

TOWN OF MILTON 2025



Special Town Meeting

Monday, February 24, 2025

Milton High School Auditorium

7:30 p.m.

WARRANT

INCLUDING THE REPORT OF THE WARRANT COMMITTEE
AND RECOMMENDATIONS ON ARTICLES
as required by Chapter 75, Section 1, of the General Bylaws of Town

PLEASE BRING THIS REPORT TO TOWN MEETING

February 2025 Special Town Meeting Warrant

Commonwealth of Massachusetts, SS
County of Norfolk

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Milton, qualified to vote in Town affairs, to meet at the Milton High School Auditorium at 25 Gile Road in said Milton on Monday, the twenty-fourth day of February next at 7:30 o'clock in the evening, then and there to act upon the following Articles to wit:

Articles 1-15

And you are directed to warn said inhabitants qualified as aforesaid to meet at the times and places and for the purposes herein mentioned by posting attested copies of the Warrant in each of the Post Offices of said Town fourteen days at least before the twenty-fourth day of February. Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk, on or before the tenth day of February 2025.

Given under our hands at Milton this of 28th day of January, 2025.

Richard G. Wells, Jr.
Roxanne F. Musto
John C. Keohane
Erin G. Bradley
Benjamin D. Zoll

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In compliance with the American with Disabilities Act, this Warrant can be made available in alternative formats. The February 24, 2025, Special Town Meeting, if requested, will be offered by assisted listening devices or an interpreter certified in sign language. Requests for alternative formats should be made as far in advance as possible.

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

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

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

MESSAGE FROM THE TOWN MODERATOR ROBERT G. HISS

Welcome to the 2025 Winter Special Town Meeting!

As many citizens know, Town Meeting provided for Special Town Meetings to address urgent business facing the town that could not wait for the following Annual Town Meeting held in May of each year. This year, your Warrant Committee has received and voted on 15 articles for your consideration. These articles exclude many of the typical articles Town Meeting considers in the Annual Meeting which has some implications of which you should be aware.

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

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

Thirdly, this Winter Town Meeting will operate under all the rules of our Annual Town Meeting as printed in your May 2024 Warrant.

I look forward to seeing you at 7:30 PM on February 24, 2025 at the High School.

Robert G. Hiss



Town Moderator

Robert G. Hiss

Town Moderator

REPORT OF THE WARRANT COMMITTEE FOR THE 2025 SPECIAL TOWN MEETING

Greetings to the Honorable Select Board, Town Meeting members and Residents of the Town of Milton.

The Warrant Committee herein presents to the Town Meeting recommendations for action on Articles submitted to the Special Town Meeting convening on Monday, February 24, 2025.

There are fifteen (15) Articles in all for our 2025 Special Town Meeting. These Articles address a variety of issues that concern the Town beyond the typical zoning matters we historically address at this meeting. There are seven (7) Articles submitted by the Select Board, three (3) from the Planning Board, one (1) from the School Building Committee, two (2) from the School Committee and two (2) Citizen's Petitions. The Articles submitted by the Planning Board, the named citizens of the Town and the new lighting bylaws were not available to the Warrant Committee at the time this Warrant was printed. The Warrant Committee's comments will be available as a printed copy on February 24, 2025, at the Special Town Meeting and will be posted to the Town website:

<https://townofmilton.org/townmeeting>

Articles one (1), four (4), seven (7) and eight (8) all request appropriations from Town Meeting for various projects that are ongoing and are significant in nature: *Article 1* seeks an appropriation from our PEG Access fund to finish the conversion at the former Fire Station Headquarters with technological upgrades to allow governmental access cable television services; *Article 4* requests an appropriation for soon to be federally required lead water line abatement; *Article 6* requests an amendment to the School Building Committee Membership, adding six (6) positions to the Milton School Building Committee to comply with Massachusetts School Building Authority (MSBA) requirements for access to its program; *Article 7* requests funding for a Feasibility Study with the MSBA that would allow Milton to potentially qualify for state funding for a school building project(s); and *Article 8* requests appropriation to renovate the 3rd and 4th floors of the Cunningham Elementary School into both usable library, classroom and office space for the students and staff of both Cunningham and Collicot Elementary Schools. These Articles submitted by the School Committee and School Building Committee, were all supported, as written, by the Warrant Committee. The Warrant Committee would like to specifically commend the members of the School Committee, and all others involved with the work on the innovative and fiscally prudent approach to addressing the short-term space needs of the elementary school children and staff at Cunningham and Collicot Elementary Schools.

Article 2 is a Home Rule Petition that requests the legislature to grant Milton five (5) liquor licenses for on premises (restaurant) consumption. *Article 3* makes another request concerning alcoholic beverages in that this body amend Chapter 105 of the General Bylaws authorizing the consumption of all intoxicating beverages on Town property, currently forbidden. Both Articles were supported by the Warrant Committee, as written and submitted by the Select Board. It is of note that these two Articles represent a significant change in Milton's historical approach to the regulation and consumption of alcohol in the Town.

Article 5 is another Home Rule Petition authorizing the Select Board to petition the General Court for special legislation for Milton's Senior Citizens who have owned property in the Town for ten (10) years or more, qualify for the Massachusetts Senior Circuit Breaker Tax Credit and do not have excessive assets

as determined by the Board of Assessors. This Article was supported by the Warrant Committee, as written and submitted by the Select Board.

There are three (3) Articles that will be on the floor of Town Meeting that concern our zoning bylaws which have been submitted by the Planning Board. The first, *Article 9*, is an amendment to the Town's Zoning Map to comply with the previously passed Zoning Bylaw amendment to the Milton Village Planned Unit Development and the Brook Road Overlay District. This is a housekeeping matter that brings the amendment into compliance with state law. *Articles 10 and 11* address the Site Plan Review and the Accessory Dwelling Unit (ADU) Amendments.

Articles 12 and 13 were submitted by the Select Board and are requests for new outdoor lighting bylaws for the Town. There are also two Citizen's Petitions, *Articles 14 and 15*, addressing fiscal year 2025 appropriations and instructing the Planning Board concerning MBTA Communities

The Warrant Committee continues to review all finances and proposals for the Fiscal Year 2026 Budget for the Town which will be presented at the Annual Town Meeting later this spring. There is a strong likelihood that an override will be necessary to maintain Milton's current services and character. The use of free cash in direct operational budget support to postpone overrides in the past several years is not a sustainable fiscal practice and is not looked upon as favorable by the Massachusetts Department of Revenue. Moreover, with less free cash available, capital and other projects are delayed and the Town is forced to borrow the funds, as we are requesting in this Warrant.

In addition, Milton is looking at some significant financial uncertainty in the upcoming months and years. The following are some concerns that will weigh into consideration in the upcoming budget discussions: the salary and wage expenses for the upcoming fiscal year as union contracts are expiring; federal requirement to address lead pipes; the need to provide for immediate and long term space and repair needs in our elementary, middle, and high schools; the over three million dollar deficiency in our school budget this past fiscal year resulting in the need to utilize reserve funds to cover the shortfall; the potential for a request to the voters for an approximately one hundred and sixty seven million dollar debt exclusion to construct a new middle school; repairs to the streets and traffic mitigation projects; the current construction of several new residential units pursuant to Massachusetts General Laws, Chapter 40B; and the certainty for continued residential density with the MBTA Communities and Accessory Dwelling Unit (ADU) zoning requirements. These projects and zoning changes will continue to add to the necessity for additional Town and school resources that must be collected through the tax levy.

As a result, all Residents will see a very significant and impactful increase in property tax and additionally, a certain increase in all local fees as the state now allows. The net local state aid is very unlikely to increase in this next fiscal year and should not be relied upon to bridge the gap in Milton's budget. With all the above difficulties in mind and those which may not have been mentioned here, we have begun to meet with department heads early, as the Town Administrator requested preliminary budgets for review by the Warrant Committee.

The Chair wishes to express his appreciation to the members of the Warrant Committee for the many hours of work required to prepare this Warrant. The Warrant Committee also extends thanks to the Town Administrator, Mr. Nicholas Milano, the Select Board, the Town Finance Director, the Superintendent of Schools, the School Committee, the Planning Board, the heads of the DPW, Fire, Police and all the other departments throughout the Town for their continued assistance in our mandate. The Chair is especially grateful for the assistance of the Warrant Committee Clerk, Karen Bosworth.

Yours in Service,

The Warrant Committee

Thomas A. Caldwell (Chair)
Stephen H. Rines (Secretary)
Lori A. Connelly
Elizabeth S. Dillon
James H. "Jay" Fundling
Allison J. Gagnon
Julie A. Joyce
Andrew S. Koh
Macy Lee
Julia Maxwell
Peter F. Mawn
Brian J. McGuire
Aman Negassi
Ronald T. Sia
Judith A. Steele
Karen Bosworth (Clerk)

Article 1 To see if the Town will vote to appropriate \$60,000 from the PEG Access Enterprise Fund to MPEG Access, Inc. for the purposes of equipping the meeting room in the former Fire Headquarters Building to support public, educational, and governmental access cable television services; and to act on anything relating thereto.

Submitted by the Select Board

RECOMMENDED that the Town vote to appropriate \$60,000 from the PEG Access Enterprise Fund to MPEG Access, Inc. for the purposes of equipping the meeting room in the former Fire Headquarters Building to support public, educational, and governmental access cable television services; and to act on anything relating thereto.

COMMENT: Massachusetts General Laws Chapter 44 is the statute that addresses Municipal Finance of cities and towns in the Commonwealth. The section of the statute that applies to this Article is section 53F3/4, and it states: "Notwithstanding section 53 or any other general or special law to the contrary, a municipality that accepts this section may establish in the treasury a separate revenue account to be known as the PEG Access and Cable Related Fund, into which may be deposited funds received in connection with a franchise agreement between a cable operator and the municipality. Monies in the fund shall only be appropriated for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental access cable television services; (ii) monitor compliance of the cable operator with the franchise agreement; or (iii) prepare for renewal of the franchise license." PEG stands for "Public, Educational, and Government" and the fees collected are based on a percentage of cable provider gross revenue, known as a Franchise fee. This fee is paid to the Town of Milton and is then deposited in a PEG Access account for appropriation when authorized by Town Meeting.

The Warrant Committee thoughtfully reviewed this Article to ensure the proposed usage fit within the "cable-related purposes" as defined by state law. We found that it aligns with purpose (i) which includes "support of public, educational, or governmental access cable television services." It is our understanding that this appropriation is for equipment and set up for the meeting room to allow public meetings held in that space to be televised on Milton Access TV.

In addition to ensuring the usage was allowable, the Warrant Committee also considered the amount requested to ensure fiscal discipline. While it is our understanding that the PEG Access Enterprise Fund ("Fund") has sufficient funds to cover this \$60,000 appropriations request (we were informed that the PEG Access Enterprise Fund currently sits at approximately \$420,000) we do understand that the Fund is not limitless and is only replenished based on the Franchise fees which may increase or decrease over time as cable provider gross revenues change. The more people that utilize the cable providers in Town, the higher the fee that the Town collects.

