the purpose of planning the construction, alteration, renovation, remodeling, and furnishing of school buildings and to authorize the Moderator to appoint nine members to serve on the committee, two of whom shall be members of the School Committee and two of whom shall be members of the Select Board or its designees.

**VOICE VOTE**

The Moderator declared the motion carried.

A motion was made and seconded to adjourn the meeting

**VOTED.** The Town voted YES.

**UNANIMOUS VOTE**

The meeting adjourned at 9:42 p.m.

Susan M. Galvin  
Town Clerk

## **Milton Youth Task Force**

### **Charge:**

The charge to the Milton Youth Task Force is to explore expanded opportunities and safe places for teenage students ages 11-18 to socialize and be productive within the Milton community, including but not limited to out-of-school time programming, and to make progress reports and recommendations to the Milton Select Board annually.

This teen centered Youth Task Force will consult with representatives from Town of Milton departments such as, but not limited to, the Select Board/Town Administrator, the Milton Public Library, the Milton Health Department, Milton Parks and Recreation, and the Milton Police Department.

The Youth Task Force is encouraged to engage with and bring together the various youth focused groups and initiatives at work in Milton such as, but not limited to, the Milton Library Teen Advisory Board, the Milton Youth Advocates for Change, athletic organizations, and fine and performing arts programs. The Youth Task Force is also encouraged to engage with representatives of Milton community institutions and organizations such as, but not limited to, Beth Israel Deaconess Medical Center, the Milton Interfaith Clergy Association, Curry College, and the Milton Chamber of Commerce.

### **Membership:**

Students shall represent unduplicated school grade levels, and the task force may not include members from the same immediate family at any one time.

The Youth Task Force shall have 10 members, and shall be appointed by the Select Board as follows:

- (i) Three teenage Milton residents, at least one of whom shall be a member of Milton Youth Advocates for Change
- (ii) Three parents or guardians of Milton teenage residents
- (iii) Two members with professional experience in youth programming
- (iv) A member of the Milton Coalition
- (v) A member of the Select Board

### **Term:**

Members shall be appointed for a term of 1 year, concurrent with the Town's fiscal year (July 1 to June 30). The Youth Task Force shall determine a chair and a recording secretary annually. Members shall be eligible for reappointment.

Adopted by the Select Board: December 6, 2022

## **Climate Action Planning Committee**

### **Charge or Statement of Purpose:**

The charge to the Milton Climate Action Planning Committee (“**CAPC**”) is as follows:

- 1) to review and evaluate Town bylaws, regulations, and policies and make recommendations for strategies for, including but not limited to, greenhouse gas emission reduction, mitigating climate risks, energy efficiency, and renewable energy as they affect the Town of Milton;
- 2) to solicit public input from experts, stakeholders, and residents;
- 3) to prepare a Climate Action Plan for consideration by Town Meeting that addresses the strategies and best practices for reducing community-wide greenhouse gas emissions from 1990 baseline levels in alignment with the targets set by Massachusetts law, which are currently by at least 50% by the year 2030 (M.G.L. Chapter 21N, Section 4(h)), by 75% by the year 2040 (M.G.L. Chapter 21N, Section 4(h)), and to net zero carbon emissions by the year 2050 (M.G.L. Chapter 21N, Section 3(b)(vi)); and
- 4) to measure the implementation and progress of the strategies set forth in a Climate Action Plan.

The Climate Action Plan should include:

- 1) Definition of the climate action goals for each decade through 2050, with a focus on the next decade;
- 2) Strategic options and incentives that seek to overcome barriers to implementation of climate action goals;
- 3) Recommendations for any solutions and innovations, structural changes, resource, or staffing recommendations that would assist in implementation;
- 4) Actions to promote environmental justice and to protect environmental justice populations and other disadvantaged groups and households from disproportionate effects of climate change;
- 5) Recommendations for implementing the plan across Milton ;
- 6) Recommendations for stakeholders who should be involved in implementing the plan; and
- 7) Measures that assist in tracking and reporting the Town’s progress towards fulfilling climate action goals.

The CAPC shall consult with residents, businesses, organizations, and representatives from Town of Milton departments such as, but not limited to, the Town Administrator, the Consolidated Facilities Department, the School Department, the Health Department, and the Planning Department. Also, the CAPC shall engage with other Milton committees and commissions having a related purpose.

The CAPC shall report to the Select Board at least semi-annually. The report will contain the following information:

- 1) the annual updated community-wide greenhouse gas emissions inventory showing progress towards the above-mentioned greenhouse gas emissions reduction goals (subject to data availability);
- 2) implementation steps accomplished within the past year;
- 3) anticipated steps to be accomplished within the next two years;
- 4) resources, including funding, necessary to meet its charge.

**Membership:**

The CAPC shall have up to eleven (11) members, and shall be appointed by the Select Board as follows:

- 1) one member of the Select Board or its designee;
- 2) one member of the School Committee or its designee;
- 3) one member of the Planning Board or its designee;
- 4) one member of the Conservation Commission or its designee;
- 5) one member of Sustainable Milton or its designee, as selected by Sustainable Milton;
- 6) one member of the Milton Chamber of Commerce or its designee, as selected by the Chamber;
- 7) one member selected by the Town Administrator; and
- 8) Three residents who shall have expertise in planning, energy infrastructure, sustainable architecture, carbon emission reduction, mitigating climate risks, energy efficiency, energy conservation, climate/social justice advocacy, community organizing, or other relevant fields, as selected by the Select Board; and
- 9) One high school student who is a Milton resident but may be attending any secondary school within or without the Town of Milton

**Term:**

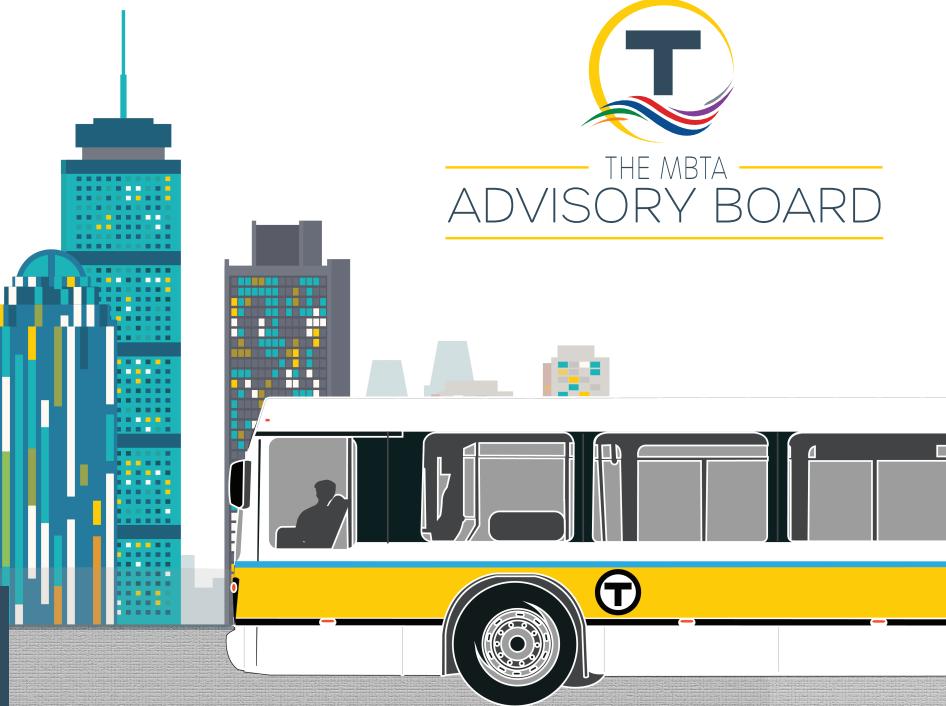
Members shall be appointed for a term of 1 year, concurrent with the Town's fiscal year (July 1 to June 30). The CAPC shall determine a chair and a recording secretary annually. Members shall be eligible for reappointment.

Initially Approved by the Select Board: January 18, 2023

Revisions Approved by the Select Board: April 23, 2024



THE MBTA  
ADVISORY BOARD



**The MBTA Advisory Board was established by the state legislature in 1964. Our mission is to provide public oversight of the Massachusetts Bay Transportation Authority (MBTA) on behalf of the 176 community members of the Advisory Board and the transit riding public. The MBTA Advisory Board provides policy guidance to the MBTA with the shared goal to provide effective and efficient transportation services in the metropolitan Boston area. The MBTA Advisory Board meets 4-6 times per year and collectively member communities contribute \$180 million to the MBTA annually.**

The MBTA Advisory Board provides policy guidance to the MBTA with the shared goal to provide effective and efficient transportation services in the metropolitan Boston area. The MBTA Advisory Board meets 4-6 times per year to review and comment on the MBTA's annual budget and operations.

- Provide a voice for riders, taxpayers and the public**
- Brief Mayors, Select Boards, City/Town Managers, press and members of the public on MBTA issues**
- Review and comment on MBTA's operations and capital programs that may have budgetary implications**
- Monitor the MBTA policies through the lens of economic and environmental justice and social equity**

## ABOUT US

[QR CODE TO MAP]

# WHAT WE DO



## REVIEW ANNUAL BUDGET

The MBTA Advisory Board plays a key role in the allocation of federal funds for MBTA capital-related projects. The MBTA Advisory Board annually completes a thorough and rigorous independent review of the MBTA's spending. Through its members, committees, and staff the Advisory Board provides public oversight of MBTA operations, budgets, policies, and activities.



## MONITOR SERVICE & OPERATIONS

The Board monitors the actions of the MBTA's Board of Directors, the Authority's operations, service levels, fares, activities, as well as working conditions, equity, accessibility, and sustainability of the MBTA system to ensure transparency, accountability, and clarity of decision making to its members and the people of the Commonwealth.



