



**Select Board**

**Meeting Packet**

**May 13, 2025**

<b>Committees</b>	<b>Appointments</b>	<b>Current Member/Designee</b>	<b>Current Member/Designee</b>
Select Board Finance Committee	2 Select Board members	John Keohane	Vacant
Select Board Policy Committee	2 Select Board members	Ben Zoll	Erin Bradley
Trustees of the Affordable Housing Trust	1 Select Board member	Ben Zoll	N/A
Capital Improvement Planning Committee	1 Select Board member	Richard Wells	N/A
Climate Action Planning Committee	1 Select Board member/designee	Ron Israel	N/A
Massachusetts Port Authority Community Advisory Committee	1 Appointment	Vacant	N/A
Master Plan Implementation Committee	1 Select Board member	Roxanne Musto	N/A
Milton Landing Committee	2 Select Board members	Richard Wells	Roxanne Musto
Municipal Public Educational and Governmental (MPEG) Access, Inc., Board of Directors	1 Select Board member/designee	Roxanne Musto	N/A
PILOT Committee	1 Select Board member	Erin Bradley	N/A
School Building Committee	2 Select Board members/Designees	John Keohane	Glen Hoffman
Town Farm Review Committee (Appointed by Governor Stoughton Trustees)	1 Governor Stoughton Trustee	Roxanne Musto	N/A
Youth Task Force	1 Select Board member	John Keohane	N/A

**ARTICLE 2** To see if the Town will vote to amend the appropriations voted for the Fiscal Year 2025 Reserve Fund at the 2024 Annual Town Meeting in Article 33 and the 2025 Annual Town Meeting in Article 2 by appropriating \$300,000 for the Fiscal Year 2025 Reserve Fund from funds certified by the Department of Revenue as free Cash; and to act on anything relating thereto.

Submitted by the Select Board

*Draft motion*

**RECOMMENDED that the Town vote to amend the following appropriation for the twelve-month period beginning July 1, 2024:**

<u>Description</u>	<u>Town Meeting Articles</u>	<u>Current FY2025 Appropriation</u>	<u>FY2025 Adjustment</u>	<u>Revised FY2025 Appropriation</u>
Reserve Fund	Article 33 at the 2024 Annual Town Meeting  Article 2 at the 2025 Annual Town Meeting	\$965,000	\$300,000	\$1,265,000

**And that to meet said appropriation the sum of \$300,000 be appropriated from funds certified by the Department of Revenue as free cash.**

**Article ##** To see if the Town will vote to accept Massachusetts General Laws Chapter 40, Section 57 and amend the general Bylaws by inserting the following new Chapter ## Denial, Revocation or Suspension of Local Licenses and Permits.

§ ##-1. Authority.

Any Town board, officer or department or other local licensing or permitting authority may deny any application for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of section twenty-one D or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

The Tax Collector shall periodically furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a **six-month** period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

§ ##-2. Revocation or suspension of license.

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as the date of issuance of said certificate.

§ ##-3. Payment agreements.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

§ ##-4. Waiver.

The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

§ ##-5. Exceptions.

This Section shall not apply to the following licenses and permits:

- a. open burning, M.G.L. Ch. 48, §13
- b. bicycle permits; M.G.L. Ch. 85, §11A
- c. sales of articles for charitable purposes, M.G.L. Ch. 101, §33
- d. child work permits, M.G.L. Ch. 149, §69
- e. licenses for clubs and associations dispensing food or beverage, M.G.L. Ch. 140, §21E
- f. dog licenses, M.G.L. Ch. 140, §137
- g. fishing, hunting, trapping license, M.G.L. Ch. 131, §12
- h. marriage licenses, M.G.L. Ch. 207, §28 and
- i. theatrical events and public exhibition permits, M.G.L. Ch. 140, §81

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

Submitted by the Select Board

**RECOMMENDED that the Town vote ☐.**

*COMMENT:* ☐

**ARTICLE ##** To see if the Town will vote to accept (1) the provisions of (2) the provisions of M.G.L. c.59, §5 clause Twenty-second I, to allow exemptions granted to those qualifying pursuant to clause Seventeenth E to be increased annually by an amount equal to the increase in the cost of living as determined by the Consumer Price Index for such year; and (2) to accept the provisions of M.G.L. c.59, §5 clause Twenty-second I, to allow exemptions granted to those qualifying pursuant to clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second E or Twenty-second F to be increased annually by an amount equal to the increase in the cost of living as determined by the Consumer Price Index for such year; and (3) to accept the provisions of M.G.L. c.59, §5 clause Forty-first D to allow exemptions granted to those qualifying pursuant to clause Forty-first to be increased annually by an amount equal to the increase in the cost of living as determined by the Consumer Price Index for such year; or to act on anything relating thereto.

Submitted by the Select Board

**RECOMMENDED that the Town vote** ☐.

*COMMENT:* ☐

**Article ##** To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 60, Section 3D to establish an aid to elderly and disabled taxation fund and a taxation aid committee to consist of the chair of the board of assessors, the town treasurer, and three residents to be appointed select board; and to act on anything relating thereto.

Submitted by the Select Board

**RECOMMENDED that the Town vote ☐.**

*COMMENT:* ☐

DRAFT

**ARTICLE ##** To see if the Town will vote to amend Chapter 105 Alcoholic Beverages of the General Bylaws by amending Section 105-1 Consumption on Town property and leased premises as follows:

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

A. Drinking, sale or possession of alcoholic beverages, as defined in Chapter 138 of the Massachusetts General Laws (for purposes of this Section 105-1, “Alcoholic Beverages”), while in a building owned by the Town of Milton (for purposes of this Section 105-1, a “Town Building”) or upon land owned by the Town of Milton, is prohibited, except that one-day licenses for the drinking, sale or possession of alcoholic beverages in a Town Building may be authorized by the express advance approval of the Select Board and, in addition, if different from the Select Board, the public body responsible for the care, custody, and control of the subject Town Building, provided that (i) all requirements under Massachusetts General Laws, including M.G.L. c. 138, Section 22A shall be met; (ii) all applicants for such one-day liquor licenses shall obtain amounts of insurance and shall indemnify the Town as determined by the Select Board after consultation with Town counsel and the Town’s insurer; (iii) all alcohol shall be served by bartenders who have completed the Training for Intervention Purposes (TIPS) program, or such similar subsequent program designed to limit the risks of underage drinking and overconsumption; and (iv) the Select Board shall work with the Milton Police Department to reduce potential impacts of such licenses on adjacent neighborhoods.

B. One-day licenses for the drinking, sale or possession of alcoholic beverages on Town land may be authorized by the Select Board, and, in addition, if different from the Select Board, the public body responsible for the care, custody, and control of the subject Town land. One-day licenses on Town land shall be subject to all the requirements in Section 105-1(A) and the following additional requirements:

- (1) One-day licenses shall only be issued to individuals or organizations under contract to utilize an entity possessing a caterer’s license for alcohol sales, pursuant to M.G.L. Chapter 138, Section 12C;
- (2) Age identifying wristbands shall be provided to individuals seeking to purchase alcohol beverages
- (3) Applicants shall submit a sketch plan for the use of Town land as part of the application to the Select Board
- (4) The Select Board may, depending on the Town land, require that alcohol sales and consumption take place only in a location to be designated for this purpose on the site plan

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

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

A.C. Whoever violates any provision of this section shall be fined an amount of \$300 for each offense.

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

Submitted by the Select Board

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

*COMMENT:* \_\_

DRAFT

**ARTICLE ##** To see if the Town will vote to amend Chapter 105 Alcoholic Beverages of the General Bylaws by amending Section 105-1 Consumption on Town property and leased premises as follows:

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

~~(4)~~A. Drinking, sale or possession of alcoholic beverages, as defined in Chapter 138 of the Massachusetts General Laws (for purposes of this Section 105-1, “Alcoholic Beverages”), while in a building owned by the Town of Milton (for purposes of this Section 105-1, ~~a~~–“Town ~~Building~~Buildings”) or upon land owned by the Town of Milton, ~~(for purposes of this Section 105-1, “Town Land,” and, together with Town Buildings, “Town Property”)~~, is prohibited, except that one-day licenses for the drinking, sale or possession of alcoholic beverages ~~in a on~~ Town ~~Building~~Property may be authorized by the express advance approval of the Select Board and, in addition, if different from the Select Board, the public body responsible for the care, custody, and control of the subject Town ~~Building~~Property, provided that (1) for one-day licenses for Town Buildings, (i) all requirements under Massachusetts General Laws, including M.G.L. c. 138, Section 22A shall be met; (ii) all applicants for such one-day liquor licenses shall obtain amounts of insurance and shall indemnify the Town as determined by the Select Board after consultation with Town counsel and the Town’s insurer; (iii) all alcohol shall be served by bartenders who have completed the Training for Intervention Purposes (TIPS) program, or such similar subsequent program designed to limit the risks of underage drinking and overconsumption; and (iv) the Select Board shall work with the Milton Police Department to reduce potential impacts of such licenses on adjacent neighborhoods (collectively, the “Town Building Requirements”); and (2) for one-day licenses for Town Land, (i) all of the Town Building Requirements shall be met, (ii) one-day licenses shall only be issued to individuals or organizations under contract to utilize an entity possessing a caterer’s licenses for alcohol sales, (iii) nontransferable wristbands shall be provided to identify all individuals 21 years old or older who seek alcoholic beverages, (iv) applicants shall submit a sketch plan for the use of Town Land that delineates the area of alcohol storage, service, and consumption as part of the application to the Select Board, (v) for events at which alcohol will be offered or sold to the general public on Town Land, the Select Board shall require that a designated location for alcohol sales and consumption be established and marked by signage, and shown on the sketch plan, where individuals under 21 years of age are not allowed and in which all alcoholic beverages shall remain (the “Alcohol Service Area”), (vi) advertising for alcohol products shall be limited to the Alcohol Service Area (if applicable) and shall include the product description, price, and Alcohol by Volume (ABV) for each product, (vii) no such one-day licenses shall be issued for Town Land that includes playground and/or children’s play space areas, (viii) food and non-alcoholic beverages shall be provided and applicants shall submit the menu for the food to be served as part of the application to the Select Board, (ix) cups for alcoholic beverages that are easily distinguishable from cups for non-alcoholic beverage cups shall be used, and (x) individuals may not be provided with more than two (2) alcoholic beverages at one time.

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

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

~~A.B.~~ Whoever violates any provision of this section shall be fined an amount of \$300 for each offense.

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

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**ARTICLE ##** To see if the Town will vote to amend the General Bylaws by inserting the following new Chapter XX Protection Against Light Trespass.

## **PURPOSE**

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

## **DEFINITIONS**

“Glare” intense and blinding light emitted by a Luminaire that reduces visibility and creates visual discomfort and/or momentary visual impairment. Discomfort Glare causes a nuisance due to overly bright light sources in the field of view. Disability Glare causes interference in the visual process and impairs the viewer’s vision.

“Illuminance” measured in Lux or footcandles, the total luminous flux incident at a point on a surface.

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

“Light Trespass” means a condition in which artificial light emitted from a Luminaire on one property is directed in such a manner that the light source or glare is visible from any other property and constitutes a public hazard or a nuisance. Unless specified otherwise, light trespass limits are measured at any location along a property line both horizontally at the ground plane facing upward and vertically at 1.5 meters (5ft) above grade with the meter aimed toward the light source in question. Light Trespass levels shall meet the following:

- 1) Luminaire light sources shall not be visible from federal or state designated wilderness, natural area, habitat, or reserves, and Light Trespass shall measure no greater than 5 Lux.
- 2) Light Trespass onto Waters of the United States shall measure no greater than 5 Lux.
- 3) Light Trespass onto Residential Use property shall measure no greater than 5 Lux.

“Lumen” is a unit of measurement that quantifies the total amount of visible light emitted by a light source, with higher lumen values indicating a brighter light.

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

-“Lux (lx)” The SI metric system unit of measure for Illuminance.

“Nuisance” the unreasonable, unwarranted and/or unlawful use of property, which causes inconvenience, disruption of enjoyment, or damage to others, either to individuals and/or to the general public.

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

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

“Town” means the town of Milton, MA.

## ENFORCEMENT

The Select Board, or its designee, in their sole discretion, shall determine if a Light Trespass constituting a public hazard or nuisance exists. Any complaint about Light Trespass shall be made to the Select Board office in writing with any additional material needed to determine that Light Trespass exists.

The Select Board, or its designee, shall notify the property owner of its intention to review a complaint regarding Light Trespass at their property within ten (10) business days of receiving the complaint in writing and request any documentation or response the property owner deems appropriate to prove there is no violation of Light Trespass. \_

The Select Board, or its designee shall conduct a site visit to review the complaint and observe conditions and. ~~The Select Board, or its designee~~, shall prepare a written summary of existing conditions.

Within forty-five (45) days of receiving the initial complaint the Select Board, or its designee, shall hold a meeting with the parties to determine if Light Trespass violation exists. During this timeframe the property owner may take steps to rectify the alleged Light Trespass.

The Select Board, or its designee, shall take into consideration the following conditions, or any other information deemed appropriate to determine the outcome of the Light Trespass complaint:

- 1) Lights directly shining into another’s windows;
- 2) Excessive Glare;
- 3) What angle the fixtures are affixed to the property to create poorly directed lighting;
- ~~4) Outdoor lights on a timed motion sensor~~
- 5) Lumens/Illuminance levels that are too bright for the area that would impact sleeping, enjoying one's own property while outdoors, or directly impacting the enjoyment of the night sky:-
  - ~~a) Appropriate lumens levels for residential neighborhoods:~~
    - ~~i) Step lights: 100 lumens or less;~~
    - ~~ii) Path lights: 200 lumens or less~~
    - ~~iii) Landscape lights: 300 lumens or less~~

- ~~iv) Wall lights: 600 lumens or less~~
- ~~v) String lights: 100 lumens or less per bulb~~
- ~~vi) Pond/pool lights: 400 lumens or less~~
- ~~vii) Security lights: 1300 lumens or less, on a motion sensor~~
- ~~viii)j) LED flood lights: 800 lumens or less~~

~~6)5)~~ Any illuminance lumens levels in question shall be measured by a Town employee designated by the Town Administrator Select Board by using a high-quality illuminance light meter taken on multiple points of the property line in question and the results shall be submitted to the Select Board, or its designee for consideration.

## **EXEMPTIONS**

The following are exempt from compliance with all provisions of this Bylaw, except as noted:

- 1) Temporary emergency lighting needed by the Police, Fire, and Public Works departments; Water District personnel; or other law-enforcement and emergency services, as well as all vehicle-mounted luminaires.
- 2) Lighting employed during repairs of roads, utilities, and similar infrastructure, including unshielded lighting, provided that such lighting is deployed, positioned, and aimed such that to the extent possible the resulting glare and light trespass do not extend beyond the work area.
- 3) Any form of lighting whose use is mandated or otherwise governed by any legal jurisdiction with broader authority than that of the Town.
- 4) Temporary lighting for events sponsored by the Town or for which a license or other approval has been issued, such as concerts, fairs, and festivals.
- 5) A motion-activated luminaire that causes a nuisance but otherwise complies with this Bylaw.
- 6) Luminaires used to illuminate athletic fields or recreational facilities. Further, luminaires used to illuminate athletic fields, or recreational facilities must be turned off within one (1) hour after the end of play or by 10 p.m., whichever occurs sooner.

- 7) Seasonal Lighting where outdoor or site lighting that is portable, temporary, decorative, and used in connection with holidays and traditions. This includes but is not limited to string lighting, icicle lighting, and lighted inflatables, none of which are intended for general illumination.
- 8) Any pole-mounted flag illuminated at night shall utilize no more than three (3) spotlight luminaires per flagpole. Each of these luminaires should be installed and oriented so that their light output points directly toward the flag(s) and incorporates optics to create the narrowest possible beam.
- 4)9) Outdoor accent lighting of landscaping, monuments, plaques, and similar installations are exempted from this Bylaw but shall be focused directly at the target so that the luminaire does not create a nuisance. Such lighting shall be designed and installed so that the luminaire points downward toward the target where possible, emits no more light than is necessary for the task

## **VIOLATIONS**

A condition determined by the Select Board, or its designee, to constitute a public hazard or nuisance shall be in violation of this Bylaw. Persons found in violation shall have thirty (30) days to rectify the violation after which each additional day during which the violation exists shall constitute a separate offense or violation.

## **RELIEF**

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

## **PENALTY**

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

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

Submitted by the Select Board

**RECOMMENDED that the Town vote   .**

*COMMENT:*   .

**ARTICLE ##** 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. Ground floor uses shall promote an active pedestrian environment and lively streetscape and shall not include parking. At least 50% of the usable ground floor area of the building must be designed for and shall be 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.

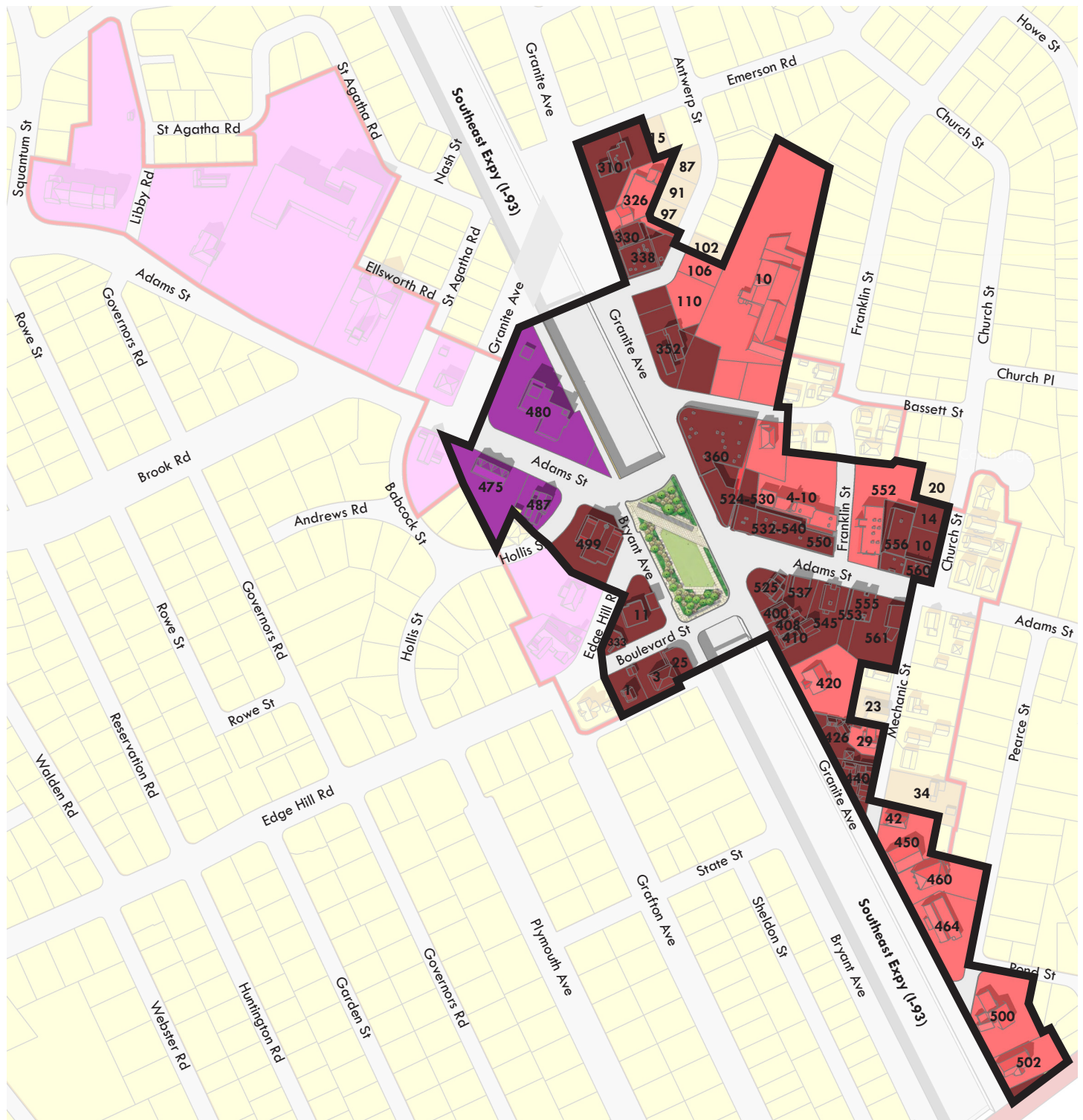
- f. The application shall include a narrative describing compliance with the Design Standards.
  - g. The application shall include architectural renderings, building elevations, an existing conditions survey with structures, retaining walls, parking areas, trees and topography, existing condition photos 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.

