

# Town of Milton 2025



## Special Town Meeting

Monday, October 27, 2025

Milton High School Auditorium

7:30 p.m.

## WARRANT

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

**PLEASE BRING THIS REPORT TO TOWN MEETING**



## **October 2025 Special Town Meeting Warrant**

Commonwealth of Massachusetts, SS  
County of Norfolk

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Milton, qualified to vote in Town affairs, to meet at the Milton High School Auditorium at 25 Gile Road in said Milton on Monday, the twenty-seventh day of October, 2025, next at 7:30 o'clock in the evening, then and there to act upon the following Articles to wit:

Articles 1-9

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

Given under our hands at Milton this of 7<sup>th</sup> day of October, 2025.

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

A True Copy: Attest

William J. Neville

Constable of Milton

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**In compliance with the American with Disabilities Act, this Warrant can be made available in alternative formats. The October 27, 2025, Special Town Meeting, if requested, will be offered by assisted listening devices or an interpreter certified in sign language. Requests for alternative formats should be made as far in advance as possible.**

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

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

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

## MESSAGE FROM THE TOWN MODERATOR

Welcome to the 2025 October Special Town Meeting!

Milton routinely holds Special Town Meetings for the purpose of addressing certain articles prior to the next Annual Town Meeting.

During this October Special Town Meeting, there are nine (9) articles for your review and consideration. Articles 1-3 were submitted by the Select Board. Article 4 was submitted by the Climate Action Planning Committee. Article 5 was submitted by the Master Plan Implementation Committee. Article 6 was submitted by the School Building Committee. Articles 7-8 were submitted by the Select Board. Article 9 was submitted by the Planning Board.

The Warrant Committee has reviewed each article. If applicable, any Warrant Committee recommendations and comments not included in this Warrant will be available on the Town Meeting website prior to October 27 and hard copies will be provided at Town Meeting. Please carefully review each article and direct any questions to the submitting party prior to Town Meeting.

Please note that, upon the advice of Town Counsel, the Warrant Committee's recommendations have been streamlined. Specifically, where the Warrant Committee recommends the Town adopt the article as printed in the Warrant, the Warrant so states briefly. If the Warrant Committee recommends changes to the article, the changes are presented to clarify the difference to the reader.

As is customary, I will co-host a show with our Warrant Committee Chair, Jay Fundling on Milton Access TV and available on YouTube, prior to Town Meeting. During this show, we will discuss the articles in detail.

The October Town Meeting will proceed subject to the rules that were approved at the Annual Town Meeting and printed in the Annual Town Meeting Warrant. Please review these rules carefully, as the rules will not be repeated during Town Meeting.

In keeping with the rules set forth in the Annual Warrant, proposed amendments are to be submitted to the Moderator prior to Town Meeting. Specifically, such amendments should be submitted to the Moderator at or before 3:00 PM on Thursday, October 23, 2025, to afford adequate time for review by the Moderator, Town Counsel, Submitting Board or Committee and/or the Warrant Committee, as appropriate. Proposed amendments submitted after 3:00 PM on October 23 may or may not be permitted, at the discretion of the Moderator.

In addition, as is customary, all presentations must be pre-approved, and presentations and requests to present are to be submitted to the Moderator prior to Town Meeting. Accordingly, requests to present and copies of presentations should also be provided to the Moderator by no later than 3:00 PM on Thursday, October 23, 2025. Presentation requests and presentations submitted after 3:00 PM on October 23 may or may not be permitted, at the discretion of the Moderator.

Should you require any accommodation, please do not hesitate to reach out to the Moderator.

You may contact the Moderator directly with any questions, concerns, or requests at [edillon@miltonma.gov](mailto:edillon@miltonma.gov).

Town Meeting will be governed by Volume 4 of Town Meeting Time.

I look forward to seeing you in person at Town Meeting beginning on Monday, October 27, 2025 at 7:30 PM at the high school.

Sincerely,

/s/ Elizabeth S. Dillon

Elizabeth Dillon, Town Moderator

## **REPORT OF THE WARRANT COMMITTEE FOR THE 2025 OCTOBER SPECIAL TOWN MEETING**

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

The Warrant Committee herein presents to the Town Meeting recommendations for action on Articles submitted to the Special Town Meeting convening on Monday, October 27, 2025. There are nine articles for this Special Town Meeting. These Articles address a variety of issues that concern the Town beyond the typical zoning matters we historically address at this meeting. There are five articles submitted by the Select Board, one article submitted by the Climate Action Planning Committee, one article submitted by the Master Plan Implementation Committee, one article submitted by the School Building Committee and one article submitted by the Planning Board.

The Warrant Committee has reviewed all articles and suggests the Town take action on all nine articles.

Please note that Article 7 and Article 8 contain amendments adopted by the Warrant Committee, so the recommendation in bold print does not exactly match the original article in plain print. The Warrant Committee's recommendation in bold is the motion before Town Meeting and the place where Town Meeting will begin its discussion.

Article 1 is an appropriation article to pay for the cost of the upcoming special election on November 4, 2025.

Article 2 provides the Town the ability to deny a permit to someone who is not current with their financial obligations to the town.

Article 3 establishes a Fund which can accept voluntary contributions in order to assist elderly and disabled residents with taxes. This article also establishes a Committee to operate this fund.

Article 4 directs the Town to reduce greenhouse gas emissions. This article is primarily to give guidance to the Town, rather than to require certain actions.

Article 5 allows the work of the Master Plan Implementation Committee to continue, whose term would otherwise expire this year.

Article 6 extends the term of the so-called “Land Swap” passed by Town Meeting in 2023. The Town’s acceptance into the Massachusetts School Building Authority’s grant program is expected to provide financial benefits to the Town, but will result in a slower project timeline. This article adjusts the time frame of the land swap to be in line with the revised time frame of the project.

Article 7 revisits an article passed by Town Meeting in February 2025. In that article, Town Meeting approved the consumption of alcoholic beverages in Town owned buildings, subject to the Select Board’s approval, among other restrictions. This follow-up article extends that permission to Town

owned outdoor spaces. The current article has additional restrictions that the prior article did not have, incorporating suggestions from concerned residents.

Article 8 establishes a bylaw regarding light trespass. This is intended to make sure that residents can enjoy their homes and property without undue light interference after dark.

Article 9 is proposed by the Planning Board. This article would expand the bylaw which allows the Town to require payments to offset the impact of new development on traffic.

Throughout the Warrant you will see the Warrant Committee's recommendations printed in bold. While these recommendations are an important part of the Warrant Committee's job, they are not the most important part.

