

DRAFT 2016 Annual Town Meeting Articles
2-17-16

Amend General Bylaws – Construction Start Time

Article ____.

To see if the Town will vote to amend the General By-Laws of the Town to add the following new Chapter:

CHAPTER 23
NOISE PREVENTION FROM CONSTRUCTION, RENOVATION AND REMODELING OPERATIONS

Section 1. Purpose and Intent.

This bylaw is adopted for the purpose of protecting the public health, welfare and safety of Town residents, by regulating noise resulting from construction, renovation and remodeling work or operations outside of certain hours, which can be considered disturbing to the surrounding neighborhood in certain circumstances.

Section 2. Prohibition of Certain Activities.

No person, corporation or other entity (excluding the Town of Milton, and, in an emergency, public utilities such as natural gas, electricity, telephone and water utilities) shall operate any equipment, machinery, power-operated tools, and/or construction trucks on the exterior of the premises of privately owned properties in connection with any construction, renovation and/or remodeling work or operations, except between the hours of 7:00 am and 7:00 pm between Monday and Friday, 8:00 a.m. to 5:00 p.m. on Saturdays, and 10:00 a.m. to 3:00 p.m. on Sundays and legal holidays. In the event of an emergency, a written permit may be granted for such activities to occur during a specific time on a single day outside of said hours restriction, with said permit to be issued by the Police Chief, Fire Chief, Director of the Department of Public Works, Health Agent, or Building Commissioner, subject to such terms and conditions as may be deemed appropriate by the permitting authority. The provisions of this section shall not apply to regular landscaping maintenance.

Section 3. Enforcement.

Any person or entity who violates this By-Law shall receive a warning for the first violation, shall be liable to the Town of Milton in the amount of \$50.00 for the second violation, and in the amount of \$300.00 for the third and each subsequent violation. Fines may be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with M.G.L. c. 40, § 21D. Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation. Enforcement of this bylaw may be by the Building Commissioner or his or her designee.

Section 4. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence or clause of this bylaw or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of said bylaw, to the extent permitted by law;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

Amend Chapter 10 of the General Bylaws – Bed & Breakfast

Article ___ To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, as follows:

Section I. Definitions is hereby amended by adding the following definition:

BED AND BREAKFAST: Temporary housing accommodations within an owner-occupied existing dwelling, limited to a minimum of four bedrooms and a maximum of ten bedrooms for paying guests and the serving of breakfast and afternoon snacks only for such guests.

Section III.A is hereby amended by adding a new Subsection 13, as follows:

Bed and Breakfast

1. Purpose: The purpose of this bylaw is to do one or more of the following: protect existing larger homes, often historic, by providing a new use; create an amenity for residents; provide temporary housing for visitors to the town, the town's institutions, and the town's residents; and/or derive revenue from the implementation of a sales tax allowed under Chapter 64G, Section 3(a) of the Massachusetts General Laws, added by Chapter 27, Section 60 of the Acts and Resolves of 2009.

2. A Bed and Breakfast may be authorized by a Special Permit granted by the Zoning Board of Appeals and subject to the following conditions:

- (a) The Bed and Breakfast shall be conducted in an existing single-family, owner-occupied dwelling and shall offer a minimum of four bedrooms and a maximum of ten bedrooms for paying guests. The Bed and Breakfast shall meet the dimensional requirements of Section VI. The minimum size of the dwelling shall be 5,000 SF.
- (b) The Bed and Breakfast special permit shall be issued to the owner of the property who must also live on the property as a primary residence at any time that the bed and breakfast is in operation. A separate living area must exist for the property owner that is physically separate and consists of at least 1 bedroom, 1 bathroom, 1 kitchen (may be shared with the bed and breakfast use), and 1 living area.