Submitted by the Planning Board










RECOMMENDED that the Town vote   .

COMMENT:

# East Milton Square Draft Zoning Map



## Map Legend

- |  |   |   |
|--|---|---|
|  Proposed overlay zoning district boundary  |  Parcels included in zoning district (35) (Currently in Business district "B") |  "Looking Forward" study area boundary |
|  Parcels included in zoning district (17) (Currently in split districts "B/RC")         |  Non-residential parcels in context  |   |
|  Parcels included in zoning district (4) (Non-residential in residential district "RC") |  "Residential C" Parcels in the context                                      |   |
|  Parcels removed from zoning district (8) (Residential in split districts "B/RC")       |  Streets in the surrounding context  |   |



An aerial photograph of East Milton Square, a town square in Milton, Massachusetts. The square is a triangular intersection with a green lawn in the center. Surrounding the square are various buildings, including a large white building on the left and a stone building with a dome on the right. A multi-lane road runs along the right side of the square. In the background, a hill covered in trees with autumn foliage is visible. A dark blue banner with white text is overlaid at the bottom of the image.

# EAST MILTON SQUARE DESIGN GUIDELINES

# EAST MILTON SQUARE DESIGN GUIDELINES

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# INTRODUCTION

## 1. Applicability

These Design Guidelines were adopted by the Milton Planning Board on [date]. They are used by the Planning Board during site plan and special permit review for any project proposed under the East Milton Square Mixed-use Overlay District (Section 275.3.22).

The Planning Board uses the Design Guidelines to evaluate compliance with:

- The provisions of the Zoning Bylaw related to East Milton Square
- The General Conditions for Site Plan Approval
- Any other relevant purpose, intent, or provision of the Zoning Bylaws
- The intent for East Milton Square as expressed in the Master Plan, and subsequent district planning studies.

The Planning Board, at its discretion, can approve reasonable and justifiable minor deviations from the Design Guidelines when – in its opinion – such derivations meet the intent of the East Milton Square zoning and the guiding principles set forth below. Applicants should clarify how any proposed deviations from the Design Guidelines further the intent of the Zoning and the principles in this document.

In the case of an inconsistency between the Zoning Bylaw and these Design Guidelines, the Bylaw shall govern. In the case of

inconsistency between applicable state or federal laws – including, without limitation, state building codes or life safety codes – and these Design Guidelines, the applicable state and federal laws, rules and regulations shall govern.

## 2. Intent

The Design Guidelines in this document are intended to provide applicants and the Planning Board with a shared detailed understanding of the intent of the East Milton Square Mixed-use Overlay District which is to allow high-quality mixed-use development that enhances East Milton Square. Successful mixed-use development shall:

- Strengthen walkability and safe and convenient circulation for all modes of travel in East Milton Square.
- Proactively and intentionally guide commercial district investment.
- Enhance the sense of place and district identity.
- Leverage private investments to add community amenities while reducing impacts.
- Incentivize mixed-use redevelopment and an increased variety of housing options.
- Improve environmental sustainability and resilience in the area.

The Design Guidelines are intended to provide clarity to applicants faced with numerous choices, often amongst competing design priorities. They explain the key aspects

of design for East Milton Square so that incremental development projects will add up to the intended cohesive vision for East Milton Square.

## 3. Organization

The East Milton Square Design Guidelines begin with an overview of the history and existing conditions in East Milton Square highlighting the strengths of the existing built environment and the heritage and sense of place of East Milton Square. This is followed by the cross-cutting design principles that should form the foundation of any future development in East Milton Square. It then presents sections on the specific topics of the design guidelines including buildings, public realm, access, parking, landscaping, lighting, signage, and sustainability. For each topic design principles are outlined and followed by specific design guidelines that explain and illustrate the intended design guidance.

## 4. Process

The East Milton Square Mixed-use Overlay supports new mixed-use investments by allowing a community-supported, three-story mixed-use project by right with site plan review. The site plan review process will be guided by the content of this document. Applicants should use the following process for applying the design guidelines to their project and expediting review.

Applicants are encouraged to read through the entire design guidelines document prior to beginning their design process. Early in the design process, applicants are encouraged to conduct a site and context analysis and document it. The analysis should consider the specific conditions of the site and its context – including prominent features on site and off site; street and sidewalk conditions; the scale, massing, detailing, style, function, and history of surrounding buildings and site.

The Planning Board encourages applicants to document their context and site analysis and be prepared to discuss it. Once the applicant has determined the best overall approach for applying their intended mixed-use program to the site, applicants are encouraged to conduct a detailed review of the various design guidelines and apply them, or reasonable alternatives, within their design. Applicants should be prepared to explain to the Planning Board the design trade offs they explored as they applied the Design Guidelines to the design of their project, and which aspects of the Design Guidelines were followed, which were not, and why.

## 5. Design Standards

The zoning section for East Milton Square Mixed-use Overlay requires compliance with design standards. The design standards from the zoning bylaw are repeated below. The design guidelines of this document are complement the design standards.

### A. Zoning 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 massing to shape outdoor spaces by placing buildings at the edges of the outdoor space and 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 streetscape 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.

In addition, each building shall meet the following design standards:

- **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.
- **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.
- **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 facade design, proportion and location of windows, location and ornamentation of entrances, and complementary building materials and colors.

- **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.
- **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 set-backs or vertical step-backs, architectural projections, recesses, and at least one of the following design elements: color change, material change, or texture change.
- **Active ground floor at 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 entry-way storefronts, display windows, or other glazing elements.

- **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.
- **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.
- **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.

- **Reduce visual impact of parking** – If parking is provided on-site, it shall be to the rear of the primary building or 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 storm-water mitigation and reducing the heat island effect. 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.
- **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.

- **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.
- **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 facade design of the ground floor and coordinated among multiple tenants.

The Planning Board has the discretion to allow changes to one or more of the design standards if the applicant 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.

The Design Standards are repeated in the structure of the Design Guidelines that follow in this document.

# HISTORY AND CONTEXT

## 1. Brief History

Since the second quarter of the nineteenth century East Milton has been a significant and distinct section of Milton. In 1826 the Granite Railway was built to convey blocks of granite from the West Quincy quarries to the Neponset River in Milton where they were towed to Charlestown for the construction of the Bunker Hill Monument. A village developed at the intersection of the Granite Railway and Adams Street.

East Milton Square is near the Railway Historic District in East Milton that includes Adams Street from its intersection with Mechanic and Church Streets in the west, and Washington Street in the east. It extends south to include Pierce Street and a section of Mechanic Street and north to include Granite Place, Bates Road, Brackett and Eaton Streets, and sections of Belcher Circle, Washington Street, Brunton Street, and Church Place.

The district takes its name from a Granite Railway laid out in 1826 to connect the West Quincy granite quarries to the Neponset River via Adams Street and Granite Avenue in East Milton. It was the first commercial railway in the country and greatly influenced the growth of East Milton Square, which was called Railway Village for many years. Historically, an active center of commerce in the Town,



Historical view of Adams Street frontage, image credit: Massachusetts Historical Commission

East Milton Square has been the home to drug stores, local businesses, and local services.

The stone for Bunker Hill Monument came from a Quincy quarry with most of it cut to size and finished in sheds located in Milton. This new industry resulted in a settlement that grew into today's East Milton Square. It was called Railway Village, and was the place where the Granite Railway crossed Plymouth Road. The business of the Granite Railway Co. Continued for many years, and the railroad itself lasted until about 1866. It was abandoned for a short time, and then bought by the Old Colony Railroad Company, who in 1871 opened the Plymouth Branch over part of the old roadbed.

Historic buildings that have been inventoried as part of the Massachusetts Cultural Resource Inventory System (MACRIS) include 532-550 Adams Street. It is a colonial revival commercial block built in 1920. 524-530 Adams Street is also a colonial revival commercial block that was built in 1920. The

Adams Building at 368-380 Granite Avenue is also a colonial revival commercial block that was built in 1928. It is one of the most recognizable feature buildings of East Milton Square. It is comprised of three buildings that together compose the major commercial block in East Milton Square. The first floors are dominated by large display windows for the retail businesses. The two-story buildings have smaller windows on the upper floor to light office space. The building's granite facade features decorative details with elaborate decoration on the columns framing the second-story windows, a frieze with patera, and modillions under the projecting cornice. The five bays of the block are divided by pilasters with foliated capitals. The East Milton Fire Station was built in 1953 and is a traditional postwar structure at 525 Adams Street.



Historical view of Granite Ave frontage, image credit: Massachusetts Historical Commission

In 1954, construction began on the Southeast Expressway (I-93). It is a six-lane highway from the South Shore to Boston that divides East

Milton Square. The expressway was completed in 1959. In 1997 a deck over the expressway is completed after a decade of planning and years of construction.

The U.S. Post Office building at 499 Adams Street is another significant building in the district. It was built in 1936 in a classical revival style with granite quarried in Quincy. The property is listed in the National Register as an individual property (5/30/1986). It is representative of the construction and design policies of the Public Works Administration during the late 1930's.



Present day East Milton Square, image credit: MAPC



East Milton Square Post Office, image credit: Massachusetts Historical Commission

## 2. Architectural styles

According to the Assessor's database, in East Milton Square, 28% of the buildings were built prior to 1920, 27% were built between 1921 to 1950, 23% were built from 1951 to 1980, 3% were built from 1981 to 2000 and 2% were built from 2001 to present. The primary existing building stock is older and provide key design elements.

East Milton Square's most historic buildings fall under two primary architectural styles including Classical Revival and Colonial Revival with classical detailing of structures such as the U.S. Post Office building (1) and the Adams Building (2). A variety of other styles are found in other district buildings including Georgian such as the Milton Art Center building (3), or Tudor Revival such as the Church of Christ (4). A simple classical revival structure is the East Milton Fire Station building (5). Additional styles of Colonial and Queen Anne can be found in surrounding residential structures. Many of the more recent commercial structures are miscellaneous contemporary styles.

### A. Examples of Architectural Styles

The following examples show architectural styles in East Milton Square. Applicants are expected to review these precedents and others and should be prepared to explain how the design of their proposed project builds from specific precedents in the district.



East Milton Square district map, image credit: MAPC

### 368-380 and 524-550 Granite Avenue – Adams Building

**Year** – c. 1928      **Style** – Colonial Revival  
**Height** – 2 stories    **Setback** – 0 feet  
**Use** – Commercial

**History** – The major commercial block in East Milton Square business district.

**Key Features** – The first floors are dominated by large display windows with smaller windows on the upper floors. The buildings are constructed of brick with a sheathing of granite with carved decorative details. This includes decoration of columns framing the windows, pilasters with capitals, a frieze, and projecting cornice. The facade is divided into smaller bays.



Image credit: Google Maps

### 499 Adams Street – U.S. Post Office

**Year** – c. 1936      **Style** – Classical Revival  
**Height** – 2 stories    **Setback** – 25 feet  
**Use** – Post Office

**History** – Property constructed during the Roosevelt administration

**Key Features** – The exterior walls are constructed of local granite supplied by Serifinelli Granite Company of West Quincy laid in a random pattern. The plain mass of the building is broken into smaller elements that match the surrounding context. The most prominent feature of the building is a well detailed central tower. The roof form features prominent gable ends symmetrically designed.



Image credit: Google Maps

### 334 Edge Hill Road – Milton Art Center

**Year** – c. 1936    **Height** – 1 story w/ basement  
**Setback** – 45 feet    **Style** – Georgian  
**Use** – Milton Art Center, originally a Milton public library

**History** – Originally designed as the East Milton Branch Library

**Key Features** – The library building was built of Harvard brick. It has a pedimented entrance with a slightly projecting central feature. The building features a heavily dentilled cornice and pediment.



Image credit: Google Maps

### 330 Edge Hill Road – Adams Street Early Learning Center

**Year** – c. 1893      **Style** – Tudor Revival

**Height** – 2 stories      **Setback** – 10 feet

**Use** – Church

**History** – One of the oldest structures in the district, originally Church of Christ Milton

**Key Features** – The building features a prominent bell tower and entry. The primary feature of the facade is a gable end of the nave with Tudor revival wood framing and a pointed arch window that is two-stories in height.



Image credit: Google Maps

### 525 Adams Street – Milton Fire Department

**Year** – c. 1952      **Style** – Classical Revival

**Height** – 2 stories      **Setback** – 35 feet

**Use** – Fire Station

**History** – A fire station built in the 1950s

**Key Features** – A brick building with two prominent garage doors for fire trucks at the ground floor. Window openings are defined by granite lintels and sills. The brickwork features corner quoins and a pronounced granite cornice set below the parapet.



Image credit: Google Maps

### 3. Cross cutting design context for East Milton Square

East Milton Square has been an important commercial center throughout much of the history of the Town of Milton. More recently, East Milton Square was highlighted in Milton's Townwide Master Plan completed in 2015. East Milton Square was part of Goal 4 "Promote Economic Development" which had a focus to "revitalize commercial districts" and specifically mentioned "improve East Milton Square."

Among the "Top 20 Key Recommendations" of the Milton Master Plan was to "create a vision for each commercial district involving residents and business-owners and encourage mixed uses and more activity (vibrant business districts) by passing a Mixed Use Overlay District provision that encourages housing over retail, additional retail and dining opportunities, pocket parks, streetscape improvements as well as increases the size of the area in which commercial activity is allowed."

Building on the Milton Master Plan, and a series of other planning studies, the Milton Planning Board engaged the Barrett Planning Group and Dodson & Flinker to develop a vision plan for East Milton Square. The vision plan was documented in the 2021 report entitled, "Looking Forward: East Milton Square." The recommendations included working with the Planning Board or Master

Plan Implementation Committee to draft regulatory changes in East Milton Square and to encode the vision statement, vision plan, and design principles for East Milton Square in the Town's zoning. Specially, the zoning recommendations included, in part, establishing an overlay district, expanding the business district to incorporate existing businesses, reducing parking requirements, and allowing mixed-use by Site Plan Approval.

The "Looking Forward: East Milton Square" study defined design principles for redevelopment in East Milton Square which should be integrated into project proposals while also complying with the design standards in the zoning and design guidelines in this document. The design standards and design guidelines are consistent with the design context established by the principles that were part of this foundational planning study.

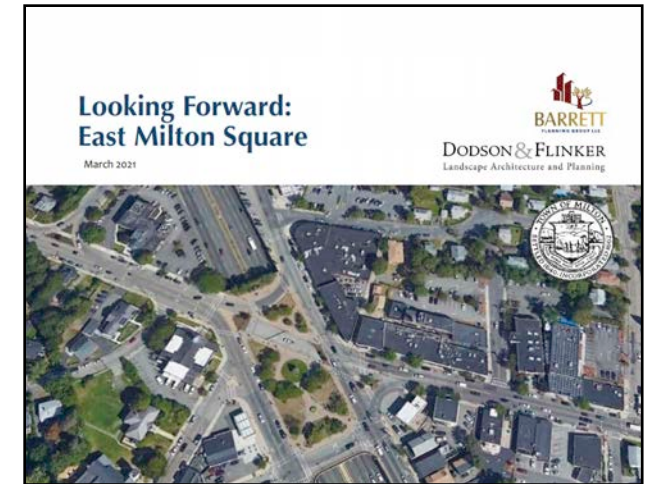
As defined in "Looking Forward: East Milton Square" The context design principles for redevelopment in East Milton Square included:

1. **Maintain and enhance diversity, flexibility and resilience** of uses, of spaces, and of people living in and visiting East Milton Square.
2. **Fill gaps** between existing buildings to create a more consistent and lively edge along sidewalks
3. **Use building** massing to shape outdoor spaces.
4. **Place buildings at corners** to define streets and intersections.

5. **Consolidate and share off-street parking** across lot lines.

6. **Improve streetscapes** and enhance livability by minimizing curb cuts.

7. **Build pocket parks** and other small green spaces where possible.



Previous study cover, image credit: Barrett Planning Group

# DESIGN GUIDELINES

## A. Building design

New buildings and modifications to existing buildings should contribute to East Milton Square's unique sense of place by respecting the historic legacy and character of the district, complementing adjacent buildings, and shaping pedestrian friendly streets, sidewalks, and open spaces. Architecture should follow time-tested practices of design but need not replicate historic designs. Each building should be designed as part of the overall composition of East Milton Square, making a unique functional and aesthetic contribution while fitting into the context.

### 1. Siting of Structures

All projects should begin with a process of site analysis that identifies the key opportunities and constraints on the site, examines the context of the site, and identifies site-specific design techniques for making a positive contribution to the urban design of East Milton Square, including shaping public and private outdoor spaces, and providing pedestrian-centered access and circulation. Include the site analysis with the application.

#### *Zoning Design Standard:*

##### **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.

- (1) New and renovated buildings should be placed with consideration of current and future buildings and uses on neighboring properties to create appropriate transitions.
- (2) Front facades of buildings on a block face should be generally aligned with each other and should be set back a consistent distance from the street.
- (3) The primary facade of a building should be built generally parallel to the front lot line or to the tangent of a curved front lot line.
- (4) Setback buffers adjacent to existing historic single- and two-family structures shall be designed to provide an attractive edge for the existing historic property. Dense landscaping with four season interest and high-quality fencing is appropriate. See Landscaping.