Therefore, the Warrant Committee recommends that the Town appropriate the requested funds for the planned usage. The former Fire Station Headquarters (behind Town Hall) has been refurbished into an excellent meeting space for all Town and public business. This appropriation will provide for the outfitting of the meeting space with the necessary technical equipment to broadcast and tape various board and committee meetings on Milton Access Television (MATV). The ability to conduct Town business in this room will be of significant assistance in guaranteeing that most, if not all, Town business can be accessed by our residents on MATV. In addition, the Warrant Committee recommends that the town conduct an economic analysis of the PEG Access Enterprise Fund so the Town can better prioritize future appropriations requests. This analysis should include estimates on future replenishments into the

Fund based on Cable provider Franchise fee projections and potential usage opportunities that meet the requirements of section 53F3/4 of Chapter 44, Massachusetts General Laws.

Article 2 To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to grant the Town five additional liquor licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of chapter 138 of the General Laws; provided, however, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition:

An Act authorizing the town of Milton to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises

SECTION 1. (a) Notwithstanding section 11 of chapter 138 of the General Laws, section 17 of chapter 138 of the General Laws, or any general or special law to the contrary, the licensing authority in the town of Milton may grant five additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138.

(b) A license granted pursuant to this act shall only be exercised in the dining room of a common victualler licensed to conduct a restaurant and other such public rooms or areas as may be deemed reasonable and appropriate by the licensing authority as certified in writing.

SECTION 2. This act shall take effect upon its passage.

; and to act on anything relating thereto

Submitted by the Select Board

RECOMMENDED that the Town vote to authorize the Select Board to petition the General Court for special legislation to grant the Town five additional liquor licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of chapter 138 of the General Laws; provided, however, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition:

An Act authorizing the town of Milton to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises

SECTION 1. (a) Notwithstanding section 11 of chapter 138 of the General Laws, section 17 of chapter 138 of the General Laws, or any general or special law to the contrary, the licensing authority in the town of Milton may grant five additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138.

(b) A license granted pursuant to this act shall only be exercised in the dining room of a common victualler licensed to conduct a restaurant and other such public rooms or areas as may be deemed reasonable and appropriate by the licensing authority as certified in writing.

SECTION 2. This act shall take effect upon its passage.

COMMENT: In Massachusetts, liquor licenses are tightly regulated by M.G.L. chapter 138. Most cities and towns are subject to a quota requirement which limits the maximum number of alcohol licenses that municipality may issue, whether for "on-premises" consumption, i.e. a restaurant or for "off-premises"

consumption, i.e. a package store. In Milton, the Select Board serves as the local licensing authority for approving alcohol licenses.

Currently, Milton does not have any liquor licenses for on-premises consumption due to the Town voting in successive state elections in the 1960s/1970s against having licenses for on-premises consumption; however, the Town did vote in favor of having licenses for off-premises consumption (package stores). Therefore, Milton's quota for on-premises licenses is 0, but Milton's quota for off-premises licenses is a total of 6, 4 of which have been issued.

In recent years, Milton has issued licenses for restaurants for on-premises consumption on a case-by-case basis after receiving special legislative approval for each license. The process these restaurants have had to follow is long and requires approvals at multiple levels.

Per the Massachusetts Liquor Control Act (M.G.L. c. 138), Milton must currently follow the following process before issuing a new liquor license for on-premises consumption (e.g., restaurants):

1. The Select Board issues a warrant article, which, if successful, would result in a Home Rule petition to the Legislature requesting the additional liquor license.
2. The article is considered by the Warrant Committee and voted upon by Town Meeting.
3. If the vote is successful, the Board submits the petition to the Legislature, which assigns the petition to committee.
4. The petition must be approved by the Legislature.
5. If approved, the Governor must sign the petition, thereby granting the license.
6. If the license is obtained, the applicant must return to the Select Board.
7. The Select Board evaluates the application. All rules regarding public hearings, abutters notices, and legal advertisement are followed. All other zoning, permitting, and licensing rules apply. The Select Board may impose additional reasonable requirements.
8. Upon Select Board approval, the applicant must request approval from the Alcohol Beverages Control Commission (ABCC).

Article 2, as proposed, is a Home Rule Petition that requests the Legislature to grant Milton five licenses for on-premises consumption. The purpose of this Home Rule Petition is for the Town to have licenses available the next time a restaurant is seeking a license, rather than requiring that business to go to Town Meeting and the Legislature first. Any license issued under this home rule petition would require the same public hearing process with the Select Board but otherwise would significantly reduce the amount of time a new business may have to wait for an alcohol license.

Article 2 is intended to streamline this process and provide certainty to applicants in three ways.

First, if passed, Article 2 permits the Select Board to issue a single Home Rule Petition, requesting five (5) licenses before any applications are submitted. This would eliminate the need for one-at-a-time petitions to the Legislature once an application is submitted.

Second, Article 2 removes the current requirement that liquor licenses for on-premises consumption be tied to a single premises. Article 2 does not limit the five licenses to any specific premises and provides the Select Board with more flexibility.

Third, Article 2 removes the requirement that Town Meeting approve all liquor licenses for on-premises consumption. Instead, the article places all such local approval authority in the Select Board.

To date, the Legislature has granted to Milton eight (8) liquor licenses for the following locations:

<u>Location</u>	<u>Town Meeting</u>	<u>Legislative Approval</u>
<i>88 Wharf (Madre Osteria)</i>	<i>2003 May Special Town Meeting</i>	<i>August 20, 2003</i>
<i>550 Adams (Abby Park)</i>	<i>2007 November Special Town Meeting</i>	<i>July 28, 2008</i>
<i>538A Adams (Ichiro Sushi)</i>	<i>2010 September Special Town Meeting</i>	<i>February 2, 2012</i>
<i>95 Eliot (Steel & Rye)</i>	<i>2011 May Special Town Meeting</i>	<i>May 1, 2013</i>
<i>534 Adams (Mr. Chan's)</i>	<i>2013 October Special Town Meeting</i>	<i>September 11, 2014</i>
<i>554-558B Adams (Novara)</i>	<i>2014 Annual Town Meeting</i>	<i>September 25, 2014</i>
<i>10 Bassett (Formerly, The Plate)</i>	<i>2015 Annual Town Meeting</i>	<i>May 6, 2016</i>
<i>1 Eliot (TBD)</i>	<i>2022 March Special Town Meeting</i>	<i>October 24, 2024</i>

The Warrant Committee supports the Article as written.

The Warrant Committee discussed and considered the following in coming to its determination:

There are no other viable avenues for Milton to avoid Legislative review prior to the issuance of every additional liquor license for on-premises consumption; other communities (e.g. Boston) have succeeded with similar petitions; liquor licenses can be granted only for premises within business districts, business districts are limited under current zoning; and the Select Board does not anticipate an immediate need for additional licenses over and above the five referenced in Article 2.

The Town will incur no cost in obtaining the additional licenses from the Commonwealth. Any cost would be borne by a future applicant, once the license is issued.

Alternatively, opening a new package store in Milton requires a business (assuming it meets the Town's Zoning Bylaws) to submit an application to the Select Board for one of its outstanding off-premises licenses. No Town Meeting or Legislative approval is required.

Article 3 To see if the Town will vote to amend Chapter 105 Alcoholic Beverages of the General Bylaws by striking Section 105-1 Consumption on Town property prohibited; consumption on leased premises and replacing it with the following:

§ 105-1 Consumption on Town property and leased premises.

- A. Drinking, sale or possession of alcoholic beverages, as defined in Chapter 138 of the Massachusetts General Laws (for purposes of this Section 105-1, “Alcoholic Beverages”), while in a building owned by the Town of Milton or upon land owned by the Town of Milton (collectively, for purposes of this Section 105-1, “Town Property”), is prohibited, except when authorized by the express advance approval of the Select Board and, in addition, if different from the Select Board, the entity with care, custody, and control of the subject Town Property.

For purposes of this Section 105-1, the phrase “Town of Milton” shall include any department, office, public body or other entity of the Town.

The requirements of this Section 105-1 shall exist independent of, and in addition to, any applicable requirements of law relating to Alcoholic Beverages, including without limitation Chapter 138 of the Massachusetts General Laws.

- B. Whoever violates any provision of this section shall be fined an amount of not less than \$25 nor more than \$100 for each offense.

and to authorize the Town Clerk to assign or amend chapter and section numbers; and act on anything relating thereto.

RECOMMENDED that the Town vote to amend Chapter 105 Alcoholic Beverages of the General Bylaws by striking Section 105-1 Consumption on Town property prohibited; consumption on leased premises and replacing it with the following:

§ 105-1 Consumption on Town property and leased premises.

- C. Drinking, sale or possession of alcoholic beverages, as defined in Chapter 138 of the Massachusetts General Laws (for purposes of this Section 105-1, “Alcoholic Beverages”), while in a building owned by the Town of Milton or upon land owned by the Town of Milton (collectively, for purposes of this Section 105-1, “Town Property”), is prohibited, except when authorized by the express advance approval of the Select Board and, in addition, if different from the Select Board, the entity with care, custody, and control of the subject Town Property.**

For purposes of this Section 105-1, the phrase “Town of Milton” shall include any department, office, public body or other entity of the Town.

The requirements of this Section 105-1 shall exist independent of, and in addition to, any applicable requirements of law relating to Alcoholic Beverages, including without limitation Chapter 138 of the Massachusetts General Laws.

D. Whoever violates any provision of this section shall be fined an amount of not less than \$25 nor more than \$100 for each offense.

and to authorize the Town Clerk to assign or amend chapter and section numbers.

COMMENT: The General Bylaws of the Town of Milton, Chapter 105 (Alcoholic Beverages), currently prohibit drinking or possession of alcoholic beverages on municipal property (with the limited exception of certain leased premises). In addition, the Bylaw prohibits public consumption of alcohol.

Currently, the Select Board may grant one-day liquor licenses in certain circumstances. Pursuant to Massachusetts General Laws Chapter 138, Section 22A, one-day liquor licenses are limited to beer and wine, unless the applicant is a non-profit organization, in which case a full one-day liquor license may be granted. M.G.L. c. 138, Section 22A limits who can request a one-day liquor license (e.g., an applicant may not request more than one one-day liquor license in a 30-day period).

Article 3 would allow the Select Board to issue one-day liquor licenses in limited circumstances for consumption of alcohol on Town-owned land. One-day liquor licenses would still be required.

The Warrant Committee supports Article 3 as written.

