



**Select Board**

**Meeting Packet**

**March 11, 2025**

Potential Ballot Question:

*Shall the Town of Milton be allowed to assess an additional \$\_\_\_\_\_ in real estate and personal property taxes for the purpose of funding the operating budgets of the Town and the Public Schools for the fiscal year beginning July 1, 2025?*

*Shall the Town of Milton be allowed to assess an additional \$\_\_\_\_\_ in real estate and personal property taxes for the purpose of funding the operating budgets of the Town and the Public Schools and an additional \$\_\_\_\_\_ in real estate and personal property taxes for the purpose of funding an Operating Budget Stabilization Fund for the fiscal year beginning July 1, 2025?*

Fiscal Year	2025	2026	2026	2026	2026	2026
Status	Recap	No Override	Override - \$5 million	Override - \$6 million	Override - \$7 million	Override - \$7.5 million
Average Single Family Value	\$1,028,487	\$1,028,487	\$1,028,487	\$1,028,487	\$1,028,487	\$1,028,487
Maximum Allowed Levy	101,944,061	105,271,933	105,271,933	105,271,933	105,271,933	105,271,933
Override Amount		\$ -	\$ 5,000,000	\$ 6,000,000	\$ 7,000,000	\$ 7,500,000
Levy with Override		\$ 105,271,933	\$ 110,271,933	\$ 111,271,933	\$ 112,271,933	\$ 112,771,933
Tax Rate	\$11.09	\$ 11.45	\$ 12.00	\$ 12.10	\$ 12.21	\$ 12.27
Average Single Family Tax Bill	\$ 11,406	\$ 11,778	\$ 12,338	\$ 12,450	\$ 12,561	\$ 12,617
\$ Increase from FY25		\$ 372	\$ 932	\$ 1,044	\$ 1,156	\$ 1,211
% Increase from FY25		3.26%	8.17%	9.15%	10.13%	10.62%
Additional amount for Override	N/A	N/A	\$ 559	\$ 671	\$ 783	\$ 839
% Increase for Override	N/A	N/A	4.90%	5.89%	6.87%	7.36%
Anticipated % Increase FY27-FY30			3.30%	3.30%	3.30%	3.30%
Projected Tax Impact in FY27			\$ 577.88	\$ 693.46	\$ 809.03	\$ 866.82
Projected Tax Impact in FY28			\$ 596.95	\$ 716.34	\$ 835.73	\$ 895.43
Projected Tax Impact in FY29			\$ 616.65	\$ 739.98	\$ 863.31	\$ 924.98
Projected Tax Impact in FY30			\$ 637.00	\$ 764.40	\$ 891.80	\$ 955.50
						1,019.20

Fiscal Year	2025	2026	2026	2026	2026
Status	Recap	No Override	Override - \$8.5 million	Override - \$9 million	Override - \$9.5 million
Average Single Family Value	\$1,028,487	\$1,028,487	\$1,028,487	\$1,028,487	\$1,028,487
Maximum Allowed Levy	101,944,061	105,271,933	105,271,933	105,271,933	105,271,933
Override Amount	\$ -	\$ 8,500,000	\$ 9,000,000	\$ 9,500,000	\$ 10,000,000
Levy with Override	\$ 105,271,933	\$ 113,771,933	\$ 114,271,933	\$ 114,771,933	\$ 115,271,933
Tax Rate	\$11.09	\$ 11.45	\$ 12.38	\$ 12.43	\$ 12.49
Average Single Family Tax Bill	\$ 11,406	\$ 11,778	\$ 12,729	\$ 12,785	\$ 12,841
\$ Increase from FY25	\$ 372	\$ 1,323	\$ 1,379	\$ 1,435	\$ 1,491
% Increase from FY25	3.26%	11.60%	12.09%	12.58%	13.07%
<b>Additional amount for Override</b>	<b>N/A</b>	<b>N/A</b>	<b>\$ 951</b>	<b>\$ 1,007</b>	<b>\$ 1,063</b>
<b>% Increase for Override</b>	<b>N/A</b>	<b>N/A</b>	<b>8.34%</b>	<b>8.83%</b>	<b>9.32%</b>
Anticipated % Increase FY27-FY30			3.30%	3.30%	3.30%
Projected Tax Impact in FY27			\$ 1,367.02	\$ 1,424.81	\$ 1,482.60
Projected Tax Impact in FY28			\$ 1,412.13	\$ 1,471.83	\$ 1,531.52
Projected Tax Impact in FY29			\$ 1,458.73	\$ 1,520.40	\$ 1,582.06
Projected Tax Impact in FY30			\$ 1,506.87	\$ 1,570.57	\$ 1,634.27
Every \$1 million increase in the tax levy = approx. \$112 increase in tax impact on the average single family house					

Governor Stoughton Trust													
Subfund 8210													
7/1/17 - 12/31/24													
		FY 2018		FY 2019		FY 2020		FY 2021		FY 2022		FY 2023	
		<u>Actual</u>		<u>Actual</u>		<u>Actual</u>		<u>Actual</u>		<u>Actual</u>		<u>Actual</u>	
Beginning Balance 7/1/17		\$ 294,001.46		\$ 5,577,572.73		\$ 5,640,711.90		\$ 5,468,448.87		\$ 5,647,089.60		\$ 5,473,108.10	
<b>Revenue</b>													
Bank Interest Income/Loss		\$ (21,558.04)		\$ 161,134.11		\$ 38,161.97		\$ 282,640.73		\$ (44,031.50)		\$ 209,691.81	
Rent Received		\$ 4,522.66		\$ 1,000.00		\$ 1,000.00		\$ 1,000.00				\$ 2,000.00	
Land Sale		\$ 5,350,000.00											
<b>Total Revenue Received</b>		\$ 5,332,964.62		\$ 162,134.11		\$ 39,161.97		\$ 283,640.73		\$ (44,031.50)		\$ 209,691.81	
<b>Donations from Trust</b>													
Beth Israel Deaconess Hospital		\$ 10,000.00		\$ 15,000.00		\$ 15,000.00		\$ 15,000.00				\$ 15,000.00	
Milton Food Pantry		\$ 15,000.00		\$ 15,000.00		\$ 38,000.00				\$ 25,000.00		\$ 58,000.00	
Ready to Go Food Program												\$ 1,000.00	
Unquity House		\$ -		\$ 5,000.00				\$ 10,000.00					
Milton Residents Fund		\$ 20,000.00		\$ 60,000.00		\$ 110,000.00		\$ 80,000.00		\$ 100,000.00		\$ 120,000.00	
<b>Total Donations</b>		\$ 45,000.00		\$ 95,000.00		\$ 163,000.00		\$ 105,000.00		\$ 125,000.00		\$ 193,000.00	
<b>Expenses</b>													
MIIA		\$ 4,393.35		\$ 3,864.94									Insurance
D & D Construction				\$ 48,425.00				\$ 4,950.00					Demolition
Milton Times			\$ 130.00										
<b>Total Expenses</b>		\$ 4,393.35		\$ 3,994.94		\$ 48,425.00		\$ -		\$ 4,950.00		\$ -	
<b>Total</b>		<b>\$ 5,577,572.73</b>		<b>\$ 5,640,711.90</b>		<b>\$ 5,468,448.87</b>		<b>\$ 5,647,089.60</b>		<b>\$ 5,473,108.10</b>		<b>\$ 5,489,799.91</b>	
Corpus		\$ 5,350,000.00		\$ 5,350,000.00		\$ 5,350,000.00		\$ 5,350,000.00		\$ 5,350,000.00		\$ 5,350,000.00	
													Market Value at 12/31/2024

Beth Israel Lahey Health   
Beth Israel Deaconess Milton

January 29, 2025

Milton Select Board  
C/O Nicholas Milano, Town Administrator  
525 Canton Avenue  
Milton, MA 02186

Dear Members of the Select Board,

I hope this letter finds you well and that the new year is off to a great start. As we reflect on the past year at BID Milton, we're reminded of the challenges we've faced, but also the immense opportunities we have to serve our community—opportunities that have never been more critical.

The closure of Carney Hospital last August was a stark reminder of the fragile state of healthcare in our region. The impact of that closure was deeply felt, not just for the immediate disruption, but for the added strain it placed on our community. Yet, in the face of these challenges, BID Milton is stepping up to meet the growing needs in our area. This September, we received approval for a major expansion of our Emergency Department, a project that will double our capacity and allow us to better serve the nearly 40,000 patients we care for each year—far above the 26,000 the department was originally designed to handle. This expansion is crucial, and we are proud to move forward with it as part of our commitment to Milton.

Beyond our clinical work, we remain deeply invested in the well-being of the Town of Milton. The support we receive from the Governor Stoughton Trust Fund is invaluable, enabling us to provide free medical care to residents in need. We are also proud to partner with local organizations that serve underserved students and families, ensuring our community thrives in every way possible.

We are grateful for your ongoing support, and we are committed to continuing to serve Milton with excellence and compassion. Together, we can ensure that Milton remains a place where all residents have access to the care they deserve.

I am proud to share details of what we have recently done to support needy members of this community:

**Free Care:**

- Between fiscal years 2023 and 2024, BID Milton provided unreimbursed care to Milton residents (individuals with a Milton address) totaling \$367,971.

In light of this shared mission, we respectfully request that the trustees of the Governor Stoughton Fund consider continuing their support by authorizing a \$25,000 investment to help defray the costs of providing vital care and services to Milton residents.

I was thrilled to be able to address the Select Board directly regarding our work at BID Milton in the past, and I would welcome the opportunity to do so again, if appropriate. Thank you for your thoughtful consideration of this request. Should you have any questions, please feel free to contact me at (617) 313-1353 or [richard\\_fernandez@bidmilton.org](mailto:richard_fernandez@bidmilton.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Fernandez".

Richard W. Fernandez  
President

# The Milton Community Food Pantry, Inc.

housed at  
Parkway United Methodist Church  
158 Blue Hills Parkway  
Milton, Massachusetts 02186



February 20, 2025

The Milton Select Board

*Caring and Sharing*

Trustees of the Gov. Stoughton Fund  
525 Canton Avenue  
Milton, MA 02186

RE: Governor Stoughton Fund

Dear Ms. Bradley, Mr. Keohane, Ms. Musto, Mr. Wells and Mr. Zoll:

The Milton Community Food Pantry volunteers and Steering Committee members are writing to convey our deepest appreciation for your past support and recognition of the work of the pantry in helping the less fortunate citizens of our town who struggle with food insufficiency. We know that in your position as Trustees of the Governor Stoughton Fund, which is pledged to help the poor of Milton, you have valued our mission to provide food sustenance to our financially eligible neighbors. We are a volunteer staffed pantry and our service to Milton residents is funded entirely by donations of money and food items from our community.

We are coming to you this year trusting that you will be able to help us in what promises to be another financially challenging year for the 167 families, 531 residents, including 102 seniors and 152 children, that we serve. This year's frigid temperatures have caused our participants to consume more fuel to keep their homes warm and increases in the utility companies' charges have made paying bills almost impossible. The increasing cost of food at the grocery stores, including eggs and butter, have resulted in a greater struggle for Milton families to make ends meet. We need your help to continue to fight food insecurity for these families, who are depending on us for the non-perishable and frozen protein items that we purchase from the Greater Boston Food Bank, which we make available to them at no cost. In our past years of service, the pantry has made a major impact in providing these Milton families food assistance in their efforts to deal with economic hardship. Without the resources of the Milton Community Food Pantry, our clients would be unable to purchase the food they need and would be faced with choosing between paying utility and other household bills and feeding their families.

At this time, we are again requesting your financial support. Without your help as Trustees of the Governor Stoughton Fund, we will not be able to meet our goals for this year. Please help us to:

- Extend our Gift Card Program, which allows our client families to purchase milk and eggs at local grocery stores as we do not have the capability of storing and distributing these perishable products at the Parkway United Methodist Church where the pantry is housed. Because of recent spikes in the cost of these items, we need to provide more to our participants.

We believe that to allow the purchase of milk, butter and eggs, we must increase our gift card distribution. In 2024, our direct cost for this program ran approximately \$4,000 per month. As a result of recent pricing increases to allow our participants the same purchasing power, we need to increase the amount distributed to each family by \$10 per month. This will make the cost for this program almost \$6,000 per month, and up to \$72,000 for the year.

- Continue our monthly purchase of produce for our client families. This would provide them with potatoes, onions, carrots, bananas, apples and oranges, from a local supplier. The cost of this produce averages an additional \$1,000 per month, adding \$12,000 annually to our expense budget.
- Support our purchase of reusable grocery bags for our client families' use and for those who are homebound to whom we deliver groceries. These shopping bags ensure that food arrives home safely, even in stormy weather. They are also supplied to the grammar school PTOs for their use in collecting Thanksgiving dinner "fixings" donations for us. The bags are purchased at a cost of \$1 per bag. Although we encourage our participants to reuse their bags, we still have to plan on an expense of between \$1,500 and \$2,500 each year.
- Replace a freezer that stopped working in January so that we will have the storage space we need to bring in and distribute frozen protein items purchased from the Greater Boston Food Bank to our participating families. We have a cost estimate of \$3,000 for the purchase of a two-door standup unit.