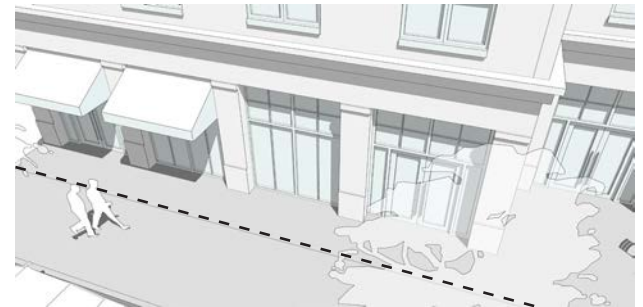
#### *Zoning Design Standard:*

##### **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.

- (5) Structures should be sited to define and dignify public spaces such as streets, sidewalks, and parks.

- (6) Establish a consistent edge for the public realm by locating building facades and entrances close to sidewalks.
- (7) A front setback may vary from its context when it fulfills a specific urban design function like the creation of a pedestrian-oriented plaza or widening a sidewalk for additional tree planting.
- (8) Buildings should be sited to terminate a vista when located at the end of prominent view from a street or open space.



Expand sidewalk width, image credit: MAPC



Consistent street frontage, image credit: MAPC

- (9) The size of the front setback, and the use and design of the resulting semi-public space shall be coordinated with the desired streetscape design. The applicant is encouraged, but not required, to allow public access to the resulting front setback area. See Streetscape Design.
- (10) Buildings should be sited to protect and enhance existing site conditions, such as, significant views, significant trees, unique or special natural features, and circulation routes.
- (11) Buildings should be sited to create appealing and comfortable on-site open spaces. For example, open spaces should be sited in locations with attractive views, unique natural features, and/or comfortable microclimates.
- (12) On lots with more than one street frontage, the building should be placed at the corner facing both streets. On a corner lot, the facade may be retracted to emphasize a corner entry to a building, to create space for a publicly accessible open space, and/or allow for safe sight distance at the corner. All street facing facades of corner lot buildings should be given equal design attention.
- (13) Including special features to mark corners and gateways to the district is encouraged. For example, a building may have a curved corner, a corner tower, or increased ornamentation.



Special features at a corner, image credit: MAPC

## 2. Architectural Context

Architectural design approaches and decisions should be intentional and reflect the historical context of East Milton Square along with contemporary development needs and practices. The design of new and substantially renovated buildings need not attempt to reproduce historic Milton buildings but must be authentic. Authenticity is not about how old something is. It is about how well it is made and whether it is created with a genuine understanding of its form, function, and context. Authentic new buildings employ building elements and materials creatively, but also in a controlled and rational manner. The result is a form that builds from Milton's historic precedents rather than copying them.

- (1) The design of new and renovated buildings should reflect architectural styles commonly found in East Milton Square, as outlined in Section 2.2 above.
- (2) Buildings should not mix too many styles and avoid overly complex designs.
- (3) Design and construction of buildings should prioritize quality and durability

and enhance the overall character of East Milton Square.

- (4) Projects that renovate existing buildings should preserve, or if necessary, replace, architectural features that have historic significance, such as exterior materials, windows and doors, trim, and decorative elements.

## 3. Building Form, Height, Scale and Massing

Building form and scale should respond to the site context. In addition to proportioning the length and height to surrounding buildings, building massing should complement the immediate context. Step-backs should be used to reduce the apparent height of buildings and respond to the immediate context.

### *Zoning Design Standard:*

#### **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 facade design, proportion and location of windows, location and ornamentation of entrances, and complementary building materials and colors.

- (1) Simple building forms that are clearly discernible are favored over unnecessarily complex designs. Designs should limit needless variation; too many “add-ons” can be awkward and diminish the overall sense of order.
- (2) Building height, length, and proximity to the street and sidewalks should be compatible with existing buildings to create cohesion along the streetscape.
- (3) Building height and scale should also be compatible with the size of the street to create a sense of enclosure and enhance the pedestrian experience.
- (4) The ground floor height of a building should generally not exceed 15 feet.

*Zoning Design Standard:*

**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.

- (5) Generally, it is appropriate for a building abutting a historic single or two-family structure to be one story taller than the historic structure with additional

stories stepped-back an additional five to ten feet from the lot line. The Planning Board may consider shadow and privacy impacts on historic one- and two-family structures but will generally give precedence to the vision of East Milton Square as a vibrant mixed-use district with more diverse housing. This vision requires additional development at a higher density.

- (6) In general, step-backs should be applied above the second story when facing Adams Street. Facades should be stepped-back 5-10’ depending on intended use of the stepback area and to meet the goal of reducing the visual prominence of the upper floor. Use of the resulting outdoor space for a balcony, terrace, or green roof is appropriate.



Corner articulation of the facade, image credit: greshamsmith.com

## 4. Roofs

The roof shape, slope, and materials should relate to the architectural style and scale of the building as well as to the surrounding context and contribute to the function and safety of the building.

- (1) Similarity of roof forms—including, orientation, slope, eave heights, and overhangs—with historic precedents in the area is encouraged. The most common roof shapes in the area include gable, hip, and flat.
- (2) Pitched roofs are not mandatory, but where used should have a minimum pitch of at least 6:12 and incorporate traditional forms. Tall, peaked roofs are encouraged to reduce the apparent scale of the buildings while accommodating a full top floor.



Surrounding context of pitched roofs, image credit: MAPC

- (3) The roof should include dormers that contain occupiable space. Dormers should be appropriately scaled and designed based on historic precedents.
- (4) Roofs should be designed to minimize the risk of large amounts of snow or ice falling on pedestrians or occupants of outdoor spaces.
- (5) Visible roofs should incorporate durable materials like asphalt shingles, wood shingles, slate, or copper.
- (6) Roofing materials should not call unnecessary attention to the building using bright or multiple colors. However, light colored, or white roofing is acceptable to reduce solar gain.
- (7) Any service components such as mechanical equipment, gutters, leaders, etc. should be an intentional part of the roof and facade, not an after-thought.



Existing building composition, image credit: MAPC

- (8) Green roofs, solar panels, and other sustainability features are encouraged and should be carefully integrated with the overall building design.



Existing building composition, image credit: MAPC



Existing building composition, image credit: MAPC

## 5. Facades

Facades should use intentional design to reflect a consistent architectural style, evoke the rhythm of historic shop fronts and mixed-use town centers, add visual character, and maintain the pedestrian scale of the streetscape.

### *Zoning Design Standard:*

#### **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.

- (1) The overall proportions of the facade, facade elements, and the relationships between doors and windows should be compatible with the architectural styles and the historic New England character of East Milton Square.
- (2) Building facades should be divided into vertical and horizontal sections with a recognizable system of proportion. Vertically, the building should include

a base, body, and cap. Horizontally, the building should be designed to articulate its structural system bays. Designs with a recognizable rhythm and balance, such as symmetry, or other ordering system, are preferred.

- (3) Buildings facades should create depth and shadow by using facade elements such as projecting bays, columns or pilasters, projecting trim, decorative detailing, recessed windows, bump outs or recessed parts of the building volume, and changes in texture. These elements should be integrated into the overall design of the building.
- (4) Detailing of building facades should provide a level of visual interest consistent with historic precedents in East Milton Square.
- (5) Buildings should maintain consistent quality and character of materials, detailing, and the use of architectural elements on all facades.



Building with a recessed entrance, image credit: Buildings of New England

#### *Zoning Design Standard:*

#### **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.

- (6) Designs should avoid the use of glass curtain walls as the primary facade treatment. Screening materials such as wood lattice and perforated metal panels should be avoided, including on front porches and windows.



Existing district facade composition, image credit: City Feet

#### *Zoning Design Standard:*

#### **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.

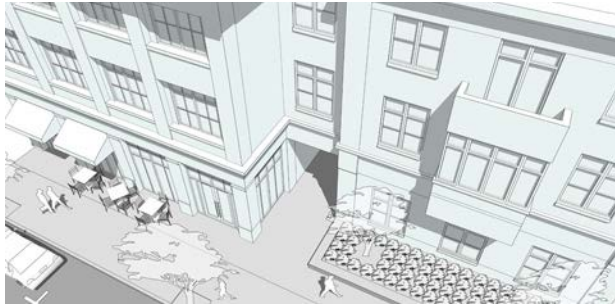
- (7) Primary building facades (facing public streets or open spaces) should include architectural features such as prominent entrances, windows, awnings, balconies, light fixtures, and signage to add visual interest.
- (8) Horizontal lines on buildings should align with those on surrounding buildings. For example, cornices, sills, lintels, belt courses, or signage bands could be aligned between buildings.
- (9) Building corners shall be treated as an integral part of the facade. The corner design should be used to reinforce the architectural style.

**Zoning Design Standard:**

**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.

- (10) Mechanical equipment and utility elements such as vents and ducts should not be placed on a facade of a building that will be visible from a public way or public open space. Where this is unavoidable, these elements should be visually integrated into the facade using similar colors and materials as the building facade.
- (11) The front facade of a building should not include a blank wall greater than 120 square feet. Blank wall area should be measured separately for each floor and should include any contiguous portion of a facade that does not include fenestration (doors and windows) or surface relief. This guideline does not apply to any blank wall area that is less than five (5) feet tall or less than five (5) feet wide.



Building setbacks and projections, image credit: MAPC



Attractive from all sides, image credit: Strongtowns.org



Facade composition example, image credit: MAPC

## 6. Entrances and Doors

Entrances should encourage safe and welcoming pedestrian access and maintain the security, privacy, and environmental performance of a building. Accessibility components should be integrated into the overall design of building entrances.



Corner example, image credit: Unionstudioarch.com

- (1) The main entrance of a building should be located on the primary street and should be easily identifiable. It should provide both ingress and egress and be operable during normal hours of operation of the use.
- (2) Corner lots with multiple street frontages should have an entrance on each street frontage or a prominent corner entrance.



Corner example, image credit: Unionstudioarch.com

- (3) Where a building has multiple entrances, the primary and public entrances should be more visible and prominently located than secondary and private entrances. The hierarchy can be communicated through the design of the entrance including the size of the door, how far it is recessed, how transparent it is, signage, materials, or color and how prominently it is sheltered from the elements with an awning, canopy, or porch.
- (4) Pedestrian entrances should be spaced no more than twenty feet apart within a single building along any street frontage.



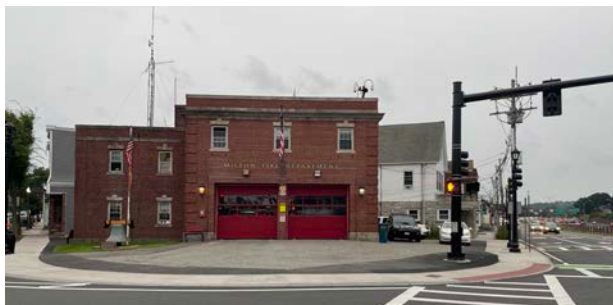
Existing mural on blank facade, image credit: MAPC

- (5) The sidewalls of a recessed entrance for a storefront should be highly glazed. Large panes of glass should be separated by trim.



Storefront entrance, image credit: St. Cloud Window, Inc.

- (6) Site design should maximize accessibility to entrances for all users, by, for example, minimizing grade changes between a public sidewalk and a building's ground floor elevation; or by providing walkways with a slope of 5% or less to address grade changes. Ramps, when necessary, should be fully integrated into the design of the site and building—not an afterthought.



Existing facade example, image credit: MAPC

## 7. Windows

The proportions, detailing, and distribution of windows are especially prominent elements of the building's character and vocabulary. The composition of windows on a building's facade (and other faces) should be logical, deliberate, and pleasing.

- (1) The colors and materials of window details, including the frame, mullions, trim, and sashes should be compatible with the architectural style of the building.



Window variation example, image credit: Strongtowns.org

- (2) Storefronts and other non-residential uses should have minimum transparency of 60% for ground-floor use. Ground floor transparency will be measured from 2' above grade to 10' above grade. Glazing must have a minimum sixty percent (60%) Visible Light Transmittance (VLT) and no more than fifteen percent (15%) Visible Light Reflectance (VLR). The size of storefront windows should reflect historic precedents and be neither excessively small or large.



Facade composition example, image credit: torreyarchitecture.com



Facade composition example, image credit: buildingsofnewengland.com



Entrances and storefronts, image credit: MAPC



Defining distinct facade bays, image credit: MAPC



Facade composition example, image credit: unionstudioarch.com



Facade composition example, image credit: MAPC



Entrance and storefront example, image credit: retailgear.com

- (3) Storefront display windows should be large enough to allow natural light and provide an unobstructed interior view for pedestrians. They should avoid using curtains, shades, or blinds to maintain openness. They should be transparent, and the view into the building should not be obscured by tinted glass or reflective surface treatments. They should not be backlit or covered with signage or used for storage of merchandise.



Facade composition example, image credit: Buildings of New England

- (4) Upper stories should have a minimum of 40% transparency. Glazing must have a minimum of forty percent (40%) VLT and no more than fifteen percent (15%) VLR.
- (5) Mirrored glass and tinted windows are strongly discouraged.
- (6) Windows and doors and their surroundings should provide shadow lines

like those provided by historic precedents, including punched windows in masonry walls with sills and lintels, and/or historic wood windows surrounded by wood trim.

- (7) Consistent with historic precedents in East Milton Square, windows should generally be vertically aligned within each bay and horizontally aligned across each story of a building. Window and door sizes and their proportions should reflect historic precedents. Generally, there should not be more than 5 different sizes or shapes of windows on a building facade.
- (8) Windows, especially large windows and upper story windows should be broken up into smaller panes to provide visual interest and be consistent with historic precedents in East Milton Square. Simulated divided lites are acceptable in new construction. True divided lites are preferred for renovation of historic structures.
- (9) In new construction, high quality, energy-efficient windows should be specified. The sizing and placement of windows should minimize energy costs by maximizing solar gain in winter, minimizing excessive solar gain in summer, capturing cool breezes and providing cross ventilation in summer, and providing natural day lighting. Design for energy efficiency should be balanced with other design principles including providing an appropriate level of transparency to ensure a pedestrian friendly streetscape.

- (10) When exterior repair or alteration of a historic building is proposed, windows should be repaired rather than replaced, whenever possible. When replacement of windows is unavoidable, the new windows should match the windows being replaced as closely as possible. Characteristics to match include the pattern of the openings and their size; proportions of the frame and sash; configuration of window panes (size, shape and number of panes); muntin profiles; type of wood; paint color; characteristics of the glass; and associated details such as arched tops, hoods, or other decorative elements.

## 8. Awnings and Canopies

Awnings and canopies can connect buildings to the public realm by adding color and providing shelter. They should demonstrate deliberate design choices that are consistent with the overall design of the site, building, and signage.

- (1) Awnings and canopies should be designed with simple shapes, integrated with the facade of the building and should complement surrounding storefronts.
- (2) Awnings should fit within the structural bays to which they are attached.
- (3) The bottom of an awning should be no lower than 8 feet above the sidewalk.
- (4) Awnings should be made of fire resistant, water repellent marine fabric. Canvas or metal are preferred. Plastic, vinyl, or vinyl-coated awning fabric should not be used.
- (5) Backlit awnings should not be used.



Existing district facade detail, image credit: MAPC



Existing district facade detail, image credit: Locationshub.com

## 9. Materials, Colors, and Surface Treatments

The use of materials should be honest and logical in their application. This implies selecting materials based on their functional properties rather than their cost or simplicity of construction.

- (1) Building finish materials should be appropriate to traditional New England architecture, and may include, but shall not be limited to brick, stone, wood or composite materials with visual characteristics like wood. Vinyl should not be used as a primary finish.



Decorative facade features, image credit: Theurbanist.org

- (2) Materials should be used as an integral part of architectural composition. Materials should be durable and have a long-track record of proven performance.
- (3) Variations in materials may be used to emphasize architectural details and to create texture and shadow lines. Variations in materials may also be used to communicate the construction techniques and functions of exterior building elements. For example, traditionally, trim boards covered joints between other boards.
- (4) Bright and contrasting colors, combinations of four or more colors, and highly reflective materials that direct glare onto adjacent buildings should not be used. Materials that result in large unbroken planes should be avoided. Materials with smaller unit sizes like those of brick or clapboards are preferred because they provide greater visual texture and reinforce the human scale of a building.
- (5) When exterior repair or alteration of a historic building is proposed, exterior materials should be repaired rather than replaced, whenever possible. When replacement of exterior materials is unavoidable, the new material should match the material being replaced in composition, design, color, texture, and other visual properties.
- (6) Decorative elements on historic structures should be preserved whenever possible.



Existing building character, image credit: City Feet

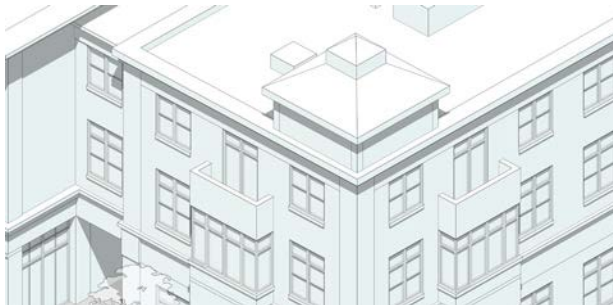
## 11. Secondary Elements: Towers, Cupolas, Chimneys

Decorative elements such as towers and cupolas should be added to enhance the usefulness of the building and create a focal point within the district. They should be used sparingly and have a clear purpose, evident in their design and location, rather than just decorative appliqué.

- (1) Towers, cupolas, and chimneys should be consistent in size, materials, and color to the architectural style of the building and reflect the historic character of East Milton Square. They should maintain a human-scale and serve a legitimate function within the building, such as providing usable interior space.
- (2) A tower or turret should not occupy more than 30% of the building facade and should have at least 40% fenestration.



Existing building cupola, image credit: MAPC



Corner feature, image credit: MAPC

## 12. Service Equipment: Mechanical Systems and HVAC Equipment

Service equipment should be integrated into the overall design of buildings to maximize function and minimize visual disturbance.



Screening service equipment, image credit: City scape inc

## B. Public realm

All projects should be designed to contribute to a cohesive, mixed-use environment that is comfortable and attractive for pedestrians, supports a sense of community, and supports storefront business opportunities in East Milton Square. The design of the public realm – including streets, sidewalks, pathways, and open spaces, and the buildings that line them – should be given equal attention as the design of building facades, pedestrian and vehicular circulation, open spaces, signage, landscaping, lighting, and drainage systems. New development and improvements should define the edges of public spaces. Variations in materials, setbacks, and landscaping should be used to create a legible transition between public and private spaces.

### 1. Streetscape Design

Streets and sidewalks should, to the extent feasible, be lined with a continuous enclosure of buildings and trees. Active ground floor uses with a high level of transparency should enhance pedestrian interest and contribute to economic growth. There should be an easily intelligible transition from public to private spaces on a site using site circulation, setbacks, landscaping, grading, etc.