More important than telling you what the Warrant Committee recommends is telling you why we recommend it. You – the legislative body of the Town, representing all Town voters – will make the ultimate decision on all of these articles. The Warrant Committee endeavors to provide you, through our written comments and our presentations before Town Meeting, the reasons why we made the decisions we did, along with enough information to make your decision on our recommendation.

You may agree with some of our recommendations, and you may disagree with others. But if we have provided you with enough information to efficiently and confidently make your decision, then the Warrant Committee will consider its job done.

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

Jay Fundling, Chair  
Macy Lee, Secretary  
Nicole Boyson Rukstalis  
Elaine Craghead  
Jamesley Dasse  
Lorraine Dee  
Grace Doherty  
Lawrence Johnson  
Andrew Koh  
Brian McGuire  
LeeMichael McLean  
Julia Maxwell  
Ronald Sia  
Nicholas Tangney  
Cecile Yang  
Karen Bosworth, Clerk

**ARTICLE 1** To see if the Town will vote to amend the appropriations voted at the 2025 Annual Town Meeting for the twelve-month period beginning July 1, 2025, by increasing the amount appropriated under Article 10 for the Election & Registration Budget by \$60,000 from \$127,674 to \$187,674, as follows:

ELECTION & REGISTRATION	FY2026 Original	Amendment	FY2026 Revised
Salaries & Wages	65,944	42,000	107,944
General Expenses	61,730	18,000	79,730
<b>Total Election &amp; Registration</b>	<b>127,674</b>	<b>60,000</b>	<b>187,674</b>

which sum shall be appropriated from funds certified by the Department of Revenue as free cash; and to act on anything relating thereto.

Submitted by the Select Board.

**RECOMMENDED that the Town vote to amend the following appropriation voted by the 2025 Annual Town Meeting for the twelve-month period beginning July 1, 2025 under Article 10 as referenced in the table below:**

ELECTION & REGISTRATION	FY2026 Original	Amendment	FY2026 Revised
Salaries & Wages	65,944	42,000	107,944
General Expenses	61,730	18,000	79,730
<b>Total Election &amp; Registration</b>	<b>127,674</b>	<b>60,000</b>	<b>187,674</b>

**And that to meet said appropriation the sum of \$60,000 be appropriated from funds certified by the Department of Revenue as free cash.**

*COMMENT: This article proposes amending the “Election & Registration” appropriation passed at the 2025 Annual Town Meeting to increase the total amount by \$60,000. This \$60,000 will be taken from free cash in order to fund a special town election on November 4, 2025 to fill the vacant Select Board seat for the remainder of its term (through April 2027). The original appropriation at the 2025 Annual Town Meeting of \$127,674 did not factor in the cost of this unanticipated special election.*

*The proposed increase of \$60,000 was calculated using the cost of the February 2024 special election, which saw higher turnout than usual. Any unused or reimbursed funds from the “Election & Registration” appropriation will go back into the general fund and will be available to be transferred to another department at the end of the year with approval of the Select Board and the Warrant Committee.*

*If this amendment is not approved, the funds will need to be allocated from another part of the town budget.*

**ARTICLE 2** 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 or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may 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, 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 of the General Laws 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 to approve the article as printed in the Warrant.**

*COMMENT: The intent of this article is to ensure that individuals, corporations, and businesses meet their financial obligations to the Town before receiving or renewing the benefit of municipal licenses and permits. This bylaw would give Milton's boards and departments the authority to deny, suspend, or revoke local licenses and permits if an applicant or permit holder has neglected or refused to pay local taxes, fees, assessments, betterments, or other municipal charges. The measure also provides for due process, including written notice and the opportunity for a hearing, and allows for payment agreements.*

*This statute serves as a fair and effective tool for protecting the Town's revenue base. It balances enforcement with flexibility, granting the Town Treasurer the authority to offer payment agreements at his/her discretion, and allowing the Select Board to waive enforcement in limited circumstances where there is no conflict of interest.*

*The Warrant Committee believes this bylaw will strengthen the Town's ability to collect overdue municipal charges while treating taxpayers consistently, fairly, and equitably.*

**ARTICLE 3** 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 to approve the article as printed in the Warrant.**

*COMMENT: The proposal to establish this Fund stemmed from concerns regarding the ability of Milton’s elderly and disabled residents to pay increased taxes following the April 2025 Proposition 2/12 override of \$9.5 million.*

*The “Aid to Elderly and Disabled Taxation Fund” would be structured by the to-be-formed “Taxation Aid Committee,” which will determine things such as:*

- *Methods of advertising the Fund to prospective applicants and contributors.*
- *Methods available for contributing to the Fund (such as UNIPAY).*
- *The equitable distribution of funds to qualified applicants.*
- *The application format and criteria, as well as the frequency with which people can apply to the Fund.*
- *The type of Fund (e.g. pass-through or interest bearing) to be established.*
- *The types of taxes which would be eligible (i.e. real estate, personal property, motor vehicle).*
- *The frequency of disbursement of the Fund to qualified applicants.*

*This fund is separate from the senior tax discount passed by Town Meeting in February 2025.*

**ARTICLE 4** To see if the Town will vote to:

Authorize the Select Board to adopt community-wide greenhouse gas emissions reduction goals in alignment with the limits set by Massachusetts law and to measure progress toward these goals by updating the Town's Greenhouse Gas Emissions Inventory no less than once every 5 years; and

authorize the Select Board to direct relevant boards, committees, and departments to proactively pursue fiscally responsible actions, investments, and policies to achieve the goals mentioned above and increase the Town's resilience to the detrimental effects of climate change;

and to act on anything relating thereto.

Submitted by the Climate Action Planning Committee.