We respectfully request that the Selectmen, as Trustees of the Governor Stoughton Fund, provide us with a grant to underwrite a portion of the costs of the 2025 program by funding the items outlined above.

Your assistance is essential to all those families in our community who are struggling to put food on the table. We appreciate your consideration of our request for funding so that we may meet our goals and continue our work for our neighbors in need, the poor of Milton.

Sincerely,

Pat Brawley Morise

Director, Milton Community Food Pantry

The Milton Community Food Pantry, Inc. is a non-profit and is recognized as a tax-exempt organization (tax ID number 37-1536791) under Section 501(c)(3) of the Internal Revenue Code. Therefore, all donations are fully tax deductible.

Milton Residents Fund  
535 Canton Ave  
Milton MA 02186

**Spending Narrative for Governor Stoughton Trust Funds distributed to the Milton Residents Fund for Calendar Year 2024**

Attachments: MRF Gov Stoughton P&L 3-1-24 to 3-1-25

The Milton Residents Fund received one distribution of funds from the Governor Stoughton Trust Fund in March 2024 to assist the residents of Milton. The grant of \$140,000 was expended as 112 individual gifts to Milton families or individuals to cover emergency requests for heating, electricity, housing, medical expenses, and summer camp/park & rec fees for Milton youth of low-income working parents. As of March 1<sup>st</sup>, 2025, \$20,108.27 remained of the Gov Stoughton Grant due to a small carryover from the previous grant to this 2024 distribution.

Additionally, outside of Gov. Stoughton Funds, the Milton Residents Fund also worked closely with the Milton Public Schools, Milton Community Food Pantry, the organization “My Brothers Keeper,” and numerous Milton donors to provide holiday gifts for 176 Milton Children and 101 Milton parents; distributed \$20,000 in Copeland Family funds and \$40,000 in community donations to supplement emergency housing, utility, education, car repairs and medical needs.

As always, It is uncertain what the future needs of Milton residents will be, but based on historical requests, the Milton Residents Fund anticipates needing an additional \$130,000 to meet emergency demands for the next 12 months. We gratefully acknowledge the long-term support that the Gov Stoughton Trustees have provided to the Milton Residents Fund, and the dedication they have shown to care for the residents of Milton who are experiencing financial crisis.

**Milton Residents Fund**  
**Profit and Loss Detail - Gov. Stoughton Funds**

**March 1, 2024 - March 1, 2025**

	Date	Division	Class	Memo/Description	Amount	Balance
<b>Ordinary Income/Expenses</b>						
<b>Expenses</b>						
<b>MRF Gift to Client</b>						
<b>Gov. Stoughton Distributions</b>						
	07/26/2024	Milton Residents Fund	Gov Stoughton	Allow gas service to be established after move	1,500.00	1,500.00
<b>Total for Gov. Stoughton Distributions</b>					<b>\$ 1,500.00</b>	
<b>Heating assistance</b>						
	03/21/2024	Milton Residents Fund	Gov Stoughton	tank of winter heating oil for single elder	517.00	517.00
	04/04/2024	Milton Residents Fund	Gov Stoughton	Gas assistance for single father of 4 at risk of shutoff	1,200.00	1,717.00
	05/13/2024	Milton Residents Fund	Gov Stoughton	Tank of home heating oil for elder	602.04	2,319.04
	06/19/2024	Milton Residents Fund	Gov Stoughton	Prevent gas shut off for family of 3	1,052.70	3,371.74
	06/26/2024	Milton Residents Fund	Gov Stoughton	Prevent gas shutoff for family of 6	267.11	3,638.85
	07/10/2024	Milton Residents Fund	Gov Stoughton	Gas assistance for low income elderly couple	232.38	3,871.23
	07/25/2024	Milton Residents Fund	Gov Stoughton	Restore Gas service for low income Elder	2,000.00	5,871.23
	08/10/2024	Milton Residents Fund	Gov Stoughton	Gas assistance for family to move	400.00	6,271.23
	08/10/2024	Milton Residents Fund	Gov Stoughton	Gas heating assistance for low income elder	1,060.00	7,331.23
	08/14/2024	Milton Residents Fund	Gov Stoughton	Clear heating oil arrearage for low income elder	1,872.09	9,203.32
	09/12/2024	Milton Residents Fund	Gov Stoughton	Gas assistance for low income family	1,000.00	10,203.32
	09/12/2024	Milton Residents Fund	Gov Stoughton	Prevent gas shutoff for mother and son	1,300.00	11,503.32
	10/01/2024	Milton Residents Fund	Gov Stoughton	Tank of oil for 2 low income elders	569.35	12,072.67
	10/25/2024	Milton Residents Fund	Gov Stoughton	Winter heating oil for Milton Senior	467.31	12,539.98
	11/08/2024	Milton Residents Fund	Gov Stoughton	Winter heating oil for Milton elder	477.57	13,017.55
	12/22/2024	Milton Residents Fund	Gov Stoughton	Heating assistance for Family of 4	1,300.00	14,317.55
	12/22/2024	Milton Residents Fund	Gov Stoughton	Heating assistance for family relocation	1,200.00	15,517.55
	01/02/2025	Milton Residents Fund	Gov Stoughton	Tank of winter heating oil for elder	516.68	16,034.23
	01/07/2025	Milton Residents Fund	Gov Stoughton	tank of winter heating oil for 2 milton elders	701.59	16,735.82
	01/07/2025	Milton Residents Fund	Gov Stoughton	Tank of winter heating oil for elder	845.56	17,581.38
	01/09/2025	Milton Residents Fund	Gov Stoughton	Winter heating assistance for family of 3	1,300.00	18,881.38
	01/13/2025	Milton Residents Fund	Gov Stoughton	Tank of winter heating oil for family of 5	878.75	19,760.13
	01/14/2025	Milton Residents Fund	Gov Stoughton	Heating assistance for family who lost their parent to cancer	1,300.00	21,060.13
	01/16/2025	Milton Residents Fund	Gov Stoughton	Gas assistance for grandmother raising grandkids	1,300.00	22,360.13
	01/16/2025	Milton Residents Fund	Gov Stoughton	Gas assistance for family of 3	997.00	23,357.13
	01/17/2025	Milton Residents Fund	Gov Stoughton	Heating Assistance for family with job loss	321.39	23,678.52

	01/28/2025	Milton Residents Fund	Gov Stoughton	Tank of winter heating oil for milton elder	691.90	24,370.42
	01/28/2025	Milton Residents Fund	Gov Stoughton	Tank of winter heating assistance for elder	661.49	25,031.91
	01/28/2025	Milton Residents Fund	Gov Stoughton	tank of winter heating oil for elder	662.49	25,694.40
	01/28/2025	Milton Residents Fund	Gov Stoughton	Tank of winter heating oil for family of 5	757.41	26,451.81
	02/11/2025	Milton Residents Fund	Gov Stoughton	Tank of Winter Heating oil for elder	639.04	27,090.85
	02/13/2025	Milton Residents Fund	Gov Stoughton	tank of winter heating oil for milton elder	680.80	27,771.65
	02/24/2025	Milton Residents Fund	Gov Stoughton	Winter heating oil for 2 milton elders	760.14	28,531.79
	02/25/2025	Milton Residents Fund	Gov Stoughton	Tank of Winter Heating oil for family of 6	681.18	29,212.97
<b>Total for Heating assistance</b>					<b>\$ 29,212.97</b>	
<b>Housing assistance</b>						
	03/17/2024	Milton Residents Fund	Gov Stoughton	Sec deposit for homeless elder into Unquity	1,000.00	1,000.00
	03/27/2024	Milton Residents Fund	Gov Stoughton	Prevent loss of of housing for mother and daughter	2,000.00	3,000.00
	03/29/2024	Milton Residents Fund	Gov Stoughton	Prevent foreclosure for single mother with cancer	3,254.91	6,254.91
	04/04/2024	Milton Residents Fund	Gov Stoughton	Rental Assistance for elder at risk of eviction	862.00	7,116.91
	04/08/2024	Milton Residents Fund	Gov Stoughton	Rental assistance for elder with lost wages due to illness	2,300.00	9,416.91
	04/24/2024	Milton Residents Fund	Gov Stoughton	Eviction prevention for veteran	2,690.00	12,106.91
	04/30/2024	Milton Residents Fund	Gov Stoughton	Prevent eviction for mother, grandmother and children	2,600.00	14,706.91
	04/30/2024	Milton Residents Fund	Gov Stoughton	Prevent eviction for single mother after car accident	2,000.00	16,706.91
	05/27/2024	Milton Residents Fund	Gov Stoughton	Prevent eviction for Milton resident, back rent	3,008.52	19,715.43
	06/10/2024	Milton Residents Fund	Gov Stoughton	Rental assistance to prevent eviction for single mother with cancer	5,000.00	24,715.43
	06/19/2024	Milton Residents Fund	Gov Stoughton	Prevent eviction of family from affordable housing in Milton	3,920.00	28,635.43
	06/25/2024	Milton Residents Fund	Gov Stoughton	Prevent eviction for mother and 2 children	5,000.00	33,635.43
	07/09/2024	Milton Residents Fund	Gov Stoughton	Eviction prevention for low income elder	870.00	34,505.43
	07/09/2024	Milton Residents Fund	Gov Stoughton	Rental Assistance for single mother with medical concerns	600.00	35,105.43
	08/09/2024	Milton Residents Fund	Gov Stoughton	Rental Assistance for low income elder	702.00	35,807.43
	08/22/2024	Milton Residents Fund	Gov Stoughton	Rental Assistance for low income elder	500.00	36,307.43
	09/03/2024	Milton Residents Fund	Gov Stoughton	Rental assistance for low income elder	1,366.00	37,673.43
	09/12/2024	Milton Residents Fund	Gov Stoughton	Eviction prevention for low income working adult	3,600.00	41,273.43
	10/05/2024	Milton Residents Fund	Gov Stoughton	Mortgage Assistance after House Fire, family of 4	2,500.00	43,773.43
	10/23/2024	Milton Residents Fund	Gov Stoughton	Sec Deposit for single mother to move into housing	2,739.00	46,512.43
	12/05/2024	Milton Residents Fund	Gov Stoughton	Sec deposit for low income elder to move	1,681.00	48,193.43
	12/20/2024	Milton Residents Fund	Gov Stoughton	Prevent eviction for grandmother, mother and daughter	3,000.00	51,193.43
	12/22/2024	Milton Residents Fund	Gov Stoughton	Housing assistance after parent illness/lost income	2,500.00	53,693.43
	01/23/2025	Milton Residents Fund	Gov Stoughton	Sec deposit for single mother required to move	1,500.00	55,193.43
	02/04/2025	Milton Residents Fund	Gov Stoughton	Emergency assistance to stabilize housing for single mother and daughter	1,000.00	56,193.43
<b>Total for Housing assistance</b>					<b>\$ 56,193.43</b>	

<b>Medical</b>						
	04/04/2024	Milton Residents Fund	Gov Stoughton	Medical expense, and car payment to continue to get to medical appts for elder	720.00	720.00
	05/29/2024	Milton Residents Fund	Gov Stoughton	Medical co-pay for single low income mother with major surgery	500.00	1,220.00
	01/10/2025	Milton Residents Fund	Gov Stoughton	Dental co-pay for low income young adult	500.00	1,720.00
<b>Total for Medical</b>					<b>\$ 1,720.00</b>	
<b>Other</b>						
	04/03/2024	Milton Residents Fund	Gov Stoughton	Park and Rec Sports fee for 12 year old girl	80.00	80.00
	10/23/2024	Milton Residents Fund	Gov Stoughton	Park & Rec fee for Milton student	130.00	210.00
	10/23/2024	Milton Residents Fund	Gov Stoughton	ASE fee to allow single mom to continue working	524.00	734.00
	10/23/2024	Milton Residents Fund	Gov Stoughton	Park & Rec sports fee for low income student	130.00	864.00
	11/07/2024	Milton Residents Fund	Gov Stoughton	Park & Rec basketball fee for elementary student	130.00	994.00
	01/07/2025	Milton Residents Fund	Gov Stoughton	MCS fee for half day care for Milton student	120.00	1,114.00
	02/06/2025	Milton Residents Fund	Gov Stoughton	Park & Rec basketball fee for low income student	140.00	1,254.00
	02/13/2025	Milton Residents Fund	Gov Stoughton	Park and Rec basketball fee for milton youth	140.00	1,394.00
<b>Total for Other</b>					<b>\$ 1,394.00</b>	
<b>Summer Camps</b>						
	04/04/2024	Milton Residents Fund	Gov Stoughton	Support for 3 young siblings to attend Milton Summer Enrichment at request of MPS	1,825.00	1,825.00
	04/08/2024	Milton Residents Fund	Gov Stoughton	Summer Park & Rec camp for 3 low income siblings	2,251.50	4,076.50
	04/08/2024	Milton Residents Fund	Gov Stoughton	Summer Park and Rec camp for 2 siblings	1,501.50	5,578.00
	04/08/2024	Milton Residents Fund	Gov Stoughton	Milton Summer Enrichment for 7 yo boy recommended by MPS	475.00	6,053.00
	04/24/2024	Milton Residents Fund	Gov Stoughton	Milton Park and Rec for Milton foster youth	375.00	6,428.00
	04/30/2024	Milton Residents Fund	Gov Stoughton	Summer Camp at Park and Rec subsidy for 3 elementary children	791.50	7,219.50
	06/24/2024	Milton Residents Fund	Gov Stoughton	Cunningham Pond pass required for children to attend park and rec	154.50	7,374.00
	07/22/2024	Milton Residents Fund	Gov Stoughton	Summer School fee for low income Milton Teen	125.00	7,499.00
<b>Total for Summer Camps</b>					<b>\$ 7,499.00</b>	
<b>Utilities</b>						
	03/15/2024	Milton Residents Fund	Gov Stoughton	Restore Electric service to mother and daughter	1,800.00	1,800.00
	03/19/2024	Milton Residents Fund	Gov Stoughton	Prevent Electric shutoff for low income Milton elder	775.00	2,575.00
	04/04/2024	Milton Residents Fund	Gov Stoughton	Utility Assistance to enter repayment plan for Milton elder	600.00	3,175.00
	04/24/2024	Milton Residents Fund	Gov Stoughton	Prevent electric shutoff for mother and son	600.00	3,775.00
	04/29/2024	Milton Residents Fund	Gov Stoughton	Prevent Electric shutoff for a family of 3	600.00	4,375.00
	04/29/2024	Milton Residents Fund	Gov Stoughton	Prevent shutoff for family with parents with medical challenges	225.96	4,600.96
	05/08/2024	Milton Residents Fund	Gov Stoughton	Prevent electric shutoff for single working mother	600.00	5,200.96
	05/08/2024	Milton Residents Fund	Gov Stoughton	Prevent electric shutoff for mother and 2 teens	533.69	5,734.65
	05/14/2024	Milton Residents Fund	Gov Stoughton	Prevent Electric shutoff for medically frail elder	600.00	6,334.65
	05/14/2024	Milton Residents Fund	Gov Stoughton	Prevent electric shutoff for 2 elders	261.26	6,595.91
	05/14/2024	Milton Residents Fund	Gov Stoughton	Prevent Electric shutoff for elder	250.00	6,845.91