Existing streetscape, image credit: locationshub.com

- (1) Building setbacks and landscaping should reflect the building's use. For example, when a ground floor space is intended to have a publicly accessible use, like a storefront, it should be placed close to the sidewalk with an at grade entrance and plentiful views into the space. When a ground floor space is intended for private use, it may be set back further from the sidewalk, a small landscape buffer may be provided, and/or the entrance and windows may be elevated to provide privacy for occupants within the private space, while still not creating a blank wall next to a sidewalk or public space.
- (2) Occasional modest building setbacks that articulate the succession of contiguous facades can add interest to the pedestrian experience and are therefore encouraged. At the ground level, these modest setbacks should make an intentional contribution to

the public realm by creating niches for public seating, landscaping, and recessed entrances.

- (3) Publicly accessible pedestrian paths that connect to parking lots and public spaces in the lot interior and that connect one street to another are encouraged. Where they are provided, they should be designed as an integral part of the streetscape system, with generous sidewalk widths and high-quality materials. Openings in buildings that provide pass-throughs to the lot interior are also encouraged. Visibility into and along pathways should be maintained from buildings, streets and/or open spaces to support public safety.



Sidewalk seating and dining, image credit: Boston Chefs



Utilizing alleyway space, image credit: Streetsblog.org



Temporary outdoor seating, image credit: Isles.org

## 2. On Street Parking

The design of streetscape elements such as trees and benches should be coordinated with on street parking to provide space for door sweeps and adequate passage of vehicle occupants from streets to sidewalks.

- (1) Where new on street parking is provided, the location and design of parking stalls should be compatible with the overall design of the streetscape. Parking spaces should be located an appropriate distance from crosswalks and street corners to ensure visibility for cars and pedestrians, generally at least 20 feet. Curb extensions should be provided at the ends of banks of on street parking spaces.

## 3. Design and Materials for Sidewalks and Pedestrian Areas

Sidewalks should function as a continuous pedestrian system that encourages people to park once and walk throughout the East Milton Square. Areas for pedestrians should be designed to be universally accessible.

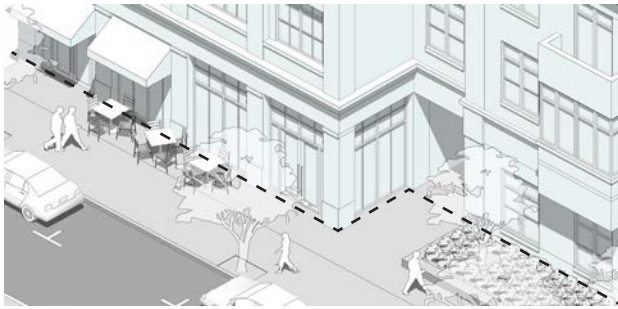
- (1) Sidewalks should include: an edge zone, a furnishing and utility zone, a circulation zone, and a frontage zone:

- The edge zone is clear space between the furnishing and utility zone and the street edge. It provides space for people to move from the street to the sidewalk and for car door swings.
- The furnishing and utility zone creates a transition between the street and the space for pedestrian movement. It typically includes street trees, street furniture, plantings, and streetlights. It is sometimes paved differently than the pedestrian thoroughway.
- The circulation zone is the space dedicated for movement by pedestrians. The thoroughway must be an adequate width for comfortable two-way pedestrian movement, must remain clear of obstacles, and its paving surface must be relatively level. The minimum recommended width is 6 feet.
- The frontage zone may be located on public or private property. It provides space for sidewalk retail displays, planters, additional furniture and outdoor dining. It also provides space for pedestrians who are entering and exiting a building entrance or stopping to look into storefront windows or to read a menu.

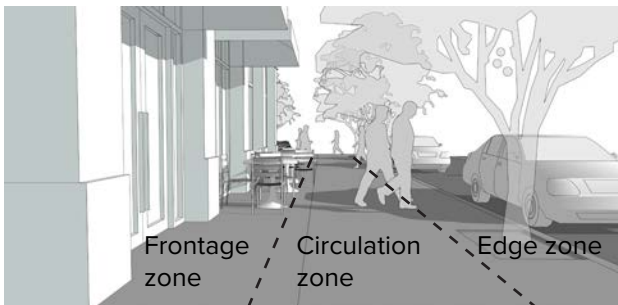
#### Zoning Design Standard:

### 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.



Public realm, image credit: MAPC



Sidewalk zones, image credit: MAPC

- (2) The pedestrian throughway should always be provided. When space allows for additional parts of the sidewalk, it should be allocated in the following order of priority: the circulation zone, then the frontage zone, then the edge zone.
- (3) Where a furnishing and utility zone does not exist and it is not feasible to provide one, applicants are encouraged to provide the elements it would typically contain within the lot frontage zone. These include pedestrian scale lighting, street trees, benches, planters, and waste receptacles.
- (4) Materials: At a minimum, poured-in-place concrete walks should be provided. Asphalt paving is not acceptable. The use of bricks or pavers made from concrete, clay, or stone is highly encouraged with due consideration to long-term accessibility and maintenance. Pedestrian areas should have a minimum of 4" of reinforced concrete on an appropriate sub-base, with a minimum of 6" for



Enhanced crosswalk, image credit: locationshub.com

any areas that will experience vehicular traffic, (for example, driveway crossings). All curbs should be made from vertical granite. Durable stone, brick, or concrete are recommended for crosswalks as they hold up better than paint. Permeable pavements, iron gratings, and other devices that reduce stormwater runoff and support healthy tree growth are highly encouraged.

- (5) Applicants are encouraged to provide new or improved curb extensions and crosswalks at intersections or mid-block crossings to improve pedestrian safety and comfort. Careful traffic and parking analyses should be completed to determine the best location and design of these improvements. Desired improvements include providing higher quality materials and landscaping in curb extensions and furnishing and utility zones, providing raised crosswalks that are at the grade of sidewalks, improving existing crosswalks with durable materials like brick or stone pavers or textured and colored pavement, and providing an intermediate island or median in a crosswalk to serve as a refuge for pedestrians.

## 4. Street Furnishings

Street furnishings, including bollards, light posts, signage, benches, trash barrels, planters, bike racks, and kiosks, should facilitate the safety, comfort, and appeal of the street by following a logical placement and using quality design and materials.

- (1) The design of street furniture and its placement should respond to factors including patterns of pedestrian flows, access to storefront and building entrances, logical gathering places, micro-climates, and access from on street parking.



Existing district streetscape, image credit: Streetsblog.org

- (2) When located in the furnishing and utility zone, the design of street furnishings should be consistent with specifications established by the Town of Milton. Where the Town of Milton does not have a specification, applicants are encouraged to provide one in consultation with the DPW and the Planning Board. When street furniture is located within the frontage zone and on private property, variations that fit the design theme of a project may be acceptable.
- (3) All street furnishings should be durable and easy to maintain.

## 5. Accessibility Standards

All buildings and public outdoor spaces, including pocket parks, public plazas, sidewalk cafes, outdoor seating spaces, and pedestrian routes should be universally accessible, so that they can be used and enjoyed by people with diverse abilities, needs, and preferences. Accessibility should be integrated into the overall design of buildings, sites, and public spaces, not an afterthought.

- (1) All design and materials should adhere to the requirements of the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB).



Bike rack example, image credit: dero.com



Bike rack example, image credit: sarisinfrastructure.com

- (2) Grading and building design decisions should be coordinated to maximize public accessibility and reduce the need for lifts that can break down or access ramps that take up otherwise usable space along the street frontage.
- (3) Accessibility considerations should not be limited to physical mobility. For example, sites should be designed to be accessible for people with visual impairments and people with cognitive impairments, like dementia.
- (4) When designing for people with impairments, applicants should actively seek input and advice of the people impacted, in keeping with the philosophy “nothing about us, without us.”
- (5) Site design should plan for snow removal and storage to minimize disruptions to pedestrian movement.
- (6) Construction should be planned to ensure that pedestrian movement always remains safe and convenient.
- (7) Projects should follow principles of Universal Design, including:
  - Equitable Use - The design is useful and marketable to people with diverse abilities.
  - Flexibility in Use - The design accommodates a wide range of individual preferences and abilities.
  - Simple and Intuitive Use - Use of the design is easy to understand, regardless of the user’s experience, knowledge, language skills or current concentration level.

- Perceptible Information - The design communicates necessary information effectively to the user, regardless of ambient conditions or the user’s sensory abilities.
- Tolerance for Error - The design minimizes hazards and the adverse consequences of accidental or unintended actions.
- Low Physical Effort - The design can be used efficiently and comfortably and with a minimum of fatigue.
- Size and Space for Approach and Use - Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user’s body size, posture, or mobility.

## 6. Walls, Fences, and Hedges along Lot Frontage

Walls, fences, or hedges should be used sparingly along the front of a lot because they can reduce visual interest for pedestrians and make a place feel unwelcoming. They should only be proposed when they fulfill a clear design function, such as providing a logical and clear separation between public and private spaces or screening an objectionable element that cannot be feasibly located away from the streetscape. When necessary, they should be designed to enhance the streetscape character using high-quality materials and maintaining visual interest and an appropriate level of enclosure along a sidewalk.

- (1) Retaining walls should be kept as low as possible, especially when adjacent to

areas intended for pedestrian circulation or use. In general, retaining walls adjacent to sidewalks should not be greater than 3 feet tall, with 18 inches preferred.

- (2) Retaining walls should be constructed out of materials that are consistent with historic precedents in East Milton Square including stone and brick. Stone and brick should be full sized, not thin veneers. Concrete blocks, manufactured segmental wall blocks (e.g. Versa-Lok), timber, gabions, and synthetic stone are not appropriate materials.
- (3) A fence at the front of a property should not exceed 4 feet in height. The fence must be at least 50% transparent to provide a view of the sidewalk for property owners and allow pedestrians to look over or through them.
- (4) Within the lot interior or alongside or a rear lot line, a fence may be up to 6 feet tall and may be completely opaque.
- (5) Where a fence is located on top of an above-grade retaining wall, the height of the retaining wall will be counted toward the allowed height of the fence.
- (6) Traditional fencing materials like wood or cast or wrought iron, are preferred. Chain link, plastic, concrete, metal mesh, post and cable, stockade fences, and vinyl should be avoided. The use of Azek or similar high-quality composites may be considered.

## C. Vehicular access

Vehicle parking and access to a site should be designed to minimize negative impacts on the pedestrian realm and the natural environment.

### 1. Driveways and Alleys

The number and width of driveways should be minimized to reduce traffic movements into and out of streets and to maintain the integrity of sidewalks.

#### *Zoning Design Standard:*

#### **Reduce impact of vehicular access**

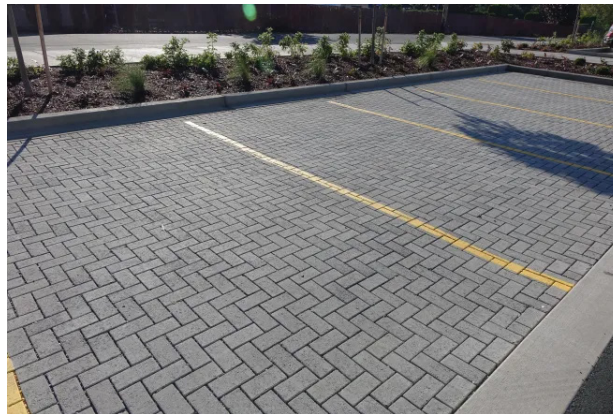
Vehicular access to the site shall be integrated with the design of the public realm and property frontage to minimize the access width and potential negative impacts on the pedestrian environment.

- (1) Generally, there should not be more than one curb cut per development site.
- (2) Driveways should be as narrow as practicable to minimize impervious surfaces and ensure slow motor vehicle speeds. The width of a driveway should not exceed twelve feet where it crosses a sidewalk.
- (3) Driveways should be located at least 50 feet from an intersection or another driveway and should be designed to provide safe sight distances for entering and exiting vehicles, especially the visibility of pedestrians on sidewalks.

- (4) Where a driveway crosses a sidewalk, it should match the grade, slope, and materials of the sidewalk to maintain a continuous pedestrian surface and signal the priority of the pedestrian path over the vehicular access.
- (5) Shared driveways serving multiple uses should be used whenever possible to simplify vehicular circulation patterns and reduce the number of locations with potential conflicts between cars and pedestrians. Where possible, driveways or alleys should provide shared access between lots.

### 2. Location of Surface Lots and Entrance to Garages

Parking structures and surface lots should be designed and located to maintain the visual and functional continuity of sidewalks for pedestrians, minimize visibility of parked cars, provide safe access for vehicles and pedestrians, and accommodate flexible uses.



Parking designed as small plaza, image credit: mutualmaterials.com

**Zoning Design Standard:**

**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.

- (1) All surface parking areas should be located to the side or rear of structures, which if unclear shall be considered the area least visible from the public way.
- (2) Surface parking spaces should be set back from the front lot line to minimize the impact of parking on the public realm. The distance depends on site conditions and screening techniques. Minimum buffer requirements are described in 4.4.4.
- (3) Surface parking that is located within 20 feet of the front lot line should be paved with high quality materials like brick, or other unit pavers.

- (4) A parking garage's entrance should be located to the side or rear of the structure, if possible. When a garage entry along the front of a building is unavoidable, it should be designed as integral feature of the building's facade. Its width should be minimized. Its materials should be of similar or better quality as the rest of the facade. It is the Planning Board's intent that the use of a garage entrance along the front facade of a building be limited to larger parking areas.
- (5) To encourage pedestrian activity along the street, an attractive pathway should be provided from a rear or side parking area to the street frontage to encourage people to walk to the street frontage and enter the building from the front entrance.



Parking integrated with a facade, image credit: sierragaragedoor.com



Parking integrated with a facade, image credit: poyantsigns.com

## D. Landscaping

Landscape materials and design application should reflect the character, history, and ecology of the region. Plantings and site features should create attractive outdoor spaces; provide visual, tactile and olfactory interest; improve design compatibility between different land uses; and assist with environmental needs, such as stormwater management, and mitigation of extreme temperatures. The landscape should enhance the sense of place, creating a human-scale and pedestrian-oriented environment.

### *Zoning Design Standard:*

#### **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.

## 1. Plant Materials

Landscaping should use native species adapted to local conditions and be designed to offer year-round visual interest in foliage, bark, branching and bloom.

- (1) The reliance on one species is discouraged to reduce the risks and prevent spread of blights and pests, although massed plantings of the same variety may be allowed for design purposes.
- (2) All plan proposals should emphasize the use of native plants and other plants that are well adapted to the environment in which they will be situated to minimize the need for irrigation, fertilization, and pesticides. Plants should be selected to provide habitat and food sources for pollinators, birds, and other desirable wildlife. Plans should include removal and control of existing invasive species. Planting invasive species is not permitted.
- (3) New turf grass areas should be minimized to the extent possible, in favor of the use of hardy ground covers, massed perennials and native grasses. Large areas of mulch without plants are not acceptable.
- (4) Selection of plant materials should be coordinated with plans for snow removal and storage.
- (5) Projects should minimize the clearing of existing vegetation, and work to protect healthy non-invasive existing trees, especially those with 8-inch diameter at breast height (DBH) or greater.
- (6) All plants should be A-Grade or No. 1 Grade and free of defects. All plants should be normal health, height, leaf density, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1 (latest available edition), or the American Association of Nurserymen.
- (7) Plants should have full, even, well-developed branching and a dense, fibrous, and vigorous root system.



Landscape integrated with outdoor seating, image credit: walkablesuburb.com



Existing historical plaque, image credit: MAPC

## 2. Streetscape Landscaping

Trees and other landscaping along public streets should enhance the appearance of the district, moderate temperatures and wind, provide ecosystem services, and reinforce the pattern of private and public spaces.

- (1) Trees and other landscaping should reinforce the spatial structure established by buildings, site structures and furnishings while providing shade and visual relief.

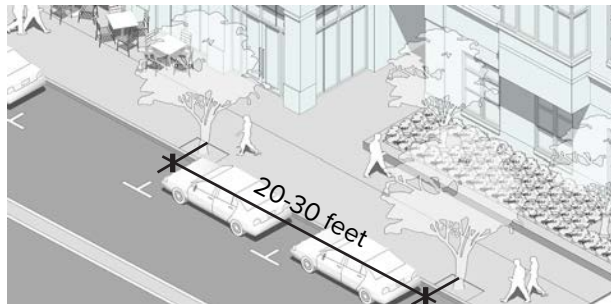


Existing street trees, image credit: MAPC

- (2) Street trees should be planted in sufficient numbers and close enough together to form a continuous canopy at maturity. Trees should be spaced as follows: large deciduous street trees: 30'-0" on center; small deciduous trees: 20'-0" on center.
- (3) When trees would block visibility of signage, building and site entrances, or

other essential ground floor features, applicants should specify trees that can be limbed up to provide visibility. Slight modifications to tree spacing may be allowed to improve visibility. However, the overall goal of a continuous canopy upon maturity should be fulfilled.

- (4) Street Trees should be planted at least five feet from fire hydrants, six feet from street signs, seven feet from curb cuts, and thirty feet from stop signs. The edges of tree planting beds should be at least two feet from gas, electric, water, and sewer lines, and at least four feet from oil fill pipes.
- (5) Trees should be planted with sufficient soil volume to support growth through maturity. A minimum of 600 cubic feet of soil volume is recommended for



Tree spacing, image credit: MAPC

small trees and 1,000 cubic feet for large trees. Where possible, tree pits should be connected together or to adjacent landscaped areas. Modular suspended pavement system may be used where appropriate. Structural soil may be used, but trees should not be planted directly in structural soils.

- (6) Tree pits should have a minimum dimension of 5 feet wide and 10 feet long. When space limitations require that the surface of a tree pit must be used for pedestrian movement, any pavement or surfacing should be permeable to air and water and designed and constructed to prevent soil compaction. Flexible porous pavement is preferred. Permeable pavement or pavers may be acceptable. Tree grates may be permitted.



Sidewalk landscape, image credit: Smm studio

- (7) Additional streetscape landscaping is encouraged to add visual interest to the streetscape, highlight significant sites, gateways, entrances, and add definition and interest to open spaces along the lot frontage.



Curbside rain gardens, image credit: thenatureofcities.com



Temporary use of on-street parking for outdoor dining, Image credit: baileystreetscene.co.uk

### 3. Parking Lot and Driveway Landscaping

Surface parking lots and driveways should be as efficient as possible to maximize the amount of parking that can be provided as unobtrusively as possible in East Milton Square. Landscaping should be used at the exterior edges of parking lots and driveways to provide a buffer to adjacent properties which includes large shade trees and lower shrubs, plantings, hedges or walls.

- (1) Trees can have an enormous positive impact on the design of parking lots, while taking up relatively little space on the ground. The key is to provide enough room to keep trees from being damaged and enough soil volume for healthy root growth, so that the tree can grow to its full potential.
- (2) Minimum size: Shade trees in parking lots and driveways should be at least 1 to 3 inches in caliper when installed, measured at 12-18" from the ground. Evergreen shrubs should be at least 24" in height and minimum three-gallon container size at the time of installation.
- (3) Screening: Parking lots visible from streets, public pedestrian ways, public open spaces, or one- or two- family dwelling should be screened with attractive fences and plantings. Shrubs, plantings, hedges, or walls should provide an opaque screen or barrier up to the required height within three years of planting.