Article 3 was proposed by the Select Board. Events in which Article 3 authorization is anticipated include the Halloween stroll and tree lighting at the M. Joseph Manning Community Park in East Milton, consumption of alcoholic beverages at the library, the Milton Arts Center, and the Milton farmer's market.

The Warrant Committee considered whether Article 3 would encourage many events where alcohol could be publicly consumed. Article 3 is not a blanket authorization of the consumption of alcohol on Town-owned property. The Select Board has stated it intends to issue authorizations pursuant to Article 3 in limited circumstances, for only a few discrete events per year. The individual(s) or entity with care, custody and control of the property must agree (e.g., for the Milton Public Library, the Trustees of the Public Library), and all other requirements under Massachusetts General Laws, including M.G.L. c. 138, Section 22A must be met. Currently, authorization must be granted prior to each instance of an event occurring on municipal property (e.g., prior to each Halloween stroll). Per-event authorization will still be required under Article 3, regardless of whether alcohol is served at the event.

The Warrant Committee considered potential liability to the Town. The Select Board requires, and will require, under Article 3, all applicants for one-day liquor licenses obtain requisite amounts of insurance and indemnify the Town. In addition, the Select Board will require all alcohol be served by bartenders who have completed the Training for Intervention Purposes (TIPS) program, limiting the risks of underage drinking and overconsumption. Liability for the Town and public officials is limited to \$100,000 under the Massachusetts Torts Claims Act, M.G.L. c. 258, Section 2, with certain exceptions. The Select Board has communicated with Milton's insurer and will comply with the insurer's recommendations.

The Warrant Committee considered the impact on neighbors, including noise, traffic and the risks of impaired driving. The issuance of any authorization under Article 3 would follow public Select Board meetings, wherein the public has the opportunity to comment. Residents may contact the Town Administrator with their concerns. The Select Board will work with the Milton Police Department to

reduce potential impacts. Because the Select Board intends to issue authorizations under Article 3 in limited circumstances, it is anticipated that public order issues will be limited.

Because Article 3 removes the current exception for leased premises (including at least one private residence), the Warrant Committee considered the potential impact on lessees. The Select Board intends to work with these lessees, on a case-by-case basis, and may issue broader authorizations in limited exceptions (e.g., for the private residence) as necessary.

The Warrant Committee also considered enforcement under Article 3. The entity requesting authorization will be subject to all laws, as well as the jurisdiction of the Milton Police Department, the Select Board, and the Alcoholic Beverages Control Commission (ABCC). Public consumption without authorization remains criminal activity.

The Warrant Committee considered the benefits of Article 3, including community building and increased participation in public events.

The Select Board currently does not intend to draft a policy for authorizations under Article 3. The Select Board will rely on the guidance of the individual(s) or entity with the care, custody or control of the property in question, and intends to issue authorizations on a case-by-case basis.

ARTICLE 4 To see what sum of money the Town will vote to appropriate to provide capital needs for the Town's water system, including costs incidental and related thereto, and to authorize the Select Board, on behalf of the Town to apply for and use federal, state, MWRA or other funds for this purpose, to see how such appropriation shall be raised; whether by borrowing under applicable provisions of law or otherwise; and to act on anything related thereto.

Submitted by the Select Board

RECOMMENDED that the sum of \$1,700,000 be appropriated for the purpose of financing the Town's lead service line investigations and replacements, including costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow \$1,700,000 under and pursuant to Chapter 44, Section 8 (5) of the General Laws, as amended, or any other enabling authority, and to issue bonds or notes of the Town therefor, and that the Select Board be and hereby is authorized to accept and expend in addition to the foregoing appropriation one or more grants or gifts from the Massachusetts Water Resources Authority Lead Replacement Program, or any other public or private funding source.

COMMENT: In 2016 and 2024, the Massachusetts Water Resources Authority (MWRA) approved a program to provide up to \$200 million in 10-year zero-interest loans to communities for efforts to fully replace lead service lines, including publicly owned and privately owned portions. This includes a 25% grant for communities who fully or partially fund the removal and replacement of the portion of the lead service line on private property.

Through this appropriation, the Town intends to apply to the MWRA to participate in this program to fund activities related to lead service lines. This appropriation will pay for the design, bidding and execution of a lead service replacement project.

This \$1.7M will fund the replacement of 67 lead service lines (52 known, 15 expected new discoveries). This will also fund the digging of 450 test pits at strategic locations in town to reduce the number of service lines whose lead status is unknown. The cost of \$1.7M does not take into account the 25% grant from the MWRA.

Beginning in 2027, the Lead and Copper rule revisions require that public water systems begin removal of lead service lines at a rate of 10% per year. The more specific information the Town can gather on the number of lead service lines ahead of 2027, the less work will need to be done once the Lead and Copper rule revisions are in place.

This program will be ongoing and may require additional funding in future years to fully inventory and replace the lead service lines in town.

As this is a 10-year zero-interest loan, this will be expected to be a \$170,000 item in our debt service budget before the application of the 25% grant.

Article 5 To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation establishing a means-tested Senior Citizen Property Tax Exemption to provide property tax relief for certain eligible property owners, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Select Board to approve such amendments:

An Act relative to the establishment of a Milton means-tested property tax exemption

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential according to the classification by the Board of Assessors for the town of Milton (a “Qualifying Parcel”) there shall be a senior, means-tested exemption from the property tax otherwise payable with respect to such Qualifying Parcel in an amount to be determined annually by the Select Board as described herein. For the purposes of this special act, a Qualifying Parcel shall be a unit of real property as defined by the Board of Assessors under the deed for the property as residential class one and includes a condominium unit. The exemption provided for herein shall be in addition to any and all other exemptions allowed by the General Laws.

SECTION 2. A taxpayer shall qualify for the exemption provided for herein only if all of the following criteria are met:

- a. The Qualifying Parcel is owned and occupied by one or more natural persons who applied for and received the circuit breaker income tax credit the previous calendar year under section 6(k) of chapter 62 of the General Laws;
- b. The Qualifying Parcel is owned by: (i) a single taxpayer age 65 or older; or (ii) jointly by one or more taxpayers so long as one owner is age 65 or older and all other owners are age 60 or older in each case as determined as of December 31st of the previous calendar year;
- c. The Qualifying Parcel is the domicile of the taxpayer(s);
- d. The applicant taxpayer (or at least one of the joint applicants) has been domiciled and owned a residential unit of real property in the town of Milton for at least ten (10) consecutive years prior to filing an application for this exemption;
- e. The maximum assessed value of the domicile is no greater than the prior fiscal year’s maximum assessed value for qualification for the circuit breaker income tax credit under Section 6(k) of chapter 62 of the General Laws as adjusted annually by the Department of Revenue;
- f. Property taxes shall not be reduced by more than 50 percent by this exemption; and
- g. The Board of Assessors has approved the application. The Board of Assessors may deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. The Board of Assessors shall adopt a policy for approvals and denials of applications.

SECTION 3. The Select Board shall set the exemption amount provided for in section 1, provided that the amount of the exemption shall be within a range of 50 percent to 100 percent of the amount of the circuit breaker income tax credit under section 6(k) of chapter 62 of the General Laws which the applicant received in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all taxpayers and/or shall be funded by an appropriation or transfer from existing funds and shall not exceed 1% of the municipality’s tax Levy.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the Board of Assessors, file an application, on a form to be adopted by the Board of Assessors, with the supporting documentation of the applicant's income and assets as described in the application including a copy of the filed income tax return of the applicant showing the Circuit Breaker tax credit. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted under this act until the Department of Revenue certifies a tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the tax levy and/or by an appropriation or transfer from existing funds.

Submitted by the Select Board

RECOMMENDED that the Town vote authorize the Select Board to petition the General Court for special legislation establishing a means-tested Senior Citizen Property Tax Exemption to provide property tax relief for certain eligible property owners, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Select Board to approve such amendments:

An Act relative to the establishment of a Milton means-tested property tax exemption

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential according to the classification by the Board of Assessors for the town of Milton (a "Qualifying Parcel") there shall be a senior, means-tested exemption from the property tax otherwise payable with respect to such Qualifying Parcel in an amount to be determined annually by the Select Board as described herein. For the purposes of this special act, a Qualifying Parcel shall be a unit of real property as defined by the Board of Assessors under the deed for the property as residential class one and includes a condominium unit. The exemption provided for herein shall be in addition to any and all other exemptions allowed by the General Laws.

SECTION 2. A taxpayer shall qualify for the exemption provided for herein only if all of the following criteria are met:

- h. The Qualifying Parcel is owned and occupied by one or more natural persons who applied for and received the circuit breaker income tax credit the previous calendar year under section 6(k) of chapter 62 of the General Laws;**
- i. The Qualifying Parcel is owned by: (i) a single taxpayer age 65 or older; or (ii) jointly by one or more taxpayers so long as one owner is age 65 or older and all other owners are age 60 or older in each case as determined as of December 31st of the previous calendar year;**
- j. The Qualifying Parcel is the domicile of the taxpayer(s);**
- k. The applicant taxpayer (or at least one of the joint applicants) has been domiciled and owned a residential unit of real property in the town of Milton for at least ten (10) consecutive years prior to filing an application for this exemption;**
- l. The maximum assessed value of the domicile is no greater than the prior fiscal year's maximum assessed value for qualification for the circuit breaker income tax credit under Section 6(k) of chapter 62 of the General Laws as adjusted annually by the Department of Revenue;**
- m. Property taxes shall not be reduced by more than 50 percent by this exemption; and**

- n. The Board of Assessors has approved the application. The Board of Assessors may deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. The Board of Assessors shall adopt a policy for approvals and denials of applications.

SECTION 3. The Select Board shall set the exemption amount provided for in section 1, provided that the amount of the exemption shall be within a range of 50 percent to 100 percent of the amount of the circuit breaker income tax credit under section 6(k) of chapter 62 of the General Laws which the applicant received in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all taxpayers and/or shall be funded by an appropriation or transfer from existing funds and shall not exceed 1% of the municipality's tax Levy.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the Board of Assessors, file an application, on a form to be adopted by the Board of Assessors, with the supporting documentation of the applicant's income and assets as described in the application including a copy of the filed income tax return of the applicant showing the Circuit Breaker tax credit. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted under this act until the Department of Revenue certifies a tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the tax levy and/or by an appropriation or transfer from existing funds.

COMMENT: The National Institute on Aging describes "aging in place" as the ability to stay in your own home as you get older. Rising costs of doing so, however, weigh heavily on many senior citizens. This Article addresses the need for property tax relief for the sixty-five (65) plus age group in our Town in order to help facilitate their ability to stay in their homes, living independently within the community they contributed to over many years. Sixteen (16) towns in the Commonwealth have such a program in place, and this article falls in line with the same path other municipalities have taken to provide means-tested exemptions on property tax relief for senior residents.