## SUPPORT A MORE EQUITABLE MBTA

The Advisory Board monitors the MBTA policies through the lens of economic and environmental justice and social equity.



## SERVE AS A COMMUNITY RESOURCE

The Advisory Board is a resource for the public and a voice advocating to the MBTA on behalf of the people. It provides an annual evaluation of the Authority's annual Capital Investment Program (CIP) and the operations budget to its members and the public.



## ADVISE LOCAL APPOINTED AND ELECTED LEADERS

The Advisory Board will brief Mayors, Select Boards, City/Town Managers and staff on MBTA issues. The Board reviews, advises, and confers with municipalities on the MBTA multi-year capital budget and operations budget.

# MEMBERSHIP

The membership of the organization consists of a representative of each city or town in the MBTA service district. This could be the municipality's Selectboard Chair, Mayor, City/Town Manager, or their designee that serves at the pleasure of the municipality. Each member represents, speaks for, and votes for their municipality on the Advisory Board.

One (1) member of the Advisory Board sits as a member of the MBTA Board of Directors. Currently, that position is held by Mayor Koch of the City of Quincy.

## *Proclamation*

*WHEREAS, amyotrophic lateral sclerosis (ALS), known by many as Lou Gehrig's disease is a progressive fatal neurodegenerative disease that attacks nerve cells in the brain and spinal cord, making even the simplest movements—walking, speaking, and gesturing—difficult; and,*

*WHEREAS, approximately 5,000 people are diagnosed with ALS each year, with a new diagnosis every 90 minutes; and*

*WHEREAS, ALS has no cure, and securing access to new therapies, durable medical equipment, and communication technologies is of vital importance to people living with ALS. In addition, clinical trials play a pivotal role in evaluating new treatments, enhancing the quality of life, and fostering assistive technologies for all ALS patients; and*

*WHEREAS, 2024 marks the 10<sup>th</sup> Anniversary of the ALS Ince Bucket Challenge, but there is a great need for public awareness and investments in ALS research in order to eradicate this debilitating disease; and*

*WHEREAS, May is dedicated as ALS Awareness Month. A campaign to encourage individuals to learn more about the circumstances facing people with ALS, the detrimental impact of this disease, and its effects not only a patient, but on his or her family and the community;*

*NOW, THEREFORE, WE, the Milton Select Board proclaim the month of May as ALS Awareness Month in Milton, Massachusetts.*

*GIVEN THIS DAY, Tuesday, May 28, 2024*

*Signed by the Chair, on behalf of the Select Board* \_\_\_\_\_

*Richard G. Wells, Jr., Chair*

*Roxanne F. Musto., Vice Chair  
John C. Keohane, Secretary  
Erin G. Bradley, Member  
Benjamin D. Zoll, Member*

# *Proclamation*

*WHEREAS, the Town of Milton is a friendly and welcoming community that celebrates and promotes diversity and inclusion; and*

*WHEREAS, the Town of Milton recognizes the importance of equality and freedom; and*

*WHEREAS, the Town of Milton recognizes that our Nation was founded upon the principles that all people are created equal and that each person has the right to life, liberty and the pursuit of happiness; and*

*WHEREAS, the Town of Milton is dedicated to fostering acceptance of all its residents and preventing discrimination and mistreatment based on sexual orientation or gender identity; and*

*WHEREAS, the Town of Milton is strengthened by and thrives upon the rich diversity of ethnic, cultural, racial, gender and sexual identities of its residents; all of which contribute to the vibrant character of our Town; and*

*WHEREAS, the Town of Milton recognizes the importance and contributions of members of the Lesbian, Gay, Bisexual, Transgender, Queer and Questioning (LGBTQ) community.*

*NOW, THEREFORE, We, the Select Board and on behalf of the Town of Milton, hereby proclaim and recognize the month of June as Lesbian, Gay, Bisexual, Transgender, Queer and Questioning (LGBTQ) Pride Month, and we urge all residents to actively promote the principles of equality and liberty.*

*GIVEN THIS DAY, Tuesday, May 28, 2024*

*Signed by the Chair, on behalf of the Select Board* \_\_\_\_\_

*Richard G. Wells, Jr., Chair*

*Roxanne F. Musto., Vice Chair*

*John C. Keohane, Secretary*

*Erin G. Bradley, Member*

*Benjamin D. Zoll, Member*

# **LOCAL INITIATIVE PROGRAM APPLICATION FOR LOCAL ACTION UNITS**

## **Introduction**

The Local Initiative Program (LIP) is a state housing initiative administered by the Executive Office of Housing and Livable Communities (EOHLC) to encourage communities to produce affordable housing for low- and moderate-income households.

The program provides technical and other non-financial assistance to cities or towns seeking to increase the supply of housing for households at or below 80% of the area median income. LIP-approved units are entered into the subsidized housing inventory (SHI) pursuant to Chapter 40B.

Local Action Units (LAUs) are created through local municipal action *other than* comprehensive permits; for example, through special permits, inclusionary zoning, conveyance of public land, utilization of Community Preservation Act (CPA) funds, etc.

The Department shall certify units submitted as Local Action Units if they meet the requirements of 760 CMR 56.00 and the Local Initiative Program Guidelines, which are part of the Comprehensive Permit Guidelines and can be found on the EOHLC website at [www.mass.gov/eohlc](http://www.mass.gov/eohlc).

To apply, a community must submit a complete, signed copy of this application to:

**Executive Office of Housing and Livable Communities  
100 Cambridge Street, Suite 300  
Boston, MA 02114**

**Attention: Alyxandra Sabatino, LIP/HOP Coordinator  
Telephone: 617-573-1328  
Email: alyxandra.sabatino@mass.gov**

## **Community Support Narrative, Project Description, and Documentation**

### **71-73 Warren Avenue**

On April 25<sup>th</sup>, 2019, the Milton Planning Board granted a Special Permit to Wolcott Residential, LLC for a lot of land on 1672-1726 Canton Ave, which, as permitted allowed for a well-designed multi-unit townhouse development containing a total of 54 new units. In addition, the Special Permit requires and authorizes Wolcott Residential, the developer, to develop six (6) units for low or moderate income households ("Affordable Units"), which may be developed on or off-site. The Affordable Units may be located within single or two-family dwellings in other areas of the Town of Milton, provided that each unit contain at least two (2) bedrooms, a kitchen, dining area, living room area and at least one full bathroom. Affordable Units are required to be developed at the same pace, or sooner, as the on-site market rate units. All six (6) Affordable Units will be burdened with a deed rider to ensure perpetual Affordable Unit status.

The 71-73 Warren Avenue application applies to the third installment of the Wolcott Woods off-site affordable unit production and delivery requirement. The first installment was comprised of two (2) units located at 92 Brush Hill Road. The 92 Brush Hill Road units were conveyed to homeowners in July 2022. The 2-bedroom condominium was conveyed at a price of \$299,100, and the 3-bedroom condominium was conveyed for \$332,200.

The second installment was comprised of two (2) units located at 34 Fairbanks Road. The 34 Fairbanks Road units were conveyed to homeowners in November 2023. The two 2-bedroom, 1-bath condominiums were conveyed at a price of \$264,000 each.

The residences at 71-73 Warren Avenue consist of 3,341 square feet of living space in a two-family residential structure containing one 3-bedroom, 1- bath unit, and one 4-bedroom, 2-bath unit. See the attached listing sheet for additional details on the property.

Wolcott Residential, LCC proposes to enhance each unit in accordance with the attached list dated April 24, 2024. The two-family structure will be divided into two (2) residential condominiums and sold through an approved lottery program to two eligible households.

## Signatures of Support for the Local Action Units Application

**Chief Executive Officer:**

*defined as the mayor in a city and the board of selectmen in a town, unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter*

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Chair, Local Housing Partnership:**

(as applicable)

Signature \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Municipal Contact Information:**

**Chief Executive Officer:** Name: [Richard G. Wells, Jr.](#)  
Address: [Town Office Building, 525 Canton Ave](#)  
[Milton, MA 02186](#)  
Phone: [617-898-4843](#)  
Email: [rwell@townofmilton.org](mailto:rwell@townofmilton.org)

**Town Administrator/Town Manager/Mayor:** Name: [Nicholas Milano](#)  
Address: [Town Office Building, 525 Canton Ave](#)  
[Milton, MA 02186](#)  
Phone: [617-898-4843](#)  
Email: [nmilano@townofmilton.org](mailto:nmilano@townofmilton.org)

**City/Town Planner:** Name: [Tim Czerwienski](#)  
Address: [Town Office Building, 525 Canton Ave](#)  
[Milton, MA 02186](#)  
Phone: [617-898-4969, 617-898-4847](#)  
Email: [tczerwienski@townofmilton.org](mailto:tczerwienski@townofmilton.org)

**Town Counsel:** Name: NA  
Address:  
Phone:  
Email:

**Chair, Local Housing Partnership (if any):** Name: [Tom Callahan, Julie Creamer](#)  
Address: [Town Office Building, 525 Canton Ave](#)  
[Milton, MA 02186](#)  
Phone: [617-484-4800](#)  
Email: \_\_\_\_\_

**Community Contact Person:** Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**The Project:**

<b>Developer:</b>	<u>Name:</u> <a href="#">Wolcott Residential, LLC</a> <u>Attention:</u> John C. Dawley
	<u>Address:</u> <a href="#">80 Beharrell Street, Suite E</a> <a href="#">Concord, MA 01742</a>
	<u>Phone:</u> <a href="#">John C. Dawley 781-229-4704</a>
	<u>Email:</u> <a href="mailto:jdawley@northlandresidential.com">jdawley@northlandresidential.com</a>
<b>Project Site:</b>	<u>Address:</u> <a href="#">71-73 Warren Ave.</a> <a href="#">Milton, MA 02186</a>

Is your municipality utilizing any HOME or CDBG funding for this project? Yes        No        X       

Local tax rate per thousand \$      10.92       For Fiscal Year       2024      

Site Characteristics: proposed or existing buildings by design, ownership type, and size.