Landscape and lighting defining an outdoor space, image credit: reliance-foundry.com

### 4. Site Landscaping

Whether placed against a building wall, used to define outside spaces, or for screening, landscaping and planting should soften hard edges and make more human-scaled spaces while enhancing the unique character of each site.



Outdoor dining example, image credit: Boston.eater.com

- (1) Plantings are encouraged to visually break up the mass of buildings, to define the edges of outdoor spaces, pathways, and other site elements.



Generous landscape beds, image credit: southernbotanical.com

- (2) Planting beds should be at least 3 feet wide. A planting bed should be at least 6 feet wide when it is adjacent to a parking space with a bumper overhang. Planting beds should have uncompacted loam that is at least six inches deep. Where space for planting beds is not sufficient, pots and planters are encouraged.



Small park example, image credit: trythisnc.org



District amenities, image credit: MAPC

## 5. Buffers

Plantings and site features should shield views of objectionable elements of development from adjacent properties, public ways, and public spaces.

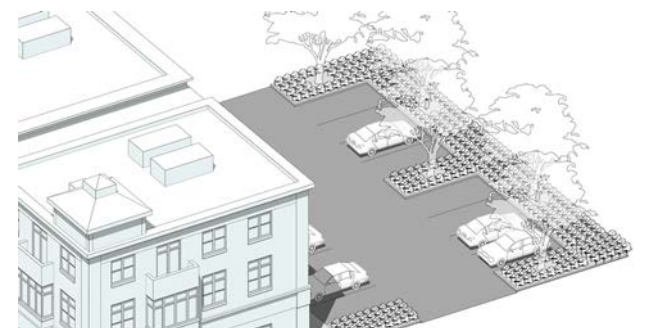
- (1) Buffer plantings should be provided, as appropriate, around surface parking areas, dumpsters, service areas and necessary utility components. The dimensions of buffers will be determined on a case-by-case basis depending on the site conditions and the method of screening.
- (2) Retaining existing vegetation is preferred over new planting if it achieve the same purpose.
- (3) Fences are not considered to be an adequate screen unless combined with plantings.



Landscape parking buffer, image credit: deeproot.com



Fence example, image credit: minneapolis2040.com



Buffer plantings at parking, image credit: MAPC

## E. Lighting

Outdoor lighting should ensure safety and provide an attractive nighttime environment through illumination of streets, walkways, and building entrances that is appropriate to context while reducing light pollution.

### *Zoning Design Standard:*

#### **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.

### 1. Streetscape Lighting

Light levels should be even throughout the area intended to be illuminated. Glare and light trespass should be minimized. A larger number of lower intensity fixtures is preferred over a smaller number of higher intensity fixtures.

- (1) The height of lighting fixtures should be appropriate to adjacent buildings and a pedestrian-scale streetscape. Wall mounted fixtures should be mounted no higher than 12-15 feet above grade, depending on the size of the building. Pole mounted fixtures should be no higher than 15 feet above grade.
- (2) Streetlights should be located between street trees to avoid interference by tree canopies and provide better illumination coverage. New streetlights should use the

same light standards and fixtures as those currently installed along Adams Street in East Milton Square.

### 2. Building and Site Lighting

Illumination of buildings and sites should be designed as an integrated system that combines lighting of commercial windows, entrances, signs and facade elements with streetlights, bollards, and decorative elements to provide even, glare-free light with little to no skyglow or spillover onto neighboring properties.

- (1) A hierarchy of lighting should be provided to highlight different functions. The building entry should be the primary focus to reinforce safety, security, and convenient access to the building. Lighting of signage, architectural elements, and landscaping should be secondary.
- (2) Indirect lighting of facades, landscaping, signage and other decorative elements is encouraged. Lighting may also be used to highlight important buildings or areas in East Milton Square.
- (3) Lighting of entrances, sidewalks, and parking areas may be accomplished with recessed fixtures under eaves and porches to minimize glare.
- (4) Window displays should be illuminated with shielded accent lights. Interior lights should not create glare that shines out of windows and doors.
- (5) Transformers, conduit, and other electrical components of lighting should be concealed from view.

### 3. Lighting Intensity and Control of Glare

The lighting system should be designed to provide the minimum amount of illumination necessary for adequate visibility and safety, while conserving energy and confining illumination to the intended area.

- (1) Light levels should meet the minimum design requirements of the Illuminating Engineer Society of North America (IESNA).
- (2) Light fixtures should not exceed the following levels:
  - Unshielded or partly shielded light fixture (general) – 315 maximum initial lumens per light fixture
  - Unshielded or partly shielded light fixture located in a front yard between the building and street – 630 maximum initial lumens per light fixture
  - Fully shielded or shielded directional light fixture for entries, walkways, open spaces or buildings – 1,050 maximum initial lumens per light fixture
  - Fully shielded or shielded directional light fixture for automobile surface parking areas, driveways or outdoor loading bays – 1,260 maximum initial lumens per light fixture

- (3) Using the BUG rating (backlight, uplight, glare), as provided by the manufacturer, a light fixture should be selected with the lowest possible number, ideally 0 or 1. Values greater than B4, U2, or G2 are strongly discouraged.
- (4) All lighting should employ full cut-off fixtures at 90 degrees to reduce glare, light trespass, and night sky pollution. Fixtures that cutoff below 90 degrees are preferred.
- (5) Lighting of the night sky should be avoided. Flood or area lighting is not acceptable. Light that reflects off of building surfaces and pavement and into the night sky should be avoided.

#### 4. Lamps and Fixtures

Lamps and fixtures should be designed and scaled to be appropriate to the style and size of the adjacent buildings and to support a pedestrian-scale streetscape.

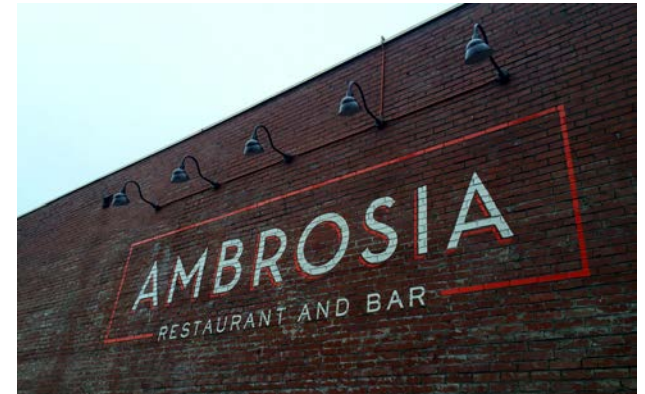


Existing street lights, image credit: MAPC

- (1) Lamps should have a warm color temperature similar to incandescent light or candlelight. Blue light should be avoided. The correlated color temperature (CCT), measured in Kelvin (K), of the light fixture shall not exceed 2700 K. The warmest possible color temperature (lowest Kelvin value) should be chosen. The color rendering index of all light fixtures must be sixty-five (65) or higher.
- (2) Luminaries with the International Dark-Sky Association's Fixture Seal of Approval are recommended.
- (3) The use of high-pressure sodium vapor or mercury vapor lamps is not allowed.
- (4) The use of LED lamps is encouraged if the intensity, coverage, and color of the light matches traditional light sources.
- (5) Cobra head light fixtures are not permitted.
- (6) Traditionally styled light fixtures are preferred, including gooseneck fixtures and post top colonial fixtures.



Existing street lights, image credit: locationshub.com



Sign lighting example, image credit: barnlight.com



Sign lighting in the district, image credit: MAPC



Sign lighting in the district, image credit: locationshub.com

## 5. Hours of operation

- (1) All lighting should incorporate timers or other devices to turn off lights when not needed.
- (2) Except as needed for site safety or security, all external lighting, including lighting accessory to authorized signs, should be extinguished no more than one and a half hour after the facility is closed for the business day.
- (3) Such lighting may be timed to resume no more than one half hour prior to the arrival of the first employee on the premises.
- (4) Streetlights should remain illuminated throughout the night until dawn.

## F. Signage

Signs should add to the vitality of the streetscape by using design and placement that appeal to the pedestrian while enhancing the overall appearance of the building facade.

### *Zoning Design Standard:*

#### **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 facade design of the ground floor and coordinated among multiple tenants.

### 1. Signage Quantity and Size

The number and size of signs should be kept to a minimum to avoid signage clutter and information overload in East Milton Square.

- (1) Each commercial tenant should be limited to one sign per wall on the primary facade.
- (2) Signs should only be big enough to serve the needed purpose and scaled appropriate to the building facade and/or the use they describe. Generally, lettering from 8"-14" is large enough to be seen from across the street.
- (3) The total sign area for the primary tenant of a commercial or mixed-use building should not contain more than one square foot of sign area for each linear foot of storefront, and in any case should not exceed 40 square feet.

## 2. Design and Materials

Signs should convey information intentionally and clearly, using durable, high quality architectural materials, with forms and colors that are compatible with the associated structure. Signs should convey information in creative and highly legible ways, for example, using easily readable fonts with sufficient color contrast.



Traditional sign, image credit: MAPC

- (1) Traditional materials such as wood, metal, or glass are preferred. Composites that look like wood and can be carved are acceptable. Modern materials such as acrylic and vinyl can be used if appropriate. The use of plastic should be avoided.
- (2) Colors should be compatible with the color of the building and its immediate neighbors. Sign colors should accentuate the design and lettering. The use of more than three colors should be avoided. The use of highly reflective materials and bright colors should be avoided to make the signs more readable.

### 3. Placement and Illumination

Signs should be placed and illuminated in a way that enhances the appearance of the building while not obscuring windows and other features or drawing undue attention.

- (1) Signs that dominate the building facade or compromise architectural features such as arches, moldings, cornices, or windows are strongly discouraged.
- (2) Where appropriate, signs should be organized within a sign band or frieze integrated into the overall facade, preferably located above a storefront window.
- (3) Window signs, meant to be seen by pedestrians from a few feet away, should complement and not obscure window displays.
- (4) Signs painted on glass are acceptable if they are limited to one per window and do not cover more than 20% of the window area.



Coordinated sign band, image credit: opentable.com

- (5) One projecting sign or “blade sign” may be allowed for each commercial tenant along each side of the building that has an entrance to that business. A projecting sign should be attached in such a way as to leave a minimum of eight feet clear below the lowest part of the sign. A projecting sign should be centered on a vertical pier or column, not centered on a wall opening such as a door, window or storefront.



Coordinated blade sign, awning, and window sign, image credit: kilbournegroup.com



Coordinated blade sign and sign band, image credit: signarama-toronto.ca

- (6) Signs should not be internally illuminated. Light fixtures that illuminate the sign from above, such as gooseneck fixtures, are encouraged.
- (7) Flashing, color changing, LED, digital, and neon signs are not allowed.

## 4. Awnings, Canopy, and Marquee Sign

Awnings, marquees, and projecting canopies should use their faces to convey relevant information clearly and without adding to visual clutter.

- (1) A tenant name or logo may be screen-printed on the valence of an awning and should occupy no more than 20% of the valence area.
- (2) Hanging or projecting signs should not be used under awnings or canopies.
- (3) Awning signs should not be illuminated or backlit.



Small business sign, image credit: MAPC

## G. Sustainability

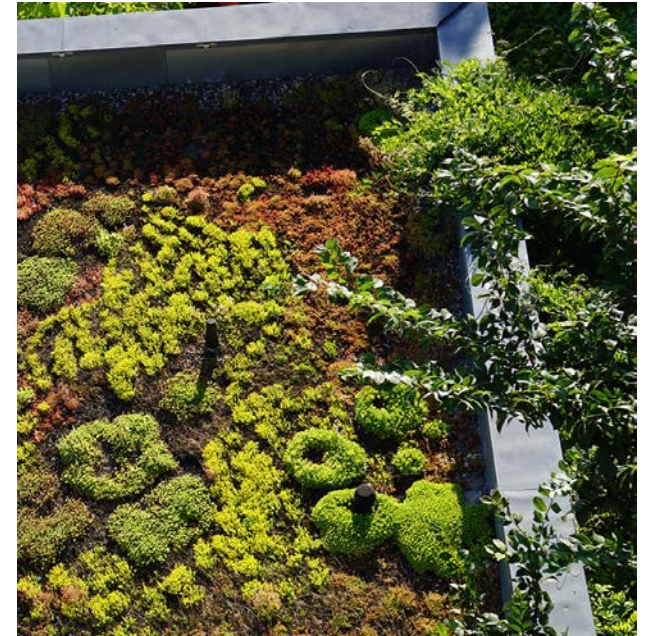
All projects in the district should be designed to reduce environmental impact and enhance public infrastructure while meeting other design goals.

### 1. Building Sustainability

New and renovated buildings should use construction technologies to reduce energy demands and provide opportunities for on-site renewable energy generation. New and renovated buildings should optimize building performance by using low-emissivity glass, harvesting rainwater, reducing thermal bridging, collecting solar energy through a mix of technologies, and building well-insulated walls with sustainable cladding materials.

- (1) Buildings should maximize natural ventilation to provide fresh air and temperature moderation, reduce life cycle and energy costs, and ensure acceptable air flow even when electricity is not available.
- (2) Building design should include the use of local materials to reduce the carbon footprint due to transportation to and from the site.

- (3) Green roofs are encouraged because they can reduce local temperatures and improve stormwater management.



Green roof example, image credit: centimark.com

- (4) Energy modeling should be performed to determine the best energy, cost, and carbon savings options. It should be followed by a life-cycle cost analysis to predict the costs related to heating, air conditioning, ventilation, and other components for a period of 20 to 30 years. The building design should minimize life-cycle costs through building orientation, fenestration patterns, materials, and quality construction.
- (5) Buildings should include technologies for easy tracking of total energy consumption by tenants and owners.

## 2. Stormwater Management/LID

Low Impact Development (LID) techniques, such as vegetated swales and rain gardens, should be seamlessly integrated into the overall landscape design.

- (1) The post-construction peak runoff rate for the one-year, twenty-four (24) hour rain event shall not exceed the existing peak runoff rate for the same storm event from the site under existing conditions prior to submittal of an application.
- (2) Projects should maintain or achieve predevelopment hydrology through low impact development (LID) techniques that infiltrate, filter, store, evaporate, and detain storm water close to its source.
- (3) Identify, map, and preserve the site's natural features and environmentally sensitive areas such as natural drainage ways, areas where stormwater currently infiltrates, and soils, including information about soil permeability.
- (4) Delineate potential building envelopes, to avoid environmental resource areas and appropriate buffers, and minimize grading, clearing, and destruction of natural drainage ways and permeable soils.
- (5) Reduce impervious surfaces wherever possible by minimizing the number of parking spaces, the size of parking spaces, parking aisle widths, and driveway widths; using shared parking areas and shared driveways; and using porous pavement or permeable pavers.
- (6) Manage stormwater using smaller, decentralized, low-tech stormwater management techniques to attenuate flows, infiltrate, clean, and recharge stormwater. Recommend techniques, include:
  - Lengthening flow paths and maximize sheet flow
  - Grassed channels/swales
  - Water quality swales

- Bioretention areas & rain gardens
- Tree filters
- Vegetated filter strips
- Cisterns and rain barrels
- Green roofs and green walls
- Constructed wetlands
- Subsurface gravel wetlands
- Infiltration trenches, chambers, or basins
- Re-use of stormwater to replace water used for irrigation, toilet flushing, or industrial processes.
- Ensuring that new fill or soils brought to site do not reduce the infiltration capacity of the site.
- Ensuring that all work is planned and executed to avoid compaction of top-soil and subsoils.



Rain garden example, image credit: landscapeinstitute.org



Rain barrel example, image credit: atlanticfertilisers.co.za



Green wall example, image credit: pinimg.com

### 3. Streetscape Sustainability

Street furnishings should encourage alternative transportation use and responsible waste disposal.

- (1) Bike-racks, bus shelters, and seating areas should be provided at regular intervals on sidewalks to reduce dependency on automobiles and their associated greenhouse gas emissions, air pollution, and traffic crash injuries, deaths, and property damage.
- (2) Recycling bins and trash cans should be located at regular intervals on sidewalks.
- (3) Applicants are encouraged to contribute to a wayfinding system for East Milton Square. The wayfinding system should include directions and distances to the historic features, prominent area businesses, and public parking locations.



Historical monument in East Milton Square, image credit: MAPC



District wayfinding example, image credit: Mayfairsigns.com

# **EAST MILTON SQUARE DESIGN GUIDELINES**



## Town of Milton **East Milton Square Mixed-use Zoning**

### **Commentary Memorandum**

March 11, 2025



## Background and Context

This memo serves as a companion to the recommended draft zoning language for East Milton Square. It follows the sequence of the draft zoning section and provides commentary, context, and justification for the zoning recommendations. It also articulates additional recommendations for potential future zoning modifications. The proposed zoning language is included in this memo and is available as a separate document. Design guidelines for East Milton Square have been prepared to supplement the proposed zoning and are available as a separate document.

Developing zoning for East Milton Square is the final implementation step of years of study, community visioning, and planning. Milton's Townwide Master Plan in 2015 highlighted East Milton Square as part of Goal 4 "Promote Economic Development" including "revitalize commercial districts" and "improve East Milton Square." Among the "Top 20 Key Recommendations" of the Milton Master Plan is to "create a vision for each commercial district involving residents and business-owners and encourage mixed uses and more activity (vibrant business districts) by passing a Mixed Use Overlay District provision that encourages housing over retail, additional retail and dining opportunities, pocket parks, streetscape improvements as well as increases the size of the area in which commercial activity is allowed."

Following the Townwide Master Plan, East Milton Square has been the subject of a series of connected community visioning and planning processes that have built on each other. In 2019, East Milton Square was the subject of an Urban Land Institute Technical Assistance Panel and Report. The program provides expert, multidisciplinary, and non-partisan advice on land use and real estate issues to public agencies and nonprofit organizations. The recommendations of the report focused on "building community consensus, refining a vision for East Milton Square, providing the regulatory and design tools needed to realize that vision, and developing a predictable approvals process to facilitate private investment."

Building on these recommendations in 2019 the Milton Planning Board engaged the Barrett Planning Group and Dodson & Flinker to develop a vision plan for East Milton Square. The vision plan was documented in the 2021 report entitled, "Looking Forward: East Milton Square." The recommendations included working with the Planning Board or Master Plan Implementation Committee to draft regulatory changes in East Milton Square and to encode the vision statement, vision plan, and design principles for East Milton Square in the Town's zoning. Specifically, the zoning recommendations of this study included, in part, establishing an overlay district, expanding the business district to incorporate existing businesses, reducing parking requirements, and allowing mixed-use by site plan approval.

In 2023, the Planning Board engaged the Metropolitan Area Planning Council to prepare zoning language and design guidelines. The recommended zoning language builds on the recommendations of the extensive previous efforts and reflects feedback that was received from members of the public through a distinct community process to support preparation of the zoning recommendations. Due to the similarities shared between East Milton Square and Milton Village, the recommended zoning section is modeled on current Milton Zoning Bylaw Section 275.3.21 "Milton Village Mixed-use Planned Unit Development." Additionally, the recommended Design Guidelines for East Milton Square follow the model of Milton Village to provide parallel organization for the guidance and to facilitate familiarity as an instrument of Planning Board review.