This article was written with the intention of making it easy to understand, easy to administer, easy to apply for, and easy to provide. It is for those reasons that eligibility for Milton's Senior Citizen Property Tax Exemption program is tied to the statewide program called the "Senior Circuit Breaker Tax Credit." The state program provides a refundable credit on Massachusetts personal income tax returns for those who meet the eligibility requirements and apply. The eligibility requirements at the state level include (but are not limited to):

- *You must be a Massachusetts resident or part-year resident.*
- *You must be 65 or older by December 31 of the tax year.*
- *You must own or rent residential property in Massachusetts and occupy it as your primary residence.*
- *For tax year 2024, your total Massachusetts income doesn't exceed:*
 - *\$72,000 for a single individual who is not the head of a household.*
 - *\$91,000 for a head of household.*
 - *\$109,000 for married couples filing a joint return.*

- *If you are a homeowner, your Massachusetts property tax payments, together with half of your water and sewer expense, must exceed 10% of your total Massachusetts income for the tax year.*
- *The assessed valuation of the homeowner's personal residence as of January 1, 2024, before residential exemptions but after abatements, cannot exceed \$1,172,000.*

Milton's program matches the state program with additions:

- *Include a 10-year residency requirement in Milton*
- *No other significant assets*
- *Trust documents will be reviewed to confirm eligibility*

This article requires that applicants to Milton's Senior Citizen Property Tax Exemption program have applied for and have received the Commonwealth's circuit breaker income tax credit the previous calendar year, pursuant to M.G.L. Chapter 62, section 6(k). To apply for the town program, an applicant will need to file an application with the Board of Assessors and provide supporting documentation of income assets, and include a copy of their filed income tax return that shows the Circuit Breaker tax credit from the state. The Massachusetts Department of Revenue does all the 'heavy lifting' in verifying the means testing of asset requirements, assisting the Milton Assessor's Office to manage this program in an expeditious manner and lessen the workload to take on this program. Moreover, the Assessor's Office may also conduct additional investigation to determine if a property owner has "excessive assets" and falls outside the intended recipients. An example of excessive assets is ownership of additional properties, excessive cash or outside income streams that would make one ineligible for the state Circuit Breaker tax relief. The Assessors Office will structure a policy and procedure for executing this program. The applicant will be required to file an application for relief each tax year to remain eligible for the program within the Town. Condominiums would qualify under this Article, as would all class one residential real property.

The Select Board will determine the percentage of matching funds that the town will provide successful applicants annually; the amount will be between a 50% - 100% match of the amount provided in a given year to the individual by the Massachusetts Senior Circuit Breaker Tax Credit (the maximum credit given by the state for tax year 2024 was \$2,730). Each applicant will have an amount of relief specific to them, as each applicant will have a different credit on their state income taxes.

In drafting this article, Milton was able to rely on information from other towns about the success of this program. It was found that the same number of residents who qualified and applied for the state Circuit Breaker program did not also apply for the town property tax relief program, for reasons unknown. The advice from other towns was to count on approximately half of eligible citizens applying for the program.

Using the most recent data available, there were 415 filers in Milton in 2022 who received the state circuit breaker tax credit. The resulted in a total of \$468,683 in credit claimed by taxpayers for the state-run program, for an average of \$1,129 in credit per person. The anticipated use of Milton's tax credit program, however, would be somewhere in the range of 140 – 200 people.

The property taxes that are not being paid by those who qualify for the program will be evenly distributed over all other property tax bills in the Town. The Warrant Committee expects the increase in property taxes for all other taxed properties to be less than thirty dollars (\$30) per year given the

estimated numbers of potential applicants. This guarantees that the tax levy does not decrease upon implementation of this Article.

The Warrant Committee engaged in vigorous debate of Section 2d and Section 2g. There was discussion around including a provision for people who had rented in Milton for a period of time and then became homeowners, with the total amount of time equaling at least ten (10) years, to include long-term Milton renters. There was also discussion of changing the language in the article to accommodate long-time residents who had to move out of town for a period of time but moved back shortly thereafter. Lastly, there was much discussion over whether the Board of Assessors should be put in the position of needing to review applications for excessive assets (section 2g). However, it was ultimately concluded that the language as submitted by the Select Board is the most pragmatic, valid and comports with existing state law.

ARTICLE 6 To see if the Town will vote to amend Article 6 of the 2019 February Special Town Meeting by adding positions to the School Building Committee established by said Article 6:

Current School Building Committee Roster

<u>Position</u>	<u>Voting Status</u>
5 members appointed by the Town Moderator	Voting
2 members appointed by the Select Board	Voting
2 members appointed by the School Committee	Voting

Additional positions to be added to the School Building Committee:

<u>Position</u>	<u>Voting Status</u>
Superintendent of Schools	Non-voting
Town Administrator	Non-voting
Director of Consolidated Facilities	Non-voting
Individual with MCPPO Certification (appointed by the School Committee)	Non-voting
School Principal (appointed by the School Committee)	Non-voting
Local Budget Official (appointed by the Town Administrator)	Non-voting

and to act on anything relating thereto.

Submitted by the School Committee

RECOMMENDED that the Town vote to amend Article 6 of the 2019 February Special Town Meeting by adding the following positions to the School Building Committee established by said Article 6:

<u>Position</u>	<u>Voting Status</u>
Superintendent of Schools	Non-voting
Town Administrator	Non-voting
Director of Consolidated Facilities	Non-voting
Individual with MCPPO Certification (appointed by the School Committee)	Non-voting
School Principal (appointed by the School Committee)	Non-voting
Local Budget Official (appointed by the Town Administrator)	Non-voting

COMMENT: In December 2024, the Town of Milton was invited into the Massachusetts School Building Authority's (MSBA) Eligibility Program, which gives the Town of Milton the potential to receive grant funding for a new school. This is exciting news as the Town of Milton has applied to be a participant in the MSBA Program for several years. The MSBA's regulations are quite specific and require that the Town's School Building Committee meet certain requirements for its membership. The Town's existing School Building Committee, which was established by a vote of the February 2019 Special Town Meeting, does not meet the MSBA's School Building Committee requirements. The proposed article would add several positions as non-voting members to bring the Committee into compliance with the MSBA's requirements.

ARTICLE 7 To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for a feasibility study of an elementary or middle school project for the Cunningham School, 44 Edge Hill Road, Milton, MA 02186, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

Submitted by the School Building Committee

RECOMMENDED that the Town of Milton appropriate the amount of one million five hundred thousand dollars (\$1,500,000) for the purpose of paying costs of a feasibility study of an elementary or middle school project for the Cunningham School, 44 Edge Hill Road, Milton, MA 02186, including the payment of all costs incidental or related thereto, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee, provided that no funds be expended until the Town and MSBA execute the Feasibility Study Agreement. To meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.

COMMENT: As noted in the Comment for Article 6, the Town was invited into the MSBA's school project program in December 2024. The MSBA's program is structured into multiple phases, the first of which is referred to as Eligibility Period. During Eligibility Period, the Town and MSBA will work together on initial requirements, including establishing a School Building Committee (see Article 6), reaching agreement on the school project configuration and enrollment capacity. In addition, the Town must appropriate sufficient funds for the MSBA Feasibility Study during Eligibility Period.

Milton's Eligibility Period commences on May 1, 2025, and the Town will need to complete all requirements within 270 days.

The funding under this article will be used for the Feasibility Study. During the Feasibility Study, the Town will procure an Owner's Project Manager and the project architect. Then the Town will commence studying potential school projects with its consultant team and submit three reports to the MSBA: the Preliminary Design Program, the Preferred Schematic Report, and the Schematic Design Report. After completion of the Schematic Design Report, the MSBA Board of Directors will be asked to approve a grant amount for the Town and the project will be submitted to the Town Meeting and to voters for approval.

Additional information regarding the MSBA is available on the MSBA website:
<https://www.massschoolbuildings.org/>

ARTICLE 8 To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money for the purposes of a renovation project on the 3rd and 4th floors of the Cunningham School, 44 Edge Hill Road, Milton, MA 02186; and to act on anything relating thereto

Submitted by the School Committee

RECOMMENDED that the Town of Milton appropriate the amount of three million five hundred thousand dollars (\$3,500,000.00) for a renovation project of the 3rd and 4th floors of the Cunningham School, 44 Edge Hill Road, Milton, MA 02186; and that to meet said appropriation the Treasurer, with the approval of the Select Board, is authorized to sell and issue bonds or notes of the Town, under and pursuant to the provisions of Chapter 44, Section 7 of the Massachusetts General Laws, including the payment of costs incidental or related thereto, and that the Select Board be and hereby is authorized to accept and expend in addition to the foregoing appropriation one or more grants or gifts from any other public or private funding source.

COMMENT: The decision to support renovating the 3rd and 4th floors of Cunningham School is strongly supported by the Warrant Committee. Discussions regarding overcrowding at the schools have been a consistent theme for a number of years. Two years ago, the Facilities Advisory Committee of the School Committee, with newer members, was re-engaged and with it came renewed excitement, creativity, and innovation. The mission was to evaluate the Town's current school spaces to see if there were any opportunities to do more than just convert small closets into make-shift offices and pull-out areas; they were looking for enough space to make a tangible difference to some of the overcrowding issues that, with thoughtful design, could fit with the existing architecture and layout of both the Cunningham and Collicot Schools. The idea of exploring the possibilities of the 4th floor of Cunningham was brought to the attention of the School Committee. When members toured the upper floors of the school, there was a desire to leverage the space that has interesting architecture, high ceilings, numerous deep dormers and an abundance of natural light.

There was an appropriation last year in the amount of \$2 Million which was based on a preliminary quote derived by taking the square footage of the 4th floor and multiplying it by the cost of renovation per DRA, the firm previously engaged by the Town to study the space. Upon further review, it was found to be more efficient and would allow for more space if the library were relocated to the 4th floor and if the 3rd floor was reconfigured into classrooms and additional office space for staff. The dormers and ceiling height on the 4th floor pose a challenge to build out classrooms. With the assistance of Arrowstreet Architects, a thoughtful review of the existing space was completed, and the firm created a detailed proposal for the School Committee's review. Approximately 60 % of the cost of the project is materials, including Heating, Ventilation and Air Cooling devices, in addition to the construction of student bathrooms. Furniture and other fixtures will be reused and incorporated into the new space, saving additional costs.

In the interest of time, both members of the School and Warrant Committees advocated for this Article to be brought forward at this 2025 Special Town Meeting, as opposed to the Annual Spring Town Meeting. If this Article is accepted, the Town can put the project out to bid soon with the expectation that it would be able to start in the summer of 2025. This project will provide the Cunningham/Collicot complex with some much needed breathing room and further enhance our existing building at a reasonable cost to the Town.