**RECOMMENDED that the Town vote to approve the article as printed in the Warrant.**

*COMMENT: This article authorizes the Select Board to take actions with the goal of reducing the Town's greenhouse gas emissions in line with state law.*

*Current state law sets state-wide greenhouse gas emission goals, targeting*

- *at least 50% reduction from 1990 levels by the year 2030*
- *at least 75% reduction from 1990 levels by the year 2040*
- *net-zero carbon emissions by the year 2050*

*This article does not require the Select Board or Town government to take any actions beyond updating the inventory every five years. It does, however, accomplish two things for the Town:*

**1. It is a requirement for Milton to become a Climate Leader Community.**

*The Climate Leader Community program allows participating communities to access grants, including \$150,000 grants to hire vendors for clean energy projects, and \$1M grants for projects which reduce greenhouse gas emissions, such as upgrading HVAC systems in schools or other buildings. Communities can receive multiple grants under these programs, potentially exceeding \$10M across 20 years.*

*To become a Climate Leader Community a town must satisfy six requirements. Milton is already a "Green Community" in good standing and has established a local committee to advise, coordinate, and/or lead clean energy and climate activities, satisfying the first two requirements. Milton satisfied the third requirement by adopting the Specialized Energy Code at the 2024 Annual Town Meeting. Adopting this article would satisfy the fourth requirement. The remaining two requirements are:*

- *Complete a Municipal Decarbonization Roadmap study*
- *Adopt a zero-emission-vehicle first policy*

*This Article does not achieve these two remaining requirements and thus will not by itself make Milton a Climate Leader Community, but it is a step on the path.*

**2. *It gives direction to Town staff regarding the will of the Town.***

*This article provides direction to the staff in Town. If Town Meeting approves this article, the staff that work for all of us can proceed knowing that the Town – through its elected representatives – has directed them to take fiscally prudent actions to reduce our greenhouse gas emissions.*

*The Warrant Committee feels this article is appropriate to enable the town to reduce its contribution to climate change and make financially prudent decisions.*

**ARTICLE 5** To hear and act upon the report of the Master Plan Implementation Committee; and to see if the Town will vote to establish a standing Master Plan Committee as a successor to the Master Plan Implementation Committee, with a term and charge as follows:

The charge of the Master Plan Committee shall be:

- (1) to monitor the implementation plan within the Town's current Master Plan, and to recommend to the Planning Board and the Select Board the actions necessary to implement such plan, including timing, resources, and responsibilities;
- (2) to make recommendations to the Planning Board, Select Board, and Town Meeting regarding updates to the Town's Master Plan; and,
- (3) to make recommendations regarding the scope and key focus areas of future Master Plans.

The committee shall report annually to the Planning Board, Select Board, Warrant Committee and Town Meeting and shall submit an annual report to the Town Administrator for inclusion in the Town Annual Report.

The membership of the Master Plan Committee shall be comprised of not more than nine (9) members for terms that are renewed annually. One member shall be a member of the Planning Board and one member shall be a member of the Select Board. Other members shall have expertise in planning, architecture, economic development, transportation, landscape architecture, real estate, sustainability, conservation, parks, civil engineering, historic preservation, housing, facilities management, public policy, and/or diversity, equity and inclusion. Appointing authorities shall also consider equitable geographic distribution of members. The committee shall meet at no less than quarterly each year.

Members of the Committee shall be appointed as follows:

- Not more than 3 members appointed by the Planning Board (one of whom shall be a member of the Planning Board)
- Not more than 3 members appointed by the Select Board (one of whom shall be a member of the Select Board)
- Not more than 3 members appointed by the Town Moderator

And to see if the Town will vote to transfer the remaining balance of the appropriation for the Master Plan Implementation Committee approved in Article 11 of the 2025 Annual Town Meeting Warrant to the Master Plan Committee.

And to act on anything relating thereto.

Submitted by the Master Plan Implementation Committee.

**RECOMMENDED that the Town vote to approve the article as printed in the Warrant.**

*COMMENT: The Master Plan Implementation Committee (MPIC) was originally appointed for 10 years with the purpose of overseeing the execution of the implementation plan within the Town's Master Plan, both of which were approved by Town Meeting in September 2014. The Committee's existence is finite and currently ends in October 2025. As such, there is a need to create a new Committee to continue to oversee the implementation plan execution. This article proposes the creation of a standing "Master Plan Committee."*

*This new committee will monitor the implementation of the Master Plan as well as recommend updates where appropriate. This new committee will report annually to Town Meeting and other bodies. This article also allows the budget allocated by the May 2025 Town Meeting to the old MPIC to now be allocated to the new committee.*

**ARTICLE 6** To see if the Town will vote to authorize the Select Board to petition the General Court to enact legislation for the purpose of amending Chapter 147 of the Acts of 2024, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general objectives of this petition:

*An Act Authorizing the Town of Milton to Use Certain Land Acquired for Conservation Purposes for School Purposes*

Section 1: Chapter 147 of the Acts of 2024 is hereby amended in Section 2 by striking out the words “June 30, 2028” and inserting in place thereof the following words: “June 30, 2033”.

Section 2: This act shall take effect upon its passage.

and to act on anything relating thereto.

Submitted by the School Building Committee.

**RECOMMENDED that the Town vote to approve the article as printed in the Warrant.**

*COMMENT: When the “Land Swap” was initially passed by Town Meeting in 2023 (and has since been passed by the state legislature, as Chapter 147 of the Acts of 2024), Milton’s School Building Committee (SBC) believed that the chances of working through the Massachusetts School Building Authority (MSBA) grant program were very slim. At that time it was estimated that the building project would take five years to get to the funding stage. If the project were not funded by the town (by Town Meeting and a debt exclusion override) within five years a reverter clause would trigger, and the land swap would become void.*

*In the last year, Milton was accepted into the MSBA’s grant program, which will now partially fund the project. This means, however, that Milton must fulfill all of the steps required by the MSBA and on their timeline, resulting in a slightly extended project timeline from what was first projected. After researching the length of similar school building projects working with MSBA in other Massachusetts school districts, the SBC believes it would be unlikely that the project would be fully funded by the original expiration date of the land swap, and are asking Town Meeting to vote to extend the term of the land swap by an additional five years.*

**ARTICLE 7** 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 by deleting the current text of Section 105-1 and inserting in its place the following:

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

A. Drinking, sale or possession of alcoholic beverages, as defined in Chapter 138 of the Massachusetts General Laws (for purposes of this Section 105-1, “Alcoholic Beverages”), while in a building owned by the Town of Milton (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. If a public body other than the Select Board is responsible for the care, custody, and control of the subject Town Building, such public body must also approve this use of the Town Building. In addition: (i) all requirements under Massachusetts General Laws, including M.G.L. c. 138, Section 14 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. If different from the Select Board, the public body responsible for the care, custody, and control of the subject Town land shall also approve such use of the land. The sale of any alcoholic beverages in a Town Building or on Town property shall only be authorized pursuant to a one-day license issued by the Select Board pursuant to M.G.L. c.138, Section 14. 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 nontransferable 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.