- (c) Guestrooms shall have a minimum of 150 SF and at least one (1) window. No more than two adults and two-children shall occupy a single guestroom at a time. 80% of guestrooms shall have an individual full bathroom.
- (d) Guests shall also have access to common living areas offering at least 100 square feet per bedroom and a dining area providing enough seating for 65% of the guests at the same time. The dining area may provide up to 25% of the required common living area.
- (e) Guests shall not have access to cooking facilities but may be provided with an area to store refrigerated items. Breakfast and afternoon snacks may be provided to bed and breakfast lodgers.
- (f) The length of stay for a Bed and Breakfast guest shall be limited to no more than four consecutive weeks.
- (g) There shall be no substantial change to the exterior of the building.
- (h) One exterior sign shall be permitted to identify the Bed and Breakfast. The sign may be illuminated by a single point of light focused down on the sign from above from dusk until 10PM. The sign shall not exceed eight (8) square feet in area. If a ground sign, it must be set back not less than half the depth of the front yard and may be no more than five (5) feet tall.
- (i) There shall be at least two off-street automobile parking spaces plus one off-street space per guest bedroom and one off-street space per outside employee at the busiest shift. Parking spaces shall conform with Section VII. Up to 20% of spaces may be tandem. Parking must be shielded from the adjacent properties with a buffer at least ten (10) feet wide and densely landscaped with trees and shrubs including a vegetative screen or fence at least five (5) feet in height. The trees and shrubs must be maintained in good condition. Parking is not allowed within the front-yard setback.
- (j) The Bed and Breakfast use shall be conducted in accordance with all applicable state and federal laws, including the Americans with Disabilities Act, and regulations and with all applicable municipal requirements, including regular inspections by the Board of Health.
- (k) The Bed and Breakfast Special Permit shall require a Site Plan Approval by the Planning Board incorporating recommendations from the Milton Board of Health, the Milton Fire Department, the Milton Police Department and the Milton Department of Public Works.
- (l) The Bed and Breakfast use shall be subject to receipt of an annual license from the Milton Board of Health, which shall be available for a fee that is reasonably set by the Milton Board of Health to cover any required annual inspections or other requirements as reasonably deemed appropriate by the Milton Board of Health.

(m) The Bed and Breakfast must meet the requirements of Site Plan Approval of Section VIII.D. Site Plan Approval.

and to act on anything related thereto.

Submitted by the Planning Board

Amend General Bylaws – Bed & Breakfast Tax

Article ____ To see if the Town will vote to accept the provisions of Chapter 64G, Section 3(a) of the Massachusetts General Laws, added by Chapter 27, Section 60 of the Acts and Resolves of 2009, which authorizes the Town of Milton to impose a local sales tax upon the transfer of occupancy of any room or rooms in a bed-and-breakfast establishment or hotel;

and to act on anything relating thereto.

Submitted by the Planning Board

Amend Chapter 10 of the General Bylaws – Non-Conforming Business Use

Article _____. To see if the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following Subsection ____ to Section III:

_____. Non-Conforming Business Use Bylaw.

In a residence district on a Lot which has contained either a non-conforming business use or a business use that has been allowed by either variance or special permit operating on at least 50% of the Lot within the two (2) years prior to date of application, a development combining a business use with another use (including Open Space) may be permitted by a Special Permit for a Non-Conforming Business Use Bylaw (NBU) issued by the Planning Board upon satisfaction of all requirements specified in this Subsection and upon other such terms and conditions as the Planning Board shall deem to be necessary, reasonable and appropriate. In the event that a Special Permit for NBU development shall be issued for a Lot, no use of the Lot may be made except as specifically authorized by the Special Permit. As used in this subsection ___, a “Lot” shall be deemed to include a lot or a combination of adjacent lots in single ownership not greater than 4.5 acres. A Lot may be expanded to include an area which is the lesser of three (3) times its existing area or 40,000 SF.

1. Purpose

The purpose of this subsection is to encourage reinvestment and quality development on lots which contain, or have contained, pre-existing non-conforming business uses by converting to a new business use and combining such use with another use so as to spur reinvestment; provide amenities for surrounding neighborhoods; promote the health and wellbeing of

residents by encouraging physical activity, walkable neighborhoods, and greater social interaction; promote the development of alternative housing types in Milton to complement existing single-family housing stock; address environmental concerns; improve building facades and streetscapes; provide meaningful and usable Open Space; and/or generate new tax revenues for the Town.