Milton Village Mixed-use Planned Unit Development Boundary

Scenario III

Central Avenue Business

Milton Village Business

BOSTON

MILTON

ELIOT STREET
CENTRAL AVENUE
BROOKSIDE PARK
WEST HOLE ROAD
CANTON AVENUE
RACQUET AVENUE
WINDY STREET

0 250 500 1,000 Feet

The Milton Village Business District shall mean that portion of the Milton Village/Central Avenue Business District which is to the east of a North/South line drawn through the point on Eliot Street which is at the parcel boundary of E 2.2 with the street address of 1 Eliot Street

Map Sources: G.L. GIS/CIS Projects, Projects B Planning, Zoning Updates B Projects, Milton Village Business District - Scenario B, T. and

ARTICLE 10 To see if the Town will vote to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaw, by replacing §275-12.4 Site Plan Approval with the following section.

§275-12.4 Site Plan Approval

A. Purpose

The purpose of this Section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing a means to determine whether a proposed use of land or structures is in compliance with sound site utilization principles relative to traffic circulation and safety, pedestrian safety and access, off-street parking and loading, emergency vehicle access, storm water drainage, screening, signage, exterior lighting, visual impact of parking, storage or other service areas, and consistency with character and scale of surrounding landscape and buildings.

B. Applicability

- a) Whenever site plan approval is required under the provisions of this Chapter, the procedure set forth in this section shall be followed.
- b) The following activities and uses require site plan approval by the Planning Board (“Board”):
 - 1) Construction, redevelopment or expansion of multifamily residences and ADU’s;
 - 2) Construction, redevelopment or expansion of mixed-use or commercial buildings of 800 square feet or more;
 - 3) Interior work causing any change of use or size shall be excluded from this site plan review requirement, with the exception of restaurant, bar or entertainment use; and
 - 4) Construction or expansion of parking, loading, service and access driveways associated with multifamily, mixed-use, commercial or other buildings, excluding single-family use.

C. Application and Submission Requirements

(a) Pre-Application Conference.

Applicants are encouraged to discuss proposed applications with The Department of Planning and Community Development (“Planning Department”) prior to formally submitting such applications. At the conference, the Planning Department will determine if the application is in conformity to an adopted Master Plan (if applicable), and to the extent feasible, shall provide the applicant with an indication of whether the proposal, in its major features, is acceptable or might be modified before expenditures for more detailed planning and engineering are made. In addition, the Board may hold pre-application conferences at any regular or special meetings of the Board to discuss the proposed development and any unusual features on the site that require special treatment. This meeting may also provide an opportunity to discuss the procedures, waiver requests and information the Board will need to coordinate reviews if the development requires other Town approvals and request impact analyses, such as a traffic study. Applicants may request an appointment on the agenda of the Board with the Planning Department, the scheduling of which is at the sole discretion of the Board. Submission of brief explanatory material, including the property owner’s name, the applicant’s name, assessor’s map, site address, plot plan (if available), sketch or description of new development or proposed changes, and any applicable forms to the Planning Department by the Friday before the meeting for inclusion in the Board’s information packets is required.

(b) Submission.

Applications for site plan approval must be complete when submitted for approval. A complete application will consist of all plans, documents, forms, calculations, and filing fees, in size, number and

amount as prescribed in this Chapter. The Planning Department shall review the application for completeness and, in the event that such application is incomplete, shall notify the applicant of the incomplete items.

(c) Application Form.

Applications for site plan approval shall be made on an official form, which shall be provided by the Planning Department upon request. The application form and any checklists, or other administrative documents may be revised from time to time by the Planning Department or the Board without public hearing.

(d) Plans and Plan Content

As part of any application for site plan approval the applicant must submit the following documents in electronic format to the Planning Department. Physical copies may be requested by the Board:

- 1) Application and fee for site plan approval;
- 2) Existing conditions survey that indicates boundaries, dimensions, area, use, ownership and zoning of the subject parcel and adjacent parcels. It shall include existing structures, parking areas, open space features, walls, fences, trees of 12 inches caliper or more, utilities, easements, wetlands and wetlands buffer zones, and topography with contours at 1-foot intervals. Additionally, the survey shall include contours, buildings, and trees of 12 inches caliper or more on adjacent parcels within thirty (30) feet of lot boundaries;
- 3) Existing conditions narrative, including adjacent neighborhood and historic context, with photographs and diagrams as appropriate;
- 4) Zoning narrative that demonstrates compliance with applicable requirements of this Chapter and the Rules and Regulations of the Planning Board;
- 5) Design narrative that describes compliance with applicable design standards and guidelines;
- 6) Site plans that show required setbacks, the position of the building(s) on the site, building(s) setback dimensions, points of vehicular access to and from the site and vehicular circulation within the site, parking areas, open space areas, stormwater management, utilities, dimensions of building(s) and parking areas, proposed grading, retaining walls and other information commonly required for site plan approval. Where a portion of the site is to remain undisturbed by the proposed work, such area shall be so indicated on the plan;
- 7) Landscape plans that show layout, species, spacing, sizes, quantities and details for all plant materials, and locations and details of hardscape, fencing and landscape walls;
- 8) Tree preservation plan with calculated caliper of total existing trees and total of trees to be removed;
- 9) Architectural plans, building elevations and sections, three dimensional views and renderings of the building(s) showing the architectural design of the building(s) in context. Drawings shall indicate proposed materials and colors;
- 10) Site sections that graphically represent all slope cuts and fills, structures, retaining walls and significant land features;

- 11) Cut and fill plan with calculated quantities of cut and fill to be used on site, removed from site and added to the site;
- 12) Traffic impact analysis for projects with ten (10) or more parking spaces;
- 13) Parking and transportation demand management plan (PTDM) as described in §275-20.5 and, if applicable, proof of payment of the transportation mitigation fee described in §275-20.6.
- 14) Photometric plan that shows locations and specifications for all exterior lighting fixtures and lighting photometrics for projects that include ten (10) or more parking spaces;
- 15) Shadow study for projects proposing buildings greater than 35 feet in height;
- 16) Preliminary construction management plan;
- 17) A copy, if any, of the determination of applicability issued by or the notice of intent filed with the Conservation Commission of the Town of Milton under MGL c. 131, § 40, or Chapter 15 of the General Bylaws of the Town of Milton;

All site plans shall be prepared by a licensed architect, landscape architect, and/or a civil engineer, all landscape plans shall be prepared by a licensed landscape architect, and all building plans, elevations, sections and renderings shall be prepared by a licensed architect, all disciplines licensed in the Commonwealth of Massachusetts. Upon written request, the Board may, at its discretion, waive the submission by the applicant of any of the required information.

D. Procedures

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

E. Outside Consultants

When reviewing an application, the Board may determine that the assistance of outside consultants is warranted due to the size or complexity of a proposed project or because of the project's potential impacts. The Board may require that applicants pay a review fee consisting of the reasonable costs incurred by the Board to assist in the review of applications. The Board may engage engineers, architects, landscape architects, planners, or other appropriate professionals who can assist the Board in analyzing an application to ensure compliance with all relevant laws, bylaws and regulations.

F. Review Standards

The Board will consider the following in its review:

- a) Location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including bulk, height, scale, massing, materials, roof and cornice lines and color;
- b) Sustainable, climate-sensitive, and environmentally conscious site design practices;
- c) Preservation of existing natural landscape features and trees;

- d) Open space and landscape design;
- e) Existing topographic characteristics and proposed topographic changes;
- f) Vehicular, emergency service, non-vehicular/multi-modal and pedestrian access and circulation;
- g) Design of the streetscape and transition between abutting properties;
- h) Location, design and screening of parking and service areas;
- i) Loading, delivery, waste and snow removal management;
- j) Protection of surface and ground water quality;
- k) Location of public and private infrastructure and utilities;
- l) Site security features, such as fencing and lighting;
- m) Site and exterior building lighting;
- n) Site and building signage;
- o) Historic significance and impacts on historic structures or landscapes;
- p) Protection and mitigation of adjacent properties against detrimental impacts (surface water drainage, light, sound and sight buffers and preservation of views, light, and air); and
- q) Other aspects of site design that may be reasonably within the spirit and intent of this section.

G. Site Design Standards

- a) Connections. Sidewalks shall provide direct connections among building entrances, public sidewalk (if applicable), bicycle storage, and parking.
- b) Vehicular access. Where feasible, curb cuts shall be minimized and shared driveways encouraged. The maximum driveway width shall be 24 feet for development with 10 or more parking spaces and 12 feet for development with less than ten (10) parking spaces.
- c) Parking areas shall be designed so that vehicles may exit without backing into a public street to the extent reasonably practicable.
- d) Open space. Acceptable activities within minimum required open space, where applicable, include natural areas (including wetlands and surface waters), wildlife and native plant habitat, landscape plantings, agricultural activities, low-impact design stormwater management, non-motorized trails, courtyards, patios, decks, play areas and other low-impact recreational activities. Required open space shall not contain habitable structures, streets, driveways, or surface parking.
- e) Playground and recreation areas. Any development containing forty (40) or more units shall provide an outdoor play area or common space for use by families with children.
- f) Setbacks. No structure shall be erected within the required setbacks as specified in this Chapter. Driveways may be located within the required setbacks provided that no more than 30 percent of the setback area shall be paved.
- g) Parking location. Surface parking shall be located to the sides and rear to the greatest extent possible.
- h) Landscaping at parking perimeter. A landscape buffer shall be provided at the parking perimeter. Shade trees, ornamental trees, shrubs, and other plant materials shall be included in the buffer as is reasonable. The minimum width of the buffer shall be 5 feet.
- i) Landscaping at parking interior. A minimum of a five-foot wide landscape divider shall be provided between every 10 parking spaces, and a shade tree shall be planted between every 20 parking spaces. A minimum of a five-foot-wide terminus landscape island shall be provided at the beginning and end of each row, and a shade tree shall be planted in each terminus island.