	05/20/2024	Milton Residents Fund	Gov Stoughton	Summer AC fee at Unquity House for low income elder	190.00	7,035.91
	05/27/2024	Milton Residents Fund	Gov Stoughton	Summer AC fee for low income elder at Unquity House	190.00	7,225.91
	05/27/2024	Milton Residents Fund	Gov Stoughton	AC assistance for low income elder at Unquity House	190.00	7,415.91
	05/31/2024	Milton Residents Fund	Gov Stoughton	AC unit/elec for low income medically frail elder at Unquity House	500.00	7,915.91
	06/19/2024	Milton Residents Fund	Gov Stoughton	Prevent electric shut off for family of 3	600.00	8,515.91
	06/26/2024	Milton Residents Fund	Gov Stoughton	Prevent Electric shutoff for family of 6	600.00	9,115.91
	07/09/2024	Milton Residents Fund	Gov Stoughton	AC fee for low income elder at Unquity House	143.50	9,259.41
	07/26/2024	Milton Residents Fund	Gov Stoughton	Establish Electric service for family of 4	1,500.00	10,759.41
	08/14/2024	Milton Residents Fund	Gov Stoughton	Electric Assistance for low income elder	600.00	11,359.41
	08/14/2024	Milton Residents Fund	Gov Stoughton	Electric Assistance for low income elder	545.00	11,904.41
	09/12/2024	Milton Residents Fund	Gov Stoughton	Electric assistance to prevent shutoff for family	600.00	12,504.41
	09/14/2024	Milton Residents Fund	Gov Stoughton	Electric Assistance for low income elder	600.00	13,104.41
	10/16/2024	Milton Residents Fund	Gov Stoughton	Prevent Electric Shutoff for Family of 6	150.00	13,254.41
	10/16/2024	Milton Residents Fund	Gov Stoughton	Prevent Electric Shutoff for Family of 6	600.00	13,854.41
	10/22/2024	Milton Residents Fund	Gov Stoughton	Tank of winter heating oil for family of 4	534.16	14,388.57
	10/22/2024	Milton Residents Fund	Gov Stoughton	Restore Electric service for low income family of 4	2,305.00	16,693.57
	11/08/2024	Milton Residents Fund	Gov Stoughton	Heating system repair	210.00	16,903.57
	12/01/2024	Milton Residents Fund	Gov Stoughton	Prevent Eversource Electric shutoff	600.00	17,503.57
	12/10/2024	Milton Residents Fund	Gov Stoughton	Prevent Electric Shutoff for low income family	500.00	18,003.57
	12/10/2024	Milton Residents Fund	Gov Stoughton	Prevent Electric shutoff for low income mother and child	600.00	18,603.57
	12/22/2024	Milton Residents Fund	Gov Stoughton	Electric assistance for single mother	575.00	19,178.57
	12/22/2024	Milton Residents Fund	Gov Stoughton	Electric Assistance for milton family	525.00	19,703.57
	12/22/2024	Milton Residents Fund	Gov Stoughton	Electric Assistance for family relocating	550.00	20,253.57
	01/14/2025	Milton Residents Fund	Gov Stoughton	Prevent Electric shutoff for family of 3	600.00	20,853.57
	01/14/2025	Milton Residents Fund	Gov Stoughton	Prevent Electric Shutoff for Family of 3	155.00	21,008.57
	01/14/2025	Milton Residents Fund	Gov Stoughton	Prevent Electric Shutoff for family of 3	575.00	21,583.57
	01/16/2025	Milton Residents Fund	Gov Stoughton	Electric Assistance for family of 3	617.28	22,200.85
	01/17/2025	Milton Residents Fund	Gov Stoughton	Electric Assistance for Family of 4	575.00	22,775.85
	01/17/2025	Milton Residents Fund	Gov Stoughton	Electric Assistance for family with ill mother	325.00	23,100.85
	01/17/2025	Milton Residents Fund	Gov Stoughton	Electric Assistance for family of 4 with job loss	600.00	23,700.85
	01/24/2025	Milton Residents Fund	Gov Stoughton	Electric assistance for single mom of 6	750.00	24,450.85
	02/28/2025	Milton Residents Fund	Gov Stoughton	Prevent Electric Shutoff for elder	600.00	25,050.85
	02/28/2025	Milton Residents Fund	Gov Stoughton	Prevent Electric Shutoff for elder	250.00	25,300.85
	02/28/2025	Milton Residents Fund	Gov Stoughton	Prevent Electric shutoff for single mother and 3 children	600.00	25,900.85
	02/28/2025	Milton Residents Fund	Gov Stoughton	Prevent Electric Shutoff for single mother and 3 children	575.00	26,475.85

	02/28/2025	Milton Residents Fund	Gov Stoughton	Prevent Electric Shutoff for single mother and 3 children	499.83	26,975.68
<b>Total for Utilities</b>					<b>\$ 26,975.68</b>	
<b>Total for Gov. Stoughton Distributions</b>					<b>\$ 124,495.08</b>	
<b>Total for Expenses</b>					<b>\$ 124,495.08</b>	

Sunday, Mar 02, 2025 - Cash Basis

**DRAFT****Trustees of the Governor Stoughton Trust Meeting Minutes**

**Meeting Date:** 3/26/2024

**Members in Attendance:** Michael F. Zullas, Chair; Erin G. Bradley, Vice Chair; Roxanne F. Musto, Secretary; Richard G. Wells, Jr., Member; Benjamin D. Zoll, Member (Zoom); Nicholas Milano, Town Administrator and Lynne DeNapoli, Executive Administrative Assistant to the Select Board

**Meeting Location:** Council on Aging- Hybrid

**Time Meeting Called to Order: 8:56PM**

**Time Meeting Adjourned: 9:16PM**

**1. Call to Order**

At 8:56PM, Chair Zullas called the meeting of the Trustees of the Governor Stoughton Trust to Order.

**2. Discussion/Approval – Proposals for Affordable Housing Project at the Town Farm**

**a. Establish Review Committee and Schedule for Review of Proposals and Recommendation to the Governor Stoughton Trust**

Mr. Zoll, the Select Board's representative on the Affordable Housing Trust (AHT) provided an overview of AHT's feedback on the RFP's and recommendation on the best way to move forward. The AHT believes that the establishment of a Review Committee, with membership beyond that of the GST, would provide the best opportunity for a holistic and engaging review process. The Review Committee can include, but not be limited individuals from the following:

- The Governor Stoughton Trust – (one representative)
- The Affordable Housing Trust - (one representative)
- The Planning Board - (one representative)
- The Milton Historical Commission -(one representative)
- The Master Plan Implementation Committee - (one representative)
- Project Abutters –(two representatives)

The Trustees welcomed the recommendation from AHT and provided their input.

Ms. Musto recommended that before the Review Committee meets, the Trustees host a meeting with the abutters to discuss the proposals.

Mr. Zoll reminded the Trustees that there is a timeline in place and it would not be beneficial to the Town to delay the RFP process in order to host additional meetings. Contractor costs will increase. Mr. Zoll did note that suggestions from abutters were included in the RFP.

Ms. Bradley expressed her appreciation to Ms. Wilson of Woodlot Drive for volunteering to serve on the Committee, but asked the Trustees to defer any appointments until all Project Abutters have an opportunity to submit their names for consideration. Ms. Bradley also

suggested that the Governor Stoughton Trustee who wishes to serve on the Review Committee request the endorsement from the Board and/or Committee to which he/she is currently appointed to. Mr. Wells recommended increasing the Project Abutters to three, a representative from each neighborhood.

Ms. Musto suggested that Town Counsel provide the Governor Stoughton Trustees and the Review Committee with a legal definition of poor. She also requested Town Counsel provide a statement of support in case the Trustees of the Governor Stoughton Trust are sued.

Following further discussion, the Trustees agreed by consensus to the structure of the Review Committee. They will decide at a future meeting whether an additional Project Abutter is needed. Mr. Milano, the Town Administrator will reach out to the neighbors as well as the Chairs of the Board and Committees to request the names of individuals who would like to serve on the Review Committee.

**b. Discussion/Approval – Meeting Minutes: October 24, 2023, November 14, 2023, January 23, 2024 and March 12, 2024**

Mr. Wells moved to approve the meeting minutes for October 24, 2023, November 14, 2023, January 23, 2024 and March 12, 2024. The motion was seconded by Ms. Musto. The Trustees voted unanimously by roll call (5-0) to approve the meeting minutes.

**BRADLEY: YES**

**MUSTO: YES**

**WELLS: YES**

**ZOLL: YES**

**ZULLAS: YES**

**c. Adjourn**

At 9:16PM, Mr. Wells moved to adjourn. The motion was seconded by Ms. Musto. The Trustees voted unanimously by roll (5-0) call to adjourn.

**BRADLEY: YES**

**MUSTO: YES**

**WELLS: YES**

**ZOLL: YES**

**ZULLAS: YES**

Respectfully submitted by Lynne DeNapoli, Ex. Assistant to the Select Board

Documents:

Memo from the Affordable Housing Trust - Initial Feedback on Town Farm RFP Responses & Selection Process

Meeting Minutes: October 24, 2023, November 14, 2023, January 23, 2024 and March 12, 2024

DRAFT

**DRAFT****Trustees of the Governor Stoughton Trust Meeting Minutes**

**Meeting Date:** 8/27/2024

**Members in Attendance:** Richard G. Wells, Jr., Chair; Roxanne F. Musto, Vice Chair; John C. Keohane, Secretary; Benjamin D. Zoll, Member; Nicholas Milano, Town Administrator and Lynne DeNapoli, Executive Administrative Assistant to the Select Board

**Members Absent:** Erin G. Bradley

**Meeting Location:** Council on Aging- Hybrid

**Time Meeting Called to Order:** 7:34PM

**Time Meeting Adjourned:** 8:00PM

**1. Call to Order**

At 7:34PM, Chair Wells called the meeting of the Trustees of the Governor Stoughton Trust to order.

**2. Discussion/Update – Town Farm Review Committee Charge**

Ms. Musto expressed her appreciation to the individuals who participated in Public Comment. Ms. Musto noted the importance of the Governor Stoughton land and its intended use. She suggested that the Town and Trustees remain open to preserving the purpose of the property.

Mr. Zoll offered his appreciation to the residents who shared their thoughts during Public Comment. Mr. Zoll clarified some misinformation regarding the RFP process. Substantive changes were made to the RFP based on suggestions made by residents prior to its publication. Mr. Zoll supports expanding affordable housing opportunities and encouraged the Town to move forward in good faith.

Mr. Keohane supports an initiative to expand the charge.

Chair Wells shared his experiences involving Governor Stoughton property and advocating for the underprivileged. Chairs Wells noted that he and other Town Leaders recently met with a representative from the Attorney General's office to discuss the property, Governor Stoughton's Will and the Town's goals for the location. The Attorney General has not made any decisions on this matter.

Chair Wells expressed his support in favor of expanding the current charge to include a report on other best practices. The Committee would also be responsible for reviewing the two affordable housing proposals.

Mr. Zoll recommended that the Trustees expand the Committee to include abutters, but also residents of different social and economic backgrounds. Milton should be well represented.

Following the discussion, Chair Wells moved to approve the Town Farm Review Committee Charge, which includes the review of the two affordable housing proposals as responders to the RFP and alternative proposals that meets the needs of the Trust. Attorney Mello can address the language. The motion was seconded by Ms. Musto. The Board voted 3-1 to approve. Mr. Zoll voted No.