<u>Project Style</u>	<u>Total Number of Units</u>	<u>Number of Units Proposed for Local Action Units Certification</u>
Detached Single-family house		
Row house/townhouse	<u>1 (73)</u>	
Duplex		
Multifamily house (3+ family)		
Multifamily rental building		
Other (please specify)	<u>1 (71)</u>	<u>1</u>

**Unit Composition**

<u>Type of Unit</u> (Condo/Fee Simple/ Rental)	<u># of Units</u>	<u># of BRs</u>	<u># of Baths</u>	<u>Gross Square Feet</u>	<u>Livable Square Feet</u>	<u>Proposed Sales Prices/Rents</u>	<u>Proposed Condo Fee/ Utility Allowance</u>
Affordable: Unit # 71 (First Floor Unit)	1	3	1 Full		1,410	\$315,900	\$221.52
Unit # 73 (Second & Third Floors Unit)	1	4	2 Full		1,931	\$337,700	\$236.81
Market:	0	N/A	N/A				
<b>Total:</b>	<b>2</b>	<b>7</b>	<b>3</b>		<b>3,341</b>		

**Please attach the following documents to your application:**

1. Documentation of municipal action (e.g., copy of special permit, CPA funds, land donation, etc.)

2. Long-Term Use Restrictions (request documents before submission):

**For ownership projects**, this is the Regulatory Agreement for Ownership Developments, redlined to reflect any proposed changes, and/or the model deed rider.

**For rental projects**, this is the Regulatory Agreement for Rental Developments, redlined to reflect any proposed changes.

**For HOME-funded projects**, this is the HOME covenant/deed restriction. When attaching a HOME deed restriction to a unit, the universal deed rider cannot be used.

3. Documents of Project Sponsor's (developer's) legal existence and authority to sign the Regulatory Agreement:

- appropriate certificates of Organization/Registration and Good Standing from the Secretary of State's Office
- mortgagee consents to the Regulatory Agreement
- Trustee certificates or authorization for signer(s) to execute all documents
- Copy of Site Plan

4. For Condominium Projects Only: The Master Deed with schedule of undivided interest in the common areas in percentages set forth in the condominium master deed

5. For Rental Projects Only: A copy of the lease with lease addendum and Local Housing Authority's current Utility Allowances

6. MEPA (Massachusetts Environmental Policy Act) environmental notification form (ENF) for new construction only (request form before submission)

7. Affirmative Fair Marketing and Lottery Plan, including:

- ads and flyers with HUD Equal Housing Opportunity logo
- informational materials for lottery applicants
- eligibility requirements
- lottery application and financial forms
- lottery and resident selection procedures
- request for local preference and demonstration of need for the preference
- measures to ensure affirmative fair marketing, including outreach methods and venue list
- name of Lottery Agent with contact information

See Section III of the Comprehensive Permit Guidelines at: <http://www.mass.gov> (enter LIP 40b guidelines in Search field) for more information.

**PLEASE** contact our office if you have any questions: 617-573-1328.

71-73 Warren Avenue, Milton

2-Family Home Conversion

**Home Renovation/Work List**

Pursuant to Site Walk 4/19/24

**Exterior**

1. Inspect garage roof; repoint garage walls.
2. Clean backyard flatwork; clean up yard, perform landscape tidy up.
3. Reconnect downspout RHS of front façade.
4. Verify condition of roof.
5. Evaluate condition of street-facing dormer; repair/paint as needed.

**Interior**

6. Install an air-handler in basement and run duct work supplies and return(s) as necessary to air condition first floor with condensing unit located outside.
7. Replace faceplates and electrical outlets as needed in downstairs unit.
8. Downstairs stove to be replaced with like-quality of existing stove.
9. Install tub in first floor unit.
10. Inspect all windows.
11. Clean basement; build secure storage for each unit.
12. Assess water heater for first floor; replace if necessary.
13. Service heating and cooling equipment.
14. Verify all utilities are separately metered.

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**Commonwealth of Massachusetts  
Town of Milton**

**SPECIAL PERMIT, SITE PLAN APPROVAL AND SCENIC ROAD PERMIT**

**For Great Estate Planned Unit Development  
1672-1726 Canton Avenue  
Wolcott Residential, LLC, Owner and Applicant**

Pursuant to Section III, Subsection Q of Chapter 10 of the General Bylaws (Section III, Subsection Q) known as the Zoning Bylaws, after hearing, the Planning Board of Milton, duly constituted as the special permit granting authority, subject to the terms and conditions hereinafter listed, grants a Special Permit for a planned unit development to Wolcott Residential, LLC (hereinafter the "Owner/Applicant") and its successors and/or assigns for a lot of land containing approximately 46 acres known and numbered as 1672-1726 Canton Avenue (the "Property"). Concurrent with this grant of a Special Permit, pursuant to Section VIII.D., the Planning Board grants Site Plan Approval for the planned unit development and a Scenic Road Permit for the removal and replacement of a portion of the stone wall at the main site entrance. The requirements of this Special Permit, Site Plan Approval and Scenic Road Permit (the "Permits") are hereafter set out.

**Enforceability and Enforcement**

Use of the Permits for creation and maintenance of a planned unit development constitutes and requires acceptance by the Owner/Applicant of the requirements of the Permits. The requirements are independent obligations of the Owner/Applicant and run with the land as obligations of all subsequent owners and lessees and the condominium association and shall be enforceable in court by the Town by an action for specific performance, an action for declaratory judgment and/or an action for damages against Owner/Applicant, its successors or assigns, and upon completion against the condominium association and/or some or all of the owners or lessees of the condominiums in the planned unit development.

**Incorporation of Site Plan, Elevations, Floor Plans and Management Plans**

The Permits incorporate a plan set entitled "Wolcott Woods, Great Estate Planned Unit Development, 1672-1726 Canton Avenue, Milton, Massachusetts" (the "Site Plan") containing the following sheets, all dated August 31, 2018, revised April 1, 2019:

1. Cover and Index (Sheet C1.1)
2. General Notes, Legend, Symbols & Abbreviations (Sheet C1.2)
3. Existing Conditions Plan (Sheet C2.1-C2.4)
4. Site Layout Plan (Sheet C3.1-C3.4)
5. Grading and Drainage Plan (Sheet C4.1-C4.4)
6. Utility Plan (Sheet C5.1-C5.4 and C5.1 Alt.-C5.3 Alt.)
7. Roadway Plan & Profile (Sheet C6.1-C6.5)
8. Overall Site Cross Sections (Sheet C7.1-C7.5)
9. Demolition Plan (Sheet C8.1-C8.4)

10. Construction Phasing & Erosion Control Plan (Sheet C9.1-C9.4)
11. Construction Details (Sheet C10.1-C10.7)
12. Open Space Area Plan (Sheet OS1.1)
13. Open Space Management Plan (Sheet OS1.2)
14. Landscape Site Plans (Sheets L1.0-L1.4)
15. Entrance Landscape Plan (Sheet L2.0)
16. Devens House Landscape Plan (Sheet L2.1)
17. Manor House Landscape Plan (Sheet L2.2)
18. Typical Unit Landscape Plan (Sheet L2.3)
19. Wolcott House Landscape Plan (Sheet L2.4)
20. Landscape Detail Plans (Sheets L3.0-L3.2)
21. Tree Preservation Plan (Sheet TP)
22. Architectural Design Set (Sheets 1-18)

The documents listed above comprise the Site Plan, which is incorporated into the Permits by reference and made a part of the Permits as Exhibit A and shall be contemporaneously recorded with the Permits at the Norfolk County Registry of Deeds.

In the event of a conflict between any provision of the Site Plan and any provision of this Special Permit, Site Plan Approval and Scenic Road Permit, the provision of this Special Permit, Site Plan Approval and Scenic Road Permit shall take priority.

Determination of Compliance with Standards and Grant of Permits. Section III, Subsection Q, Paragraph 16 of the Zoning Bylaws refers to the general standards set out in Section IX, which are to be employed by the Planning Board in evaluating an application for a special permit for planned unit development. The applicant is required to demonstrate that, in addition to meeting the specific standards in Section III, Subsection Q, as amended through the February, 2019 Milton Special Town Meeting, the special permit may be issued without substantial detriment to the public good and without substantial derogation from the intent and purpose of the bylaw, taking into account appropriate conditions and limitations necessary for the legitimate use of property in the neighborhood and the health and safety of the public. The Planning Board determines that all applicable standards will be met by compliance with the Requirements herein set out. The Planning Board hereby grants the Permits subject to those Requirements. All buildings, infrastructure, roadways, walkways, plantings, earth moving, landscaping and all other features, shall be constructed and maintained as specified. No construction shall deviate substantially from the Requirements without the approval of the Planning Board.

Requirements (the “Requirements” or “requirements”):

1. Authorized Development. These Permits authorize a well-designed multi-unit townhouse development to (i) provide an added diversity of housing types in the Residence AA district attractive to households desirous of downsizing from larger single family dwellings and whose occupancy shall be limited to persons aged fifty-five and over; (ii) provide housing for six (6) households unable to pay full market price in other locations within the Town; (iii) provide dedicated Open Land, including well-maintained protective buffer zones with outstanding landscape design; (iv) permit the maintenance of two (2) pre-1900 historic houses and one (1) pre-1950 house through their conversion into condominium dwelling units; (v) provide quality land planning that preserves view corridors, existing lawns and meadows, wooded areas and natural features; and (vi) provide quality architectural design and ensure long-term preservation and maintenance of the development. The development includes streets, driveways, Open Land and other features. The development shall be

constructed as specified in the Site Plan and in accordance with the Requirements. All notes and specifications appearing on the Site Plan are Requirements unless otherwise herein specified.