2. Allowable Uses

- (a) Any use allowed in a business district, and parking shall be permitted, in conjunction with another use, by a Special Permit for NBU development, except that converting to or expanding the following uses shall not be permitted: used car lots, motor vehicle dealerships, gasoline stations, car repair businesses, medical marijuana dispensaries, and sexually-oriented businesses.
- (b) Open Space (as hereinafter defined) so long as it is 35% of a Lot containing the NBU and is accessible to and usable by the public during daylight hours and without undue restriction.
- (c) Dwelling Units (as defined below)

3. Use and Dimensional Requirements/Operations

- (a) Business Use. In a NBU development, business use shall be the primary first-floor use and shall be located in that portion of the street level of buildings adjacent to and accessible from a street or adjacent to and accessible from the set-back area by which the building is set back from the street. Business use shall include entrances to and exits from buildings for both pedestrians and motor vehicles and space providing public amenities such as meeting space.
- (b) Hours of Operation. In a NBU development, hours of operation shall be limited to the most restrictive of the following: (a) 7AM to 10PM; (b) the opening and closing times of similar business located within 1,000 feet of the property; (c) the hours deemed to be harmonious with the surrounding neighborhood by the Planning Board.
- (c) All business activities, with the exception of parking, loading, and outdoor seating, must be conducted within enclosed buildings unless otherwise expressly permitted.
- (d) All business activities must present a plan for loading and unloading as part of the application that must be approved by the Planning Board. The loading plan must meet the following criteria:
 - a. Public roads and ways shall not be blocked
 - b. Loading vehicles shall not adversely affect the parking required as part of the Special Permit.
 - c. Loading must be restricted to specific hours of operation. The hours of operation must be consistent with Section 3(b) of this bylaw but may differ from the business hours of operation contained within the Special Permit at the discretion of the Planning Board.
 - d. Dedicated loading areas must be kept free of debris and odors and shall be screened from public ways.
- (e) Residential uses shall be condominium or rental dwelling units. In rental units, short-term occupancy (less than 9 months) will not be allowed. Each unit must contain its own kitchen and

bathroom facilities. Studio, 1-bedroom, 2-bedroom and 3-bedroom units shall be permitted. The minimum square footage per dwelling unit shall be 500 square feet.

- (f) Affordable Housing Units. Lots containing residential uses with less than ten (10) units shall provide for one additional dwelling unit to be used for an affordable dwelling unit suitably restricted so as to count on the state's Subsidized Housing Inventory (SHI) or its future equivalent, or in lieu thereof the application may provide for a monetary contribution to the Town's Affordable Housing Trust Fund in an amount which is reasonable, as determined by the Planning Board under the relevant circumstances. Lots containing residential uses with more than ten dwelling units, a number of dwelling units equal to 10% of the number of market-rate dwelling units (rounded to the nearest whole number) shall be suitably restricted affordable units so that these units shall count on the SHI or its future equivalent. When application of the 10% requirement, leaves a fractional share of $\frac{1}{2}$ or less, an appropriate monetary contribution to the Affordable Housing Trust Fund determined by the Planning Board shall be required.

4. Site Design Standards

In a NBU development, the site shall be planned and designed in such a way to preserve existing features which add value to the Town, including natural or man-made assets, historic or architecturally significant buildings, vistas, and similar assets through harmonious and thoughtful design. Lighting, landscaping and signage shall complement the site's character.