- j) Screening for parking. Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than 6 (six) feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
- k) Parking materials. The parking surface may be concrete, asphalt, decomposed granite, bricks, gravel, pea stone, crushed shells or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- l) Existing landscape. Incorporate significant existing site features, such as trees of 12 inches caliper or more located within setbacks, stone walls, and historic fences into new development to the greatest extent possible.
- m) Landscaping. Use landscape design as a placemaking feature and not exclusively as a buffer.
- n) Plantings. Plantings shall include species that are native or adapted to the region and shall include shade trees. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited. Deciduous trees shall be at least three inches (3") in caliper as measured six inches (6") above the root ball at time of planting. Deciduous trees used for screening shall be expected to reach a height of 20 feet within ten (10) years after planting. Evergreen trees used for screening shall be a minimum of ten (10') feet in height at the time of planting. Where the Board determines that the planting of trees is impractical, the applicant may substitute shrubbery for trees. Shrubs and hedges shall be at least 3 feet in height at the time of planting and have a spread of at least 24 inches.
- o) Groundcover. Groundcover plantings are preferable to mulch where practical. Large areas of lawn are not desirable. Plantings with lower requirements for irrigation, fertilization and pesticide use are encouraged. Plants with similar cultural requirements should be grouped together.
- p) Outdoor Lighting. Light levels shall not exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow. Light fixtures shall be Dark-Sky compliant and meet International Dark Sky Association certification requirements.
- q) Mechanicals. Mechanical equipment at ground level shall not be located in the front yard setback nor in open space and shall be screened by a combination of fencing and evergreen plantings. Rooftop mechanical equipment shall be screened and incorporated into the architectural design.
- r) Electrical transformers and generators. Electrical transformers and generators shall not be located at grade within the required setbacks to the extent allowed by utility company. Applicants shall consider locating transformers within buildings or within below grade vaults and locating generators on roofs. Transformers and generators located at grade shall be screened by a combination of fencing and evergreen plantings to the extent allowed by utility companies.
- s) Utilities. Locate utility meters to minimize their visibility. Integrate them into the building and site design. Minimize the visibility of utility connections.
- t) Dumpsters. Dumpsters shall be screened by a combination of fencing and planting. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- u) Resiliency and Sustainability. Consider present and future climate conditions in assessing project environmental impacts, including carbon emissions, extreme precipitation, extreme heat, and sea

level rise. Projects must identify site and building strategies that eliminate, reduce, and mitigate adverse impacts including those due to changing climate conditions.

- v) Renewable Energy. Projects shall consider access to solar energy in building placement, orientation and design.
- w) Projects shall utilize low impact development strategies to the greatest extent possible, such as limiting the amount of impervious area, preserving and creating connected natural spaces, and using green infrastructure techniques such as rainwater harvesting, rain gardens, pollinator gardens, bioswales, permeable pavement, green roofs and tree canopy.
- x) Stormwater management. Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the Milton MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

H. General Building Design Standards:

- a) The primary building shall have its principal façade and entrance facing the principal street.
- b) Entries shall be clearly defined and linked to a paved pedestrian network that includes a public sidewalk, if available.
- c) Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace.
- d) Corner lots: A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
- e) All façades shall be treated with similar care and attention in terms of entries, fenestration, and materials.
- f) Emergency exits should be integrated into the building architecture.
- g) Infill lots. Infill buildings shall meet the requirements of each subdistrict's front yard setback, unless the adjacent buildings are set back a distance that is less than the minimum front yard requirements. In that case, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.
- h) Parking shall be subordinate in design and location to the principal building façade.
 - 1. Surface parking. Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way unless approved by the Board.
 - 2. Integrated garages. The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - 3. Parking structures. Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
- i) Buildings greater than forty (40) feet in length, measured horizontally, shall incorporate wall plane recesses or projections having a depth not less than four (4) feet and extending at least

twenty percent (20%) of the length of the façade. No uninterrupted length of façade shall exceed forty (40) horizontal feet. No projection shall extend into a required setback.

- j) Buildings shall have a clearly defined base and roof edge so that the façade has a distinct base, middle, and top.
- k) All sides of buildings shall be given as much architectural detail as the front. The building shall present a unified architectural design approach. Where windows are not possible or appropriate for the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls.
- l) Change in material shall accompany a change in form or plane and shall not be used within the same plane to reduce perceived bulk.
- m) Use durable materials that convey scale in their proportion, texture, finish and detailing and that contribute to the visual continuity of existing historic neighborhoods. Windows and doors shall have low reflectivity glass.
- n) Locate an addition to the side or rear of the existing building to the greatest extent possible.
- o) Entrances, exits, windows and doors shall be surrounded by architectural detail that highlights these features of the façade.
- p) In general, all windows shall be taller than they are wide. This requirement shall apply to windows on the first floor as well as upper floors. Windows shall be inset in order to create a shadow line and broken up with the use of mullions when possible.
- q) All stairways to upper floors shall be enclosed within the exterior walls of buildings.
- r) Garage entrances and service and loading areas shall not face an open space or street directly unless no other location is feasible.
- s) Rooftop terraces shall be set back a minimum of ten (10) feet from any façade wall and secured by a perimeter fence at least four (4) feet in height.

I. Building Design Standards: Multiple Buildings on a Parcel

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

J. Building Design Standards: Mixed-Use Development

- a) In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- b) Retail facades shall have a greater proportion of transparency than solids.
- c) Retail facades shall include small setbacks at street level to incorporate seating, displays and rain cover.
- d) Sidewalk width at retail facades shall be a minimum of 10 feet.

- e) Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- f) Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

K. Design Guidelines

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

L. Waivers

The Board may, upon written request of the applicant, waive any of the submission requirements of this Section. Applicants requesting waivers shall make such requests at a Pre-Application Conference with the Board at a public meeting, in order that the Board and staff may make a determination at the application and review phase as to what constitutes a complete submission. If, after the application has been filed and during the review process and public meeting or hearing, the Board determines that additional information is required in order for the Board to evaluate the project, the applicant shall submit the desired information.

The Board may, upon written request of the applicant, waive site and/or building design standards of this Section, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of this Section.

M. Authority of the Board

- a) Whenever an activity or use requires both site plan approval and one or more special permits, the Board shall conduct such reviews concurrently.
- b) The Board may impose reasonable conditions necessary to satisfy compliance with the Review Standards in Section F.
- c) The Board may reject any plan which fails to meet standards for health, safety, welfare and amenities appropriate to the special needs of the persons by whom such buildings are intended to be occupied and appropriate to the maintenance and preservation of health, safety, welfare and amenities in relation to adjacent and other properties in the neighborhood.
- d) The Planning Board shall have the power to modify or amend its approval of a site plan on application of the owner, lessee, or mortgagee of the premises, or upon its own motion. All of the provisions of this Section applicable to approval shall, where apt, be applicable to such modification or amendment.

N. Timeline

Site Plan Approval review should be commenced no later than 30 days of the submission of a complete application and should be completed expeditiously. In general, site plan review of projects of average complexity should be completed no more than 6 months after the submission.

O. Decision

The decision of the Board shall be by a majority vote of the Board as constituted (i.e., three affirmative votes).

P. Project Phasing

An Applicant may propose, in a Site Plan Approval submission, that a project be developed in phases subject to the approval of the Board, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid affordability requirement provisions, if applicable.

Q. Appeal

Any person aggrieved by a decision of the Board made under this Section may appeal said decision to a court of competent jurisdiction under MGL c. 40A, § 17.

R. Severability

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

and to authorize the Town Clerk to assign or amend chapter and section numbers; and act on anything relating thereto.

Submitted by the Planning Board

The Warrant Committee has not yet made a recommendation on this article.

Comment: This proposed zoning bylaw amendment seeks to amend the Town's Site Plan Review process under § 275-12.4 Site Plan Approval of the Town's Zoning Bylaws.

The Warrant Committee did not have an opportunity to review this article with the Planning Board prior to the printing of the Warrant. The Warrant Committee will make its recommendation prior to the February 24 Special Town Meeting. The recommendation will be available in hard copy form at the Town Meeting and it will be available on the Town's Town Meeting webpage:

<https://townofmilton.org/townmeeting>

ARTICLE 11 To see if the Town will vote to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaw, as follows:

- (1) By striking Section 3.2, Subsection A, Paragraph (6), and
- (2) By inserting the following:

Section XX: Accessory Dwelling Units

A. Purpose and Intent

The intent of permitting Accessory Dwelling Units is to:

- (1) Increase the range of housing choices;
- (2) Add dwelling units to meet the needs of smaller households and make dwelling units available to moderate income households who might otherwise have difficulty finding housing;
- (3) Allow dwelling units on single-family residential properties or in single-family districts that are appropriate for households at a variety of stages in life;
- (4) Encourage more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods;
- (5) Encourage the reuse of existing accessory structures, which may have historical or cultural significance, or the preservation of which would generally contribute aesthetic value to the landscape, neighborhood, or Town; and
- (6) Provide an opportunity for homeowners who can no longer physically or financially maintain their single-family home to remain in homes they might otherwise be forced to leave.

B. Definitions

Accessory Dwelling Unit ("ADU"): A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

- (a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress;
- (b) is not larger in Gross Floor Area than 1/2 the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and
- (c) is subject to such additional restrictions as contained in the Section.

Building Code: The Massachusetts state building code, 780 CMR.

Bus Station: A location serving as a point of embarkation for any bus operated by a Transit Authority.

Commuter Rail Station: Any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

Design Standards: Clear, measurable and objective provisions of Zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU.

Dwelling Unit. A single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. This definition does not include a mobile home trailer, however mounted.

EOHLC: The Executive Office of Housing and Livable Communities.

Fire Code: The Massachusetts state fire code, 527 CMR 1.00.

Gross Floor Area: The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFS of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

Historic District. A district in a Municipality established pursuant to M.G.L. c. 40C or other state law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the Municipality pursuant to M.G.L. c. 40C or other state law.

Lot. An area of land with definite boundaries that is used, or available for use, as the site of a building, or buildings.

Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.

Principal Dwelling. A structure, regardless of whether it conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is located on the same Lot as a Protected Use ADU.

Short-term Rental. Short-term rental, as defined in M.G.L. c. 64G, s. 1.

Single-Family Residential Dwelling. A structure on a Lot containing not more than one Dwelling Unit.

Single-family Residential Zoning District. Any Zoning District where Single-family Residential Dwellings are a permitted or an allowable use, including any Zoning District where Single-family Residential Dwellings are allowed as-of-right or by Special Permit.

Site Plan Review. A process established by local ordinance or by-law by which a Municipal board or authority may review and impose terms and conditions on the appearance and layout of a proposed use of land or structures prior to the issuance of a building permit.

Transit Station. A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

Zoning District. A geographic area within the Town which, pursuant to Zoning, is subject to use requirements that are generally uniform throughout the area.