2. Traffic Mitigation and Signage. Traffic Mitigation and Signage requirements are specified in the plan attached as Exhibit B which is incorporated herein and made a part hereof.
3. Tree Preservation and Protection Requirements. Tree Preservation and Protection Requirements are specified in the attached Exhibit C which is incorporated herein and made a part hereof.
4. Construction Management and Phasing Requirements. Construction Management and Phasing Requirements are specified in the attached Exhibit D which is incorporated herein and made a part hereof.
5. Standards for Retention of Historic Dwellings. A memorandum, outlining standards for the exterior maintenance of the Devens House, Wolcott House and Manor House has been submitted by the Milton Historical Commission and consented to by the Owner/Applicant, in the attached as Exhibit E which is incorporated herein and made a part hereof.
6. Authorized Development of Buildings.
  - a. The Devens House. Renovation and redevelopment of the building identified on the Site Layout Plan (Sheet C3.2) as "Devens House" (the "Devens House") into one condominium unit shall conform in all respects to the Site Plan. The appearance of the Devens House and the floor layout shall be as shown on the Architectural Design Set (Sheets 2 and 3). Exterior restoration work shall also conform to the comments contained in Exhibit E. Future modifications to the exterior of the Devens House shall require review and approval of the Planning Board.
  - b. The Devens House Cluster. There shall be 2 single-family townhouse (Type A) units in a small cluster located behind the Devens House. These units (Bldg. #1 and Bldg. #2) shall be located as shown on the Site Plan (Sheet C3.2). The appearance of the new townhouse units and the floor layouts shall be as shown on the Architectural Design Set (Sheets 4-6).
  - c. The Wolcott House. Renovation and redevelopment of the building identified on the Site Layout Plan (Sheet C3.4) as "Wolcott House" (the "Wolcott House") into one condominium unit with a new attached two car garage shall conform in all respects to the Site Plan. The appearance of the Wolcott House and the floor layout shall be as shown on the Architectural Design Set (Sheets 7 and 8). Exterior restoration work shall also conform to the Milton Historical Commission's comments contained in Exhibit E. Future modifications to the exterior of the Wolcott House shall require review and approval of the Planning Board.
  - d. The Wolcott House Cluster. There shall be 11 units in single (Type A) and two-family (Type BC and BD) townhouses in a cluster located proximate to the Wolcott House. The units (contained in Bldg. #8, Bldg. #9, Bldg. #10, Bldg. #13, Bldg. #14, Bldg. #15 and Bldg. #16) shall be located as shown on the Site Plan (Sheet C3.4). The appearance of the new townhouse units and the floor layouts shall be as shown on the Architectural Design Set (Sheets 9-11, 16 and 17).

- e. The Manor House. Renovation and redevelopment of the building identified on the Site Layout Plan (Sheet C3.1) as "Manor House" (the "Manor House") into two condominium units with two new attached two-car garages shall conform in all respects to the Site Plan. The appearance of the Manor House and the floor layout shall be as shown on the Architectural Design Set (Sheets 12-14). Exterior renovation work shall also conform to the Milton Historical Commission's comments contained in Exhibit E. Future modifications to the exterior of the Manor House shall require review and approval the Planning Board.
- f. The Manor House Cluster. There shall be 2 single-family townhouse (Type A and C) units in a small cluster located behind the Manor House. The units (contained in Bldg. #3 and Bldg. #4) shall be located as shown on the Site Plan (Sheet C3.1). The appearance of the new townhouse units and the floor layouts shall be as shown on the Architectural Design Set (Sheet 15).
- g. Upper Meadow and Various Wooded Locations. There shall be 35 units in 5 single-family townhouses (Type A and C) and 15 two-family townhouses (Type BC, BD and CD) within the Upper Meadow and other wooded areas of the site. The units (contained in Bldg. #5, Bldg. #6, Bldg. #7, Bldg. #11, Bldg. #12, Bldg. #17, Bldg. #18, Bldg. #19, Bldg. #20, Bldg. #21, Bldg. #22, Bldg. #23, Bldg. #24, Bldg. #25, Bldg. #26, Bldg. #27, Bldg. #28, Bldg. #29, Bldg. #30 and Bldg. #31) shall be located as shown on the Site Plan (Sheets C3.3 and C3.4). The appearance of the new townhouse units and the floor layouts shall be as shown on the Architectural Design Set (Sheets 9-11, 16 and 17).
- h. The Mail Station Building. Development of a small "Mail Station Building" containing approximately 121 square feet designed to house mailboxes for the units and a closet containing control panels for the Property's utility, irrigation and lighting systems, identified on the Site Layout Plan (Sheet C3.1), which shall conform in all respects to the requirements of these Permits. The Mail Station Building of a traditional design with traditional materials shall be located as shown, proximate to the intersection of the main entry road and the upper loop roadway; its appearance shall be as shown on the Architectural Design Set (Sheet 18). There shall also be a small parking area for 4 vehicles proximate to the Mail Station Building.
- i. Housing Types/Accessible Units. These Permits authorize two (2) housing types on site. The first shall be condominium units contained in the Manor House, Wolcott House and Devens House, structures that will be retained, renovated and converted to either single or two-family use. New garages shall be added to the Wolcott House and Manor House. There shall also be 12 units in single-family style, free-standing buildings, and 38 units in 19 two-family townhouse buildings for a total of 31 new buildings. Each townhouse unit shall contain an attached one-or two-car garage. All townhouse units shall be developed as condominium units and each unit shall be separately owned and occupied, provided that the owner of one unit who occupies such unit may own one or more other units. Five percent of the units (3 units) shall be handicapped accessible. The accessible units shall be developed at the same rate as the balance of the units (i.e., one (1) accessible unit shall be developed for every 18 units).
- j. Number of Units; Setbacks. These Permits authorize 54 dwelling units on the site. The setbacks of buildings from the front and side lot lines as shown on the Site Plan exceed the minimum requirement of 250' and 175', respectively. The 2 new units in the Devens House Cluster shall be set back at least 250' from the site's frontage on Canton Avenue.

The remainder of the new townhouse units shall be set back at least 550' from such frontage. All buildings shall be set back at least 100' from the rear lot line.

- k. Height. The Manor House, Devens House and Wolcott House shall be re-developed at their existing heights. All other buildings shall not exceed a height of 35 feet above mean finished grade as shown on the Site Plan and as subject to requirements of paragraph 19 herein, or contain more than 2 stories, exclusive of their basements, which may be finished. The term "story", as used in this Permit, shall not include a basement so long as the final finished floor heights and finished grades are substantially in conformance with those shown on the Site Plan. Any accessory buildings shall not exceed a height of 20 feet or contain more than one story.
- l. Living Area and Numbers of Bedrooms. There shall be no more than 140 bedrooms in the development with an average of no more than 2.6 bedrooms per unit. Unit 1 in the Manor House shall contain approximately 3,275 square feet of living area and 2 bedrooms. Unit 2 in the Manor House shall contain approximately 2,850 square feet and 2 bedrooms. The Wolcott House and the Devens House shall be developed to contain their existing living areas and there shall be 3 bedrooms in each. New townhouse units shall contain no more than 3,600 square feet of living area, including area within a finished basement. New townhouse units shall each contain a master bedroom on the first floor and may contain one or two bedrooms on the second floor.
- m. Building Design: General. The Planning Board finds that the Site Plan meets the requirements of the Design Standards for Buildings contained within the bylaw. The architectural plans provide a significant variation of design through the use of different combination of unit types, forms, garage door styles, materials and colors. Any change to the architectural design of the buildings shall be subject to review and approval of the Planning Board prior to issuance of building permits.
- n. Building Design: Garages. Some of the garages in the new townhouse buildings will have a degree of prominence when viewed from the new roadway. In particular, garage doors in duplex units in Bldg. #5, Bldg. #6, Bldg. #7, Bldg. #11, Bldg. #12, Bldg. #13, Bldg. #16, Bldg. #20, Bldg. #21, Bldg. #23, Bldg. #24, Bldg. #29, Bldg. 30 and Bldg. #31 generally face the roadway and have the potential to take on an unintended prominence relative to their buildings. The Planning Board recognizes that the roadways are curvilinear in nature, both vertically and horizontally, such that the garages will not form an unbroken plain massed along the roadway edge. In addition, the Landscape Plan fills in street edges with trees and other plantings that work in harmony with the architecture.
7. Site Plan Design. The Planning Board finds that the Site Plan meets the requirements of the Site Plan Design Standards contained within the bylaw. Street layouts take into account the existing historic structures to be preserved, the existing terrain and significant landscape features, including mature trees, groves of trees, meadows and lawns. The groupings of townhouses are located in a manner compatible with the terrain and the existing structures to remain.
8. Streets. These Permits authorize the construction and maintenance of one new roadway. The new roadway will enter the site at a location that is approximately 220' south of the existing middle driveway and will loop through the upper portion of the site, as shown on the Site Plan. The new roadway shall be set back not less than 125' from a side lot line and by not less than 50' from the rear lot line. The existing middle driveway shall be eliminated and the

stone wall opening shall be closed with stone that will be removed to create the opening for the new roadway. The development shall retain the existing driveway to the Manor House, which shall be limited to pedestrian and emergency vehicle access only. The Manor House driveway shall be gated and signed at a location below the Manor House for this purpose. In addition, the driveway that serves the Wolcott House and the abutting property at 1776 Canton Avenue shall be disconnected above the driveway spur to the abutting property. The new roadway and the driveway to the Manor House shall be private ways owned and maintained in good condition by the condominium association in accordance with the specifications of the Site Plan.