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 to approve the article as printed in the Warrant, except for the following:**

- (1) § 105-1 B(2) shall read: Nontransferable wristbands shall be provided to individuals seeking to purchase or consume alcohol beverages
- (2) Insert the following into § 105-1 B: (5) The vendor shall post the product description, price, and Alcohol by Volume (ABV) for each product

*COMMENT: This article will allow the Select Board to issue one-day liquor licenses in limited circumstances for consumption of alcohol on Town-owned land through application and issuance of one-day liquor licenses. The Warrant Committee recommends that Town Meeting vote in favor of the Article. The Warrant Committee believes that the Article provides sufficient flexibility and requirements for the safe implementation of the events, and the community will benefit from an increased range and engagement of community events and activities.*

*Prior to Town Meeting on February 24, 2025, the Bylaws prohibited the drinking, sale or possession of alcoholic beverages while in a building owned by the Town of Milton or upon land owned by the Town of Milton. At the Town of Meeting of February 24, 2025, Milton amended this bylaw to permit the drinking, sale or possession of alcoholic beverages while in a building owned by the Town of Milton, but not upon Town Land. Following the debate at the February 24, 2025 Town Meeting, the Select Board is requesting an amendment permitting the drinking, sale or possession of alcoholic beverages on Town Land.*

*The flexibility provided by this Article is primarily expected to be used in support of events organized by various organizations and groups in Town to be held at the Milton Art Center, Milton Wharf, Manning Park, and the Town Gazebo. The Select Board has stated it intends to issue authorizations pursuant to the Article in limited circumstances, numbering only a few discrete events per year. The Select Board believes the guidelines and provisions detailed in the Article provide protection for the community and flexibility for implementation depending on the size and location of the event.*

*The Warrant Committee has been in contact with both the Board of Health and the Milton Coalition, and their respective meeting schedules do not align with the print deadlines of the Warrant. Therefore, both groups were unable to provide an opinion on the proposed article. Of note, the Milton Coalition falls under the auspices of the Board of Health.*

*The Warrant Committee has also been in contact with The Chamber of Commerce and the Milton Art Center, who are both supportive of the Article. The Chamber of Commerce noted the historical track record of safe and successful events held at the Milton Art Center. The Milton Art Center believes the Article will enhance their mission of allowing the community to gather and connect at events (with necessary safeguards including ID verification, liability insurance, trained servers, police details, etc.).*

*The Warrant Committee has also engaged in conversation with a group of local Public Health professionals who expressed concerns that the proposed Article does not have enough specific provisions to adequately limit exposure and influence of alcohol on minors, which has demonstrable negative health impacts. This group of concerned citizens raised several specific concerns with the Article proposed by the Select Board including:*

- 1) non-transferable wristbands shall be provided to identify all individuals 21 years old or older who seek alcoholic beverages*
- 2) 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*
- 3) 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*
- 4) 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*
- 5) no such one-day licenses shall be issued for Town Land that includes playground and/or children's play space areas*
- 6) 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*
- 7) cups for alcoholic beverages that are easily distinguishable from cups for non-alcoholic beverage cups shall be used*
- 8) individuals may not be provided with more than two (2) alcoholic beverages at one time*
- 9) 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*

*The Article recommended by the Warrant Committee includes provisions fully or partially covering the items outlined above except items 5, 6, and 7. Items 5, 6, and 7 were considered by both the Warrant Committee and the Select Board but were not included in the language of the Article in order to give the Board the flexibility to apply restrictions and requirements appropriate for each event. The Article gives the Select Board the discretion to approve or deny a license based on these items as well as on the unique parameters for each event, which may include expected attendance, the audience, hours, and location.*

**ARTICLE 8** To see if the Town will vote to amend the General Bylaws by inserting the following new bylaw, 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.

“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.

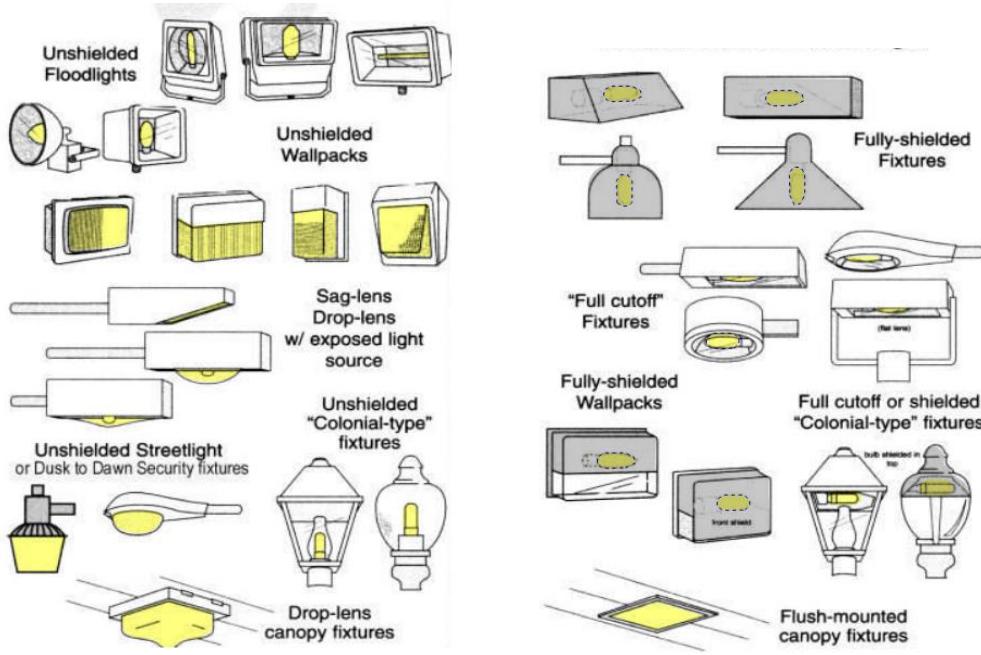
“Town” means the town of Milton, MA.

**ENFORCEMENT**

The Inspectional Services Department, or its designee, in their sole discretion, shall determine if a Light Trespass constituting a public hazard or nuisance exists.

1. 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.

2. The Inspectional Services Department, 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.
3. Within forty-five (45) days of receiving the initial complaint the Inspectional Services Department, or its designee, shall conduct a site visit to review the complaint, observe conditions, take initial illumination measurements, and prepare a written summary of existing conditions.
  - a. During this timeframe the property owner may take steps to rectify the alleged Light Trespass and provide any documentation or response the property owner deems appropriate to prove there is no violation of Light Trespass.
  - b. The Inspectional Services Department, 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:
    - i. Measurement of illumination at property line;
    - ii. Inspect Luminaire(s) in question:
      1. Control: Automatic (sensor, or timeclock) or Manual (switch);
      2. Type: Unshielded or Shielded (See table below);
      3. Direction: Towards complainant's property boundary;
    - iii. Excessive Glare; and
    - iv. Light Trespass levels must meet the following:
      1. Luminaire light sources shall not be visible from federal, state or Town designated wilderness, conservation 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 10 Lux.
4. A condition determined by the Inspectional Services Department, 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.