**3. Discussion/Approval – Appointment of Town Farm Review Committee members**

The Members reviewed the applicants for the Town Farm Review Committee.

The Trustees and Mr. Milano, the Town Administrator, discussed the recruitment process. Mr. Zoll shared his concern that the Trustees did not receive statements of interest from abutters and/or volunteer applications in their meeting packets. He feels that transparency is important.

Mr. Zoll recommended extending the representation of the Quisset Brook Road neighborhood by one member. He noted that Mary Blanchette had reached out to the Affordable Housing Trustees to engage in the process.

Following the discussion, Chair Wells moved to appoint the following individuals to the Town Farm Review Committee: Mike Kelly, Richard Williams, Morgan Salmon and Maggie Wilson with the exception that Ms. Musto serve as the representative for the Governor Stoughton Trust. The motion was seconded by Mr. Keohane.

Mr. Zoll offered a friendly amendment: *appoint one resident at large from Milton with knowledge of the affordable housing process to serve as an additional residential voice.* The motion did not receive a second.

Mr. Zoll reminded the Trustees that they had previously agreed during a March 2024 GST Meeting that if a Trustee wanted to submit his/her name for consideration for this Committee, then he/she must receive an endorsement from a Board and/or Committee, that they currently serve on. Ms. Musto clarified that there was no formal vote.

The Board voted 3-1 to approve. Mr. Zoll voted No. Mr. Zoll voted No because he did not receive any documentation detailing abutter's interests.

Mr. Zoll noted that if the Trustees are going to vote for the full slate, he will be voting "No". He would prefer that the vote be broken down into two: Representative from the Governor Stoughton Trustees and Representatives from Boards and Committees.

Chair Wells moved to approve the following individuals to the Town Farm Review Committee: Tom Callahan from the Affordable Housing Trust, Steve O'Donnell from the Historical Commission, Meredith Hall from the Planning Board, Cheryl Toulias from the Master Plan Implementation Committee and Roxanne Musto from the Governor Stoughton Trust. The motion was seconded by Ms. Musto.

The Board voted 3-1 to approve. Mr. Zoll voted No. Mr. Zoll voted No because he did not support Ms. Musto as the representative for the Governor Stoughton Trustees.

#### **4. Adjourn.**

Mr. Zoll moved to adjourn the meeting of the Governor Stoughton Trust at 8:00PM. The motion was seconded by Ms. Musto. The Board voted unanimously to adjourn and return to the Select Board meeting.

Respectfully submitted by Lynne DeNapoli, Executive Administrative Assistant to the Select Board.

**ARTCLE XX** To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 5B, to establish a special purpose stabilization to be known as the “Operating Budget Stabilization Fund” for the purposes of funding the operating budgets of the of the Town and the Public Schools; to see what sum of money the Town will vote to appropriate to said reserve fund; to see how said appropriation shall be raised; and to act on anything relating thereto.

Submitted by the Select Board

*Draft recommendation:*

**RECOMMENDED** that the Town vote to establish a special purpose stabilization to be known as the “Operating Budget Stabilization Fund” for the purposes of funding the operating budgets of the of the Town and the Public Schools, that the Town vote to appropriate \$\_\_\_\_\_ to the said Operating Budget Stabilization Fund, that the sum of \$\_\_\_\_\_ be appropriated from funds certified by the Department of Revenue and \$\_\_\_\_ be raised from the tax levy.

*COMMENT:* [REDACTED]

**Article XX** To see if the Town will vote to amend Section 7 of Chapter 275 of the General Bylaws, known as the Zoning Bylaw, as follows:

(1) By striking Section 7.1(A) in its entirety and inserting in place thereof the following:

## **SECTION 7.1**

### **Flood Plain District.**

A. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated within the Town of Milton designated as Zone A or AE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated **July 08, 2025**. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated **July 08, 2025**. The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Planning Board, Inspectional Services Department.

(2) By striking Sections 7.3(A)(2) & (3) in their entirety and inserting in place thereof the following::

(2) NFIP State Coordinator,  
Massachusetts Department of Conservation and Recreation

(3) NFIP Program Specialist  
Federal Emergency Management Agency, Region I

(3) By striking Sections 7.4(A) & (B) in their entirety and inserting in place thereof the following::

(A) NFIP State Coordinator,  
Massachusetts Department of Conservation and Recreation

(B) NFIP Program Specialist  
Federal Emergency Management Agency, Region I

(4) By striking the definition of Recreational Vehicle in Section 7.5(B)(6), and replacing it with the following amended text:

Recreational Vehicles; In A and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation

requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

(5) By striking the following definitions § 275-7.10 Definitions and inserting in place thereof the following:

## **DEVELOPMENT**

Any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials-

## **FLOODWAY**

The channel of a river, creek or ~~or~~ other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

## **SPECIAL FLOOD HAZARD AREA**

~~An area having special flood and/or flood related erosion hazards, and shown on a FIRM as Zone A, AO, AE, AH, V, VE.~~

The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

And to authorize the Town Clerk to make clerical revisions to section numbers and heading; and to act on anything relating thereto.

**ARTICLE XX** 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;
  - 2) Construction, redevelopment, or expansion of detached Accessory Dwelling Units and expansion of existing primary dwelling units to construct a new attached Accessory Dwelling Unit.
  - 3) Construction, redevelopment or expansion of mixed-use or commercial buildings of 800 square feet or more;
  - 4) 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, notwithstanding any other Zoning Bylaw provisions to the contrary; and
  - 5) 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 net new 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 net new 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 260 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, scale 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 for the employment of outside consultants engaged by the Board to assist in the review of applications. In hiring outside consultants, the Board may engage disinterested engineers, architects, landscape architects, planners, lawyers, stenographers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, bylaws and regulations, and other requirements. Expenditures may be made at the direction of the Board and shall be made only in connection with the review of the specific project for which the review fee has been collected from the applicant.

Failure of an applicant to pay a review fee shall be grounds for denial of the application. At the completion of the Planning Board's review of a project, any excess amount of the review shall be repaid to the applicant. A final report of expenditures shall be made available to the applicant.

#### 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;
- (l) Location of public and private infrastructure and utilities;
- (m) Site security features, such as fencing and lighting;
- (n) Site and exterior building lighting;
- (o) Site and building signage;
- (p) Historic significance and impacts on historic structures or landscapes;
- (q) 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
- (r) 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 at the ratio of a minimum of 3 shrubs for every 1 required tree.
- 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 skylight. 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. The application shall include 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) (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) (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) (n) Locate an addition to the side or rear of the existing building to the greatest extent possible.
  - o) (o) Entrances, exits, windows and doors shall be surrounded by architectural detail that highlights these features of the façade.
  - p) (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) (q) All stairways to upper floors shall be enclosed within the exterior walls of buildings.
  - r) (r) Garage entrances and service and loading areas shall not face an open space or street directly unless no other location is feasible.
  - s) (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 condition 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. The Planning Board shall have the power to modify or amend its approval of a site plan on its own motion until such time as a building permit is issued or at any time that the permit issuing authority in the town deems the Site Plan approval has been violated. 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 after the submission of a complete application and should be completed expeditiously. In general, site plan review of projects of average complexity shall be completed no more than 120 days, after the submission. The time period within which final action shall be taken may be extended to a date agreed to by the Applicant and the Board.

#### 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 buildup of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid 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. Withdrawal of Application

Withdrawal of Application Any application for a permit submitted hereunder may be withdrawn without prejudice by notice in writing to the Board prior to the notice of a public hearing being posted or mailed. Withdrawal of any application thereafter requires Board approval. No refund of fees will be provided if an application is withdrawn

#### S. Permit Lapse

Any Site Plan Approval issued under this section shall lapse within three years if substantial use thereof has not commenced except for good cause.

## T. 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 make clerical revisions to section numbers and heading; and to act on anything relating thereto.

**RECOMMENDED that the Town vote \_\_\_\_\_.**

*Special Town Meeting comment:*

*COMMENT: This Article seeks to amend Chapter 275 of the General Bylaws by replacing the existing Site Plan Approval section with a comprehensive new version. Contained within the recommendation are typographical and other slight changes made by the Warrant Committee which were accepted unanimously by the Planning Board. A majority of the corrections made to the article were typographical in nature, similar to the work done with the Accessory Dwelling Unit (ADU) Article, also submitted by the Planning Board. This amendment establishes detailed procedures and standards for reviewing construction and development projects in the Town, particularly focusing on multi-family residences, ADUs, mixed-use developments, and commercial buildings over 800 square feet. Notably, while most interior work is excluded from site plan review requirements, any interior changes related to restaurants, bars, or entertainment uses will require continued review. The purpose is to protect public welfare by ensuring new developments meet standards for traffic safety, pedestrian access, parking, emergency access, drainage, signage, exterior lighting and visual consistency with surrounding areas.*

*The new section proposed provides extensive requirements for application submissions, including detailed plans and studies, and establishes specific design standards for everything from parking layout to building aesthetics. It includes requirements for sustainable design, landscape preservation, lighting, and stormwater management. The amendment also outlines the Planning Board's review process, including public hearings, the ability to hire outside consultants, and enforcement powers. Notable features in the new Site Plan Approval include requirements for playground areas in large developments, specific landscaping standards for parking areas, and detailed architectural guidelines for building facades and entrances. The proposal includes provisions for waivers, appeals, and project phasing.*

*The Warrant Committee discussed at length this article in conjunction with the Planning Board at a dual meeting between the two groups. Of interest during the review and discussion of the article, was the legitimacy of requiring a restaurant and bar to go through a Site Plan Approval if there were only interior changes made to the property. The Warrant Committee agreed that any interior changes to a restaurant or bar would need to go through a Site Plan Approval which requires a public hearing. A public hearing allows neighbors and other affected parties to comment and make suggestions due to possible changes in the number of seats which could drive substantial impact to the neighborhood, noise generated, noxious odors, hours of operation if the establishment is open later, parking – with or without a valet, loading zones, safety, additional traffic, and potential outdoor gathering spaces. Given the fact that our business districts are contiguous with residential*

*neighborhoods, the Warrant Committee believes that public comments on matters such as these are critical to maintaining the quiet and safety of our residential streets. The Warrant Committee took note of the recent developments in East Milton Square concerning the Milton Marketplace and the citizens' response to the new proposed establishment. Commercial establishments that offer food, drink and potentially entertainment are significantly distinct by their nature from residences, single or multi-family, and require greater oversight by an elected board. The Warrant Committee voted to approve the Site Plan Approval Article proposed by the Planning Board, after amendment, and as written in this comment.*

**Article XX** To see if the Town will vote 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 xxxx: Accessory Dwelling Units

##### A. Purpose and Intent

The intent of permitting Accessory Dwelling Units (“ADU”) 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 GFA of the largest Principal Dwelling shall be used for determining the maximum size of an 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 structure, or structures, regardless of whether the site conforms to requirements of Zoning.

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, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, 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) ADU, 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 and each ADU shall remain accessory to 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 ADU 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 an ADU under the provisions of this Section.
- (9) 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, is encouraged to 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 requires 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.
- (8) It is recommended that radon .... will be incorporated into the design guidelines of the ADU

## 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 make clerical revisions to section numbers and headings; and to act on anything relating thereto.

**RECOMMENDED that the Town vote \_\_\_\_\_.**

*Special Town Meeting comment:*

*COMMENT: This Article is seeking an amendment to Chapter 275 of the Town of Milton General Bylaws, known as our Zoning Bylaws. This would remove the current bylaw concerning Accessory Dwelling Units (ADU) and replace that with the recommended language which contains typographical and other changes made by the Warrant Committee which were accepted unanimously by the Planning Board. A majority of the corrections made to the article were typographical in nature, however there were some small language changes giving the article more flexibility.*

*The Affordable Homes Act, signed into law by Governor Healey on August 6, 2024, introduces significant zoning reforms. That law took effect on February 2, 2025. Section 8 of the Act amends the Zoning Act, allowing ADU's, defined as a self-contained unit, inclusive of sleeping, cooking and sanitary facilities, of up to 900 square feet by right in single-family zoning districts. This change enables homeowners to create additional housing without special permits, aiming to increase affordable housing options.*

#### ***Summary of Commonwealth ADU Regulations***

##### ***ADU Restrictions:***

- ***Size Limits:*** Maximum of 900 sq. ft. or half the gross floor area of the principal dwelling, whichever is smaller.
- ***Entrance Requirements:*** Must have a separate entrance, either directly outside or through a shared entry hall that meets state building code egress standards.
- ***Local Regulations:*** Municipalities may add restrictions on short-term rentals.

### ***Municipal Authority on ADUs:***

- ***Site Plan Review:*** Towns may require a site plan review process.
- ***Title V Requirements:*** ADUs must comply with septic system (Title V) regulations if applicable.
- ***Dimensional & Structural Rules:*** Towns may set rules on setbacks, height, and bulk.
- ***Short-Term Rental Limits:*** Municipalities may regulate or prohibit short-term rentals.