- (a) "Open Space" may be designed as an integral part of such development and shall enhance the development and the area in which the development is located. If the development is adjacent to a conservation resource area, some Open Space shall enhance public views and access to such resource area. Open Space shall be pervious areas dedicated to vegetation, lawns or public spaces. Insofar as permitted hereunder and subject to the approval of the Planning Board, Open Space may be used to provide access to underground utility services. The Planning Board may permit Open Space to be utilized for the coursing or temporary retention of storm drainage and associated underground drainage structures. As reasonably necessary No other structure may be erected or maintained on Open Land except as may be reasonably necessary for and incidental to the use of the Open Land, such as lamp posts, benches, small sheds, stone walls and fences. The number, characteristics and location of structures in the Open Land, if any, shall be subject to approval by the Planning Board.
- (b) Existing trees shall be incorporated into the development by using planning and construction techniques that will best protect such natural features. Trees with significant negative impact to commercial visibility may be removed with the approval of the Planning Board but shall be replaced onsite with a tree with a minimum caliper of 6" as measured at 4.5 feet from the base of the tree. In no case shall a site be clear cut. All plant materials shall be sized so that the landscaping has an attractive appearance at the time of installation and a mature appearance within three years of planting. At least 75% of new plant materials shall be native species. A landscaping plan shall be approved by the Planning Board prior to construction.
- (c) Bicycle parking shall be provided within 10 feet of the main building entrance in a single-use building and 30 feet from the majority of entrances in a multiple tenant building in a

visible and prominent location that is well-lighted and on a separate plane or otherwise separated from automobile parking.

- (d) **Setbacks.** New buildings and additions shall be in accordance with setbacks established in the underlying district. The Planning Board may allow a waiver of front yard setbacks in conditions where existing structures are within the front yard setback and/or when front yard setbacks are encroached upon on abutting properties. New parking may fall within a side or rear yard setback provided a landscape buffer of at least five feet is preserved or provided. New parking areas shall not be located within a front yard setback. Existing encroachments of underlying setbacks by buildings or parking may remain.
- (e) Lots shall be screened from neighboring properties by fencing, vegetation and/or landscape features.
- (f) **Lot Coverage/Floor Area Ratio.** In a NBU development, buildings shall not cover in excess of 35% of the lot. Buildings [containing no residential uses] shall not have a floor area ratio in excess of .70 times the area of the lot. Buildings containing residential uses shall not have floor area ratios in excess of 1.0.
- (g) **Dumpsters and Deliveries.** There may be one or more dumpsters as necessary to handle trash and refuse from the businesses but in any case not more than one dumpster for trash and one dumpster for recycling. Dumpsters shall be screened from neighboring residential properties with fencing and/or other landscaped features and shall emit no noxious odors. To the extent feasible, truck deliveries and the movement of and emptying of dumpsters shall be scheduled to occur between the hours of 8:00 AM and 3:00 PM.
- (h) **Sewer.** All disposal of sanitary waste shall be to the municipal sanitary sewer to which suitable connection can be made subject to any relevant impact fees.
- (i) All utility connections to the property must be brought onto and distributed throughout the Lot underground from the connection point at the perimeter of the property.

Applicants must demonstrate a reduction of storm water runoff from the site off at least 10 percent for any existing impermeable areas. All storm water associated with all new impermeable areas shall be retained onsite. Applicants shall implement Low Impact Development (LID) strategies whenever possible.

5. Building Design Standards

In a NBU development, each building shall be designed to be architecturally coherent, well sited on its lot, visually attractive, and compatible with and complementary to its neighborhood surroundings. New construction shall complement the character of existing historic resources in terms of style, materials, scale and massing as applicable.

- (a) **Building Height.** In a NBU development, new buildings [containing no residential uses] shall not contain in excess of two (2) stories, not including any basement level, and shall not exceed a height of thirty-five (35) feet above the average elevation of grade at the building footprint after construction as determined by the Planning Board. Buildings containing residential uses shall not contain in excess of three (3) stories, not including any basement level, and shall not exceed a height of forty (40) feet above the average elevation of grade at the building footprint after construction as determined by the Planning Board. In new construction, the clear height of the first floor shall be a minimum of twelve (12) feet to encourage and facilitate the use of the space for business

use. The Planning Board may permit protrusions of up to eight (8) 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 setting. The Planning Board may allow a cupola or clock tower at a reasonable height above the roofline so long as it has been shown to add significant merit to the building design.