The bylaw authorizes the Planning Board to waive requirements of "The Rules and Regulations of the Planning Board Governing the Subdivision of Land and the Laying Out of Ways" based on sound planning considerations.

Canton Avenue is a scenic road and is bordered by a stone wall and wooded areas substantially along the entire frontage of the site. The site itself contains several historic structures and was a significant contributor to the Town's agrarian history. The property abuts the Blue Hill Reservation and contains significant meadows and wooded and other pastoral features that contribute to a rural appearance. The new roadway will be a private way, intended for the use of unit owners, service providers, guests and invitees and emergency vehicles. Except for its initial entry from Canton Avenue, the roadway will be largely out of sight from outside of the property. There are no sidewalks on this section of Canton Avenue and the use of granite and similar curbing is varied along Canton Avenue and on other neighborhood streets in this part of the Town. The new roadway is designed as a rural local street. It will meander through the site with significant vertical and horizontal transitions as it rises from Canton Avenue to the area proximate to the upper boundary of the site with the Blue Hill Reservation.

Considering the foregoing and other relevant circumstances, the Planning Board approves the following waivers from the Rules and Regulations: roadway width, single sidewalk and curbing. The roadway will have 24' of pavement at the site entry narrowing to 22' throughout the balance of the site. There will be vertical granite curbing ("VGC") on both sides of the roadway from Canton Avenue to the point where the roadway tapers to 22' (Station 1+64.09), with VGC also placed at the two crossings of the intermittent stream. The VGC will transition to Cape Cod berm through the remainder of the site. The Cape Cod berm, as detailed on Sheet C10.1, will serve to contain stormwater on the roadway as part of the stormwater management system for the development. There will be a sidewalk on one side of the roadway extending from a pervious walking path that meanders along Canton Avenue inside of the stone wall. The sidewalk will parallel the roadway and connect throughout the remainder of the site. The Milton Fire Chief and the Town Engineer have reviewed the roadway design, including the number and locations of hydrants, and found the design to be satisfactory for public safety access. There will be 4 hydrants at locations shown on the Site Plan (Sheets C5.2, C5.3 and C.5.4).

In determining whether to grant waivers, the Planning Board has considered the following factors:

- (i) Preservation of natural resources
- (ii) Topography and the desire to minimize cuts and fills
- (iii) Environmental values
- (iv) Scenic and aesthetic characteristics
- (v) Historical values

- (vi) Public Safety
- (vii) Possible compensatory actions
- (viii) Sound planning considerations

Considering the foregoing, the comments of the Town's Town Engineer and the Town's peer review consultant and the other relevant circumstances, the Planning Board approves the following waivers from the Rules and Regulations for the construction of the new roadway:

- a. Design Speed – Section 6.1.1. The design speed for the roadways shall be 15 miles per hour; the design is adequate for such a speed.
- b. Longitudinal Grades – Section 6.1.7. The minimum grades for longitudinal curves in the roadway as shown (8% feet) are adequate for roadways with a design speed of 15 miles per hour.
- c. Intersection – Section 6.1.16. The grades at the internal intersection of the main roadway and the upper loop shall be 3.23% and 6.63%.
- d. Cross Section – Section 7.4.1. Pavement widths of twenty-two (24) feet at the entry from Canton Avenue, tapering to twenty (22) feet through the site are adequate. Specifications for the roadways and their construction are adequate.
- e. Crown – Section 7.4.3.4. A 4" crown (3.0% slope) for the roadway is adequate.
- f. Surface Treatment – 7.4.3.7. Pavement thickness of the roadways to be constructed with 4" of bituminous concrete is adequate, provided that there shall be two lifts of pavement – 1½" of top course over 2½" of binder course.
- g. Curbings – Section 7.4.4.2. Installation of Cape Cod berm for the edging through the majority of the site is appropriate. Vertical granite curb shall be used from the site entry from Canton Avenue to Station 1+64.09 (as shown on Sheet C3.2), at the intersection of the main roadway to the upper loop and at the two crossings of the intermittent stream.
- h. Sidewalks – Section 7.4.5.1. A single sidewalk shall be installed on one side of the new roadway connecting from the walking path proximate to the site entry and looping through the entire site.
- i. Sidewalk Cross Slopes – Section 7.4.5.2. Construction of sidewalks with cross slopes of 2% is adequate.
- j. Grass Strip; Tree Planting – Section 7.4.6.1. Grass strips installed between the roadway curbing and sidewalks with a width of 4 feet are adequate. Street trees shall be installed as shown on the Landscape Plan (Sheet L1.1-L1.4), not within the grass planting strip. The Owner/Applicant has presented an integrated street tree layout plan, which identifies a total 171 street trees. It includes a combination of shade trees, evergreen trees, understory and ornamental shrubs infilled as shown.
- k. Grass Strip Loam Thickness – Section 7.4.6.2. Loam in the grass strips to be installed at a thickness of 6" is adequate.
- l. Location of Mains – Section 7.5.2. Location of the water mains, which vary in distance from the roadway center lines, is adequate.
- m. Water System Gate Valves – Section 7.5.4. Gate valves to be located at intersections only are adequate.

- n. Storm Drain Pipe – Section 8.2. Use of high density polyethylene (HPDE) pipe for the storm drain system is adequate. Minimum pipe cover of 1.5' at the low point proximate to the site entry is also adequate.
- o. Street Lighting – Section 10.4. Street lights, as shown on the Lighting Plan, to be installed at a height of 12.5' (2.5' units on 10' poles) are adequate.

In finding the foregoing measures to be adequate, the Planning Board further deems them to be desirable and appropriate and deserving of the requested waivers which are accordingly granted.

- 9. Open Land. In accordance with the Bylaw, a minimum of 60% of the site (approximately 27.6 acres), exclusive of wetlands, shall be dedicated as permanent Open Land in accordance with the following hierarchy of permitted and prohibited uses as are authorized by the Bylaw, based in part on their location relative to setbacks from Canton Avenue and abutting properties and as shown on the Open Space Plan (Sheet OS1.1):
  - a. Within the area shown as the No Disturbance Zone (75') on all sides of the property, land use activities shall be limited to the abandonment and subsequent infill of the existing middle driveway and construction of a new main roadway connecting to Canton Avenue, associated support infrastructure, including but not limited to installation and maintenance of stormwater detention structures for the new roadway, installation and connection of utilities (water, sewer, electric, etc.) for the new roadway and the Project, the construction and maintenance of a pervious walking path running parallel to Canton Avenue inside the stone wall, entry landscaping, signage and lighting, construction and maintenance of the new loop roadway in the upper portion of the site to the extent shown in the Site Plan, and the removal of dead, dying or invasive vegetation. The owner/applicant shall be authorized to remove up to thirty (30) trees measuring no larger than 6" DBH associated with the installation of the walking path along Canton Avenue.
  - b. Within the area shown as the No Building Zone (250'), activities shall be limited to the construction of the new main roadway and associated utility infrastructure, the removal and infill of the existing middle driveway, the installation of stormwater detention structures, the installation and coursing of other Project-required utilities, periodic mowing/maintenance of the Manor House Lawn and the Devens Meadow, and maintenance and infill of the Pine Grove located to the southwest of the new main access roadway.
  - c. Within the area shown on the southwesterly side as the Neighborhood Perimeter Buffer (125'), activities shall be limited to removal and infill of that portion of the existing driveway to the Wolcott House that is located above the driveway spur to the 1776 Canton Avenue property. The Beech Grove and Pine Woods shown within the Buffer shall be retained in their existing condition.
  - d. Within the area shown on the northeasterly side as the Neighborhood Perimeter Buffer (125'), activities shall be limited to removal and infill of an old non-functional tennis court, a dwelling and freestanding garage structure, the planting of new vegetated buffer screening, the maintenance of the intermittent stream (as such may be approved by the Conservation Commission in its regulatory capacity), and preservation of the Esker and Esker Woods. The Upper Woods and the Upper Woods Path areas shall be retained in their existing condition.

- e. Within the Rear Setback Area (50') activities shall also be limited to the installation and maintenance of a trail head accessing the abutting DCR lands to the Carberry Trail in accordance with DCR specifications. The Upper Woods areas shall be preserved in their existing conditions. The Intermittent Stream shall also be maintained (as may be approved by the Conservation Commission in its regulatory capacity).
- f. Within the remainder of the Open Land, all reasonable steps shall be taken to minimize the impacts to the Open Land. Significant Trees and groves of trees, including the Center Woods and Pine Grove areas, shall be retained and preserved unless deemed to be a public threat or nuisance. Underground utilities, including sewer and stormwater detention structures are permissible, but shall be sited to avoid impacts to such trees and groves in accordance with the provisions of Exhibit C. The Manor House Lawn, the Devens Meadow and the Upper Meadow will undergo periodic mowing and maintenance. Two-rail, split-rail natural wood fencing shall be used at all areas where fencing is proposed along the Devens Meadow and Upper Meadow. Stone walls that exist throughout the site shall be maintained.
- g. Conservation Restriction. The Owner/Applicant shall establish a conservation restriction ("Conservation Restriction") over the Open Land substantially in the form attached as Exhibit F, and which form shall be approved by the Secretary of the Executive Office of Energy and Environmental Affairs and Town Counsel. Care, custody and control of the Conservation Restriction shall be granted to and held by the Milton Conservation Commission.