### ***Municipal Restrictions Not Allowed:***

- ***Owner-Occupancy:*** Cannot require the property owner to live on-site.
- ***Family-Only Occupancy:*** Cannot restrict ADU rentals to family members.
- ***Special Permits:*** Cannot require special permits or discretionary zoning approvals.
- ***Excessive Parking:***
  - ***Within 0.5 miles of transit:*** No parking required.
  - ***Beyond 0.5 miles of transit:*** Only one parking space may be required.

*The goal is to streamline ADU construction while allowing municipalities reasonable oversight on what is constructed.*

*The Milton Planning Board and Warrant Committee held a joint meeting to discuss the new ADU law and the Planning Board's recommended conditions:*

### ***General Conditions:***

- ***Types:*** ADUs allowed as detached, in accessory structures, or part of the principal dwelling.
- ***Limit:*** Only one ADU per lot, no exceptions.
- ***Ownership:*** ADUs cannot be sold separately from the principal dwelling.
- ***Size:*** 900 sq. ft. or half the main home's size, whichever is smaller; minimum size allowed is 350 sq. ft.
- ***Rental:*** Minimum lease of 12 months; no short-term rentals.
- ***Parking:*** One space required if more than 0.5 miles from transit.
- ***Utilities:*** Shared utilities with the principal dwelling permitted.

### ***Design Standards:***

- ***Architecturally Compatible:*** ADU style should complement the principal dwelling.
- ***Landscaping:*** Add a three (3)-foot buffer along driveways or parking spaces.
- ***Entrances:*** ADUs must have a separate entrance.
- ***Walkways:*** Provide pathways to both entrances.
- ***Stairways:*** Must be enclosed within exterior walls of the building where the ADU is located.
- ***Sustainability:*** Use of eco-friendly features encouraged.

***Process and Approval:***

- ***Administration and Enforcement: Building Commissioner is responsible.***
- ***Approval: Site plan approval required for expansions or detached ADUs.***
- ***Submission: Include floor plans, site plans, and building elevations.***
- ***Health Review: Board of Health review required for properties with septic or wells.***

***Board Authority:***

- ***Conditions: The Board may impose design requirements.***
- ***Voting: Decisions require a majority (at least three votes).***

*The Warrant Committee overwhelming agreed with the ADU Article draft, as amended and subsequently recommended by the Planning Board. The main items that were discussed concerned the Requirement for all ADUs and the design standards. Here, the Warrant Committee discussed with the Planning Board and debated the twelve (12) month lease requirement. Town Counsel stated it did not violate state law, and that the Attorney General's Municipal Law Unit would review compliance of the article as whole, after submission by the Town Clerk. The Warrant Committee favored the lease requirement for promoting community stability and school/neighborhood continuity for children. It was mentioned in the Warrant Committee's discussions that the likely enforcement of ADU regulations will rely on citizen reports to the Building Commissioner. Furthermore, concerns about design standards and compatibility with the Principal Dwelling Unit were changed, using less restrictive language and allowing for more flexibility for the ADU construction.*

*The Executive Office of Housing and Livable Communities (EOHLC) promulgated regulations that provide guidance on how cities and towns may further regulate ADUs. The Planning Board also followed this guidance in crafting the article. The Warrant Committee was informed by Town Counsel that as of the week of February 9, 2025, EOHLC posted a new "draft" ADU bylaw as a guide for any municipality seeking guidance.*

*The Planning Board informed the Warrant Committee that in the drafting of this article, many other towns' ADU bylaws were reviewed and taken into consideration. The language in this Article was approved by Town Counsel but will still be subjected to review for compliance with state law by the Attorney General's Office-Municipal Law Unit.*

**ARTICLE XX** To see if the Town will vote to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaw, by inserting the following new Section 275-3.22 East Milton Square Mixed-Use Overlay District.

In East Milton Square, mixed residential and business uses may be permitted by right with site plan review through the Planning Board for up to 3-stories and 45 feet subject to reasonable terms and conditions based on the standards defined herein. The boundary of the East Milton Square Overlay District is shown on the current Milton Zoning Map.

**A. Purpose.** This section's purpose is to allow high-quality mixed-use development that enhances East Milton Square. Successful mixed-use development shall:

- a. Strengthen walkability and safe and convenient circulation for all travel in East Milton Square
- b. Proactively and intentionally guide commercial district investment
- c. Enhance the sense of place and district identity
- d. Leverage private investments to add community amenities while reducing impacts
- e. Encourage mixed-use redevelopment and an increased variety of housing options
- f. Improve environmental sustainability and resilience in the district
- g. Preserve and enhance historic character of East Milton

**B. Allowable Uses.**

- a. Allowed uses. Mixed-use development is required with non-residential and residential uses.
- b. Non-residential uses. All business uses otherwise permissible in the East Milton Square Business District shall be allowed by-right with site plan review. Except for drive-through food service facilities, filling stations, garages, sales rooms and repair shops for motor vehicles, storage warehouses, and undertakers which are prohibited.
- c. Residential uses. Residential use shall be allowed by-right with site plan review in conjunction with one or more Non-residential uses identified in Section B.b. The permissible residential use shall be multi-family housing, which is defined as having more than one housing unit in a building or in multiple buildings on a lot. A housing unit is defined as that portion of a building providing complete housekeeping and cooking facilities for one family, as defined in § 275-1.1.
- d. Ground Floor Uses. At least 50% of the usable ground floor area of the building must be designed for and occupied by Non-residential uses identified in Section B.b. Where possible, this area should be designed to accommodate individual business of 1,500 square feet or less. As used in this Section § 275-3.22, the "ground floor" shall be the story directly above the basement or, if there is no

basement, the story directly above the foundation, which generally coincides with the elevation of the adjacent sidewalk at the frontage of the property.

**C. Dimensional Requirements.**

**a. Setbacks.**

- i. **Front Yard Setbacks.** The primary frontage of new buildings and new additions to existing buildings shall be located no less than zero (0) feet and no more than ten (10) feet from the lot line.
- ii. **Side Yard Setbacks.** Side yard setbacks are not required when the abutting use is an existing business or mixed-use. When the abutting use is an existing residential-only use, the minimum side yard setback is ten (10) feet.
- iii. **Rear Yard Setbacks.** The minimum rear yard setback is twelve (12) feet when the abutting use is an existing business or mixed-use. When the abutting use is an existing residential-only use, the minimum rear yard setback is twenty (20) feet.

**b. Building Height.**

- i. **Maximum Height.** No building shall be erected or altered to exceed three (3) stories and forty-five (45) feet in height.
- ii. **Definitions.**
  1. The height of any building shall be measured from the mean grade of the natural ground contiguous to the building at the property's street frontage, as such ground exists at the sidewalk elevation. Existing structures may retain their existing heights and number of stories.
  2. The term "story," as used in this Paragraph C(b), shall not include a basement provided that the finished floor height of the ground story shall at no point be more than four (4) feet above the mean grade of the adjacent sidewalk and provided that convenient and accessible entry to commercial spaces be provided at the ground floor from the sidewalk. A basement may be used for parking, storage, utilities and commercial space, but not for residential units. If reasonably necessary and appropriate for good design or to address the existing conditions on site, the Planning Board can modify the requirements in this subparagraph.
  3. Height shall be measured to the midpoint of the slope of a pitched roof, or the parapet of a flat roof, excluding the items specifically defined as allowable projections herein. The Planning Board may permit protrusions of up to eight feet above the roofline, such as elevator shaft housings or chimneys, so long as the appearance of the

building remains architecturally coherent, visually attractive, and appropriate to its context. The Planning Board may allow a cupola or clock tower up to fifteen feet above the roofline so long as it has been shown to add significant merit to the building's design.

- c. **Ground Story Height.** The minimum ground story height in a new building shall be twelve (12) feet clear for properties with frontage on Adams Street, Granite Avenue, Bryant Avenue, and Bassett Street.
- d. **Open Space.** All properties must provide a minimum of 10% open space. Minimum open space may include hardscape pedestrian plazas, extensions of the sidewalk/public realm, planting of street trees, pocket parks, balconies, roof decks, or off-site improvements to existing open space amenities.

**D. Historic Preservation.** Buildings constructed in whole or substantial part before 1940 shall be preserved as part of an adaptive reuse mixed-use redevelopment.

- a. **Purpose.** The preservation of buildings of historical significance and an expansion of the economic options for historic properties in East Milton Square.
- b. **Definitions.** Preservation shall include preservation or restoration of a building's exterior appearance and may include renovation, rehabilitation, restoration or re-creation of features or elements of the building. The exterior elements of a building shall be historically compatible and appropriate to the preserved historic structure.
- c. **Guidance.** Preservation plans shall be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall be submitted to the Historical Commission for comment. Notwithstanding the foregoing, a building constructed before 1940 need not be preserved if the Planning Board, after seeking the advice of the Historical Commission, determines that the building lacks substantial architectural significance and is not historically important or that the building is in an advanced stage of deterioration and is not able to be preserved at a reasonable financial cost. Buildings listed in the National and State Registers of Historic Places or identified in the Massachusetts Cultural Resource Information System shall be deemed historically important.
- d. **Approval.** If deemed historically important, project approval may require the restoration, rehabilitation, renovation, repair, adaptive reuse, or addition to historic structures in the district. In order to grant project approval, the proposed restoration, rehabilitation, renovation, repair, adaptive reuse, or addition shall preserve, to the maximum extent feasible, the historical and architectural features of the building, structure, or element.

- e. Waivers. At the discretion of the Planning Board through site plan review, relief from dimensional or parking requirements may be granted for good cause, to accommodate the preservation of a historic structure and property.
- E. Design Standards. Each building and site shall be designed to positively contribute to the legacy and character of East Milton Square while enhancing livability for surrounding residents. The building design and site layout shall define street frontage by occupying street edges with an active ground floor and filling gaps between existing buildings. The building design and site layout shall configure the building layout and building massing to shape outdoor spaces by placing buildings at the edges of the outdoor space and located active ground floor uses, and transparent ground floor facades at those locations. The building design and site layout shall also be used to define streets edges, corners, and intersections. Site layouts shall consolidate and share off-street parking efficiently across lot lines, improve streetscapes and walkability by minimizing curb cuts, and contribute to livability through the creation of pocket parks, additional outdoor spaces, and new outdoor amenities. The architectural design shall be composed to be visually attractive and compatible with the context of the East Milton Square Business District and nearby buildings.
  - a. In addition, each building shall meet the following design standards:
    - i. Context sensitive – New building and site layouts, including side and rear setbacks, shall respond to the context of neighboring properties. Buildings shall be positioned on their site to provide buffers for abutting existing single- and two-family residences.
    - ii. Public realm expansion – New building and site layouts, including front setbacks, shall respond to the context of the adjacent sidewalk. Where the sidewalk width is less than or equal to 6 feet at the building frontage, new buildings shall provide a setback within the build-to range defined in Section C.a. to expand the width of the sidewalk to a minimum of 10 feet to allow for additional outdoor amenities and activity.
    - iii. Historical context, heritage and legacy – The building form, scale, proportion, massing, roof lines, and architectural design shall recognize and complement the historic buildings and styles of the East Milton Square Business District and positively contribute to the district's character. Particular attention shall be paid to reinterpreting design elements found in the context of the district through façade design, proportion and location of windows, location and ornamentation of entrances, and complementary building materials and colors.

- iv. Context-sensitive height and scale – The building form shall provide step-backs in the facade that respond to the surrounding context, as the Planning Board deems appropriate. The step backs shall provide a vertical change in the plane of the facade to reduce the perceived building height. For example, if a 3-story building is adjacent to a 2-story existing building, the facade of the third story shall step back from the facade of the lower two stories to reduce the visual prominence of the upper floor.
- v. Context-sensitive width and scale – Buildings more than forty (40) feet wide shall be broken down into a series of smaller bays to evoke the rhythm of historic shop fronts, add visual character, and maintain the pedestrian scale of the streetscape. No uninterrupted length of any facade shall be permitted to exceed twenty (20) horizontal feet without incorporating at least one of the following massing elements: horizontal setbacks or vertical step-backs, architectural projections, recesses, and at least one of the following design elements: color change, material change, or texture change.
- vi. Active ground floor at active sidewalks – The building facade shall integrate a higher proportion of transparent glass in the ground level frontage oriented to Adams Street, Granite Avenue, Bryant Avenue, and Bassett Street including business and entryway storefronts, display windows, or other glazing elements.
- vii. Highlight windows and doors as design features – Windows and doors shall be integrated with appropriate architectural elements that highlight them as facade features. When integrated with the design of the facade, recessed doorways are preferred, to break up the building facade, provide a welcoming space, provide protection from sun and rain, and reduce conflict between an external door swing and sidewalk circulation. Where a recessed doorway is not used, an awning can have a similar effect.
- viii. Attractive from all sides – The back and sides of each building shall be given as much architectural care as the front. The building, whether observed from the front, rear, or sides shall present an attractive appearance and offer a unified architectural approach. Where windows are not possible or appropriate to the intended use on the side or rear, facade articulation in the form of raised or recessed surfaces shall be used to break up blank walls.
- ix. Integrate and conceal mechanical equipment – Mechanical equipment and other utilitarian features, including metal chimneys and elevator penthouses, shall be integrated into the overall architectural design of the

building by use of screening materials, placement, roof shape or form, or other means.