C. General Conditions and Requirements for all Accessory Dwelling Units:

- (1) An ADU may be a detached unit, a unit that is part of an accessory structure, such as a detached garage, or a unit that is part of a new, remodeled, or expanded primary dwelling, and shall be permitted “by right” in any Zoning District where Single-Family Residential Dwellings are a permitted or an allowable use, including any Zoning District where Single-Family Residential Dwellings are allowed as of right, by special permit, variance, waiver, or other zoning relief or discretionary zoning approval.
- (2) There shall be no more than one (1) accessory dwelling unit, either internal or detached, on any lot. ADUs shall not be eligible for zoning dimensional variances proposing to increase the number of allowable ADUs on a lot.
- (3) No ADU shall be separated from the Principal Dwelling through condominium conversion or be held in separate ownership from the Principal Dwelling. Neither the Principal Dwelling nor the ADU shall be sold or otherwise conveyed or transferred separately from the other.
- (4) A Detached Unit shall meet the dimensional requirements for a Single-Family Residential Dwelling in the Zoning District in which it is located.
- (5) An ADU may be located within an existing Primary Dwelling or an existing accessory structure with non-conforming setbacks, provided that any new construction of floor area complies with the applicable setback standards.
- (6) The Gross Floor Area of an ADU shall not be larger than 1/2 the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller, and shall not be less than 350 square feet. Once an ADU has been added to a primary dwelling or lot, the accessory dwelling unit shall not be enlarged beyond the square footage allowed by this section.
- (7) An ADU may not be rented for periods less than twelve (12) months at a time and is prohibited from being rented on a weekly or daily basis. The ADU shall not be used for boarding and lodging, or other commercial use.
- (8) A property owner granted approval for a Temporary Apartment under Section 275-3.1, Subsection I may, upon written application to the Building Commissioner, request approval of such apartment as and ADU under the provisions of this Section.
- (9) A minimum of one (1) parking space shall be provided for each ADU located on a Lot that is more than 0.5 mile from a bus station, commuter rail station, or trolley stop. The parking required for an ADU is in addition to that required for the Primary Dwelling.
- (10) Utilities such as water, sewer, electricity and gas, for the ADU may be on the same services as the Primary Dwelling subject to the requirements of the authority having jurisdiction and the utility service provider. Utility connections for a detached ADU are subject to the requirements of the authority having jurisdiction and the utility service provider.

D. Design Standards

- (1) Exterior modifications to a Principal Dwelling or accessory structure, as well as the construction of a new Detached Unit, shall be architecturally compatible with the Principal Dwelling, including the use of complimentary color palettes, exterior finishes, window types, roof pitch, and other design features.
- (2) Where a driveway or parking space abuts a Principal Dwelling or an ADU, a landscape area with a minimum depth of three (3) feet is encouraged to be provided for the entire length of the driveway and/or parking space. \
- (3) Should an additional curb cut be required, it is subject to the requirements of the authority having jurisdiction.
- (4) All stairways to upper stories shall be enclosed within the exterior walls of the building in which the ADU is located.
- (5) The ADU shall have an entrance separate from the entrance to the Principal Dwelling provided that there may be a common entry hall or corridor for separate entrances.
- (6) Pedestrian paths shall be provided from the sidewalk or driveway to the entrance(s) of the Principal Dwelling and the ADU.
- (7) Energy-efficient features and sustainable materials are encouraged, but not required, unless the Building Code, Fire Code, Energy Code, and/or any other applicable code requiring such to be incorporated into the design of the ADU. This could include solar panels, energy-efficient lighting and appliances, high insulation values for the walls, roof, windows and doors, and eco-friendly building materials.

E. Process and Procedural Requirements

- (1) The Building Commissioner shall administer and enforce the provisions of this Section.
- (2) Creation of an ADU in an expansion of an existing Principal Dwelling or in a detached accessory structure shall require site plan approval by the Planning Board in compliance with the provisions of this Section and provisions of Section 275-12.4 Site Plan Approval.
- (3) Site Plan Approval Submission Requirements:
 - a. A completed application form and a filing fee in an amount determined by the Building Department;
 - b. The existing and proposed square footage of each dwelling unit;
 - c. The existing and proposed floor layouts of each dwelling unit to an architectural scale of $\frac{1}{4}$ inch = 1 foot- 0 inches;
 - d. Exterior elevations of new and existing buildings to an architectural scale of $\frac{1}{4}$ inch = 1 foot- 0 inches;
 - e. Any proposed changes to the exterior of the existing building;
 - f. A site plan showing new and existing buildings, setbacks, parking, drives, grading, drainage, utilities including gas, water, electric, sewer, and septic lines, and landscaping, including existing hardscape and stone walls; and
 - g. The site plan shall be prepared by a registered land surveyor.
- (4) The Planning Department shall notify the Board of Health of the application for a site plan approval and allow them a reasonable time to inspect and comment upon said application at those Lots with septic systems or wells.
- (5) One hard copy of said information and one electronic file of the complete filing shall be submitted to the Planning Department.

F. Authority of the Board

- (1) The Board may impose reasonable conditions to satisfy compliance with the Design Standards in Section D.
- (2) The decision of the Board shall be by a majority vote of the Board as constituted (i.e., three affirmative votes).

And to authorize the Town Clerk to assign or amend chapter and section numbers; and to act on anything relating thereto.

Submitted by the Planning Board

The Warrant Committee has not yet made a recommendation on this article.

Comment: This proposed zoning bylaw amendment seeks to amend the Town's Zoning Bylaws to regulate Accessory Dwelling Units. Beginning February 2, 2025, Accessory Dwelling Units (ADUs) will be allowed as of right in all single-family zoning districts in Massachusetts. The Legislature and Governor approved this change to the Zoning Act (M.G.L. Chapter 40A) in the fall of 2024.

The Executive Office of Housing and Livable Communities promulgated regulations that provide guidance on how cities and towns may further regulate ADUs. The regulations as well as extensive additional information is available on the state's website: <https://www.mass.gov/adu>

The Warrant Committee did not have an opportunity to review this article with the Planning Board prior to the printing of the Warrant. The Warrant Committee will make its recommendation prior to the February 24 Special Town Meeting. The recommendation will be available in hard copy form at the Town Meeting and it will be available on the Town's Town Meeting webpage: <https://townofmilton.org/townmeeting>

ARTICLE 12 to see if the Town will vote to amend the General Bylaws by inserting the following new Chapter XX Dark Sky Protection.

PURPOSE

The purpose of this Chapter is to: (i) protect the rural character of the Town; (ii) protect the natural beauty of a dark sky, in which stars, planets and constellations can be viewed unimpeded from the encroachment of glare, excessive lighting, and light pollution; (iii) protect the natural animal habitats within the Town; (iv) promote the use of advanced lighting technology; and (v) balance the needs of economic development, human and animal safety and the Town's natural character through the regulation of Outdoor Lighting.

DEFINITIONS

"Adaptive Controls" means mechanical or electronic devices, when used in the context of Outdoor Lighting systems, intended to actively regulate the switching, duration, and/or intensity of light emitted by such systems. Examples of adaptive controls include timers, dimmers, and motion-sensing switches.

"Applicant" means the person or entity that applies for the issuance of an Outdoor Lighting Permit.

"Application" means a written application for the issuance of an Outdoor Lighting Permit.

"Electronic display" means any illuminated sign of an informative or advertising nature, whether on or off-premises, and operable at night, whose content is made visible to the viewer by means of luminous elements under active electronic control and therefore subject to alteration in order to vary the content of the message. Electronic displays may be either static or dynamic in terms of light color and intensity.

"Fully Shielded" means an outdoor Luminaire constructed so that in its installed position all the light emitted by the Luminaire is projected below the horizontal plane passing through the lowest light-emitting part of the Luminaire. A Fully Shielded Luminaire, indicating the ninety (90) degree angle between the horizontal plane passing through the lowest light emitting part of the Luminaire and the nadir, defined as the local vertical pointing toward the center of the earth.

"International Dark-Sky Association" means the non-profit organization headquartered at 3223 North First Avenue, Tucson, Arizona, whose mission is to reduce light pollution through the promotion of recognized best practices in Outdoor Lighting design, installation, and operation.

"Lamp" means the bulb or other light-emitting portion of a Luminaire, not inclusive of any reflective or refractive optics used to direct light.

"Light pollution" means any unintended, adverse and/or obtrusive effect of the use of outdoor light at night.

"Luminaire" means a complete lighting assembly, consisting of a Lamp, housing, optic(s), and other structural elements, but not including any mounting pole or surface.

"Outdoor Lighting" means temporary or permanent lighting that is installed, located, or used in such a manner as to cause light rays to shine outdoors.

"Outdoor Sports Lighting" means lighting equipment designed and installed specifically to illuminate outdoor fields used for the practice and play of any outdoor sport or similar recreation activity. This term refers only to lighting directed toward, and intended to facilitate, play or recreation on outdoor

surfaces, or to illuminate spectator viewing stands, but not for illumination of any other part of a connected or adjacent property.

“Public hazard or nuisance” means lighting that, by virtue of its intensity, brightness, area of coverage, position or direction causes to adjacent property or occupants thereof visual discomfort or other physical harm or damage, or a substantial and unreasonable interference with the use and enjoyment of such property.

“Public Lighting” means Outdoor Lighting equipment owned, operated, and/or maintained or leased by the Town and that is situated either on Town-owned property or in a public right of way. This term is inclusive of street lighting when owned or leased by the Town.

“Searchlight” means any high-intensity light source whose emission pattern is confined to a narrow beam and whose intended purpose is to draw attention to the locations at which products or services are sold. Sometimes referred to as a “sky beam.”

“Outdoor Lighting Permit Granting Authority” means the Select Board of the Town.

“Town” means the town of Milton, MA.

“Up-lighting” means any Luminaire that is directed toward the sky or onto an object from below the object.

APPLICABILITY

General applicability. All Outdoor Lighting Luminaires installed after the effective date of this bylaw shall be in conformance with the requirements established by this bylaw and any other applicable bylaws, codes or regulations of the Town, except that owners of lawfully preexisting Outdoor Lighting Luminaires shall be deemed in compliance with this bylaw provided that they obtain an Outdoor Lighting Permit authorizing such preexisting Outdoor Lighting Luminaire within two years of the date that this bylaw becomes effective . The provisions of this bylaw shall apply to all new construction or any renovations of existing real property for which a building permit is required.

Preexisting Outdoor Lighting Luminaires. All commercial and residential Outdoor Lighting Luminaires that were lawfully installed prior to the effective date of this bylaw, but that do not comply with the requirements of this bylaw, are declared to be lawfully preexisting and are referred to herein as “Preexisting Luminaires.” All Preexisting Luminaires may continue to be used and maintained after the adoption of this bylaw and any related codes or regulations, but shall be brought into compliance with its requirements upon the first to occur of any of the following:

- i. A change of use of a property, or any other modification requiring an Outdoor Lighting Permit; or
- ii. A determination by the Select Board, following a hearing held no less than 14 days after providing notice to the owner of the Preexisting Luminaire, that such Preexisting Luminaire constitutes a public hazard or a nuisance;
- iii. The replacement of any Preexisting Luminaire with new lighting equipment, not inclusive of Lamps or similar consumable parts; or
- iv. The two-year anniversary of the effective date of this bylaw.

Conformity shall occur prior to issuance of a certificate of occupancy, final inspection, or final plat recordation, when applicable. For other permits, the applicant shall have a maximum of sixty (60) days from the date of permit issuance to bring the lighting into conformance.

INTENTION

The intention of this bylaw is to encourage compliance immediately and then require that Preexisting Luminaires not otherwise affected by this bylaw be made compliant with this bylaw within two (2) years after the effective date of this bylaw.