The recommended zoning language for East Milton Square is presented below. A brief commentary is provided following each section of the zoning to provide additional background and context for the zoning language.

### **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

***Commentary:** The purpose statement builds on the community vision identified in the “Looking Forward” public process. As stated, the purpose of the zoning is to ensure that new development in East Milton Square strengthens the square’s walkability, sense of place, community amenities, housing options, and sustainability. Community feedback was sought on each goal identified in the purpose statement. During the process to support the zoning recommendations, all six goals were discussed with the community. The most frequent response of the community was that including all six goals was the best approach and most appropriate for East Milton Square. The goals are listed in order of the priorities that were expressed by the community with “strengthening walkability and safe and convenient circulation” prioritized at the top of the list. Only 6% of participants thought that none of the purpose statements were appropriate for East Milton Square.*

- 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.

*Commentary: The primary purpose for revising the zoning for East Milton Square is to allow mixed-use development. Mixed-use development, although desired in the community, is currently not allowed by zoning in East Milton Square. The recommended zoning allows mixed-use development which includes non-residential including business uses on the ground floor in combination with residential uses. Mixed-use development is allowed by right with site plan review by the Planning Board. This means that the Planning Board must allow the combination of uses but may impose reasonable conditions on a project. The language requires at least 50% of the ground floor to be one of the non-residential uses to promote a vibrant and active business district in East Milton Square. Allowing mixed-use development with site plan review was the most preferred approach by the community. The recommended overlay district does not allow uses that are incompatible with the purpose of the zoning, such as drive-through food service facilities, filling stations, and storage warehouses; however, those uses remain allowed in the base zoning district (Business). The recommendations are focused on strengthening the business district as a vibrant and walkable place and providing a viable pathway for desirable development. By not allowing mixed-use development today, the current zoning forces potential development through processes to seek variances or alternative means of entitlement approvals, such as Chapter 40B.*

## 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.

***Commentary:** The proposed setback requirements mirror historic development patterns of existing buildings in East Milton Square. The front yard setback is expressed as a range between 0 feet (i.e., at the back of the sidewalk) and 10 feet to allow for variation in parcel condition and flexibility in development. For example, a 10-foot setback would allow a property to expand the front sidewalk area in front of the building to provide space for outdoor seating. Historically, buildings have had little to no setback between each other, with many buildings sharing a party wall; as a result, the proposed zoning does not require side yard setbacks for most uses. However, side yard setbacks are required when the property next door is an existing residential-only use, such as someone's house. This approach to setbacks which are consistent with the historic characteristics of the district while providing additional buffers to residential abutters was the most preferred by the community.*

**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.

**Commentary:** Setting a maximum building height was a contentious issue during discussions with the community. The tallest existing buildings in East Milton Square are 2 1/2 stories. The current zoning allows for 3-story buildings by-right and 5-story buildings by special permit. However, the current zoning applies to commercial uses only and the market has not responded with commercial development at that scale. The “Looking Forward” report recommended mixed-use development with a maximum height of 5 stories in the center of East Milton Square and a maximum height of 4 stories in the remainder of the district. Through the community process associated with the zoning recommendations, community members made it clear that they did not support 4 or 5-story buildings. Community support is present for 3-story mixed-use buildings. As result, the maximum building height in the proposed zoning is 3 stories/45 feet.

- 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.

**Commentary:** The minimum ground story height requirement mirrors historic development patterns of existing buildings in East Milton Square. This requirement only applies to properties that are in the main commercial center of the Square. This taller ground story height will contribute to the desire for an attractive and inviting commercial district.

- 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.

**Commentary:** Open space is not currently required in the Business District for any building use. The proposed zoning requires open space for all new development, regardless of the building use. It provides flexibility for how that requirement is met by listing a variety of types of allowed open space. Open space amenities help the district to serve the needs of residents and also help to create attractive outdoor amenities that would positively contribute to the sense of place and attraction of the business district.

- 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.

***Commentary:** Historic buildings in East Milton Square contribute to the character of the district and provide a sense of place. The proposed zoning provides safeguards for buildings built before 1940, which includes 368-380 Granite Avenue, 524-530 Adams Street, 532-550 Adams Street, and the Post Office. All these structures have been noted as important historic features of the district. Under the recommended zoning, these buildings can still be redeveloped, but with an extra layer of consideration by both the Planning Board and the Historical Commission. This language is based on similar language in the Milton Village zoning. It is important to provide future opportunities for investment, maintenance, and renewal of historic resources in the district.*

- 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.

***Commentary:** Design standards in the zoning bylaw give the Planning Board the ability to require high quality design. All new development must follow these standards, and the site plan review approval would be based, in part, upon them. The design standards are further illustrated by the additional design guidelines. The design guidelines exist outside of the zoning bylaw and are therefore not required but expand on the design standards in the zoning with specific examples and additional guidance. This is similar to the approach in the Milton Village zoning.*

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

***Commentary:** The design guideline document gives additional design guidance and examples.*

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.

**Commentary:** *The affordable housing requirements and language is based on similar language in the Milton Village zoning.*

#### 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.

**Commentary:** *Parking requirements were also a contentious issue during discussions with the community with concern that not enough parking will be available in the future. The “Looking Forward” report recommended requiring one parking space for every 1,000 square feet of commercial uses. As part of the zoning process, MAPC suggested reducing requirements to one space for every 1,500 square feet. A majority of community participants opposed reducing the parking requirement. As a result, the proposed zoning references the existing town-wide parking requirements. An additional provision based on the Milton Village zoning has been added to provide flexibility for the Planning Board to allow more or less of the required parking based on the context of an individual site or development. This will ensure that adequate parking is required while making sure that high parking requirements do not prevent new development that otherwise serves the purpose of the East Milton Square zoning.*

- b. **Residence Parking.** There shall be a minimum of one parking space for each residential unit.

**Commentary:** *The “Looking Forward” report recommended requiring one parking space for each dwelling unit. Community members were split on this recommendation, with nearly half in support, and nearly half in opposition. Given that the Milton Village zoning also requires one space per dwelling unit and that there was support for this recommendation, the proposed zoning follows the parking ratio recommended by “Looking Forward.” In combination with the business parking requirements,*

*future development proposals may have difficulty both physically fitting all required parking on site and establishing financial feasibility to support the parking costs.*

- 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.

***Commentary:** This language is from the Milton Village zoning. It provides flexibility for where parking is provided but does not change the amount of required parking.*

- 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.

***Commentary:** This language allows for reduced parking requirements as the discretion of the Planning Board. The applicant is required to show, through written agreement, that the peak demand for parking occurs at different days and times for different uses. This would allow the most efficient and effective use of the parking supply by allowing the same parking space to serve multiple uses without overlapping use.*

- 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.

***Commentary:** This language is based on similar language in the Milton Village zoning. It allows additional parking flexibility granted through a special permit by the Planning Board. The language*

*highlights additional project features that would reduce automobile use among the building's occupants and should be considered as part of a request to reduce the amount of required 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.

**Commentary:** *The town-wide bicycle parking requirements only apply to residential development. This language expands those requirements to business uses. Convenient and safe parking for bicycles is another simple way to encourage daily travel without a vehicle. Every daily vehicle trip that is shifted to another form of transportation helps to reduce traffic, congestions, and parking demand.*

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.

***Commentary:** This language is based on similar language in the Milton Village zoning with irrelevant sections removed. It ensures that the project applicant, the Planning Board, and the public understand what is required as part of a development application. The requirement for traffic analysis and mitigation was especially important based on community feedback received through the zoning process. For example, 93% of respondents to a community survey that was part of the process supported such a requirement.*

- 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.

**Commentary:** *This language is from the Milton Village zoning. It requires the applicant to pay for an independent review of the development proposal by a consultant, if requested by the Planning Board.*

- 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.

**Commentary:** *This language is from the Milton Village zoning. It states the requirements for posting public notices, holding public hearings, and making a final decision on a development proposal.*

## Recommendations for Potential Future Zoning Changes

As the regional planning agency for Greater Boston, MAPC not only supports local planning projects, such as this work in East Milton Square, but also works to implement MetroCommon 2050, the region's long-range regional plan. This plan was developed over three years and its goals reflect the input of professional planners, external advisors, state and local officials, and, most importantly, thousands of people from all over the region. While the proposed zoning for East Milton Square is consistent with the goals of MetroCommon, MAPC is of the opinion that it may not go far enough to accomplish the stated goals of the various local planning processes noted at the beginning of this memo. In addition, a part of this purpose the zoning changes is to provide a financially viable pathway for mixed-use development through the local zoning. The recommendations as currently codified in the zoning language may not create this pathway. The best way to test this important question is to adopt the zoning and observe its impact on future development over a period of a few years. If the recommended zoning changes have no impact on attracting mixed-use development proposals seeking approval through the zoning, then additional zoning changes may be warranted. This section outlines additional recommendations for future zoning changes that the Town of Milton may want to pursue to more fully implement both Milton's Townwide Master Plan, local East Milton Square planning efforts, and to attract mixed-use development investment to the district.

### Maximum Building Height

Part of the impetus for revising the zoning for East Milton Square was to capture the increasing development interest in the area and guide it to meet community goals. Recent development proposals in East Milton Square have shown that the existing zoning does not provide enough development potential to incentivize development. For example, the redevelopment at 440 Granite Avenue proposed a 4-story, mixed-use building, which is not currently allowed in the zoning.

As part of the public process for the East Milton Square zoning project, MAPC proposed a maximum building height of 5 stories in the center of the Square and a maximum height of 4 stories in the rest of the district, which is what was recommended in the "Looking Forward" report. Residents made it clear that they did not support 4 or 5-story buildings, so the recommended zoning sets the maximum building height to 3 stories in all situations. A 3-story height limit may not allow enough density to make development projects financially feasible. As the "Looking Forward" study notes:

*"The cost of land and the cost of construction in the Boston metro area are both quite high. The result is that generally taller buildings are required [for] projects to be economically viable. Though projects vary ... buildings are quite often in the four to six story range. This is especially true for projects with affordable housing. Planning for East Milton Square cannot ignore this market reality while it continues to struggle with competing desires: some development to meet Town goals and keeping the area looking as it does now."*

If the proposed zoning as currently recommended is not successful in attracting future development, exploration of future zoning modifications may be warranted. For example, future development projects may still seek entitlements through alternatives such as Chapter 40B. If such an outcome continues to occur, MAPC would then recommend that the Town consider an increase to the maximum building height.

Specifically, MAPC recommends adding an option to allow height greater than the recommended 3 stories by-right, to allow 4 stories by special permit from the Planning Board. By allowing this additional height by special permit, the Planning Board would retain discretionary approval to determine the appropriateness of the additional height within the context of the property and proposed development. Another approach is to only allow additional height as a bonus for projects that meet the historic preservation and/or affordable housing provisions that are currently proposed. Either way, all projects would still have to meet the design standards and design guidelines for East Milton Square, which could be amended to require a building setback after the third story.

### Required Parking

As the “Looking Forward” study notes, the high parking requirements that currently apply to development in the Business District make it difficult to redevelop at a greater, or even the same, level of intensity compared to what currently exists. In fact, most of the historic buildings that provide East Milton Square with its sense of place do not have any off-street parking on-site. Requiring off-street, on-site parking is not only out of character with the historic development pattern of East Milton Square, but it also contributes to the traffic congestion in the neighborhood.

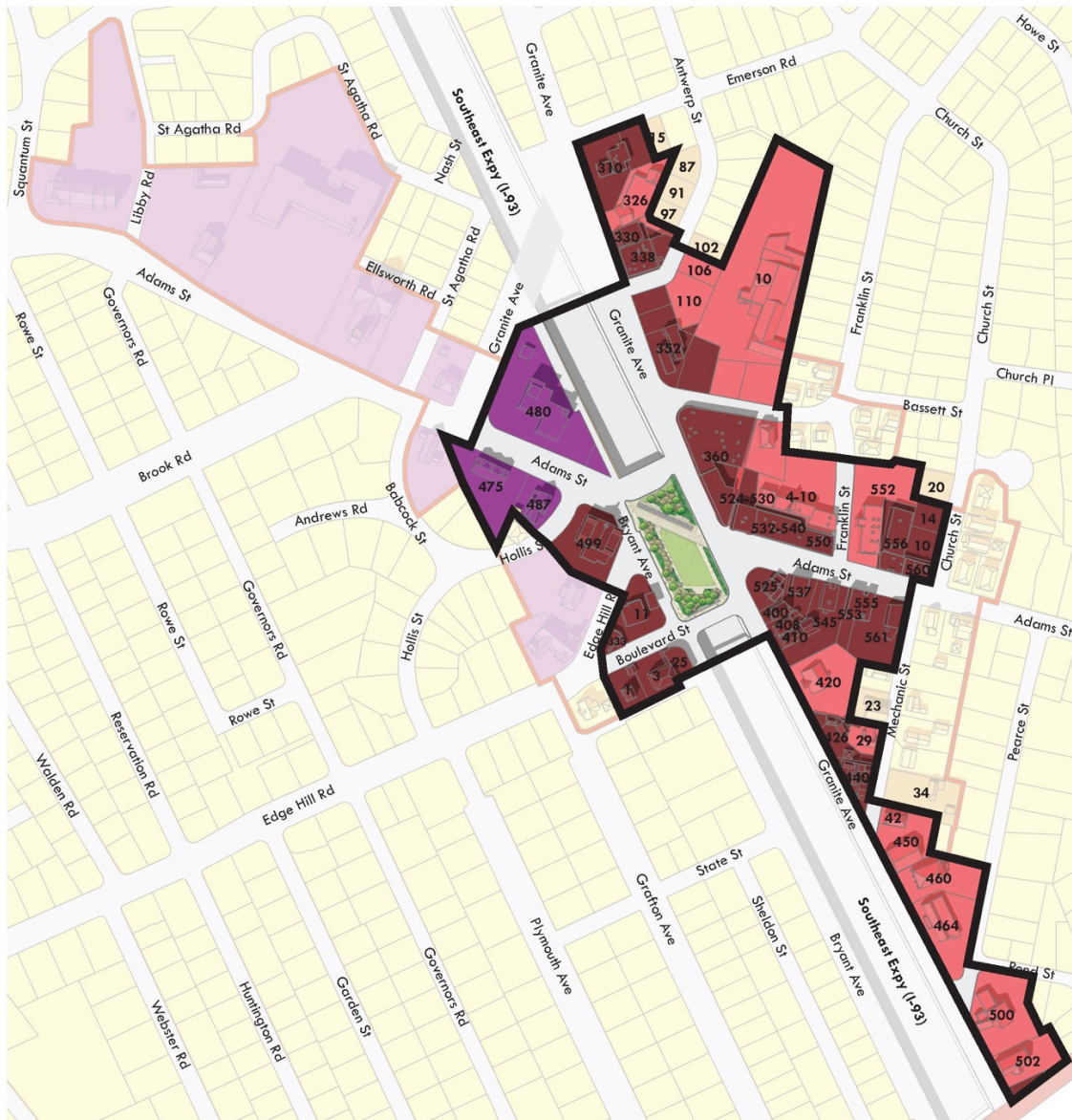
At the March 14, 2024, Planning Board meeting, MAPC presented data from the agency’s Perfect Fit Parking study to demonstrate that the people who live in multifamily housing in locations like East Milton Square consistently do not use all the parking that is available to them. The lowest rate of parking utilization was 0.28 parked vehicles per dwelling unit; the highest rate was 1.06 vehicles per unit. Requiring developers to provide more parking than is needed by their tenants drives up development costs and limits the amount of new tax revenue that new development could provide.

The “Looking Forward” study recommended requiring 1 parking space per dwelling unit and 1 parking space for every 1,000 square feet of commercial building area. It also recommended allowing parking spaces to be shared across residential and commercial uses to prevent overbuilding parking. The proposed zoning includes the minimum parking recommendation for residential uses, which had support from the public and the Planning Board, and the allowance for shared parking. It does not reduce the amount of required parking for commercial uses from what is currently allowed in the town-wide parking requirements.

As additional development occurs in East Milton Square, MAPC recommends that the studying parking utilization patterns to inform what a more appropriate parking requirement may be. If that is not feasible, we recommend either adopting the business parking requirement for Milton Village – § 275-3.21(l) – and/or reducing the amount of required commercial parking to 1 space per 1,500 square feet. Another potential change would be to shift the residential parking requirement from a minimum to a maximum to allow the assessment of parking needs to occur based on the needs of each individual project while promoting a walkable district. We also recommend improving both on-street and off-street parking regulation to ensure that people who need to park can do so without negatively impacting other community goals. For example, parking studies performed in 2011, 2015, and 2021 in East Milton Square have found the supply of parking in East Milton Square to be adequate. Parking challenges in the district have not been attributed to a lack of parking supply, but to a need for improved parking management and enforcement.

## Zoning Boundary

If the zoning as currently recommended, or future zoning with additional changes is found to be successful in attracting the type of mixed-use development that is positive for the district and community, then the boundary of the zoning district could be expanded. There are existing commercial properties on the west side of the district that are not included in the recommended zoning boundary. Most of the additional properties are on Adams Street. The diagram below shows these potential future parcels noted as “non-residential parcels in context.”