- x. Reduce visual impact of parking – If parking is provided on-site, it shall be to the rear of the primary building underneath the building. If a parking structure is provided it shall be unobtrusive and designed to integrate with the building and the district. Garage doors or other forms of vehicular access shall be integrated into the architectural design of the building. Surface parking areas shall be designed to be used as flexible plaza space that could be temporarily used for other private purposes or events. These parking areas shall use permeable pavers and shall include landscape islands, or other design features to add visual interest and flexibility to parking areas while enhancing stormwater mitigation and reducing the heat island effect.
- xi. Reduce impact of vehicular access – Vehicular access to the site shall be integrated with the design of the public realm and property frontage to minimize the access width and potential negative impacts on the pedestrian environment.
- xii. Integrate site landscape – Landscaping shall be used to enhance the building's design, strengthen attractive outdoor features, and to provide shade. Street trees shall be integrated with the design of sidewalk extensions or creation of pocket parks with flush tree grates or permeable pavers. Where space is limited, window boxes, trellises, green walls, or other compact landscape features shall be integrated with the building design.
- xiii. Integrate site and building lighting – Lighting fixtures shall be appropriate to the architecture and provide suitable lighting without detriment to nearby residences. Light fixtures including site and streetlights shall match existing standards in the Town, for example matching streetlights recently installed at Manning Community Park and related streetscape improvements.
- xiv. Integrate signs into building design – Signs shall be integrated with the building design and placed consistently on the building with a sign band integrated into the façade design of the ground floor and coordinated among multiple tenants. If illuminated, external gooseneck lighting is encouraged.

b. The Planning Board has the discretion to allow changes to one or more of the design standards if the project proponent can show that with such changes the project would remain architecturally coherent, well sited on its lot, visually attractive and compatible with the district and nearby context.

- c. In addition to the required Design Standards in this Section, the Milton Planning Board may adopt additional design guidelines for development in the East Milton Square Mixed-use Overlay District.

F. Sign Approval. Sign approval shall be determined as provided in § 275-3.3.

G. Affordable Housing Units.

- a. In the East Milton Square Mixed-use Overlay District, twelve (12) percent of the total housing units for a project with less than 25 units, or fifteen (15) percent of the total housing units for a project with 25 units or more (computed to the nearest whole number) shall be affordable housing units, subject to perpetual deed restrictions, and if applicable, a regulatory agreement ensuring permanent affordability. Should the calculation result in a remainder of 0.5 or above an additional on-site unit shall be required. Should the remainder be below 0.5 a contribution to the Affordable Housing Trust shall be required in an amount to be determined by the Planning Board. These units shall be affordable to households whose annual income shall not exceed 80% of the then current Area Median Income (AMI) for the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area as determined by the United States Department of Housing and Urban Development ("HUD") adjusted for household size and these units shall qualify for inclusion in the Subsidized Housing Inventory (SHI) maintained by the Massachusetts Executive Office of Housing and Livable Communities ("EOHLC").
- b. All affordable units shall be integrated with and distributed throughout the development and shall be comparable in design, floor area, number of bedrooms, appearance, construction and quality of materials with market rate units.
- c. To the maximum extent permissible, preference shall be given to Milton residents and employees of the Town of Milton in the rental or purchase of affordable units. A site plan approval issued under this section shall state that final occupancy permits shall not be issued until the affordable housing restrictions, and, if applicable, the regulatory agreements have been recorded with the Registry of Deeds and copies of the recorded documents have been provided to the Planning Board and the Building Commissioner.

H. Parking.

- a. Business Parking. In the East Milton Square Mixed-use Overlay District, minimum parking requirements for business uses shall follow Parking Requirements in Business Districts § 275-11.3 provided that, upon a determination that a greater or lesser number of parking spaces would be reasonably necessary so as to be adequate for the business use in a particular project, the Planning Board may increase or decrease the minimum number of business parking spaces required for

the project. In the event of a restaurant use, at least one parking space shall be provided for each four patron seats provided that, upon an applicant showing that a lesser number of spaces would be adequate for the restaurant use, the Planning Board may reduce the required amount of parking.

- b. Residence Parking. There shall be a minimum of one parking space for each residential unit.
- c. Off-Site Parking. Safe and convenient parking may be provided off-site within or adjacent to the East Milton Square Business District for the parking required to support business uses at other properties in the East Milton Square Business District. Off-site spaces used to fulfill parking requirements shall be associated with a parking agreement between the applicant and the owner of the property where the off-site spaces are proposed to be located. The parking agreement shall be submitted as part of the application.
- d. Shared Parking Reductions. Off-street parking requirements may be reduced if they collectively serve different uses within the same mixed-use development or collectively serve multiple uses across multiple sites, where such collective use of the parking facilities is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating use and the anticipated peak parking demand days and times for such uses; and 3) assures access to and maintenance of the common parking facility. The parking spaces provided through the collective use of parking facilities shall be counted towards the minimum required parking spaces as approved by the Planning Board.
- e. Other Parking Reductions. A reduction in the calculated parking requirement may be allowed as deemed appropriate by the Planning Board through a special permit upon demonstration of the features of the project that reduces automobile dependence for the development. These features may include the provision of on- site dedicated parking space(s) to car-share vehicles, increased bicycle parking and amenities beyond the requirements of § 275-11.12, on-demand shuttle services, or other transportation demand management techniques, and shall be appropriately scaled to the scale of the development and the requested reduction in parking.
- f. Bicycle Parking. § 275-11.12 applies to residential components of projects. Projects involving business uses shall also provide adequate exterior parking of bicycles for customers and employees.

## I. Application Requirements.

- a. An application shall include a plan meeting the requirements for site plan specified in § 275-12.4 and such other requirements as may be specified by the Planning

Board. The plan shall be contained in various sheets, all of which, after approval, shall contain the written approval of the Planning Board and shall be recorded with the Norfolk County Registry of Deeds or Registry District of the Land Court, as applicable, at the applicant's expense. Any relevant special permits shall also be recorded with the plan at the applicant's expense. The recorded plan shall be a part of the site plan approval. The plan shall show the development in all material detail. Any amendments or modifications to the plan shall be approved by the Planning Board and recorded or filed with said Registry at the applicant's expense. The applicant shall promptly provide to the Planning Board evidence of recording of each approved plan, amendment, or modification. The applicant shall promptly provide a copy of all recorded or filed documents to the Planning Board, showing the book and page or document number.

- b. If applicable, an application involving a property, on which there is a building constructed in or before 1940, shall be referred to the Milton Historical Commission for consideration of its historical and architectural significance and of the desirability and feasibility of its preservation, rehabilitation, or restoration in the proposed development. After consideration, the Milton Historical Commission may issue a report, which may include comments and suggestions, to the Planning Board on these matters and any associated matters pertinent to the Commission's responsibilities, and the Planning Board shall consider any such report in its evaluation of the application.
- c. If applicable, an application involving a property, on which there is a building constructed in or before 1940, shall include a narrative describing compliance with the Secretary of the Interior Standards with the application materials. The application shall include a narrative prepared by the project architect describing the project relative to the historic context of East Milton Square including a statement of the positive contributions the project will make to the character of the East Milton Square Business District by preserving its history and strengthening its streetscape and vitality.
- d. The application shall include professional studies calculating the impact of the development on town services, on parking in the East Milton Square Business District and adjacent neighborhood streets, on traffic in district and surrounding areas of the town, on existing nearby businesses, and on future business development. If there is a material adverse impact projected, mitigating strategies shall be proposed.
- e. The application shall include a narrative describing the parking, ride sharing, bicycle storage, and other similar transportation infrastructure elements integrated with

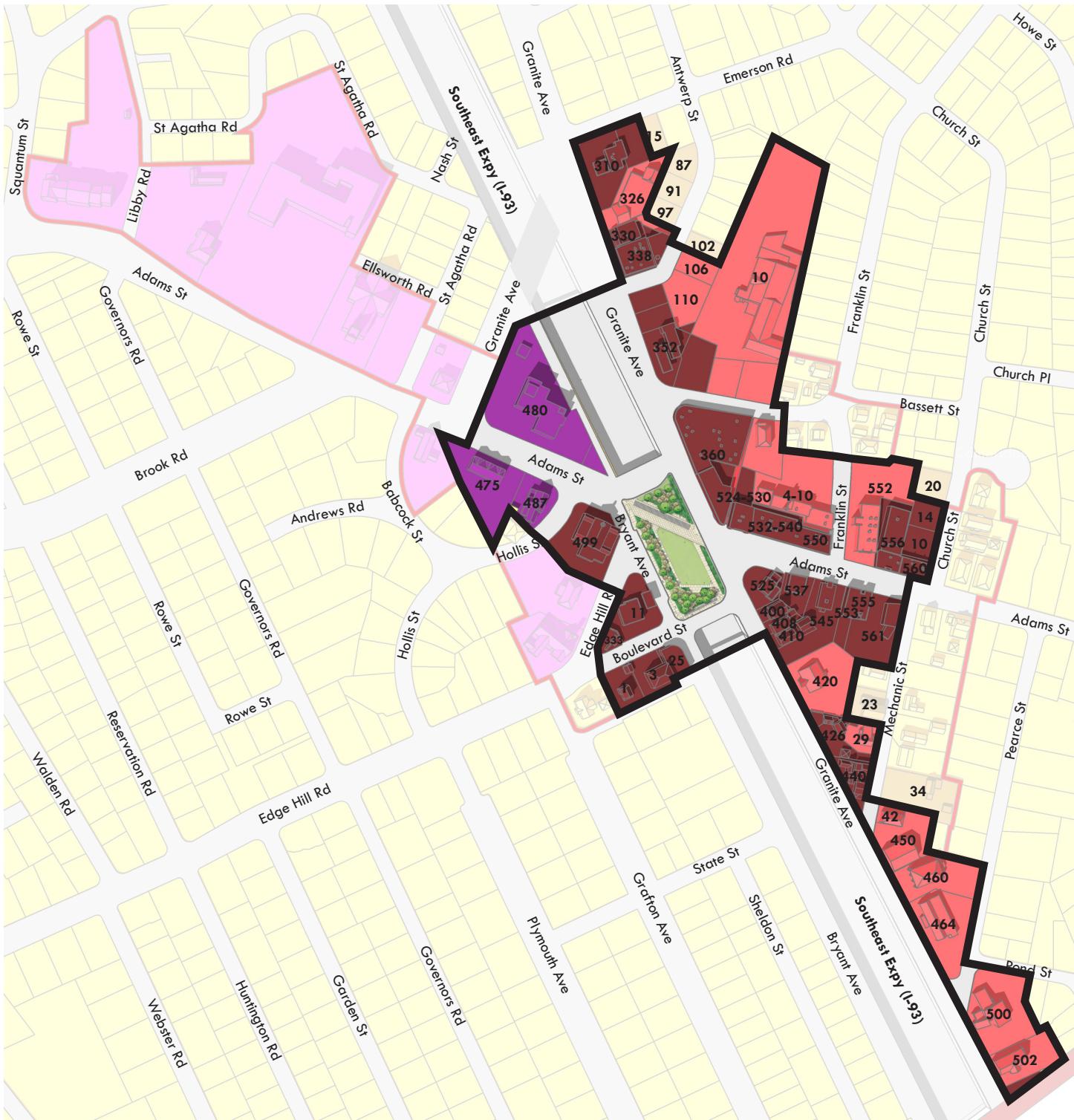
the project. This narrative shall include discussion of off-site transportation impacts, including a district parking impact analysis and traffic impact analysis for the proposed project. The narrative shall describe potential district mitigation that may be proposed to address the impacts identified.

- f. The application shall include a narrative describing compliance with the Design Standards.
- g. The application shall include architectural renderings, building elevations, an existing conditions survey with structures, retaining walls, parking areas, trees and topography, existing condition photos of the site and adjacent properties, proposed site plan with structures, retaining walls, parking areas, topography, landscape plan and details, site/building sections with accurate topographic depiction, building material specifications and other pertinent details regarding the project architecture and site plan.

J. Application Review Fees. When reviewing an application for a site plan review or special permit, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of the proposed project or due to the project's potential impacts. The Planning Board may require that an applicant pay a review fee, consisting of the reasonable costs incurred by the Planning Board for employment of outside consultants engaged by the Planning Board to assist in the review of an application. In hiring outside consultants, the Planning Board may engage disinterested engineers, planners, architects, urban designers, or other appropriate professionals who can assist the Planning Board in analyzing a project to ensure compliance with this section and with other Town of Milton bylaws, regulations and requirements. Expenditures may be made at the direction of the Planning Board and shall be made only in connection with the review of the specific project for which the review fee has been collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application. At the completion of the Planning Board's review of a project, any excess amount of the review fee shall be repaid to the applicant. A final report of expenditures shall be provided to the applicant.

K. Notice, Procedures and Standard for Decision. The notice and procedural requirements set out in § 275-13.2 and § 275-13.3 and the standard to be used in rendering a decision set out in § 275-13.3 shall apply to site plan review for mixed-use development under this section.