MAIN PROVISIONS

Shielding. All Outdoor Lighting Luminaires installed after the effective date of this bylaw shall be Fully Shielded.

Spectrum management. The color temperature of Lamps in all Outdoor Lighting Luminaires shall not exceed 2,700 Kelvins.

Top-down lighting. Externally illuminated signs shall be lit only from the top of the sign with Fully Shielded Luminaires designed and installed to prevent light from spilling beyond the physical edges of the sign.

General curfew for commercial uses. All Outdoor Lighting shall be extinguished by 11:00 pm or within one (1) hour of the close of normal business hours, or at the conclusion of usual operations, whichever occurs later.

Outdoor Sports Lighting. Outdoor Sports Lighting shall be permitted and exempted from this bylaw and related codes and regulations if its design and installation adheres to the version of the International Dark-Sky Association's Criteria for Community Friendly Outdoor Sports Lighting operative at the time when the construction permit is submitted to the Town for review.

Displays of the United States flag. Flagpoles displaying the United States flag are exempt from this bylaw, provided that the sole objective of the illumination is the United States flag. Wherever possible, illumination shall be from above the flag pointing downward.

Other restrictions. The use of the following types of Outdoor Lighting are prohibited unless specifically authorized d by the Select Board via its issuance of an Outdoor Lighting Permit a:

- i. Searchlights, sky beams, and similar lighting, except as required by response personnel during emergency conditions.
- ii. Lasers.
- iii. Electronic displays.
- iv. Up-lighting.
- v. Any light that dynamically varies its output by intermittently fading, flashing, blinking, or rotating. This type of lighting includes strobe lighting.
- vi. Any Luminaire that uses mercury vapor Lamps. Further, any Luminaire that uses mercury vapor Lamps is not grandfathered by this bylaw and must be Fully Shielded within one (1) year of the effective date of this bylaw.

PUBLIC LIGHTING

New installations. New installations of Outdoor Lighting on public properties and rights of way may be installed only upon determination by the Select Board that a public safety hazard exists in the area to be lit, and that the hazard can only be effectively mitigated through the use of Outdoor Lighting and not through some other passive means, such as reflectorized roadway paint or markers.

Adaptive Controls. All new installations of Outdoor Lighting on public properties and rights of way must be regulated with Adaptive Controls such that the lighting of areas is restricted to times, places and amounts required for safe occupancy.

Curfew. All Outdoor Lighting on public properties and rights of way not adaptively controlled must be fully extinguished by 11:00 pm, or within one hour of the end of occupancy of the structure or area to be lit, whichever is later.

Compliance. All new installations of Outdoor Lighting on public properties and rights of way must comply with this bylaw.

Adoption. Existing Outdoor Lighting on public properties and rights of way must be modified to comply with this bylaw within two (2) years of the effective date of this bylaw.

ENFORCEMENT

Administrative guidance. The Select Board is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this bylaw.

Violations. It shall be unlawful to install or operate any Outdoor Lighting Luminaire in violation of any provision of this bylaw. Any person violating any provision of this bylaw shall be guilty of a misdemeanor. Each day during which the illegal erection, maintenance and use of such non-conforming Outdoor Lighting continues shall constitute a separate offense.

Primary relief. The Town shall also have the right to bring a civil action to enforce the provisions of this bylaw and to seek remedies as allowed by law, including, but not limited to injunctive relief, monetary damages; or other relief as directed by a court with jurisdiction over the matter.

Penalties. Any person or entity who violates this By-Law shall receive a warning for the first violation and shall be liable to the Town of Milton in the amount of \$50 for the second violation and in the amount of \$100 for each subsequent violation, which money shall inure to the Town of Milton for such uses as the Select Board may direct. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with MGL c. 40 S. 21D. Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation.

Stop work orders. In the event work is not being performed in accordance with this bylaw, the Town may issue a stop work order and all work shall immediately cease on the entire project for which the Outdoor Lighting Permit was issued. No further work shall be undertaken on the project if a stop work order is in effect.

And to authorize the Town Clerk to assign or amend chapter and section numbers; and to act on anything relating thereto.

The Warrant Committee has not yet made a recommendation on this article.

COMMENT: The Warrant Committee did not have an opportunity to review this article prior to the printing of the Warrant. The Warrant Committee will make its recommendation prior to the February 24 Special Town Meeting. The recommendation will be available in hard copy form at the Town Meeting and it will be available on the Town's Town Meeting webpage:

<https://townofmilton.org/townmeeting>

Article 13 To see if the Town will vote to amend the General Bylaws by inserting the following new Chapter XX Protection Against Light Trespass

PURPOSE

The purpose of this Chapter XX is to protect a Person from the intentional and unintentional Light Trespass caused by another Person.

DEFINITIONS

“Lamp” means the bulb or other light-emitting portion of a Luminaire, not inclusive of any reflective or refractive optics used to direct light.

“Light Trespass” means a condition in which artificial light emitted from a Luminaire on one property is directed in such a manner that the light source or glare is visible from any other property and constitutes public hazard or a nuisance.

“Luminaire” means a complete lighting assembly, consisting of a Lamp, housing, optic(s), and other structural elements, but not including any mounting pole or surface.

“Person” means an individual, a member of a limited liability company, a partnership, or a corporation.

“Public hazard or nuisance” means lighting that, by virtue of its intensity, brightness, area of coverage, position or direction causes to adjacent property or occupants thereof visual discomfort or other physical harm or damage, or a substantial and unreasonable interference with the use and enjoyment of such property.

“Town” means the town of Milton, MA.

ENFORCEMENT

The Select Board, in its sole discretion, shall determine if a Light Trespass constituting a public hazard or nuisance exists. The Select Board shall notify the property owner of its intention to review a complaint regarding light trespass at their property in writing at least fourteen days in advance and provide an opportunity for the property owner to respond to the complaint before the Select Board.

VIOLATIONS

A condition determined by the Select Board to constitute a public hazard or nuisance shall be in violation of this bylaw. Any Person violating any provision of this bylaw shall be guilty of a misdemeanor. Each day during which the violation exists shall constitute a separate offense.

RELIEF

The Town shall have the right to bring a civil action to enforce the provisions of this bylaw and to seek remedies as allowed by law, including, but not limited to injunctive relief, monetary damages; or other relief as directed by a court with jurisdiction over the matter.

PENALTY

Any person or entity who violates this By-Law shall receive a warning for the first violation and shall be liable to the Town of Milton in the amount of \$50 for the second violation and in the amount of \$100 for each subsequent violation, which money shall inure to the Town of Milton for such uses as the Select

Board may direct. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with MGL c. 40 S. 21D. Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation.

And to authorize the Town Clerk to assign or amend chapter and section numbers; and to act on anything relating thereto.

The Warrant Committee has not yet made a recommendation on this article.

COMMENT: The Warrant Committee did not have an opportunity to review this article prior to the printing of the Warrant. The Warrant Committee will make its recommendation prior to the February 24 Special Town Meeting. The recommendation will be available in hard copy form at the Town Meeting and it will be available on the Town's Town Meeting webpage:
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Article 14 To see by what sums of money the Town will vote to amend the appropriations voted at the 2024 Annual Town Meeting for the twelve-month period beginning July 1, 2024; and to determine how said appropriations shall be raised, whether by transfer from available funds or otherwise; and to act on anything related thereto.

RECOMMENDED that the Town vote to amend the following appropriation voted by the 2024 Annual Town Meeting by the article referenced in the table below, and in the manner identified below, for the twelve-month period beginning July 1, 2024:

Department	2024 ATM Article	Current FY2025 Appropriation	FY2025 Adjustment	Revised FY2025 Appropriation
Select Board – Law Professional & Special Services	XX	\$283,000	(\$250,000)	\$33,000
School	XX		\$250,000	

And that to meet said appropriation the sum of \$0 be raised from the tax levy.

Submitted by Citizen’s Petition. More than 100 citizens signed the petition, the first ten (10) of whom are:

Margaret A. Riley	36 Caroline Drive
Paul V. Riley	36 Caroline Drive
Jeanne C. Bronk	40 Caroline Drive
Gail Ina Zaslow	1372 Brush Hill Road
Elizabeth Tamer	1372 Brush Hill Road
Anne E. Piacentini	1372 Brush Hill Road
Jean H. Powers	1372 Brush Hill Road
Susan Arlene Wolfe	1372 Brush Hill Road
Pamela A. Francis	1372 Brush Hill Road
Mary Elizabeth Harman	29 Caroline Drive

The Warrant Committee has not yet made a recommendation on this article.

COMMENT: This Citizens Petition was received by the Select Board on January 22, 2025. Signatures were certified by the Town Clerk on January 24, 2025. The Warrant Committee did not have sufficient time to review the Citizen’s Petition and provide a recommendation prior to the Warrant being printed.

The Warrant Committee will make its recommendation prior to the February 24 Special Town Meeting. The recommendation will be available in hard copy form at the Town Meeting and it will be available on the Town’s Town Meeting webpage:

<https://townofmilton.org/townmeeting>

ARTICLE 15 To see if the Town will vote to instruct the Planning Board to prepare for a vote by the 2025 Annual Meeting a zoning article to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaw, to allow multi-family housing permitted as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A) and consistent with the Massachusetts Supreme Judicial Court's decision in Commonwealth v. Town of Milton and with the Emergency Compliance Regulations for Multi-Family Zoning Districts Under Section 3A of the Zoning Act, dated January 14, 2025, as further revised or amended from time to time.

Submitted by Citizen’s Petition. More than 100 citizens signed the petition, the first ten (10) of whom are:

Anita R. Lazar	103 Maple Street
Zachary K. Lazar	103 Maple Street
Adriana Christina Lazar	103 Maple Street
Maryann Alberino	41 Quisset Brook Road
Louis Michael Alberino	41 Quisset Brook Road
Patrick Gregory Henderson	99 Maple Street
Lauren Henderson	99 Maple Street
Ruth E. Baltopoulos	117 Sumer Street
Edward Leo Onessimo, Jr.	68 Avalon Road
Laura Williams Onessimo	68 Avalon Road

The Warrant Committee has not yet made a recommendation on this article.

COMMENT: This Citizens Petition was received by the Select Board on January 22, 2025. Signatures were certified by the Town Clerk on January 24, 2025. The Warrant Committee did not have sufficient time to review the Citizen’s Petition and provide a recommendation prior to the Warrant being printed.

The Warrant Committee will make its recommendation prior to the February 24 Special Town Meeting. The recommendation will be available in hard copy form at the Town Meeting and it will be available on the Town’s Town Meeting webpage:

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Town of Milton
525 Canton Ave
Milton, MA 02186

Town Meeting will be held on
Monday, February 24
Beginning at 7:30 p.m.

The Milton High School auditorium
is reserved for additional Town Meeting
sessions at 7:30 p.m. on:
Tuesday, February 25
Wednesday, February 26.

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