## MEASUREMENT

The Inspectional Services Department, or its designee, shall take illumination measurements with an illuminance meter at five (5) boundary points. At each boundary point a vertical measurement shall be taken at approximately 5'-0" +/- aimed towards the luminaire. The illumination levels in lux shall be recorded. These shall represent the initial illumination ( $Ill_{init}$ ) measurements.

The luminaire(s) in question should be turned off and the same five (5) boundary point measurements should be repeated. These measurements shall represent the corrected illumination ( $Ill_{corr}$ ) measurements.

At each of the measured point, the differential ( $Ill_{init} - Ill_{corr}$ ) shall be calculated to confirm the contributed illumination from the luminaire(s).

## EXEMPTIONS

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

1. Temporary emergency lighting, including vehicle-mounted luminaires, needed by the Police, Fire, and Public Works departments; Water District personnel; or other law-enforcement and emergency services.
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, provided that these luminaires shall be installed and oriented so that their light output points directly toward the flag(s) and incorporates optics to create the narrowest possible beam.
9. Outdoor accent lighting of landscaping, monuments, plaques, and similar installations 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, and emits no more light than is necessary for the task.

#### **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**

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.

A fine of three hundred dollars (\$300) may be assessed for each violation of this Bylaw. Each day such violation continues shall constitute a separate offense. Said money shall incur to the Town for such uses as the Select Board or Town Administrator may direct. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with M.G.L. c. 40, Section 21D.

The Select Board or its designee shall be the “enforcing person” for purposes of M.G.L. c. 40, Section 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 to amend the General Bylaws by inserting the following new bylaw, 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.**

**“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 or any legal entity holding title to or using real property.**

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

**“Town” means the town of Milton, MA.**

## **ENFORCEMENT**

**The Inspectional Services Department of Town, or its designee, in their sole discretion, shall be responsible for determining if a Light Trespass constituting a public hazard or nuisance exists, within Town limits, in accordance with this bylaw..**

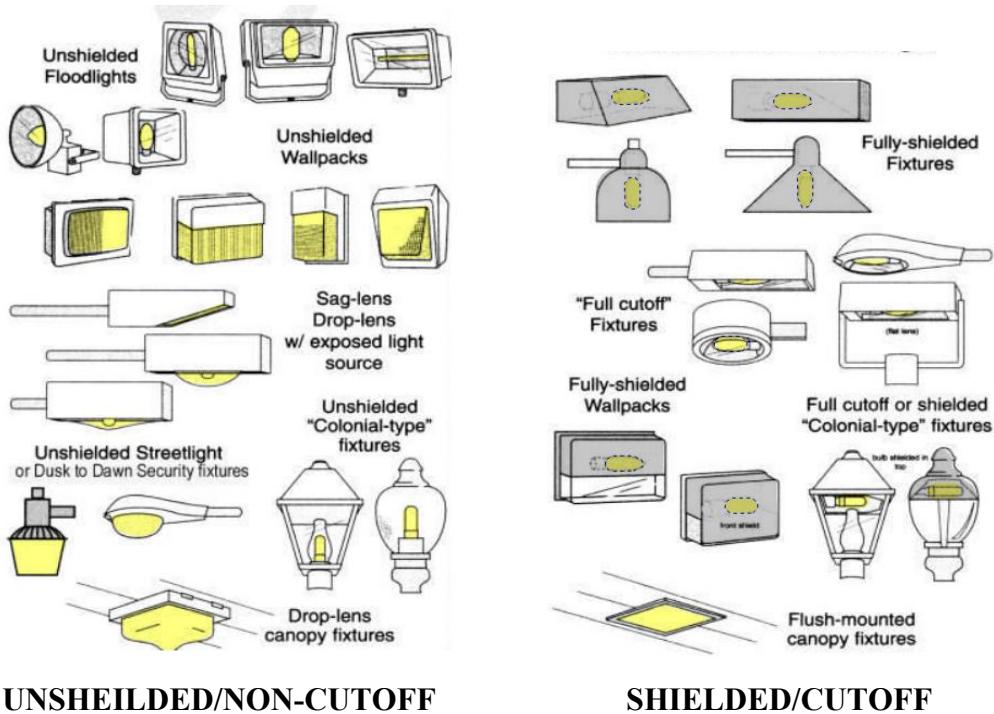
- 1. Any complaint about Light Trespass shall be made to the Inspectional Services Department with a copy to the Select Board in writing with any additional material needed to determine that Light Trespass exists.**
- 2. The Inspectional Services Department, or its designee, shall notify the property 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.**
- 3. Within forty-five (45) days of receiving the initial complaint the Inspectional Services Department, or its designee, shall conduct a site visit to review the complaint, observe conditions, take initial illumination measurements, and prepare a written summary of existing conditions. Failure to determine a finding of public hazard or nuisance within the stated time period shall constitute a finding of no violation. Multiple concurrent complaints may be filed. Failure of the property owner to cooperate with the Inspection**

Services Department, or its designee, within this time period may be considered a violation.

- a. During this timeframe the property owner may take steps to rectify the alleged Light Trespass and provide any documentation or response the property owner deems appropriate to prove there is no violation of Light Trespass.
  - b. The Inspectional Services Department, or its designee, shall take into consideration the complaint, the property owner's arguments, and the following conditions, or any other information deemed appropriate to determine the outcome of the Light Trespass complaint:

    - i. Measurement of illumination at property line;
    - ii. Inspect Luminaire(s) in question:
      1. Control: Automatic (sensor, or timeclock) or Manual (switch);
      2. Type: Unshielded or Shielded (See table below);
      3. Direction: Towards complainant's property boundary;
    - iii. Excessive Glare; and
    - iv. Light Trespass levels must meet the following:
      1. Light Trespass onto Residential Use property shall measure no greater than 10 Lux.
4. The Inspectional Services Department, or its designee, shall determine if a condition constitutes a public hazard or nuisance in violation of this Bylaw, and upon so finding shall issue a written notice of violation to the property owner and each other responsible person (the "Initial Violation"). Persons found in violation shall have thirty (30) days to (a) rectify the violation and provide evidence of such remediation to avoid further findings of violation(s), or (b) appeal the Initial Violation to the Select Board. Appeal shall toll findings of continuing violation until thirty (30) days following the conclusion of the appeal. A finding by the Inspectional Services Department of no violation may be appealed within thirty (30) days to the Select Board by any person whose property is directly impacted by the finding.
5. Appeals shall be heard and decided by a committee of 3 individuals appointed by the Select Board for that purpose. The Committee shall hear the appeals and determine if the Initial Violation is reasonably justified by the findings of the Inspectional Services Department, or, in the event of a finding of no violation, if a violation occurred. Appeals shall be heard and decided within sixty (60) days of filing. If no decision is made within sixty (60) days the appeal is deemed denied.