10. Tree Preservation and Protection Requirements. Exhibit C sets out Tree Preservation and Protection Requirements ("TPPR"), which are attached and incorporated into these Permits. The TPPR include measures to be taken with respect to Significant Trees and groves of trees together with various procedures, personnel requirements, requirements for new landscape plantings and disposal of plant materials no longer of use to the development. In order to document compliance with the Requirements, the Owner/applicant shall take and provide "screen grabs" from Google Earth of each section of the property prior to the commencement of construction activity within each such section as well as "screen grabs" of each section upon completion of construction activities. In addition, any penalty that may be assessed by reason of a failure to comply with the TPPR, shall be paid forthwith by the Owner/Applicant to the Town for deposit into the Cooperative Tree Planting Account Fund. Issuance of Certificates of Occupancy for each phase shall be withheld by the Building Commissioner until all assessed penalty fees are paid.

11. Street Trees. In addition to the preservation of existing trees, the Owner/Applicant has proposed to install 171 new street trees in varieties and locations shown on the Landscape Plan (Sheet L1.0 – L1.4). The Owner/Applicant shall install such number. The Owner/Applicant shall provide and install 25 additional shade trees at locations to be determined by the arborist as construction progresses. Thereafter, the condominium association shall maintain the street trees and replace any such street trees that may fail to survive.

12. Sidewalks and Walking Path. The sidewalks shall be constructed and loop through the property along the entire length of the new roadway, as shown on the Site Plan. There shall also be a walking path made of permeable materials, which shall meander through the 75' Non-Disturbance Zone along the frontage of the property, as shown on the Site Plan between the Manor House Drive and the driveway to 1776 Canton Avenue. They will provide safe, convenient and accessible sidewalks and walkways for pedestrian traffic within the development and for pedestrian traffic accessing Canton Avenue, a scenic way which lacks

sidewalks at this location. The condominium association shall keep these sidewalks and walkways conveniently passable in winter months.

13. Walls. There are several locations in the site where retaining walls shall be used in order to minimize the volume of material that may be cut or filled in order to facilitate construction of the roadway, in particular in the area proximate to Bldg. #26 – Bldg. #31. The Planning Board understands that there is also a need for walls at the two crossings of the intermittent stream. The Board finds that the crossings are in the nature of bridge structures and as such are not considered retaining walls with respect to this bylaw. In those two cases, the Applicant may use pre-cast blocks with chiseled granite finishes as shown in the Site Plan (Stone Strong Systems, or equal). All retaining walls, for whatever purpose, may be of concrete or other structural materials, but shall be faced with natural stone in compliance with the bylaw.

At the site of the existing driveway to be removed, stone wall infill shall utilize stones removed from the existing wall to accommodate the new roadway. Any new stones and mortar shall match existing stones and mortar for size, shape, and color.

14. Parking. The development shall have two hundred twenty-five (225) parking spaces. There shall be two (2) parking spaces in each attached garage (108 spaces) plus two (2) spaces in each driveway (108 spaces), as well as five (5) visitor spaces located at the Carberry Trail trailhead to the rear of the site and four (4) spaces proximate to the Mail Station Building. Any unregistered or inoperable vehicles shall be garaged. Parking of commercial vehicles and/or the storage of vehicles, boats, trailers, equipment, or materials for more than one day at a time shall not be permitted.

15. Signs. Traffic Mitigation. Signs controlling on-site traffic and parking and stating the names of streets and numbers of the dwelling units shall be permitted. There may also be a pair of signs at the entrance identifying the development as "Wolcott Woods", which may be chiseled into the stone pillar caps at either side of the site entrance. Traffic signs and other signal improvements shall be installed at the roadway intersection with Canton Avenue as well as on Canton Avenue between Brush Hill Road and Blue Hills Parkway/Unquity Road in accordance with Exhibit B. The Owner/Applicant shall also make a mitigation payment to the Town for deposit into the Traffic Safety and Infrastructure Revolving Fund in the amount of Twenty-Seven Thousand (\$27,000.00) Dollars. Said payment shall be made on or before the issuance of a certificate of occupancy for the first unit.

16. Construction Management and Project Phasing. For the purposes of these Permits, the definition of "clearing" shall be: removal or causing to be removed, through either direct or indirect actions, trees, shrubs, and/or topsoil from the site, or any material change in the use or appearance of the Property. Actions to be considered clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any filling, excavation, grading or trenching in the root area of a tree which has the potential to cause irreversible damage. Exhibit D sets out Construction Management & Phasing Requirements. These requirements establish numerous mandatory construction and construction management procedures. In addition, these requirements establish a phasing schedule for construction of the project. The phasing schedule provides for the limited clearing, filling and other site preparation needed for the construction of the roadway as well as limited clearing, filling and other site preparation for other approved site features for construction of townhouse units in a sequenced schedule over the course of several years. A Construction Management and Phasing Schedule is included as part of

Exhibit D. Phased construction shall proceed in accordance with that schedule as it may hereafter be revised with notice to the Planning Board.

17. Utilities, Water & Sewer. Utility infrastructure and water and sewer systems shall be installed in strict accordance with the specifications and requirements contained in the Site Plan. The water system shall be installed by the Owner/Applicant at its expense to create a loop through the site, with the preferred loop including a connection to the water line installed in Carberry Lane pursuant to an easement owned by the Town for that purpose (as shown on Sheets C5.1 Alt., C5.2 Alt. and C5.3 Alt.). The developer shall use this water design unless otherwise directed by the Town Engineer. If so directed and in the alternative, the water line will loop through the site from Canton Avenue at the main site entrance (as shown on Sheets C5.1, C5.2 and C5.3). The water system shall be owned and maintained by the Town. The Owner/Applicant shall also install at its expense a sewer line connecting to a new sewer line to be installed within Canton Avenue and connecting to existing sewer within Brush Hill Road. The onsite sewer line shall be owned and maintained by the condominium association. The offsite sewer line shall be installed by the Owner/Applicant at its expense in Canton Avenue, Brush Hill Road and Blue Hill Avenue, and will be owned and maintained by the Town upon verification by the Town that said offsite sewer line has been installed in accordance with Town specifications. Minor non-material changes, approved by the Director of Public Works with notice to the Planning Board, shall be permissible.
18. Drainage. Drainage/stormwater detention systems shall be installed in strict accordance with the specifications and requirements contained in the Site Plan. Minor, non-material changes, approved by the Director of Public Works with notice to the Planning Board, shall be permissible. The system shall include an open retention basin proximate to the site entry and abutting the walking path between the new site driveway and the driveway to 1776 Canton Avenue. A safety fence shall be installed and comprised as follows: there shall be a split rail fence backed with a black wire mesh fence that will extend along the new roadway, along the new walking path and along the edge of the driveway to 1776 Canton Avenue. On the meadow (uphill) side of the basin, the black wire mesh fence will continue along the tree line and be mounted on black metal posts with no top rail.
19. Grading. For the purposes of these Permits, the definition of "grading" shall be: any excavating, filling, clearing, or the creation of impervious surface, or any combination thereof, which alters the existing surface of the Property. The Board recognizes the significant grade changes of the site, noting that it rises in elevation by 150' from its low point proximate to the Manor House Drive to a high in the area abutting the Blue Hill Reservation. The Owner/Applicant has carefully prepared grading plans that are designed to minimize the cuts and fills necessary for the roadway infrastructure and for individual foundations for new townhouses. The Site Plan establishes proposed grades for each new building; changes to proposed grades therein in excess of two feet that may be required for particular buildings shall be subject to review and approval of the Planning Board prior to issuance of building permits.
20. Maintenance Responsibilities. The exterior of the buildings, streets, guest parking areas, sidewalks, walkways, Open Land, utility infrastructure, water and sewer infrastructure, drainage infrastructure, and fencing shall be maintained in good repair and condition by the Owner/Applicant and upon completion thereafter by the Condominium Association. Surfaces shall be kept free of graffiti. The Owner/Applicant and thereafter the condominium association shall provide for appropriate plowing and snow and ice removal services. They shall provide for regular refuse and garbage removal at least weekly and for regular collection of recyclable materials. They shall provide for proper care of the landscaping, including watering and pruning as necessary, grass cutting, weeding, removal and

replacement of dead, diseased or badly damaged plantings, and establishment of new plantings to meet requirements of the Site Plan. They shall keep common areas lit at night as provided in the Site Plan. The Town of Milton shall not be responsible to perform any such maintenance (without making a specific provision to do so) and shall not be responsible to pay for any such maintenance but may compel the Owner/Applicant or, upon completion, the condominium association to provide necessary maintenance if it has failed to meet these responsibilities.

21. Affordable Housing. In addition to the 54 new units authorized by these Permits, the Owner/Applicant shall develop 6 units for low or moderate income households ("affordable units") as defined in M.G.L. Chapter 40B, Section 20 and pertinent regulations of the Massachusetts Department of Housing and Community Development ("DHCD"). Each affordable unit may be developed offsite and may be located within single or two-family dwellings in other areas of the Town of Milton; provided that each unit contains at least 2 bedrooms, kitchen, dining area, living room and at least one bathroom in a living area of at least 1,250 square feet and each unit is in full compliance with building, sanitary and health code requirements. Affordable units shall be developed at the same pace, or sooner, as the units are developed onsite (i.e., one affordable unit shall be developed for each 9 units on site). Perpetual deed restrictions shall restrict sale and resale of these units to households of which the annual income at the time of sale or resale is less than 80% of median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development for the Boston metropolitan area. These households shall also be subject to such reasonable asset restrictions at a time of sale or resale as applicable rules or regulations may require. Occupancy of the housing unit shall be restricted to the household to which it has been sold provided that changes in household composition permissible under applicable program rules or as approved by the monitoring agent, shall be permitted.