- (b) A single unit for a business use on the ground floor of a mixed-use building must contain at least 800 square feet
- (c) The usable floor area of a single [non-residential] use shall not be more than 12,500 square feet.
- (d) Non-residential uses shall not be located above the second floor.
- (e) Building mass shall be varied to create a logical hierarchy of forms, to break up long unadorned expanses of façade, and to create visual interest through shade and shadow. Box-shaped structures without visual interest shall not be used.
- (f) In a development with more than one building, the buildings shall be designed and situated so that they work in harmony with each other. The back and sides of each building shall be given as much architectural care as the front. Each building, whether observed from the front, rear or sides shall present an attractive appearance and be an architectural whole.
- (g) Buildings shall have no blank facades and shall not present unrelieved flat surfaces. Building facades shall include in their detailing some form of repeating pattern that includes window and door arrangement, and color, texture and material changes. Retail buildings containing ground floor facades must display at least 75% transparency on facades facing public ways and parking areas and are encouraged to incorporate some combination of façade recesses, projecting or recessed display windows, overhangs, canopies or porticos, arcades or colonnades, peaked roof forms, arches or decorative details. Entrances should create architectural focal points and break up large facades. Multiple entrances may be appropriate to facilitate pedestrian access to individual businesses. Windows shall generally be recessed into the wall and have detailing around the openings such as sills and trim boards.
- (h) Building entrances shall be level with the public sidewalk or the onsite pedestrian walkways.
- (i) Roof lines shall be visibly coherent and architecturally well-defined. For all roof lines that exceed 30 feet in length there shall be at least one change in roof edge treatment. There shall be one additional change in roof edge treatment for each additional 30 feet in length. Roof edge treatments shall be coordinated with façade designs to provide emphasis to the building's primary entrances.
- (j) Exterior building materials and colors shall be selected to contribute to a harmonious design that is appropriate to the use(s) and surrounding context.
- (k) Exterior lighting fixtures shall be appropriate to the site and building design, be approved by the International Dark Sky Association, or, if such an association is no longer active, by a similar organization designated by the Planning Board, and be appropriately shielded to prevent any significant lighting over-spill into adjoining residential areas. Building equipment such as air handling units, condensers, transformers and the like shall be placed on the roof or at grade in locations screened by building or landscape elements. Acoustic barriers shall be incorporated to protect abutting properties as applicable.
- (l) Outdoor seating is encouraged where it is deemed appropriate for the use by the Planning Board.

- (m) All signage shall be externally lit with a shielded, downward pointing light. Building signage shall be displayed within a consistent building sign band and shall not obscure any architectural features of the building. A single blade sign shall be allowed for each first floor business, shall be placed at the primary entrance of the business and shall be no lower than 10 feet from the ground. No business may have more than two identifying signs on the building.
- (n) Pylon signs are not allowed.
- (o) A directory sign for a building with multiple businesses may be allowed at the primary entrance to the building.

6. Parking

In a NBU development, parking for business use shall be dependent on the type of business use. The number of parking spaces shall be determined by Sections VII.C and VII.D and VII.E or a lesser number of spaces determined to be adequate for the particular use by the Planning Board considering all relevant circumstances. Residential Uses shall require 1 space per bedroom but not to exceed 1.5 spaces per unit. Applicant shall designate an area for employee parking in the most remote section of the lot and shall enforce employee parking in this area. Employee parking areas may utilize tandem (stacked) parking spaces.

Parking standards for the number of ground-floor commercial uses may be reduced/waived at the discretion of the Planning Board where there is public parking provided within 1000 feet of the Lot or where parking may be provided on a different private lot within 1,000 feet with proof of ownership or long-term control of the lot through lease or easement.

Parking design shall generally comply with Section VII except as specifically stated herein. The Planning Board may grant, at its discretion, design waivers when site conditions make compliance with Section VII infeasible.

7. Neighborhood Involvement

Prior to submission of an application for a NBU development, the applicant shall meet with legal abutters and others from the surrounding neighborhood, including the neighborhood association, if any, to present and discuss the plan and to address concerns raised regarding potential impacts and benefits of the proposed development. An application shall include a description of issues raised at such neighborhood meetings and the means by which the application responds to such concerns if any.