In deciding the appeal the Committee may consider mitigating circumstances particular to the properties in question, and may make such orders reversing or affirming in whole or in part the finding of the Inspectional Services Department, and in so doing may authorize variances from the express requirements of this bylaw consistent with the intent and purpose of the bylaw.



UNSHEILEDDED/NON-CUTOFF

SHIELDED/CUTOFF

## MEASUREMENT

The Inspectional Services Department, or its designee, shall take illumination measurements with an illuminance meter at five (5) boundary points. At each boundary point a vertical measurement shall be taken at approximately 5'-0" +/- aimed towards the luminaire. The illumination levels in lux shall be recorded. These shall represent the initial illumination ( $III_{init}$ ) measurements.

The luminaire(s) in question should be turned off and the same five (5) boundary point measurements should be repeated. These measurements shall represent the corrected illumination ( $III_{corr}$ ) measurements.

At each of the measured point, the differential ( $III_{init} - III_{corr}$ ) shall be calculated to confirm the contributed illumination from the luminaire(s).

## EXEMPTIONS

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

1. Temporary emergency lighting, including vehicle-mounted luminaires, needed by the Police, Fire, and Public Works departments; or other law-enforcement and emergency services.
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 temporarily causes an incidental and limited nuisance.

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 lighting 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, provided that these luminaires shall be installed and oriented so that their light output points directly toward the flag(s) and incorporates optics to create the narrowest possible beam.
9. Outdoor accent lighting of landscaping, monuments, plaques, and similar installations 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 and emits no more light than is necessary for the task.

#### **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**

Absent an appeal, 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.

A fine of three hundred dollars (\$300) may be assessed for each violation of this Bylaw following the Initial Violation. Each day such violation is redetermined shall constitute a separate offense. Said money shall incur to the Town for such uses as the Select Board or Town Administrator may direct. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with M.G.L. c. 40, Section 21D.

The Select Board or its designee or the Building Commissioner or their designee shall be the “enforcing persons” for purposes of M.G.L. c. 40, Section 21D.

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

*COMMENT: Milton is a vibrant and diverse community, with neighborhoods that vary widely in density, property size, and living arrangements. This Article helps establish commonly acceptable standards for outdoor lighting so that neighbors have a clear and fair understanding of what is appropriate and respectful in different settings. Importantly, the Article is not intended to stop property owners from having reasonable uses of lighting on their property, but rather to prevent the unreasonable nuisance of light trespass that disrupts the enjoyment and use of neighboring homes and property. In short, it seeks to protect residents from intrusive or excessive lighting that constitutes a public hazard or nuisance.*

*Earlier versions of this article were considered in the February and May 2025 Town Meetings but were referred back for refinement. The revised version reflects important improvements, including an appeals process to ensure fairness and clearer exemptions for certain reasonable lighting situations — such as*

*holiday lights, emergency lighting, or other temporary uses — that may create light levels spilling onto another property but are widely understood to be acceptable. While there are many important opinions and factors to hear and consider when it comes to dark sky provisions, we felt it was important to focus this article specifically on light trespass — an issue that is more immediate and more practical for the Town to advance into an acceptable bylaw at this time.*

*In our deliberations, the Warrant Committee discussed several key issues:*

- *The need for an appeals process to provide fairness and balance, which is now reflected in the updated language.*
- *The appropriate level of lighting, with the Committee agreeing that the recommended 10 lux standard is reasonable as a starting point — even though research into other municipalities showed most use lower thresholds — because it provides a workable baseline for Milton while still addressing nuisance concerns.*
- *The treatment of motion-activated lighting, recognizing the importance of incidental and temporary security lighting for residents.*
- *The impact of enforcement, since inspection of alleged violations will require town staff to visit properties after dusk and obtain some degree of cooperation from the homeowner. We recognize this is a new inspection process for the Town, but we trust that residents and staff will work together in good faith to resolve disagreements in a reasonable and respectful manner that protects the interests of all involved.*

*The Warrant Committee believes this article strikes an appropriate balance: it provides a clear process to address legitimate complaints while preserving flexibility for everyday situations such as seasonal decorations, motion-activated lights, or town-sponsored events.*

*We believe the article represents a thoughtful and practical step toward protecting quality of life in Milton. While certain aspects may evolve over time, this framework provides a fair and enforceable starting point. The Warrant Committee strongly recommends adoption. If the Town or Select Board wishes to further consider dark sky provisions in the future, the Warrant Committee stands ready and willing to review and provide recommendations.*

*Please note that the Warrant Committee, working with Town Counsel, made a number of changes to the article as submitted by the Select Board. The discussion at Town Meeting will begin with the recommendation of the Warrant Committee.*

*The changes made by the Warrant Committee are:*

- *Definition section:*
  - *Change to the definition of “Person” based on the advice of Town Counsel*
- *Enforcement Section*
  - *Wording change in the preface*
  - *The complaint is sent to the Inspectional Services Dept with the Select Board copied, not the Select Board*
  - *A failure to find a violation in the required time means there is no violation*
  - *Allowance of multiple complaints*

- o *Refusal of the property owner to cooperate with the inspection may lead to finding of a violation*
- o *The investigation will consider the complaint and the argument of the property owner when determining violation*
- o *Removed the requirement that light sources not be visible from federal, state or Town designated wilderness, conservation area, habitat, or reserves*
- o *Removed the lux levels pertaining to federal, state or Town designated wilderness, conservation area, habitat, or reserves or Waters of the United States*
- o *Modified the wording of the finding of the Initial Violation, and added a procedure for appeals, in consultation with the Select Board, Town Administrator and Town Counsel*
- *Exemptions*
  - o *Changed the note on emergency lighting to match Milton departments*
  - o *Clarified that motion activated lights can temporarily cause an incidental and limited nuisance*
  - o *Removed superfluous words from the seasonal lighting description*
- *Penalty*
  - o *Added reference to the appeal process*
  - o *Note that additional violations require redetermination of a violation*
  - o *Modified definition of “enforcing persons”*