## East Milton Square Draft Zoning Map



## Map Legend

■ Proposed overlay zoning district boundary

- Parcels included in zoning district (35)  
(Currently in Business district "B")
- Parcels included in zoning district (17)  
(Currently in split districts "B/RC")
- Parcels included in zoning district (4)  
(Non-residential in residential district "RC")
- Parcels removed from zoning district (8)  
(Residential in split districts "B/RC")

- “Looking Forward” study area boundary
- Non-residential parcels in context
- “Residential C” Parcels in the context
- Streets in the surrounding context

**ARTCLE XX** To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 13E to establish a reserve fund to pay for unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation; to see what sum of money the Town will vote to appropriate to said reserve fund; to see how said appropriation shall be raised; and to act on anything relating thereto.

Submitted by the School Committee

*Draft recommendation:*

**RECOMMENDED** that the Town vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 13E to establish a reserve fund to be called the “Special Education Reserve Fund” to pay for unanticipated or unbudgeted costs of special education, out-of-district tuition, and transportation, that the Town vote to appropriate \$\_\_\_\_\_ to the Special Education Reserve Fund, and that said appropriation the sum of \$\_\_\_\_\_ be raised from the tax levy / be appropriated from funds certified by the Department of Revenue as free cash.

*COMMENT:* [REDACTED]



## Town of Wrentham

### Select Board

79 South Street Wrentham, MA 02093  
Tel: (508) 384-5400  
Email: SBOffice@wrentham.gov

October 15, 2024

The Honorable Diana DiZoglio, Auditor of the Commonwealth  
State House, Room 230  
Boston, MA 02133

RE: Request for Determination on MBTA Communities Act

Auditor DiZoglio,

On behalf of the residents and taxpayers of the Town of Wrentham, we the Select Board, request that the State Auditor through the Division of Local Mandates (DLM) provide a determination under the provisions of G.L. c. 29, s. 27c, of whether the fiscal impact of the Massachusetts General Law Chapter 40A Section 3A known as the “MBTA Communities Act” represents a potential unfunded mandate. It is further requested that the DLM determine the total annual financial impact for a period of no less than 3 years.

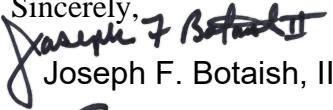
The MBTA Communities Act is a mandate by the Commonwealth requiring high density “family friendly” housing zoning in municipalities designated by the Act to increase housing stock in the State. The Town of Wrentham is currently one of 177 communities identified under the MBTA Communities Act. More specifically, Wrentham is designated as an adjacent community, with a zoning compliance mandate of December 31, 2024.

The Town of Wrentham is holding a Special Town Meeting on December 16, 2024, putting the MBTA Communities zoning change before the legislative body. The State Auditor’s fiscal impact determination will provide the voters critical information to explain how all extraordinary costs resulting from the Act will be paid for by the Commonwealth.

An initial projection with respect to the Town of Wrentham and the MBTA Communities Act shows a potential budgetary expense increase of \$11.54 million (See Addendum).

Your determination of the fiscal impacts of the MBTA Zoning requirements under the provisions of G.L. c. 29, s. 27c will be paramount in providing the voters at Town Meeting the information necessary to make an educated decision.

Sincerely,

  
Joseph F. Botaish, III  
  
Chris Gallo  
Wrentham Select Board

  
Bill Harrington  
  
James Andersom

  
Michelle Rouse

cc: Kevin Sweet, Wrentham Town Manager  
Mike King, Wrentham Finance Director/Treasurer-Collector  
Senator Rebecca Rausch  
Representative Marcus Vaughn  
Wrentham Planning Board

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Addendum  
Budget Expense Calculation

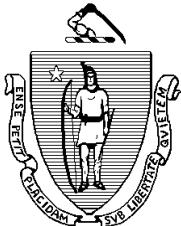
Assuming 3.5 persons per unit, the potential budgetary impact could be up to \$11,540,000.

This figure was determined as follows: 3.5 persons x 750 units = 2,625 population increase

FY25 General Fund Budget is \$53,536,213 / 12,178 (Wrentham 2020 census population) = \$4,396.14 per capita budget cost

**\$4,396.14 x 2,625 = \$11,539,871.83**

(Note: The Town of Wrentham will work cooperatively with the Division of Local Mandates to provide additional calculations and financial data to facilitate the determination process)



DIANA DIZOGLIO  
AUDITOR

# The Commonwealth of Massachusetts

## AUDITOR OF THE COMMONWEALTH DIVISION OF LOCAL MANDATES

ONE WINTER STREET, 9<sup>TH</sup> FLOOR  
BOSTON, MASSACHUSETTS 02108

TEL (617) 727-0025  
FAX (617) 727-0984

February 21, 2025

By First-Class Mail & Email <[SBOOffice@wrentham.gov](mailto:SBOOffice@wrentham.gov)>

Town of Wrentham Select Board  
79 South Street  
Wrentham, MA 02093

**RE: Mandate Determination related to MBTA Communities Act (M.G.L. c. 40A, § 3A)**

Dear Select Board Members:

On October 15, 2024, on behalf of the Town of Wrentham, you requested that the Office of the State Auditor (OSA), through the Division of Local Mandates (DLM), provide a determination of whether M.G.L. c. 40A, § 3A (the MBTA Communities Act, the Act, or § 3A), constitutes an unfunded mandate imposed on cities and towns by the Commonwealth within the meaning of M.G.L. c. 29, § 27C (the Local Mandate Law), and the total annual financial impact thereof for a period of no less than 3 years. In response to your request, this office sent correspondence dated November 27, 2024, requesting a waiver of the 60-day timeline under M.G.L. c. 29, § 27C. On December 5, 2024, Michael King, Interim Town Manager, indicated that the Wrentham Select Board voted unanimously to deny our waiver request. On December 12, 2024, further correspondence was sent stating that this office was unable to issue a determination due to litigation in connection with the MBTA Communities Act that was before the Supreme Judicial Court of Massachusetts at that time. The Court issued its decision in *Attorney General v. Town of Milton*, No. SJC-13580, on January 8, 2025.<sup>1</sup>

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<sup>1</sup> *Attorney General v. Town of Milton & another; Executive Office of Housing and Livable Communities, third-party defendant*, Mass., No. SJC-13580, slip op. (January 8, 2025), available at <https://www.mass.gov/doc/attorney-general-v-town-of-milton-executive-office-of-housing-and-livable-communities-sjc-13580/download> (accessed February 18, 2025).

DLM has conducted extensive legal and policy review regarding the requested matter, including review of the *Milton* decision and the emergency regulations filed thereafter by the Administration,<sup>2</sup> and determines that the MBTA Communities Act constitutes an unfunded mandate. DLM's analysis in arriving at said determination is set forth below. Regarding the fiscal impact, the Court in its decision noted the absence of the required statements under M.G.L. c. 30A, § 5, estimating the fiscal effect of proposed regulations on the public and private sector, and considering the impact of such regulations on small business, rendering the guidelines promulgated by the Executive Office of Housing and Livable Communities (EOHLC) ineffective.<sup>3</sup> DLM requires additional time to perform a thorough analysis of the costs imposed as the impact of the MBTA Communities Act is still being determined. Such analysis will include review of the required fiscal impact statements by EOHLC and implementing other data collection measures as necessary.

### **M.G.L. c. 29, § 27C — the Local Mandate Law**

In general terms, the Local Mandate Law provides that any post-1980 state law, rule, or regulation that imposes additional costs, excluding incidental local administration expenses, upon any city or town is conditional on local acceptance or being fully funded by the Commonwealth.<sup>4</sup> A city or town may request that DLM determine whether a law, rule, or regulation imposes a mandate within the meaning of the Local Mandate Law and, if so, the costs of compliance and the amount of any deficiency in funding by the Commonwealth.<sup>5</sup> Alternatively, or in addition to asking DLM for such a determination, a community alleging an unfunded mandate may petition the Superior Court for a determination of deficiency and an exemption from compliance until the Commonwealth provides sufficient funding.<sup>6</sup>

In order to determine that a state law imposes a mandate within the meaning of the Local Mandate Law, the law must take effect on or after January 1, 1981, must be a new law changing existing law, and must result in a direct service or cost obligation imposed on municipalities by the Commonwealth that amounts to more than an incidental local administration expense.<sup>7</sup> Moreover, the challenged law must not be exempted from application of the Local Mandate Law, whether by express override of the Legislature, application of federal law or regulation, or other exemption.

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<sup>2</sup> 760 CMR 72.00: Multi-Family Zoning Requirement for MBTA Communities (2025), *available at* <https://www.mass.gov/regulations/760-CMR-7200-multi-family-zoning-requirement-for-mbta-communities> (accessed February 18, 2025).

<sup>3</sup> See *Milton* at 7, 22.

<sup>4</sup> See M.G.L. c. 29, §§ 27C(a)–(c).

<sup>5</sup> See M.G.L. c. 29, § 27C(d).

<sup>6</sup> See M.G.L. c. 29, § 27C(e).

<sup>7</sup> See *City of Worcester v. the Governor*, 416 Mass. 751 (1994).

Once DLM has determined that a law imposes a mandate within the meaning of the Local Mandate Law, the analysis turns to whether the Commonwealth has provided sufficient funding to assume the costs imposed by the law in question. The Local Mandate Law clearly states that “the general court, at the *same session* in which such law is enacted, [must provide], *by general law and by appropriation*, for the assumption by the commonwealth of such cost[s], . . . and . . . by appropriation in *each successive year* for such assumption” (emphasis added).<sup>8</sup> The Supreme Judicial Court has recognized that “the ‘plain meaning’ of [M.G.L.] c. 29, Section 27C(a), is that funding be provided at the *same time* that [the] mandate is imposed on cities and towns,” and that the language of the statute “means that the Legislature envisioned a scheme wherein cities and towns would be reimbursed *in advance — or, at least, contemporaneously* — for costs incurred pursuant to the mandate” (emphasis added).<sup>9</sup> Furthermore, funding must be provided by a specific allocation of funds and cannot be fulfilled merely by increasing unrestricted local aid, as “[s]uch an approach would render the [Local Mandate Law] meaningless, for it would always be possible to attribute undesignated increases in State aid to the local mandate being challenged.”<sup>10</sup> In short, for funding to be sufficient, the imposed costs must be assumed by the Commonwealth and appropriation made contemporaneously with and specific to the mandate in question.

### **M.G.L. c. 40A, § 3A — the MBTA Communities Act**

The MBTA Communities Act provides as follows:

#### **“Section 3A: Multi-family zoning as-of-right in MBTA communities**

Section 3A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section

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<sup>8</sup> See M.G.L. c. 29, § 27C(a).

<sup>9</sup> See *Town of Lexington v. Commissioner of Education*, 393 Mass. 693, 698–701 (1985).

<sup>10</sup> See *id.* at 701.

2EEEE of chapter 29; (iii) the MassWorks infrastructure program established in section 63 of chapter 23A, or (iv) the HousingWorks infrastructure program established in section 27 ½ of chapter 23B.

(c) The executive office of housing and livable communities, in consultation with the executive office of economic development, the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.”<sup>11</sup>

An MBTA community is defined as “a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.”<sup>12</sup> The Town of Wrentham is specified as one of the other served communities in clause (iii).<sup>13</sup>

### **Application of the Local Mandate Law to the MBTA Communities Act**

The MBTA Communities Act provisions contained in § 3A were added by § 18 of Chapter 358 of the Acts of 2020, effective January 14, 2021, amended by § 10 of Chapter 29 of the Acts of 2021, effective July 29, 2021, further amended by §§ 152-153 of Chapter 7 of the Acts of 2023, effective May 30, 2023, and further amended by § 9 of Chapter 150 of the Acts of 2024, effective August 6, 2024.<sup>14</sup> Accordingly, the MBTA Communities Act is a law that took effect on or after January 1, 1981.

Furthermore, the MBTA Communities Act is a new law changing, not merely clarifying, existing law.<sup>15</sup> The MBTA Communities Act creates a new zoning requirement, requiring that all MBTA communities zone at least 1 district in which multi-family housing is permitted as of right, subject to other requirements.<sup>16</sup> Prior to enactment of the MBTA Communities Act, no such district was required. Emergency regulations filed by EOHLC on January 14, 2025, provide significant context regarding the breadth of considerations necessary for compliance with the Act – “[w]hat

<sup>11</sup> M.G.L. c. 40A, § 3A; St. 2020, c. 358, § 18; amended St. 2021, c. 29, § 10; amended St. 2023, c. 7, §§ 152-153; amended St. 2024, c. 150, § 9.

<sup>12</sup> M.G.L. c. 40A, § 1A; St. 2020, c. 358, § 16. See [Appendix A](#).

<sup>13</sup> M.G.L. c. 161A, § 1.

<sup>14</sup> St. 2020, c. 358, § 18; amended St. 2021, c. 29, § 10; amended St. 2023, c. 7, §§ 152-153; amended St. 2024, c. 150, § 9.

<sup>15</sup> See Worcester, 416 Mass. at 756; see also Lexington, 393 Mass. at 697.