8. Site Plan

A site plan for a NBU shall be part of the Special Permit application. The site plan may contain one or more plans prepared in a form suitable for recording by a Registered Professional Engineer or a Registered Land Surveyor, and in accompanying text and materials. Applicants are encouraged to secure the assistance of a Registered Architect or Landscape Architect in preparation of a Site Plan. A Site Plan approved by the Planning Board is a prerequisite of a Special Permit for a NBU granted under this

subsection, and construction of the NBU shall be in accordance with the approved Site Plan. The Site Plan shall show:

- a. An existing condition plan showing:
 - 1.) The existing topography of the land showing two foot contours.
 - 2.) A mapping of all wetlands, a description of all wetlands and any proposed alteration of wetlands.
 - 3.) Major site features such as large trees, wooded areas, rock-ridges and outcroppings, water bodies, meadows and stone walls.
 - 4.) Buildings, structures, curb cuts, driveways, parking areas and dumpster locations.
 - 5.) A description of any proposed removal or changes in these existing conditions.
 - 6.) Abutting parcels with building footprints indicated.
 - b. Photographs of existing conditions and adjacent parcels
 - c. Context map.
 - d. A proposed site plan layout and detailed landscaping plan indicating:
 - 1.) The siting, grading, and landscaping plan for all proposed streets, Open Land, parking areas, paths, walkways, patios, courtyards, driveways, dumpsters, lighting and structures.
 - 2.) A written description of the landscape characteristics of the site and its contiguous neighborhood and of the effects of the NBU on such characteristics, including the passage of water through the site and to and from contiguous property.
 - 3.) A written description of the site's current uses, such as watershed, wildlife habitat, woodland or meadowland and of the effect of the NBU on such uses and a written description of all measures proposed to deal with these impacts.
 - 4.) A statement of all significant impacts which the NBU is likely to cause and a description of all measures proposed to deal with these impacts.
 - 5.) The design of all structures. The plans shall include floor plans, roof plan, building elevations, site/building sections, and three-dimensional images/renderings.
 - e. Storm water and drainage calculations and the design and location of adequate storm water and drainage systems.
 - f. Utility Plan including designs for and locations of water, electric, gas, telephone and cable systems.
 - g. Traffic analysis
9. Submission of Permit Application to Other Boards

Every application for a special permit for a NBU under this subsection shall be referred to the Conservation Commission, the Historical Commission, the Board of Health, the Milton Fire Department, the Milton Police Department, and the Milton Traffic Commission. The

Conservation Commission and Board of Health shall act upon the referral in the same manner as upon an application for subdivision approval under the Subdivision Control Law. The Historical Commission shall advise regarding buildings and any site features as specified herein. Comments from all departments shall be submitted to the Planning Board and considered by the board in the creation of conditions within the Special Permit if issued.

10. Application Filing, Hearing and Decision

Every application for a special permit for a NBU shall be filed with the Town Clerk and ten copies of the application (including the date and time of filing with the Town Clerk) shall be filed forthwith with the Planning Board. The Planning Department shall review the application within two (2) weeks of receipt of the application and shall determine if it has met the requirements of this bylaw. Once the Planning Department determines the application is complete, the department shall forthwith transmit a copy of the application to the boards referenced in Section 9 above and shall specify the date of the public hearing. After due publication and notice, the Planning Board shall hold a public hearing within 65 days of filing of the application or within such further time as may be permitted by G.L. c. 40A, Section 9 (or a successor statutory provision) or within such further time specified by written agreement between the applicant and the Planning Board filed with the Town Clerk. After hearing, the Planning Board, subject to whatever terms and conditions which it deems necessary or appropriate, shall grant a special permit for a NBU pursuant to the authority of and subject to the standards set out in Section IX.C if it finds that those standards and all the requirements of this subsection have been met.

11. Permit Amendment

After a special permit for a NBU has been granted, the development may be altered or amended only upon an application for such alteration or amendment complying with the pertinent requirements of this subsection and after notice and public hearing and a finding by the Planning board that the alteration or amendment:

- (a) meets the requirements and purposes of this subsection;
- (b) is financially practical and in reasonable probability will be completed; and
- (c) is desirable or reasonably necessary.