**ARTICLE 9** To see if the Town will vote to amend the Zoning Bylaw, Chapter 275 of the Code of Bylaws, by amending §275-20 Traffic Impact Mitigation as follows with all deleted language shown as being stricken-through, and all added language shown as being underlined:

#### **§ 275-20.1. [Findings.]**

In a Planned Unit Development District, ~~or in an Overlay District or a Residence District~~ where a special permit is required, ~~or in a Business District where site plan approval is required, in either event~~, for the construction or alteration of a ~~principal use structure~~ that will result in the increase in gross floor area by more than 10% of existing floor area or that will require the addition of 10 or more parking spaces to a property or that will result upon full completion in 7,500 square feet or more of gross floor area, the Special Permit Granting Authority ("SPGA")—~~or the site plan approval granting authority, as applicable~~, may require mitigation measures and/or a monetary contribution from applicants to mitigate or offset a development's transportation impacts.

#### **§ 275-20.2. Purpose.**

The purpose of Traffic Impact Mitigation ("TIM") is to protect the health, safety and general welfare of the ~~inhabitants~~ residents, businesses, and other establishments of the Town of Milton.

#### **§ 275-20.3. Development Traffic Impact Standards.**

Standards by which a project subject to TIM shall be evaluated relative to its impact upon Milton's traffic infrastructure shall include:

- A. Level of Service ("LOS") of all intersections and roads shall be adequate following project development and shall be determined according to criteria set forth by the Transportation Research Board ("TRB") of the National Research Council. LOS shall be determined inadequate if a development reduces the LOS more than one level below the existing grade prior to the development, ~~and in any case, the LOS shall never be below a "C" for Scenic Roads or a "D" for all other new or existing intersections.~~
- B. An Impacted Intersection shall be any intersection or intersections projected to receive at least 60 additional vehicle trips during peak hour traffic over the no-build condition or intersections projected to receive an additional 5% of anticipated daily or peak hour traffic over the no-build condition due to the contribution of traffic by the proposed development.

#### **§ 275-20.4. Determination of Traffic Impact.**

An application for a special permit or site plan approval for a project subject to TIM shall include, ~~as compliance together with all other special permit application or site plan approval application submission requirements, for the applicable Planned Unit Development or Overlay District~~ a Traffic Impact Statement, which shall be prepared by a qualified MA Registered Professional Engineer specializing in traffic that shall include the following:

- A. A Traffic Impact Assessment documenting existing traffic conditions in the vicinity of the proposed project, accurately describing the volume and effect of the projected traffic generated by the proposed project, and identifying measures necessary and sufficient to mitigate any adverse impacts on existing traffic conditions.

- (1) Determination of Scope: prior to preparing the Traffic Impact Assessment, the Applicant's Professional Engineer shall meet with the Town Engineer, to review the proposed scope of the Traffic Impact Assessment, including the identification of the "project impact area," to be studied, which shall include all impacted intersections and streets likely to be significantly affected by the proposed project, as defined above. The Town Engineer shall provide a written statement to the SPGA or the site plan approval granting authority, as - regarding applicable, regarding his/her concurrence or disagreement with the proposed scope, and the reasons for his/her opinion, which shall be provided to the Applicant and included with the Traffic Impact Assessment.
- (2) Existing Traffic Conditions: the Traffic Impact Assessment shall measure and assess average and daily peak hour volumes, average and peak speeds, sight distances, accident data, and levels of service (LOS) of all intersections and streets within the project impact area. Generally, such data shall be no more than 12 months old at the date of the application, unless other data are specifically approved by SPGA or the site plan approval granting authority, as - with applicable, with the recommendations of the Town Engineer.
- (3) Projected Traffic Conditions: the Traffic Impact Assessment shall include projected traffic conditions for the design year of occupancy, including statement of the design year of occupancy, estimated background traffic growth on an annual average basis, and impacts of other proposed developments that have been approved in whole or in part by the Town which will affect future traffic conditions. If a proposed principal use is not listed in the criteria established by the TRB, the SPGA or the site plan approval granting authority, as applicable, may approve the use of trip generation rates for another use listed that is similar in terms of traffic generation to the proposed use. If no use is similar, a traffic generation estimate, along with the methodology used, prepared by a registered professional traffic engineer, shall be submitted and approved by the SPGA or the site plan approval granting authority, as applicable.
- (4) Projected Impact of Proposed Development: the Traffic Impact Assessment shall include the projected peak hour and daily traffic generated by the development on the roads and ways in the project impact area, sight lines at the intersections of the proposed driveways and streets, existing and proposed traffic controls in the vicinity of the proposed development, and projected post-development traffic volumes and levels of service of intersections and roads likely to be affected by the proposed development.
- (5) Traffic Mitigation Measures: the Traffic Impact Assessment shall propose specific measures to be undertaken by the Applicant in order to mitigate the impacts of the proposed development and to ensure that current traffic conditions and LOS are not adversely ~~effected~~affected by the project. Also, the Traffic Impact Assessment shall consider both ~~on site~~onsite and ~~off site~~off-site mitigation measures, to include but ~~are~~not limited to new traffic control signals, increase in right of way capacity via widening roads, or other right of way or intersection improvements. The proposed mitigation measures, if approved by the SPGA, or the site plan approval granting authority, as applicable, shall become conditions of the special permit or site plan approval.

B. The SPGA or the site plan approval granting authority, as applicable, shall have the option to require a peer review of the Traffic Impact Statement by a Registered Professional Traffic Engineer of its choosing at the Applicant's expense.

## **§ 275-20.5. Establishment of TDM Goals and Requirements:**

The SPGA or the site plan approval granting authority, as applicable, Planning Board shall have the discretion to strongly encourage at least one or more Transportation Demand Management (TDM) programs to reduce peak hour volumes, as listed below:

- A. Provide staggered work hours (one hour increments) for at least 10% of the non-management work force.
- B. Provide preferential parking locations for all employees arriving in a car pool comprised of at least two licensed drivers.
- C. Provide a cash incentive for all car pools of two or more licensed drivers. Said incentive shall be at least 40 dollars per month per car pool.
- D. Provide a shuttle or van service to and from public transportation terminals. Said service must have the capacity to accommodate at least 10% of the employees on the largest shift.
- E. Provide a work at home option for at least one day per week for at least 10% of the total work force.
- F. Provide subsidized public transportation passes of at least 20% of the monthly pass cost.
- G. Provide secure and safe bicycle parking and storage.
- H. Provide showers and lockers for bicyclists.
- I. Provide a public bicycle sharing program
- J. Provide connectivity between adjacent bike storage sites and bike pathways.
- K. Provide a fully connected sidewalk network.
- L. Provide bicycle lanes.
- M. Provide other programs designed by the applicant and approved by the SPGA or the site plan approval granting authority, as applicable, Planning Board in lieu of or in addition to those listed above.