### 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



5/8 Scheme B	Key Model Inputs							Model Outputs							
Subdistrict	Max. units/ acre	FAR	Max. unit/lot	Min. Lot Size	Max. Parking Spaces per Unit	Max. Bldg Height (stories)	Min. % Open Space	Unit Capacity	Acreage	Density Denominator	Modeled Density	% Land in Contiguous Subdistricts	% Land in Transit Area	% Units in Transit Area	% Unit Target Met by 3A District Alone
Granite Ave North			n/a	n/a	n/a	6	30%	250	3.8	2.8	82.9		contributing	contributing	3A
Paper Mill Site			n/a	n/a	n/a	6	30%	179	3.6	2.7	57.4				3A
Milton Station East (MMU)			n/a	n/a	1	6	40%	265*	n/a	n/a	n/a				MMU
Milton Station West (MMU)	31	0.75	n/a	n/a	1	4.5	40%	153*	n/a	n/a	n/a				MMU
East Milton Sq 40B (MMU)								139	n/a	n/a	n/a				MMU
Milton Station Bridge	45	0.95	n/a	n/a	1	4.5	40%	191	4.6	4.6	41.5	contributing			3A
Mattapan Station	45	1.1	n/a	5,000 sf*	1	6	40%	183	5.1	4.4	41.6	contributing	contributing	contributing	3A
Eliot Street Corridor - Tier 1**	n/a	0.5	3	6,000 sf	1	2.5	40%	336	43.2	43.2	8.8	contributing	contributing	contributing	3A
Eliot Street Corridor - Tier 2**	n/a	0.4	3	10,000 sf	1	2.5	40%	156	15	15	8.8	contributing	contributing	contributing	3A
Eliot Street Corridor - Tier 3**	n/a	0.27	3	15,000 sf	1	2.5	40%	63	9.5	9.5	5.4	contributing	contributing	contributing	3A
Blue Hills Pkwy Corridor	30	0.5	n/a	6,000 sf	1	2.5	50%	179	16.6	16.6	12.6	contributing	contributing	contributing	3A
Fairmount Station District***	***	***	***	***	***	***	***	159	15.7	15.7	11.8		contributing	contributing	3A
711 Randolph Ave	16	0.4	n/a	n/a	1.5	2.5	40%	131	8.1	6.4	20.5				3A
Randolph Ave & Access Rd			n/a	n/a	1.5	2.5	40%	80	6.6	6.1	20.2				3A
TOTAL								2,464	132.1	127.0	15.0	not calculated	not calculated	not calculated	79%
COMPLIANCE TARGET								2,461	50	n/a	15	50%	50%	50%	Min. 75%

\* at 5,000sf one unit is allowed, and for each unit thereafter 1,000sf of additional lot area is required

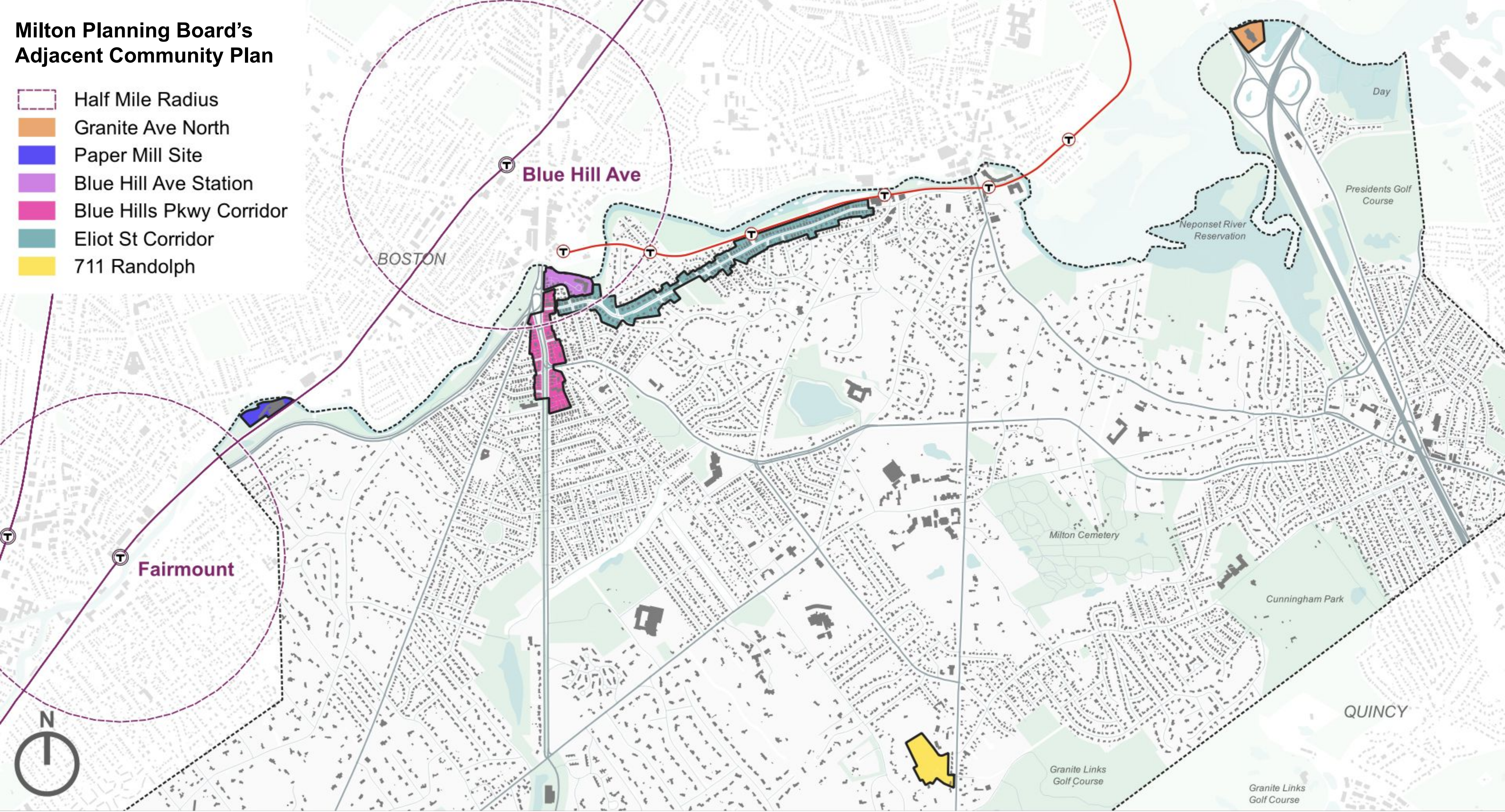
\*\* Removed Eliot E + W, added Central Ave, reduce to 3 unit max for all

\*\*\* Modeled off Blue Hills Pkwy Corridor, with reduced min lot size and open space

Fairmount Station Area Total: <b>338</b>	Blue Hills Total: <b>362</b>	Eliot St Corridor Total: <b>555</b>	Milton Village Total: <b>609</b>	East Milton Total: <b>389</b>
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Milton Planning Board's  
Adjacent Community Plan

- Half Mile Radius
- Granite Ave North
- Paper Mill Site
- Blue Hill Ave Station
- Blue Hills Pkwy Corridor
- Eliot St Corridor
- 711 Randolph



# Planning Board’s Adjacent Community Compliance Summary

	Key Model Inputs							Model Outputs							
Subdistrict	Max. units/ acre	FAR	Max. unit/lot	Min. Lot Size	Max. Parking Spaces per Unit	Max. Bldg Height (stories)	Min. % Open Space	Unit Capacity	Acreage	Density Denominator	Modeled Density	% Land in Contiguous Subdistricts	% Land in Transit Area	% Units in Transit Area	% Unit Target Met by 3A District Alone
Granite Ave North	48	1.1	n/a	n/a	1.5	6	30%	182	3.8	2.8	65.0		n/a	n/a	3A
Paper Mill Site	48	1.1	n/a	n/a	n/a	6	30%	171	3.6	2.7	63.7		n/a	n/a	3A
Blue Hill Ave Station	45	1.1	n/a	5,000 sf*	1	6	40%	183	5.1	4.4	41.6	contributing	n/a	n/a	3A
Blue Hills Pkwy Corridor	30	0.5	n/a	7,000 sf	1	2.5	50%	143	16.6	16.6	8.6	contributing	n/a	n/a	3A
Eliot Street Corridor - Tier 1	n/a	0.5	3	7,000 sf	1	2.5	40%	123	20.6	20.6	6.0	contributing	n/a	n/a	3A
Eliot Street Corridor - Tier 2	n/a	0.4	3	10,000 sf	1	2.5	40%	69	7.9	7.9	8.7	contributing	n/a	n/a	3A
Eliot Street Corridor - Tier 3	n/a	0.27	3	15,000 sf	1	2.5	40%	30	5.4	5.4	5.6	contributing	n/a	n/a	3A
711 Randolph Ave	12	.7	n/a	n/a	1	2.5	40%	97	8.1	6.4	15.2		n/a	n/a	3A
TOTAL								1,007	71.1	66.8	15.0	71.1%	n/a	n/a	n/a
COMPLIANCE TARGET								985	50	n/a	15	50%	n/a	n/a	Min. 75%

\* at 5,000sf one unit is allowed, and for each unit thereafter 1,000sf of additional lot area is required (aka 6,000sf for 2 units, 7,000sf for 3 units)

# **Request for Qualifications**

**Town Counsel and Labor Counsel Services**

**Town of Milton, Massachusetts**



**Due: May 21, 2025 at 11 am**

**Submit to:  
Nicholas Milano  
Town Administrator  
Milton Town Hall  
525 Canton Ave  
Milton, MA 02186  
617-898-4843**

## **Introduction**

The Town of Milton, Massachusetts (“Town”), through its Select Board, issues this Request for Qualifications (“RFQ”) for highly qualified attorneys/law firms (“Firm/Firms”) to provide legal services for the Town of Milton.

The successful Firm should meet or exceed the qualifications stated herein and, in general be exceptionally experienced in municipal law and litigation, and be readily accessible to authorized public officials.

The successful Firm shall be diligent in adhering to required standards of professional conduct and ethics and committed to rendering sound legal advice with suitable objectivity and professional detachment.

The Town is seeking both Town Counsel services and Labor Counsel services. Firms are invited to express interest and submit qualifications for one or both services. The Select Board may appoint a single firm to provide both services, or may select two firms, depending the quality and specialization of responses received.

Currently, the Town has engagements with several firms for various services, including:

- Murphy Hesse Toomey, & Lehan for Town Counsel and Labor Counsel services
- Hemenway & Barnes to assist the Board of Appeals on land use matters
- Epstein & August LLP for special counsel services related to cable license agreements

## **Scope of Services**

The successful firm/firms will be required to provide legal advice and counsel for the Town Administrator and the Select Board Office on a variety of matters pertaining to all aspects of municipal government in a clear, concise, effective, and responsible manner, understandable by lay people who may not be familiar with the legal complexities of specific situations. Advice and legal support is also provided to various Town Departments, Boards and Committees.

### **Town Counsel Services**

The Town seeks Town Counsel experienced in the following matters, or the ability to provide legal advice regarding the following:

- General Municipal Law, established under Massachusetts General Law and case law;
- Municipal Finance;
- Town of Milton Charter, General Bylaws, and Zoning Bylaws;
- Land use, including zoning, subdivision control law, comprehensive permits, etc.
- Open Meeting Law, Public Records Law, and Conflict of Interest Law;
- Real estate issues: acquisitions, sales, eminent domain, easements, leases, tax takings; licenses; conservation and agricultural restrictions; right-of-first refusal;
- Town Meeting: review of warrant articles and motions, advice on issues before and during Town Meeting;
- Drafting and monitoring special legislation.

- Public procurement and contracting;
- Community Preservation Act;
- Wetlands regulations;
- Environmental issues;
- Elections law and procedures;
- Licensing;
- Representation of the Town in all courts, including appellate level, and administrative agencies and other litigation;
- Appellate Tax Board matters;
- Property and Liability claims against the Town;

### Labor Counsel Services

The Town is also seeking Labor Counsel services, either provided in tandem with Town Counsel services, or through a separate firm. The Town has no preference as to whether Labor Counsel services are provided separately or combined.

The Town is seeking Labor Counsel experienced in the following: collective bargaining, grievance arbitrations, unfair labor practice charges, FMLA and ADA issues, state and federal discrimination and civil rights law, hiring, discipline, termination, and workplace investigations. The Town has seven bargaining units; all seven collective bargaining agreements expire on June 30, 2025.

For both services, the Town seeks firm/firms who can demonstrate experience providing training to employees and board and committee members.

### Minimum Qualifications

#### A. Bar Admissions

The appointee and all those who serve as back-up to the appointee (see below) must be a member in good standing of the Massachusetts Bar and of the Federal Bar for the District of Massachusetts.

#### B. Experience

The appointee (not firm) must represent or have represented as Town Counsel (or functional equivalent) a minimum of one Massachusetts municipality for no less than five years each; or represented other Massachusetts municipalities in specific areas of municipal law; or possess equivalent experience. References for all municipalities currently represented or represented in the past ten years by the appointee must be furnished.

#### C. Accessibility and Accountability

The appointee must commit to be available for frequent contact through in person meetings, remote meetings, phone calls, and email. The appointee or a qualified back up attorney must respond to all communications from authorized officials within 24 hours of the request.

Town Counsel must be available via email/phone to answer inquiries, including calls to cell phone and outside of regular business hours in case of urgent business.

On behalf of the Select Board, the Town Administrator's Office manages requests for Town Counsel legal advice and the appointee must be accessible to Town staff and Board members.

The appointee must also commit, as a general rule, to responding to requests for written opinions within two weeks unless the circumstances of the opinion warrant a shorter or longer time frame for a response.

#### D. Back-up

The appointee must have within their firm at least one other qualified attorney, who is specifically assigned as a back-up for Milton, and who is available to render advice and otherwise represent the interests of the Town of Milton when the appointee is unavailable. In this context, "qualified attorney" shall mean another lawyer who substantially meets the minimum qualifications set forth herein for the appointee.

### **Submission Requirements**

The following information must be submitted with the proposal:

1. Appointee Designation: The submittal must clearly identify the lead attorney who will be assigned to the Town of Milton. The appointee must be available to regularly attend Select Board meetings and other board and committee meetings on an as-needed basis. The appointee must also be available for Milton Town Meeting. In recent years, Milton's annual town meeting has occurred over several nights during the first two weeks of May. The Town has also regularly held a Special Town Meeting in the Fall or early Winter.
2. Background: Background statement setting forth the capabilities, history, and other general introductory information of the responder.
3. Resumes: If the responder is a firm, the qualifications, resumes and position with the firm of each Attorney that will be assigned to work on matters pertaining to the Town of Milton.
4. Specialized areas of legal expertise: A detailed summary of all areas of expertise and experience to include the types of services supplied to past and present clients. This information should set forth the extent of specialization, and include background and experience, in the areas as outlined above.
5. Approach for providing legal services: A detailed description of how the responder (law firm or individual attorney) proposes to provide legal services to the Town and the general approach to providing legal services. The firm must provide a detailed description of the Firm and Appointee's current capacity and workload, demonstrating sufficient time to dedicate to the Town of Milton to ensure timely and thorough provision of legal services.
6. Massachusetts municipal references: A list of references to include any Massachusetts towns or municipalities that have been represented by the responder within the past five (5) years. The name and phone number of the contact person must be provided.

7. List of grievances: Provide a list of any grievances filed, with the outcome, against the law firm or an individual Attorney within the past five (5) years.
8. Proposal of fee structure and costs: Supply a list of proposed fee structures, and billable hourly labor rates clearly identifying if the firm charges different rates for different staff levels. The Town is seeking to select the most qualified firm, but is interested in cost containment proposals.

### **RFQ and Review Schedule**

RFQ Available	April 24, 2025
Questions Due	May 7, 2025 at 4 pm
Answers Provided	May 12, 2025
<b>Proposals Due</b>	<b>May 21, 2025 at 11 am</b>
Potential Interviews with the Select Board	Anticipated Week of June 2
Firm Selection	Anticipated June 10, 2025
Start Date	July 1, 2025

Note: this schedule is subject to change, but the Town anticipates appointing new counsel for an effective start date of July 1, 2025.

### **Questions**

Any questions regarding this Request for Qualifications shall be submitted in writing to Town Administrator Nicholas Milano at [nmilano@townofmilton.org](mailto:nmilano@townofmilton.org). Questions shall be submitted by 4 pm on May 7, 2025. The Town will post any responses by 4 pm on May 12, 2025.

### **Response Submissions**

Proposals shall be submitted by **11 am on May 21, 2025**. 7 hard copy proposals shall be provided along with one electronic copy, which may be submitted by email ([nmilano@townofmilton.org](mailto:nmilano@townofmilton.org)) or on a thumb drive. Proposals shall include executed copies of Attachments A and B.

### **Proposal Evaluation and Award**

Per Massachusetts General Law Chapter 30B, § 1(b)(15), contracts with labor relations representatives, and lawyers for general counsel legal services is exempt. The Town will negotiate at its own discretion with attorneys and/or law firms that it evaluates as qualified, and determines will serve the best representation for the Town's legal requirements and needs. Price negotiations may be taken into account as part of the Town's evaluation process.

As noted above, firms may submit proposals for town counsel and/or labor counsel services. Depending on the quality and specialization of responses received, the Town may choose to award

in its best interest either one award inclusive of both town counsel and labor counsel with one firm, or make two separate awards.

The Town reserves the right to request additional information, to waive any irregularities in the RFQ process, to accept or reject any or all proposal submissions, and to make an award or awards in the best interest of the Town.

Attachment A

CERTIFICATE OF NON-COLLUSION

The undersigned certifies, under penalties of perjury, that this Proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity, or group of individuals.

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

By: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

\_\_\_\_\_  
Date

Attachment B

CERTIFICATE OF TAX COMPLIANCE

Pursuant to Massachusetts General Laws (M.G.L.) c. 62C, §49A, I certify under the penalties of perjury that the Proposer named below has complied with all laws of the Commonwealth of Massachusetts pertaining to the payment of taxes, to the reporting of employees and contractors, and to the withholding and remitting of child support.

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

By: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

\_\_\_\_\_  
Date

**MEMORANDUM OF AGREEMENT BETWEEN  
THE TOWN OF MILTON, MASSACHUSETTS AND  
THE TOWN OF RANDOLPH, MASSACHUSETTS  
FOR THE CREATION OF  
THE RANDOLPH-MILTON VETERANS' SERVICES DISTRICT**

Pursuant to chapter 115, section 10 of the Massachusetts General Laws, as that chapter may be amended from time to time, the Board of Selectmen for the Town of Milton, Massachusetts ("Milton") and the Town Manager and Town Council for the city known as the Town of Randolph, Massachusetts ("Randolph") do hereby mutually agree to the formation, establishment and operation of a Veterans' Services District to be known as the Randolph-Milton Veterans' Services District (the "RMVSD"), as described further below. The purpose of the RMVSD will be to fulfill the duties described in M.G.L. ch. 115, section 10, including to furnish such information, advice and assistance to veterans and their dependents as may be necessary to enable them to procure the benefits to which they are or may be entitled relative to employment, vocational or other educational opportunities, hospitalization, medical care, pension and other veterans' benefits, and for the purpose of appointment of a Veterans' Services Officer ("VSO") for said RMVSD, for the enforcement therein of the purposes set forth above, and of such other provisions of law as it may be the VSO's duty to enforce.

This Memorandum of Agreement between Milton and Randolph for the Creation of the Randolph-Milton Veterans' Services District ("MOA") shall govern the operation of the RMVSD. The parties to this MOA agree that the RMVSD shall function as follows:

**Creation of RMVSD and Term of Agreement:**

- The RMVSD shall consist of the two contiguous municipalities, Randolph and Milton. The RMVSD shall be formed for a 12 month fiscal year (beginning on the July 1 following execution of this MOA and ending on the subsequent June 30). Upon execution and approval of this MOA by each party, this MOA shall automatically renew on July 1 of each subsequent fiscal year, unless terminated pursuant to the terms of chapter 115, section 10 of the Massachusetts General Laws or pursuant to the terms of this MOA. In no case shall the total term of this MOA be for longer than 25 years, including all renewal periods.
- The RMVSD shall adhere to applicable legal requirements, meet Massachusetts Secretary of the Department of Veterans' Services' ("DVS") uniform standards, and demonstrate that sufficient veterans' benefits and services are provided adequately to veterans and their eligible dependents residing in the two municipalities that comprise the RMVSD.
- The RMVSD shall operate in compliance with all applicable laws, regulations and directives of DVS. This MOA, and the RMVSD, shall be governed by chapter 115, section 10 of the Massachusetts General Laws and any other applicable laws, including M.G.L. chapter 40, section 4A.