<sup>16</sup> M.G.L. c. 40A, § 3A(a)(1).

it means to allow Multi-family housing ‘as of right’ … [t]he metrics that determine if a Multi-family zoning district is ‘of reasonable size’ … [h]ow to determine if a Multi-family zoning district has a minimum gross density of 15 units per acre … [t]he meaning of M.G.L. c. 40A, § 3A’s mandate that ‘such multi-family housing shall be without age restrictions and suitable for families with children’ … [t]he extent to which MBTA communities have flexibility to choose the location of a Multi-family zoning district” – as well as permissible steps toward compliance, all of which constitute a substantive change in municipal zoning authority.<sup>17</sup>

The analysis continues with an evaluation of whether the MBTA Communities Act *imposes* a direct service or cost obligation on municipalities by the Commonwealth that amounts to more than an incidental local administration expense. The MBTA Communities Act provides in relevant part that “[a]n MBTA community *shall* have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right” (emphasis added). M.G.L. c. 4, § 6 provides that “[w]ords and phrases shall be construed according to the common and approved usage of the language.” Given this, “[t]he word ‘shall’ is ordinarily interpreted as having a mandatory or imperative obligation.”<sup>18</sup>

Neither is the MBTA Communities Act conditional upon local acceptance. M.G.L. c. 4, § 4 provides that “[w]herever a statute is to take effect upon its acceptance by a municipality or district, or is to be effective in municipalities or districts accepting its provisions, this *acceptance shall be*, except as otherwise provided in that statute, in a municipality, *by vote of the legislative body*, subject to the charter of the municipality, or, in a district, by vote of the district at a district meeting” (emphasis added). The Commonwealth has specifically included language in various statutes conditioning effectiveness upon local acceptance (local option statutes).<sup>19</sup> In contrast, the MBTA Communities Act applies to all municipalities meeting the definition of an “MBTA community.”<sup>20</sup>

The Court in *Milton* confirmed this interpretation of the MBTA Communities Act as imposing an obligation on MBTA communities, concluding that the town’s proposed reading that the only consequence to an MBTA community for failing to comply would be the loss of certain funding opportunities would “thwart the Legislature’s purpose by converting a *legislative mandate* into a matter of fiscal choice” (emphasis added).<sup>21</sup>

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<sup>17</sup> See 760 CMR 72.03 et seq.

<sup>18</sup> *Galenski v. Town of Erving*, 471 Mass. 305, 309 (2015), quoting *Hashimi v. Kalil*, 388 Mass. 607, 609 (1983).

<sup>19</sup> See *Galenski*, 471 Mass. 305; see also *Adams v. City of Boston*, 461 Mass. 602 (2012).

<sup>20</sup> M.G.L. c. 40A, § 1A; St. 2020, c. 358, § 16. See [Appendix A](#).

<sup>21</sup> *Milton* at 17.

As for costs of implementation, the MBTA Communities Act requires MBTA communities to have “a zoning ordinance or by-law” providing for a district that meets specific criteria. Although the total fiscal impact of implementation cannot be determined without further data collection, it is apparent that, at a minimum, direct costs exist in developing compliant zoning that amount to more than incidental local administration expenses. Incidental local administration expenses “are relatively minor expenses related to the management of municipal service and . . . are subordinate consequences of a municipality’s *fulfilment of primary obligations*” (emphasis added).<sup>22</sup> The implication is that expenses incurred by a municipality in fulfilling its primary obligations are not incidental local administration expenses and, consequently, one must look to the purpose of the statute to determine the primary obligation imposed on the municipality. The purpose of the MBTA Communities Act as stated in the emergency regulations is “to encourage the production of Multi-family housing by requiring MBTA communities to adopt zoning districts where Multi-family housing is allowed As of right....”<sup>23</sup> The Commonwealth through EOHLC, after review of submitted applications, awarded “technical assistance” grant funding to some MBTA communities for the very purpose of developing zoning compliant with the Act.<sup>24</sup> Accordingly, DLM determines that the MBTA Communities Act imposes direct service or cost obligations on municipalities by the Commonwealth that amount to more than incidental local administration expenses.

## **MBTA Communities Act Funding**

The MBTA Communities Act does not provide a funding mechanism for compliance with its provisions.<sup>25</sup> The statutory language of § 3A and the original enacting legislation of Chapter 358 of the Acts of 2020 fail to provide for the assumption by the Commonwealth of the costs imposed by the MBTA Communities Act and did not contain an appropriation for § 3A.<sup>26</sup> The FY 2022 budget, passed during the same annual session as when the MBTA Communities Act became effective (the first annual session of the 2021–2022 biennial legislative session), and all other appropriations bills passed during the same annual session, likewise did not contain an

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<sup>22</sup> See Worcester, 416 Mass. at 758–759 (where the primary obligation imposed by a regulation was “to identify children in need of special education,” written parental notification was “a subordinate administrative task”; where the primary obligation of a law was “to provide school accessibility to students with limited mobility,” the requirement for the annual submission of school building access plan imposed “only administrative expenses incidental (subordinate) to the primary obligation”).

<sup>23</sup> 760 CMR 72.01.

<sup>24</sup> See Executive Office of Housing and Livable Communities, *3A Technical Assistance Awards & Resources*, available at <https://www.mass.gov/info-details/3a-technical-assistance-awards-resources> (accessed February 18, 2025).

<sup>25</sup> Cf. St. 1983, c. 503, *An Act Extending the Time of Voting in Certain Elections* (“SECTION 3. As hereinafter provided, the commonwealth shall pay to each city and town an amount sufficient to defray the additional costs imposed on the city or town under the provisions of this act.”).

<sup>26</sup> See M.G.L. c. 40A, § 3A; St. 2020, c. 358.

appropriation for § 3A.<sup>27</sup> Neither was the MBTA Communities Act specifically exempted from application of the Local Mandate Law by the Commonwealth.<sup>28</sup>

As stated above, the Commonwealth has already provided grant funding to some MBTA communities for certain costs of drafting compliant zoning. In addition, the Commonwealth continues to anticipate that the MBTA Communities Act will impose costs on MBTA communities. Section 2A of Chapter 150 of the Acts of 2024 includes the following line item:

7004-0077.. For a local capital projects grant program to support and encourage implementation of the housing choice designation for communities that have demonstrated housing production and adoption of housing best practices, *including a grant program to assist MBTA communities in complying with the multi-family zoning requirement in section 3A of chapter 40A of the General Laws.....*  
\$50,000,000 (emphasis added)

Further, Section 4 of said chapter 150 provides in part:

(a) There shall be in the executive office of housing and livable communities a HousingWorks infrastructure program to: (i) issue infrastructure grants that support housing to municipalities and other public entities ... ; or (ii) assist municipalities to advance projects that support housing development, preservation or rehabilitation. Preference for grants or assistance under this section shall be given to: ... (C) *multi-family zoning districts that comply with section 3A of said chapter 40A ....* (emphasis added)

However, establishment of the grant programs above did not occur contemporaneously with the enactment of § 3A, nor did they provide the required specific allocation of funds to municipalities for the costs of compliance with § 3A.<sup>29</sup> Moreover, there are questions as to whether a grant

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<sup>27</sup> See St. 2021, c. 24; St. 2021, c. 23; St. 2021, c. 29; St. 2021, c. 76.

<sup>28</sup> Cf. St. 1993, c. 71, *An Act Establishing the Education Reform Act of 1993* (“SECTION 67. This act shall apply to all cities, towns, and regional school districts, notwithstanding section twenty-seven C of chapter twenty-nine of the General Laws and without regard to any acceptance or appropriation by a city, town, or regional school district or to any appropriation by the general court.”) *See Lexington*, 393 Mass. at 698 (“[the challenged law] does not indicate any express amendment or repeal of section 27C”); *see also School Committee of Lexington v. Commissioner of Education*, 397 Mass. 593, 595-596 (1986) (“One option was to provide specifically that [the challenged law] supersedes [the Local Mandate Law]. . . . [T]he Legislature could either have repealed or superseded an aspect of [the Local Mandate Law] directly.”).

<sup>29</sup> *See Lexington*, 393 Mass. at 699-700 (where the Supreme Judicial Court of Massachusetts recognized that a method by which reimbursement may be sought by cities and towns *after the costs have been incurred and without an appropriation of funds specifically targeted to the assumption of incurred costs* does not pass muster under M.G.L. c. 29, § 27C(a) (emphasis added)).

program requiring municipalities to compete for funding to support and encourage compliance with a law, even if created and funded contemporaneously with the law in question, would satisfy the Local Mandate Law because such a program is not intended to assume all costs imposed.<sup>30</sup>

The emergency regulations also make reference to potentially necessary funding for compliance with § 3A: “For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, *the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed* for individual projects” (emphasis added).<sup>31</sup> Whether a particular expense is imposed by the MBTA Communities Act within the meaning of the Local Mandate Law will require further data collection and analysis. DLM will implement data collection measures necessary to determine the estimated and actual financial effects on each MBTA community of the MBTA Communities Act. In the interim, because the Commonwealth did not assume the costs of the MBTA Communities Act by general law and by appropriation in the 2021 session contemporaneously with the effective date of the MBTA Communities Act, DLM determines that the current method of funding by the Commonwealth of the costs of compliance with § 3A incurred by MBTA communities does not satisfy the requirements of the Local Mandate Law.

## Conclusion

It is the determination of DLM that the provisions of the MBTA Communities Act *impose an unfunded mandate* within the meaning of the Local Mandate Law as the current method of funding by the Commonwealth of § 3A compliance costs incurred by municipalities does not satisfy the requirements of the Local Mandate Law. DLM cautions that, as with all determinations, the conclusions herein are based on DLM’s interpretation and application of current law and judicial precedent and, accordingly, are subject to legislative or regulatory changes or judicial determination. As stated above, DLM will conduct data collection measures as necessary and will report on the financial effects of the MBTA Communities Act when the process concludes.

This opinion does not prejudice the right of any city or town to seek independent review of the matter in Superior Court in accordance with M.G.L. c. 29, § 27C(e). This determination does not guarantee that expenses will, in fact, be reimbursed, as the Supreme Judicial Court has opined that a municipality’s sole recourse for an unfunded mandate is to petition the Superior Court for an exemption from compliance.<sup>32</sup>

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<sup>30</sup> See *id.*

<sup>31</sup> 760 CMR 72.05(1)(e)2.

<sup>32</sup> See *Worcester*, 416 Mass. at 761–762.

Thank you for bringing this important matter to our attention. We look forward to continuing to work with you in service to the residents of Wrentham and our Commonwealth.

Sincerely,



Jana DiNatale  
Director of Division of Local Mandates  
Office of State Auditor Diana DiZoglio

cc: Michael J. King, Interim Town Manager, Town of Wrentham  
Kimberley Driscoll, Lieutenant Governor of the Commonwealth  
Andrea Campbell, Attorney General of the Commonwealth  
Karen E. Spilka, President of the Senate  
Ronald Mariano, Speaker of the House  
Edward M. Augustus Jr., Secretary, Executive Office of Housing and Livable Communities  
Adam Chapdelaine, Massachusetts Municipal Association Executive Director and Chief Executive Officer  
Elizabeth T. Greendale, President of the Massachusetts Town Clerks' Association

### **Appendix A: MBTA Communities<sup>33</sup>**

“51 cities and towns”, the cities and towns of Bedford, Beverly, Braintree, Burlington, Canton, Cohasset, Concord, Danvers, Dedham, Dover, Framingham, Hamilton, Hingham, Holbrook, Hull, Lexington, Lincoln, Lynn, Lynnfield, Manchester-by-the-Sea, Marblehead, Medfield, Melrose, Middleton, Nahant, Natick, Needham, Norfolk, Norwood, Peabody, Quincy, Randolph, Reading, Salem, Saugus, Sharon, Stoneham, Swampscott, Topsfield, Wakefield, Walpole, Waltham, Wellesley, Wenham, Weston, Westwood, Weymouth, Wilmington, Winchester, Winthrop and Woburn.

“Fourteen cities and towns”, the cities and towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Milton, Newton, Revere, Somerville and Watertown.

“Other served communities”, the cities and towns of Abington, Acton, Amesbury, Andover, Ashburnham, Ashby, Ashland, Attleboro, Auburn, Ayer, Bellingham, Berkley, Billerica, Boxborough [sic], Boxford, Bridgewater, Brockton, Carlisle, Carver, Chelmsford, Dracut, Duxbury, East Bridgewater, Easton, Essex, Fitchburg, Foxborough, Franklin, Freetown, Georgetown, Gloucester, Grafton, Groton, Grove land, Halifax, Hanover, Hanson, Haverhill, Harvard, Holden, Holliston, Hopkinton, Ipswich, Kingston, Lakeville, Lancaster, Lawrence, Leicester, Leominster, Littleton, Lowell, Lunenburg, Mansfield, Marlborough, Marshfield, Maynard, Medway, Merrimac, Methuen, Middieborough. [sic] Millbury, Millis, Newbury, Newburyport, North Andover, North Attleborough, Northborough, Northbridge, Norton, North Reading, Norwell, Paxton, Pembroke, Plymouth, Plympton, Princeton, Raynham, Rehoboth, Rochester, Rockland. Rockport, Rowley, Salisbury, Scituate, Seekonk, Sherborn, Shirley, Shrewsbury, Southborough, Sterling, Stoughton, Stow, Sudbury, Sutton, Taunton, Tewksbury, Townsend, Tyngsborough, Upton, Wareham, Way land, West Boylston, West Bridgewater, Westborough, West Newbury, Westford, Westminster, Whitman, Worcester, Wrentham, and such other municipalities as may be added in accordance with section 6 or in accordance with any special act to the area constituting the authority.

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<sup>33</sup> M.G.L. c. 161A, § 1.