Each affordable unit shall qualify for inclusion and shall be included on the Subsidized Housing Inventory ("SHI"). It shall be the Owner/Applicant's obligation and responsibility to secure approval from DHCD for inclusion of the unit on the SHI prior to any sale of the unit, and the Building Commissioner shall not issue occupancy permit for the six affordable units unless and until the approval of DHCD has been issued. In no event shall the units be sold prior to their being approved by DHCD for inclusion on the SHI, and any such sale shall be void, as well as a material breach of the Permits.

The six affordable units shall be subject to a regulatory agreement which shall specify the requisite qualifications of the buyers of the affordable units and the manner by which buyers will be selected; the regulatory agreement shall also contain provisions for effective monitoring and enforcement of a deed restriction, including qualification and selection of buyers on sale and resale. The regulatory agreement shall provide for a lottery to select the initial and subsequent buyers, of whom the maximum legally permissible number shall be residents or Town employees and shall be recipients of a resident preference in their selection as buyers. The Town of Milton may be sufficiently diverse so that the selection pool of applicants can be confined to Milton residents and Town employees and, if so, it shall be so confined. The Owner/Applicant shall take reasonable steps to secure approval of the highest possible preference for residents and Town employees.

The regulatory agreement shall be signed by the Owner/Applicant, by the monitoring agent who will be in charge of buyer selection, monitoring and enforcement, and by the Town pursuant to authorization from the Select Board. In addition, the regulatory agreement may be signed by a state or federal subsidizing agency. The deed restriction ensuring affordability on sale and resale shall be recorded and enforceable by the Town, any subsidizing agency and the monitoring agent. The deed restriction and regulatory agreement

shall specify the manner of determination of the price on both sale and on resale, which may include a fee from the proceeds of sale or resale in order to compensate the monitoring agent. The fee shall not exceed the amount permissible under any applicable program rules.

It shall be the responsibility and obligation of the Owner/Applicant to secure the services of a qualified monitoring agent and to do all that is necessary for preparation of a regulatory agreement and deed restriction satisfactory to all parties, including the Town through Town Counsel.

In order to secure approval from DHCD for inclusion of the units on the SHI, Applicant may, with the cooperation of the Town, seek to secure DHCD's certification of the units as "Local Action Units" under DHCD's "Local Initiative Program" ("LIP"). It shall be Applicant's responsibility to secure approval from the Select Board for any requisite commitments and undertakings by the Town under LIP. Nothing in this document is intended to be or shall be interpreted as a requirement that the Select Board shall approve or support any such request for inclusion or certification.

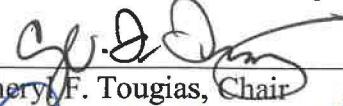
22. Association of Condominium Owners. The units shall be condominium units, and there shall be an association of the owners of these condominium units (the "Condominium Association"). Each owner of a condominium unit shall be a member of the association and shall be obliged to pay a proportionate share of the expenses of the association. Upon creation of the Condominium Association, the Condominium Association shall assume liability for performance of all these duties and responsibilities and shall be legally liable therefor.
23. Condominium Documents. Condominium documents establishing the association of condominium owners and its rights and responsibilities shall be submitted to and subject to approval of Milton Town Counsel and Planning Board prior to the issuance of an occupancy permit for the first completed unit. The condominium documents shall impose an unconditional legal obligation for each condominium owner to be a member of the association and to pay a proportionate share of the expenses of the association, including the costs of meeting the Requirements and performing the obligations imposed on the Owner/Applicant by these Permits. The Town shall be entitled to enforce any such requirement or obligation in these Permits, not only against the Owner/Applicant and the association of condominium owners, but also against the condominium owners if the association is not reasonably able to meet the requirement or satisfy the obligation. In the event that the Town is obliged to bring suit to secure compliance by the association with the requirements and obligations of these Permits and the Town is successful in such suit, the association shall reimburse all costs of suit, including the Town's attorney's fees. The condominium owners shall be obliged to provide such reimbursement if the association shall fail to do so. The condominium documents shall provide for the foregoing.
24. Commencement and Completion of Construction. Construction shall be commenced within one year from the date when these Permits become final and shall be substantially completed within six (6) years from that date, unless the date is extended by the Planning Board.
25. Amendment. These Permits may be amended by the Planning Board upon application of the Owner/Applicant or its assignee during construction and, following completion, upon application by the association of condominium owners. Applications for substantial amendment shall be subject to the usual requirement for notice, including advertising and a hearing. Applications for insubstantial amendment shall be subject to such notice as the Planning Board deems reasonable but shall include notice to abutters, the Blue Hill Neighborhood Association (or successor association), and the Select Board. In the event that any board member or interested entity notifies the Board that the amendment is substantial, it shall be so treated.

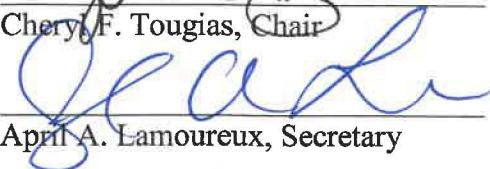
26. Recording. These Permits, including the Site Plan, or any amendment shall be recorded with the Norfolk County Registry of Deeds by the Owner/Applicant at its own expense within thirty days from the date when such Permits or amendment becomes final and a copy of the recorded document with recording information shall be provided to the Town Planner. There shall be a marginal reference in the deed of the Owner/Applicant to these Permits.

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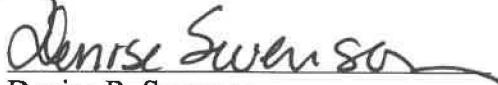
Executed at Milton, Massachusetts this 25<sup>th</sup> day of April, 2019.

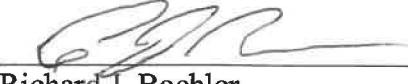
Planning Board of Milton

  
Cheryl F. Toulias, Chair

  
April A. Lamoureux, Secretary

Bryan W. Furze

  
Denise R. Swenson

  
Richard J. Boehler

Exhibits:

Exhibit A	Site Plan
Exhibit B	Traffic Mitigation Signage Plan
Exhibit C	Tree Preservation and Protection Requirements
Exhibit D	Construction Management and Phasing Requirements
Exhibit E	Standards for Retention of Historic Dwellings
Exhibit F	Draft Conservation Restriction
Exhibit G	Color and Material Boards
Exhibit H	Other Plans and Reports on file with the Application with the Town of Milton Planning Department

## **9. Provision of Affordable Housing**

### **(a) Number of Affordable Units.**

The applicant for a Great Estate PUD shall make provision for a number of units equal to 10% of the total number of units (rounded in the event of a fraction to the next highest whole number) to be made available as low or moderate income housing units ("affordable units") as defined in M.G.L. c. 40B, s. 20 (or successor statutory provision) and shall qualify as Affordable Housing includable in the Subsidized Housing Inventory ("SHI") (or successor counting mechanism) under applicable regulations of the Massachusetts Department of Housing and Community Development ("DHCD") or other applicable legal authority.

### **(b) Location of Affordable Units.**

One or more affordable units may be located on-site. Any such units shall be included in the total number of units allowable on the site of the Great Estate PUD and such units shall be age-restricted. One or more affordable units may be located off-site. If so located, then the number of such units may be in addition to the number of units allowed on-site. Such off-site units may include units in a rehabilitated historic structure at property owned by the Governor Stoughton Trustees.

### **(c) Type of On-Site Units.**

On-site affordable units shall be of the same size, quality, style and appearance as other on-site units.

### **(d) Type of Off-Site Units.**

Off-site affordable units shall be units owned by the homeowners and shall be provided in single or two-family dwellings and legal for such use. The value of any off-site unit shall be at least equivalent to the net cost of the production of an affordable unit on-site. Each unit shall contain at least 2 bedrooms, kitchen, dining area, living room and at least one bathroom in a living area of at least 1,250 square feet. New construction shall create dwellings of similar quality, style and appearance as other dwellings in the neighborhood. The new construction shall be in decent, safe and sanitary condition in full compliance with building, sanitary and health code requirements. Existing dwellings that may be rehabilitated to provide affordable units shall be in decent, safe and sanitary condition in full compliance with building, sanitary and health code requirements. Roofs of existing dwellings shall have a useful life of at least 15 years.

### **(e) Sale and Resale.**

A perpetual deed restriction shall restrict sale and resale of the affordable units to households of which the annual income at the time of sale or resale is less than 80% of area median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development for the Boston metropolitan area. These households shall also be subject to such reasonable asset restrictions at the time of sale or resale as any applicable program rules or regulations may require. Occupancy of an affordable housing unit shall be restricted to the household to which it has been sold, provided that changes in household composition permissible

under applicable program rules or as approved by the monitoring agent, shall be permitted. Insofar as permissible, there shall be a Milton resident preference and a Milton town employee preference given in the selection of buyers. The affordable units shall be marketed at the same time as the market rate units and shall be available for sale at the same time or earlier than the time at which 25% of the market units have been sold.

**(f) SHI Eligibility.**

Each affordable unit shall qualify for inclusion and shall be included on the SHI. It shall be the Applicant's obligation and responsibility to secure approval from DHCD for inclusion of the unit on the SHI. The Town shall cooperate in order for the applicant to secure timely and efficient approval.

**(g) Regulatory Agreement.**

Each affordable unit shall be subject to a regulatory agreement which shall specify the requisite qualifications, of the buyer of the affordable unit and the manner by which the buyer will be selected; the regulatory agreement shall also contain provisions for effective monitoring and enforcement of a deed restriction, including qualification and selection of buyers on sale and resale. The regulatory agreement shall provide for a lottery to select the initial buyers; the maximum permissible Milton resident preference and Milton employee preference shall be given.