In permitting an alteration or amendment, the Planning Board may impose such conditions or restrictions which it deems to be reasonably necessary to accomplish the purpose or satisfy the requirements of this subsection.

12. Expiration of Permit

In the event no substantial use of a special permit granted under this subsection is made and no substantial construction has commenced within two years of the Planning Board's decision (excluding any time involved in judicial review of the decision), the special permit shall expire, except for good cause. The Planning Board may set reasonable limits for completion of parts or of the whole of the development and may determine the order of construction.

13. Severability Clause

Please add

14. Recording of Permit

The Special Permit issued by the Planning Board shall be recorded with the Registry of Deeds by the Applicant at the Applicant's expense within thirty days after the Town Clerk has certified that the time for appealing the special permit has expired. A copy of the recorded document with the recording information shall be provided to the Town Planner promptly after recording;

and to act on anything related thereto.

Submitted by the Planning Board.

Amend Chapter 10 of the General Bylaws – Assisted Living Residence Development

Article _____. To see if the Town will vote to amend Section 10 of the General Bylaws known as the Zoning Bylaws by redesignating Subsection L of Section III ("Assisted Living Residence Development(ALRD)) (Article 43 on the May 2013 Warrant) as Subsection P of Section III. and anything related thereto.

Submitted by the Planning Board

Amend Chapter 6 of the General Bylaws – Dog Ordinance

Article _____.

To see if the Town will vote to amend the General By-Laws of the Town by deleting the existing Chapter 6, Section 22, and inserting in its place the following:

Section 22.

A. Definitions

"At large" means off the premises of the owner or custodian and not under the direct control of the owner or custodian by leash.

"Custodian" means a person who has temporary control of said dog.

All other terms shall be as defined by Massachusetts General Laws Chapter 140, Section 136A (or its successor provision).

B. License

All dogs, over the age of six (6) months must be licensed every calendar year. Any owner of a dog not licensed by May 1st of each calendar year shall be issued a fine of fifty (\$50.00) dollars, along with a notice to license dog within seven (7) days. The expiration of each seven (7) day period following such notice shall be deemed a separate offense. All such dogs acquired after May 1st of each calendar year shall be properly licensed with the Town within thirty (30) days of acquisition.

There is a limit of three (3) dogs per household unless a special exemption is made by the Animal Control Officer or his or her designee.

C. Restraint

No person shall allow a dog owned or kept by him or her to roam at large and without a restraint, such as, but not limited to, a leash or other tethering device in, upon or over any of the public streets, public ways, or public places within the confines of the Town of Milton or on, upon or over the private property of another without the expressed consent of said property owner. While on, upon or over the private property of the owner or Custodian, every effort must be made to deter the dog from being able to freely exit the said property.

The owner or Custodian of a dog which is not on the premises of the owner or upon the premises of another person with the knowledge and expressed consent of such person shall keep the dog under control by means of a leash or other tethering device not exceeding six (6) feet in length and of sufficient strength to control the actions of such dog.

Under no circumstances shall a dog, including but not limited to a dog on a leash or other tethering device, be allowed on private property, unless specific permission of the property owner has been expressly granted.

In any prosecution under this Section, the presence of such dog at large and without a restraint, such as, but not limited to, a leash or other tethering device upon premises other than the premises of the owner or Custodian of such dog shall be prima facie evidence that such knowledge and permission was not had.

Subsection C shall not apply to dogs used for and during the time of hunting, field trials, or farm purposes, or dogs being utilized by any law enforcement officer in the course of their duties.