### Creation of RMVSD Board:

- Pursuant to chapter 115, section 11 of the Massachusetts General Laws, there shall be an RMVSD Board ("Board") to implement the terms of this MOA. Pursuant to that statute, the Board shall consist of the Town Manager of Randolph or the Town Manager's designee and the Chair of the Select Board of Milton or the Select Board's designee.
- Pursuant to state law, the Board shall appoint, fix the compensation of, and may remove the person designated as director of veterans' services (also known as the Veterans' Services Officer) for the RMVSD (the "VSO"). This process shall be carried out as described further, below.
- The Board may, upon a unanimous vote, decide to also appoint a shared deputy or assistant VSO if, in the opinion of the Board, such an officer is necessary. In such a case, the Board may also appoint, fix the compensation of, and may remove a deputy or assistant VSO. The deputy or assistant VSO appointed by the Board shall serve both Milton and Randolph, shall assist the VSO and shall perform the duties of the VSO if the VSO is unavailable. If a deputy or assistant VSO is appointed by the Board, the employment of the deputy or assistant VSO shall be handled in the same manner as the employment of the VSO, as described further, below.
- In the event that the Board does not appoint a deputy or assistant VSO, Milton and Randolph are each free, in their own individual discretion, to hire a deputy or assistant VSO independently to assist the VSO in the provision of Veterans' services in their respective Towns and/or to assist the VSO in providing shared services to both Towns, using their own resources.
- Randolph and Milton are each free, in their own individual discretion, to hire any other administrative staff or other support staff to assist the VSO in the provision of Veterans' services in their respective Towns using their own resources.
- Pursuant to state law, the Board may also determine the expenses of the following, for the purposes of determining apportionment between the two Towns:
  - the salary and ~~benefit~~operating expenses of the VSO;
  - the salary and ~~benefit~~operating expenses of any deputy or assistant to the VSO appointed by the Board under this MOA; and
  - the operating expenses of the VSO department.

By unanimous vote, the Board may apportion said expenses between Randolph and Milton in a manner that is fair and equitable to each community. This process shall be carried out as described further, below. Any amounts apportioned under this MOA shall be apportioned as follows: sixty percent (60%) of the apportionment costs to be paid by Randolph and forty percent (40%) of the apportionment costs to be paid by Milton.

- The Board shall meet as needed to carry out the terms of this MOA. A meeting of the Board may be called by any member upon 10 days advanced written notice to the other member of the Board.
- The Treasurer/Collector of the Town of Randolph shall be treasurer of the RMVSD and shall give to the RMVSD a bond, with a surety company authorized to transact business in the Commonwealth as surety, for the faithful performance of their duties as treasurer of the RMVSD in such sum and upon such conditions as the Board may require. The Treasurer of the Town of Milton shall be similarly bonded. The Treasurer for each respective Town shall receive and disburse Veteran's benefits for the Veterans residing in each Town, respectively. The Treasurer/Collector for the Town of Randolph, in their capacity as the RMVSD treasurer, shall receive and disburse any other monies on behalf of the RMVSD, including any other money received under the provisions of M.G.L. ch. 115, sec. 11. Each Town shall independently process benefits for the Veterans of that Town. All other disbursements shall be made upon approved warrants or other legally sufficient approval by the RMVSD Board and consistent with the terms of this MOA.

**Appointment and Employment Status of VSO and any shared Assistant:**

- The VSO and any shared deputy or assistant to the VSO appointed by the Board under this MOA ("Assistant") shall be treated as employees of the Town of Randolph for all purposes except as explicitly required otherwise by law. The VSO and any Assistant shall be paid all compensation and benefits by the Town of Randolph, consistent with the Town of Randolph employment regulations, ordinances, policies, guidelines and practices. The VSO and any Assistant shall be appointed by the Randolph Town Manager as an employee of the Town of Randolph. However, such appointment may take place only upon the recommendation of the Board, and any such appointment may only be for a term of up to three years.
- Once the VSO and/or any shared Assistant have been appointed by [the Randolph Town Manager, upon recommendation of](#) the Board, they shall be treated as Randolph Town employees for all purposes except as explicitly required otherwise by law. They shall be supervised, directed, overseen and disciplined pursuant to all Town of Randolph regulations, ordinances, policies, guidelines and practices, including the Town of Randolph Employee Handbook, as that document may be amended from time to time.
- The VSO or any Assistant may be terminated from employment under the following circumstances:
  - Upon a recommendation of the Randolph Town Manager and approval by vote of the Board; or
  - Upon a recommendation of the Chair of the Milton Select Board and approval by vote of the Board; or
  - Upon a unanimous vote of the Board.

- The salary of the VSO and any shared Assistant shall be set by the Randolph Town Manager consistent with the Town of Randolph employment practices and policies. Said salary shall be paid from the Town of Randolph budget, subject to appropriation and subject to apportionment, as described further below. Said salary may be reviewed by the Board upon the request of any Board member and may be adjusted upon a unanimous vote of the Board to adjust the salary up or down. The payment of any such adjusted salary to the VSO or any shared Assistant shall be subject to appropriation and availability of funds in both Milton and Randolph.
- The VSO shall maintain an Office in both Randolph and Milton. The regular schedule for the VSO shall be to work in the Veterans' Services Office located in Randolph three (3) days per week and in the Veterans' Services Office located in Milton two (2) days per week, unless the Board agrees, unanimously to modify this schedule for a set period of time. The VSO shall be a full-time employee, and, as such, shall work a total of 35 hours per week, minus excused vacations, sick days, and other excused absences. The shared Assistant may be full time or part time, as determined by the Board at the time of hiring. The office hours for the VSO and any shared Assistant shall be posted so that the public is aware of when the VSO and any shared Assistant will be available in the respective offices.
- To the extent that a modified schedule is requested by the VSO or the shared Assistant pursuant to Federal, state or local disability laws, accommodation laws, leave laws, leave policies, or for other reasons protected or prescribed by applicable employment laws or policies, the Randolph Town Manager and the Randolph Human Resources Office shall administer those leave or modified schedule requests in accordance with the Town of Randolph employment policies, and shall notify the Board of any long term schedule changes or requests for leave that are granted. Said action may be overruled only by a unanimous vote of the Board.

#### **Duties of the VSO and any shared Assistant:**

- The VSO and any shared Assistant shall be governed by the applicable job description(s) for this position(s) and ~~by~~<sup>with</sup> the applicable Town of Randolph employment ordinances, policies and procedures, as those documents may be amended from time to time, except to the extent that any of those provisions conflict with the terms of this MOA or with any superseding requirements of law.
- Pursuant to chapter 115, section 13 of the Massachusetts General Laws, the VSO shall acquire and have on hand copies of current booklets and other printed matter pertaining to the statutory rights of veterans provided under state and federal laws. The VSO and the VSO's department may call at any time upon any department, board, division or commission of the Commonwealth for such assistance as may be necessary in carrying out their functions. They shall also work in close coordination with existing Federal

agencies established for the aid of such veterans, and they shall enlist the support of hospitals within their respective communities or districts for carrying out the purposes of chapter 115, sections ten to fourteen, inclusive.

- The VSO shall comply with all applicable requirements of law, including chapter 115, section 14 of the Massachusetts General Laws. The VSO department shall be under the general direction of the secretary of veterans' services for the Commonwealth of Massachusetts, and they shall be physically located independently of, and separate and apart from, any other public or private agency, board, bureau, social agency or society, except a department or agency disbursing aid or relief or veterans' benefits pursuant to chapter 115.
- Pursuant to state law, every VSO shall, from time after the original allowance of any claim for veterans' benefits, make such investigations of the necessities and qualifications of the claimant as to prevent the payment of any such benefits contrary to any provision of this chapter.
- Pursuant to state law, upon the request of any veteran, the VSO for the city or town in which he resides shall record his discharge or release papers, without charge, in books kept by him for that purpose. Said VSO shall keep an index of papers so recorded, and copies thereof, if attested by him, shall be admissible in evidence to the same extent and with the same effect as the originals.
- The VSO shall keep a detailed record of veterans in each municipality including contact information and services requested/provided. A detailed annual report shall be submitted to the officials in both Milton and Randolph.
- Within sixty (60) days following the end of each fiscal year, the VSO shall prepare and send to the Commissioner of Veterans' Services an annual report for the preceding fiscal year. This annual report will provide a narrative on the state of the district, statistical data on all veterans' activities performed and all veterans' services and benefits provided for both communities.

#### **Apportionment of RMVSD Expenses:**

- **Salary and Benefits Apportionment Amount.** In September of each year the Town Accountant for the Town of Randolph shall determine: i) the amount of money spent by the Town of Randolph on the VSO's salary and benefits and ii) the amount of money spent by the Town of Randolph on any shared Assistant's salary and benefits, for the previous fiscal year and shall notify the treasurer of the RMVSD (who is the Treasurer/Collector of the Town of Randolph) of that amount (the "Salary and Benefits Apportionment Amount").

- Shared Operational Expenses Apportionment Amount.** In the event that Milton and/or Randolph purchase or otherwise acquire significant supplies, materials or software, or incur other significant costs, for the mutual benefit of both Towns and in furtherance of the purposes of this MOA, said costs may be apportioned between the two Towns, but only upon a unanimous vote to apportion those costs by both members of the Board. In such a case, in September of ~~the each~~ year following such purchase or acquisition, the Town Accountant for the Town of Randolph and the Town Accountant for the Town of Milton shall each determine the amount of money spent by each Town, respectively, on the approved shared ~~operating expenses for the shared services provided by the VSO department for~~ expenses for the previous fiscal year and shall notify the treasurer of the RMVSD (who is the Treasurer/Collector of the Town of Randolph) of that amount (the “Shared Operational Expenses Apportionment Amount”). The Shared Operational Expenses Apportionment Amount shall not include the salaries or benefits of any staff member hired individually by either Town. The Shared Operational Expenses Apportionment Amount shall not include regular office supplies, computers, office space, technology, administrative support or other supplies that are routinely used in the individual offices of each Town, unless such items are required for the purposes of supplying services to both Towns and approved by a unanimous vote of the Board. If a dispute develops concerning what costs should be included in the Shared Operational Expenses Apportionment Amount in any given year, any disputed amount shall only be included for apportionment upon a unanimous vote of the Board approving such apportionment.
- Upon notification of the Salary and Benefits Apportionment Amount and ~~any~~the Shared Operational Expenses Apportionment Amount, the treasurer of the RMVSD shall determine the amounts to be paid by each municipality. Said determination shall be made by apportioning sixty percent (60%) of the reported apportionment costs to Randolph and forty percent (40%) of the reported apportionment costs to Milton. The treasurer of the RMVSD shall promptly notify the Board and the treasurers of Milton and Randolph of this apportionment and of the amounts due, pursuant to this apportionment, to reimburse each community such that Randolph pays 60% of the total reported costs and Milton pays 40% of those costs for the prior fiscal year. Every city or town treasurer so notified shall, annually in December, certify the amount of such apportionment to the board of assessors of their municipality, who shall include such amount in the tax levy of the following year.
- Randolph and Milton will share all benefit and pension costs for Board appointed employees on a proportionate basis, as described above.
- Randolph and Milton shall each pay, individually, for any operational expenses associated with the provision of VSO services by the VSO or any shared Assistant in each respective Town, except in cases where those expenses are approved for apportionment by a unanimous vote of the Board, as described above.

### **Miscellaneous Matters:**

- Pursuant to Section 4A of Chapter 40 of the Massachusetts General Laws, each of the Towns shall be liable for the acts and omissions of its own employees and not for the employees of any other agency in the performance of this Agreement, but only to the extent provided by Chapter 258 of the Massachusetts General Laws (the Massachusetts Tort Claims Act) or to the extent provided by any other applicable law. By entering into this Agreement, neither of the Towns has waived any governmental immunity or limitation of damages which may be extended to them by operation of law. Notwithstanding the forgoing, neither Town shall be liable under this Agreement for damages caused by any failure to provide services arising out of an Act of God, loss of power, force majeure, or any other cause beyond its reasonable control.
- Amendments may be made to this MOA only upon the written approval of the Randolph Town Manager and the Chair of the Milton Select Board.
- Each Town shall only be obligated under this MOA to make the payments specifically described in this MOA.
- Unless otherwise required by law, any records generated relating to providing services to the Town of Randolph, or its Veterans, shall be treated as records of the Town of Randolph during the term of this MOA and shall be records of the Town of Randolph upon the termination of this MOA.
- Unless otherwise required by law, any records generated relating to providing services to the Town of Milton, or its Veterans, shall be treated as records of the Town of Milton during the term of this MOA and shall be records of the Town of Milton upon the termination of this MOA.
- Unless otherwise required by law, any employment records relating to the VSO or any shared Assistant VSO shall be treated as personnel records of the Town of Randolph.
- Upon the expiration or termination of this MOA, the Towns shall work cooperatively to ensure that documents, supplies, or other property or materials that were used for the VSO's purposes under this MOA are returned to the appropriate Town and treated as that's Town's property going forward. This shall include any records, keys to any public buildings, technology, or other items or materials that have been used by the VSO or any shared Assistant under this MOA.
- Neither party may assign, transfer or otherwise dispose of the MOA or any of its rights hereunder or otherwise delegate any of its duties hereunder without the prior written

consent of the other party, and any such attempted assignment or other disposition without such consent shall be null and void and of no force and effect.

- This MOA constitutes the entire agreement between the parties with respect to the matters set forth herein and may not be changed, amended, modified or terms waived except in writing signed by both the Randolph Town Manager and the Chair of the Milton Select Board.
- This MOA is governed by the laws of The Commonwealth of Massachusetts and shall be construed in accordance therewith. The parties agree that any dispute arising under or relating to this MOA shall be adjudicated by a Court sitting within the Commonwealth of Massachusetts and pursuant to Massachusetts laws, notwithstanding the principles of conflicts of laws.
- In the event that any provision contained in this MOA is deemed illegal or invalid, the remaining provisions shall remain in full force and effect.
- Any notices required or allowed under this MOA shall be sent to the Randolph Town Manager, if to Randolph, and to the Chair of the Milton Select Board, if to Milton, at that respective party's address, as provided herein, by certified mail, return receipt requested.
- Notwithstanding anything to the contrary in this MOA, this MOA is subject to the appropriation and availability of funds.
- This MOA may be executed in multiple counterparts which, taken collectively, shall constitute one agreement.
- A signature provided by facsimile or PDF shall serve as a binding signature on this agreement.

**EXECUTED and agreed to as a sealed instrument by the following:**

**For the Town of Randolph:**

**For the Town of Milton:**

\_\_\_\_\_  
**Brian Howard, Town Manager**

\_\_\_\_\_  
**Chair of the Select Board**

**Date:**

**Date:**

## ***PROCLAMATION***

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

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

***WHEREAS***, ALS strikes people regardless of race, ethnicity, or social status, and currently has known cause, means of prevention, or cure, making diagnosis difficult; and

***WHEREAS***, finding the causes and cure for ALS will prevent the disease from robbing hundreds of thousands of Americans of their dignity and lives; and,

***WHEREAS***, on average, patients diagnosed with ALS only survive two to five years from the time of diagnosis; and,

***WHEREAS***, people who have served in the military are approximately twice as likely to develop ALS, leading to the U.S. Department of Veterans Affairs recognizing ALS as a service-connected disease; and,

***WHEREAS***, ALS Awareness Month raises awareness of the dire circumstances faced by those with ALS, acknowledges the terrible impact this diagnosis has on affected individuals, their families, and the community, and recognizes the importance of continued research to eradicate this disease;

***NOW, THEREFORE***, We, the Milton Select Board, do hereby proclaim the month of May as

### ***ALS Awareness Month in Milton, MA***

*Together, we join ALS patients and advocates in spreading awareness and embracing hope that advancements in science and medicine will soon lead to a deeper understanding of the disease, new treatments to enhance quality of life, and a cure.*

***GIVEN THIS DAY***, Tuesday, May 13, 2025

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

*Winston A. Daley, Member  
Meghan E. Haggerty, Member  
John C. Keohane, Member  
Richard G. Wells, Jr. Member  
Benjamin D. Zoll, Member*

**POLICY, PERMIT APPLICATION AND RELEASE FOR USE OF  
THE TOWN GREEN AND/OR THE BARON HUGO GAZEBO**

**APPLICATION**

Applicant's Name: Genevieve Nave

Applicant's Address: [REDACTED]

Applicant's Phone: [REDACTED]

Description of proposed use: Flag Day Celebration hosted by Milton Girl Scouts: Families invited  
for a picnic, a traditional Flag Ceremony by the Girl Scouts (color guard, pledge)

We will invite a face painter, do a story on the lawn about the American Flag and  
offer crafts.

(Please provide as much detail as possible.)

Proposed Event Date: 6/14/25

Proposed Event Start Time: 4PM

Proposed Event End Time: 6PM

Number of Guests and/or Attendees: 50-60

**The Applicant certifies that he/she has read the foregoing policy and agrees to comply therewith, that all of the information provided in this application is true and correct, and that the applicant shall abide by any conditions of this permit.**

Signature of Applicant: Genevieve A. Nave Date: May 3, 2025

Printed Name: Genevieve Nave

Printed Title: GS Service Unit Coordinator

-----For Completion by the Select Board/Town Administrator-----  
Approved by: \_\_\_\_\_

\_\_\_\_\_  
Select Board / Town Administrator

\_\_\_\_\_  
Date

Conditions of Approval: \_\_\_\_\_

Use Charge(s): \_\_\_\_\_

**POLICY, PERMIT APPLICATION AND RELEASE FOR USE OF  
THE TOWN GREEN AND/OR THE BARON HUGO GAZEBO**

**RELEASE AND INDEMNITY AGREEMENT**

I, Genevieve Nave of 80 Audubon Road Milton MA,  
(Applicant Name) (Applicant Address)

in consideration of the grant of permission to use the Town Green and/or the Baron Hugo  
Gazebo located in front of the Milton Town Office Building at 525 Canton Ave, Milton, MA  
02186 for the purpose of A Flag Day Ceremony on the date of June 14, 2025,  
(Description of event) (Date)

forever release, indemnify and hold harmless the Town of Milton, Massachusetts, and all of its  
officers, employees, boards, commissions and committees, including without limitation the  
Milton Select Board and the Town Administrator (the "Indemnities") from all claims, causes of  
action, costs, damage and liability of any kind, including without limitation death, personal  
injury, property damage and attorney's fees, including without limitation those related to  
COVID-19, which the Applicant now has or may have or hereafter may have against any of the  
Indemnities resulting from the Applicant's and or the Applicant's invitees' use of the Town  
Green and/or the Baron Hugo Gazebo. This provision is limited to claims for ordinary  
negligence, and shall not apply to claims for gross negligence or reckless or intentional conduct.

Signature of Applicant:  Date: May 3, 2025

Printed Name: Genevieve Nave

Printed Title: \_\_\_\_\_