The regulatory agreement shall be signed by the applicant, by the monitoring agent who will be in charge of buyer-selection, monitoring and enforcement, and by the Town pursuant to authorization from the Board of Selectmen. In addition, the regulatory agreement may be signed by a state or federal subsidizing agency. The deed restriction ensuring affordability on sale and resale shall be enforceable by the Town, any subsidizing agency and the monitoring agent. The deed restriction and regulatory agreement shall specify the manner of determination of the price on resale, including, insofar as permissible and reasonable, payment of a fee from the proceeds of sale and resale in order to compensate the monitoring agent. The fee shall not exceed the amount permissible under any applicable program rules.

**(h) Monitoring Agent.**

A qualified entity shall serve as monitoring agent. Reasonable provision shall be made for its duties and compensation as monitoring agent.

**(i) Preparation of Documents.**

Applicant and the Town shall do the necessary for preparation of a regulatory agreement setting out necessary terms and conditions. The Applicant and the Town shall also do the necessary for preparation of a suitable deed restriction which ensures perpetual affordability on sale and resale which restricts occupancy of the unit to the household to the head(s) of which it has been sold and which gives the monitoring agent appropriate powers to select qualified buyers on resale, to enforce the restriction, and to collect any applicable fee on resale of the unit.

**(j) Payment in Lieu of Providing Affordable Unit(s).**

**In the event that it shall not be reasonably possible to produce affordable units as hereinbefore provided or if the Town's Affordable Housing Trust has a desirable opportunity to provide affordable housing for which it lacks funds, in lieu of producing units, the applicant may request to make a payment to the Affordable Housing Trust in an amount calculated at the net cost of the production of an affordable unit on-site or as otherwise determined to be appropriate by the Planning Board considering all circumstances. Such request shall be accompanied by evidence of the applicant's inability and good faith efforts to acquire properties and develop units off-site or evidence of the needs of the Affordable Housing Trust.**

**(k) Governor Stoughton Trust Units.**

**In the event that the Applicant and the Trustees of the Governor Stoughton Trust shall agree to provision of affordable units in a rehabilitated historic structure at property owned by the Governor Stoughton Trust, the agreement with the Trustees shall control the manner and time of providing these units and the details of their design and construction.**

**10. Parking**

Each townhouse unit shall have an attached one or two car garage provided that garage doors shall not dominate the appearance of the unit as seen from the street. Provision shall be made for sufficient additional parking for residents and guests to serve anticipated needs as may be determined by the Planning Board. On-street parking, if and where permitted, may count as serving these needs. Suitable provision shall be made for ownership and maintenance of separate parking areas by the condominium association (as hereafter defined), if such separate areas are needed to serve parking needs.

**11. Open Land**

(a) Every Great Estate PUD shall include Open Land containing "No Disturbance Zones", which for the purposes of this subsection, shall mean land left in its natural state or, if necessary, filled in as appropriate to match such natural areas within such No Disturbance Zones. Every Great Estate PUD shall include other Open Land, which for the purposes of this subsection, shall mean land suitably maintained in its natural state, gardens, and other open land suitably landscaped and maintained in harmony with the terrain of the site, its environs and the character-of the surrounding neighborhood. Open Land containing No Disturbance Zones and other Open Land shall not be used for roadways, but may include permeable paths, walkways and parking, if such parking is comprised of permeable materials and made available to the public for daytime access to adjacent conservation property as permitted by the owner of the conservation property ("Permitted Recreational Uses"), and provided that such Permitted Recreational Uses do not detract from the natural character of the Open Land. A new walking path, open to the public, shall be provided within the No Disturbance Zone along the existing street. Insofar as permitted hereunder and subject to the approval of the Planning Board, Open Land may be used for passive outdoor recreational purposes and for the installation and maintenance of underground utility services insofar as such installation does not require the removal of a significant number of existing trees or otherwise affect significant groves of trees, excepting removals which are not reasonably avoidable. The Planning Board may permit other Open Land to be utilized for the

*affordable housing and open space/outdoor recreation projects, and 30-35% of the money collected will be matched by the State. The first \$100,000 of each assessed home value, low-income households and low-moderate income seniors would be exempt from this surcharge. Since FY 2013, Milton has missed out on approximately \$8,765,632 in CPA funding.*

*Based on the average median home sale, the additional tax would be approximately \$82 per year per household and with the State match would create roughly \$876,000 in the first year. Of the tax collected and matched, at least 10% must be spent on each division (historic preservation, affordable housing, and outdoor space). Some examples of allowable use include the restoring the exteriors of the firehouses (historic preservation) or improving the playing fields at Milton High (outdoor space). A percentage of the money can be rolled over year-over-year. Milton residents are already paying into the CPA as required by state law each time a deed is recorded (\$95,750 in calendar 2019), but in order to receive the 30-35% match from the state a surcharge must be collected by the Town. Any increase in the surcharge would need to go to Town Meeting for a vote.*

**ARTICLE 6** To see if the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, in Section III.Q, as follows:

In Subsection 9(d), by (i) striking the first sentence thereof and replacing it with the following sentence: “Off-site affordable units shall be units that are either in single family dwellings that are owned and occupied by the homeowners or may be in two-family dwellings that may be owned and occupied by the homeowner or leased to one or more tenants”; and by (ii) striking the words “of at least 1250 square feet” and replacing those words with the words “that conforms to the requirements of DHCD” in the third sentence.

As amended Section III.Q, Subsection 9(d) shall read:

**“9. Provision of Affordable Housing.”**

**(d) Type of Off-Site Units.**

Off-site affordable units shall be units that are either in single family dwellings that are owned and occupied by the homeowners or may be in two-family dwellings that may be owned and occupied by the homeowner or leased to one or more tenants. The value of any off-site unit shall be at least equivalent to the net cost of the production of an affordable unit on-site. Each unit shall contain at least 2 bedrooms, kitchen, dining area, living room and at least one bathroom in a living area that conforms to the requirements of DHCD. New construction shall create dwellings of similar quality, style and appearance as other dwellings in the neighborhood. The new construction shall be in decent, safe

and sanitary condition in full compliance with building, sanitary and health code requirements. Existing dwellings that may be rehabilitated to provide affordable units shall be in decent, safe and sanitary condition in full compliance with building, sanitary and health code requirements. Roofs of existing dwellings shall have a useful life of at least 15 years.

Submitted by the Planning Board

**RECOMMENDED that the Town vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, in Section III.Q, as follows:**

In Subsection 9(d), by (i) striking the first sentence thereof and replacing it with the following sentence: “Off-site affordable units shall be units that are either in single family dwellings that are owned and occupied by the homeowners or may be in two-family dwellings that may be owned and occupied by the homeowner or leased to one or more tenants”; and by (ii) striking the words “of at least 1250 square feet” and replacing those words with the words “that conforms to the requirements of DHCD” in the third sentence.

As amended Section III.Q, Subsection 9(d) shall read:

**“9. Provision of Affordable Housing.**

**(d) Type of Off-Site Units.**

Off-site affordable units shall be units that are either in single family dwellings that are owned and occupied by the homeowners or may be in two-family dwellings that may be owned and occupied by the homeowner or leased to one or more tenants. The value of any off-site unit shall be at least equivalent to the net cost of the production of an affordable unit on-site. Each unit shall contain at least 2 bedrooms, kitchen, dining area, living room and at least one bathroom in a living area that conforms to the requirements of DHCD. New construction shall create dwellings of similar quality, style and appearance as other dwellings in the neighborhood. The new construction shall be in decent, safe and sanitary condition in full compliance with building, sanitary and health code requirements. Existing dwellings that may be rehabilitated to provide affordable units shall be in decent, safe and sanitary condition in full compliance with building, sanitary and health code requirements. Roofs of existing dwellings shall have a useful life of at least 15 years.

*COMMENT: The Warrant Committee supports this article to allow two-family off-site affordable housing units to be either owned or rented. The current zoning by-laws require that both units be owner occupied, which*



**Department of Planning and Community Development**  
34 Coddington Street 3<sup>rd</sup> Floor, Quincy, Massachusetts 02169  
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**JAMES J. FATSEAS**  
Planning Director

**THOMAS P. KOCH**  
Mayor

May 16, 2024

**\*VIA ELECTRONIC TRANSMISSION\***

Mr. Richard Wells, Jr., Chairman  
Board of Selectmen  
Town of Milton  
525 Canton Avenue  
Milton, MA 02186

Dear Mr. Wells, Jr.:

*Re: Quincy HOME Consortium Mutual Cooperation Agreement Between The City of Quincy and the Towns of Holbrook, Braintree, Weymouth, Milton and Randolph*

The City of Quincy and the Towns of Braintree, Holbrook, Milton, Weymouth and Randolph have an existing *HOME Consortium Mutual Cooperation Agreement* that has an automatic renewal clause that stipulates the City of Quincy will notify the towns of Weymouth, Braintree, Milton, Holbrook and Randolph in writing of its right not to participate in the Quincy HOME Consortium for the successive three (3) year period.

This letter shall serve as a notice to the Town of Milton that it has the right not to participate in the Quincy HOME Consortium after the current agreement expires on June 30, 2024. If you want to continue participating in the Quincy HOME Program, the Consortium Mutual Cooperation Agreement will automatically renew.

Please notify this department in writing by June 17, 2024 as to the Town's intentions regarding this matter. If you need additional information, please contact Sherry Zou, Housing Programs Manager, at 617-745-7168. This notification is time sensitive and I thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "SG".

Sean Glennon, Community Development Director  
Dept. of Planning and Community Development

Cc: Nicholas Milano, Town Administrator, Town of Milton  
Tim Czerwienski, Director of Planning and Community Development, Town of Milton  
Sherry Zou, Housing Programs Manager, City of Quincy