## **§ 275-20.6. Mitigation Payments.**

- A. In lieu of or in addition to the Applicant performing all or part of the mitigation measures which have been made a condition of the special permit or site plan approval, the SPGA or the site plan approval granting authority, as applicable, may require the Applicant to make a contribution into a Traffic Safety and Infrastructure Revolving Fund (the "Fund") of an amount at its discretion equal to a maximum of:
  - (1) \$300 per parking space for any commercial, manufacturing, or retail use.
  - (2) \$300 per loading dock for any distribution or warehouse facility.
  - (3) \$450 per residential unit.
- B. The Fund shall be held separate and apart from other moneys by the Town Treasurer. Any money in said Fund shall be expended only by majority vote of the Planning Board and Select Board and in accordance with the provisions of the Fund and the Requirements for Monetary Contributions

specified herein. The Fund may be used for the implementation of a Complete Streets program, traffic calming measures, maintenance and improving of traffic regulation and control, road improvements (including widening), traffic control signals, street lighting, pedestrian and bike improvements, sidewalks and other public improvements related to traffic safety. The cost of land takings necessary to accomplish any of the purposes listed herein shall be considered a proper purpose for the expenditure of money from this Fund. No money in this Fund shall be used for any purpose not included or directly related to the purposes listed above. Further, money paid by a specific applicant for a special permit or site plan approval under this section shall only be spent on mitigation measures related to said development, and specified as conditions in the special permit.

- C. Per written request of the Applicant, the SPGA or the site plan approval granting authority, as applicable, may allow the Applicant to directly implement a portion of the proposed mitigation measures identified in the Traffic Impact Assessment, and which have been made conditions of the special permit or site plan approval. The costs of those measures, itemized by cost category, as certified by the Town Engineer and approved by the SPGA, or the site plan approval granting authority, as applicable, shall be credited to the Applicant's payment to said Traffic Safety and Infrastructure Fund, and said payment shall be reduced by the certified amount.
- D. Funds: Potential uses of funds: Funds may only be used if the expenditure directly relates to the impact created by the development to which it applies. Funds may not be used to pay for existing deficiencies unless the deficiencies are increased by the new development. Requirements for Monetary Contributions: The SPGA or the site plan approval granting authority, as applicable, must:
  - (1) Establish a clear and proximate link between the impact of a development on the transportation network and how the mitigation funding will be used to remedy that impact;
  - (2) Establish a clear and well-defined process to monitor progress and compliance towards established goals.
  - (3) Specify a timeframe for the use of mitigation revenue and determine a process to return unspent sums of money outside of the established time frame.
  - (4) Hold the revenue in a specifically identified account that is monitored and reported on.
  - (5) Ensure a clear transfer of responsibility in the event of a change of ownership.

#### **§ 275-20.7. Completion of Mitigation Measures.**

A. No building permit shall be issued to an Applicant for a Special Permit or a site plan approval under this section until surety has been established in a sum sufficient to ensure completion of mitigation measures required by the SPGA or the site plan approval granting authority, as applicable, in the form of a 100% performance bond, irrevocable letter of credit, or escrow agreement. The sum of said surety shall be established by the SPGA, or the site plan approval granting authority, as applicable, with input from the Town Engineer, and be approved as to proper form and content by the Town's Treasurer.

B. No occupancy permit, permanent or temporary, shall be issued to an Applicant for a Special Permit or a site plan approval under this section until all required mitigation measures described in the Traffic Impact Statement and specified as conditions in the Special Permit or site plan approval have met the following conditions:

- (1) All required Mitigation Payments are received by the Town Treasurer.
- (2) All mitigation measures have been certified by the Town Engineer as complete and all public improvements have been accepted by the Town of Milton or the Commonwealth of Massachusetts, whichever is applicable;
- (3) All design, construction, inspection, testing, bonding and acceptance procedures have been followed and completed in strict compliance with all applicable public standards and have been certified by the Town Engineer.

C. If the Applicant fails to complete any required mitigation, the Town shall be authorized to complete such measures with the surety payments and with the Mitigation Payments to the extent required. Any expenditure by the Town of Mitigation Payments associated with correcting applicant's deficiencies shall be refunded to the Town by the Applicant prior to issuance of an occupancy permit, permanent or temporary.

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 Planning Board.

**RECOMMENDED that the Town vote to approve the article as printed in the Warrant.**

*COMMENT: This Article seeks to amend the Zoning Bylaw. This bylaw addressing Traffic Impact Mitigation was originally passed by Town Meeting at a Special Town Meeting in October, 2018. This amendment:*

1. *Ensures the requirements for Traffic Impact Mitigation apply to projects in business districts. The original version of this bylaw did not include this, which was an oversight.*
2. *Incorporates the updated Site Plan Approval bylaw that was passed at the annual Town Meeting in May of 2025 by updating the text to reflect that a project could be subject to a Special Permit or to Site Plan Approval, depending on the project.*
3. *Strikes the requirement that the Level of Service (LOS) shall never be below a "C" for Scenic Roads or a "D" for all other new or existing intersections. The Town has existing intersections that are below these thresholds, so this requirement is overly restrictive.*
4. *Strikes the requirement that the Special Permit or Site Plan Approval include conditions for how funds are spent. This change allows more flexibility to address traffic situations after projects are built, rather than mandating changes based upon predicted impacts.*

*The Planning Board held a public hearing for this zoning bylaw amendment on September 11, 2025 and there were no comments.*

*The Warrant Committee believes these changes bring this Bylaw up to date by correcting previous oversights and by reflecting the changes that have happened in Town since the Bylaw was originally written.*

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Town of Milton  
525 Canton Ave  
Milton, MA 02186

**Town Meeting will be held on  
Monday, October 27, 2025  
Beginning at 7:30 p.m.**

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59792  
BOSTON, MA

The Milton High School auditorium  
is reserved for additional Town Meeting  
sessions at 7:30 p.m. on:  
Tuesday, October 28  
Wednesday, October 29.