D. Violations of Subsection C.

Any violation of Subsection C. hereunder shall be punished by a fine of thirty (\$30.00) dollars for the first offense, forty (\$40.00) dollars for the second offense and fifty (\$50.00) for the third and each subsequent offense, in addition to any penalty otherwise provided by law, including but not limited to Massachusetts General Laws Chapter 140, Section 157 and other general or special law. In addition, any violation of Subsection C. shall permit the Animal Control Officer to order the dog restrained or to impound the dog. In the event of such impoundment, return of the dog to the owner or keeper thereof shall not be made until after the payment to the Town of Milton of the sum of thirty-five (\$35.00) dollars together with ten (\$10.00) for each day the dog is held, which fee is for the approximate cost of impoundment. In the event a dog is impounded and unclaimed by the owner or keeper thereof within

seven (7) days of impoundment, the Animal Control Officer may petition a court of competent jurisdiction for an order concerning the disposition of such dog.

E. Animal Care

No dog shall be tethered to a stationary object for more than one (1) hour at a time. The tether should be manufactured specifically for dogs or which is made of a material with sufficient strength for that purpose, including without limitation coated steel cable. No dog shall be tethered to a stationary object with a material which may cause death or injury to the dog or which could become entangled around the body or limbs of the dog or could otherwise cause discomfort to the animal. The tether shall be at least five (5) times the length of the dog. No dog shall be tethered to a stationary object by a tether which is attached to a training collar on the dog's neck which, if the tether became tangled, could tighten causing death, injury or discomfort to the dog.

No dog shall be penned for a period longer than four (4) hours at a time without adequate food, water, shelter and pen space which is large enough for the dog to move around comfortably. Each pen shall meet the following requirements for such space:

Number of dogs	Dog Weight <50lbs	Dog Weight ≥ 50lbs
1	6' X 10' (60 square feet)	8' X 10' (80 square feet)
2	8' X 10' (80 square feet)	8' X 12' (96 square feet)
3	8' X 12' (96 square feet)	10' X 14' (140 square feet)

In the event a special exemption is granted for more than three (3) dogs, the Animal Control Officer or his or her designee shall determine the minimum space requirements for each pen.

F. Violations of Subsection E.

Any violation of Subsection E hereunder shall be punished by a fine of not less than twenty five dollars (\$25.00) and not more than two hundred dollars (\$200.00) for each offense. Each instance of such a violation shall constitute a separate offense.

G. Enforcement

The issuance of a fine shall not preclude the Town of Milton from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this Section.

H. Severability.

The provisions of this Section are hereby declared to be severable. If any provision, paragraph, sentence or clause of this bylaw or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of said bylaw, to the extent permitted by law.;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

Affordable Housing Trust Appropriation

Article ____

To see what sum of money the Town will appropriate to the Affordable Housing Trust; to determine how said appropriation shall be raised; and to act on anything related thereto.

Submitted by the Board of Selectmen

Land Transfer – Alvin Avenue

Article ____

To see if the Town will vote to transfer care, custody and control of the land described below to the Board of Selectmen for the purpose of conveyance of said land, and, further, to authorize the Board of Selectmen to convey to the Milton Affordable Housing Trust, for such consideration and on such terms as the Board of Selectmen shall determine, a parcel of land on Alvin Avenue containing approximately 0.215 acres or approximately 9,380 square feet, and shown on the Town of Milton's Assessor's Maps as Section G, Block 12, Lot 19;

And to act on anything related thereto.

Submitted by the Board of Selectmen

Safe Routes to School Easement

ARTICLE _____

To see if the Town will vote to authorize the Board of Selectmen to acquire on behalf of the Town, by gift, purchase, eminent domain, or otherwise, and on such conditions as the Board of Selectmen shall determine, temporary and/or permanent easements for the purpose of constructing new sidewalks and wheel chair ramps, and transitions thereto, as part of the East Milton Square Reconstruction Federal Aid project as administered by the Massachusetts Department of Transportation. Said easement areas are located within property on Adams Street, Granite Avenue, Bryant Avenue, Boulevard Street, Edgehill Road, Hollis Street and Bassett Street, in the vicinity of the East Milton Deck, and are shown on a preliminary plan set, a copy of which is on file with the Milton Department of Public Works; and, further, to see what sum of money the Town will appropriate for the

purposes of this article, and to determine whether such appropriation shall be raised by transfer from available funds, by borrowing under applicable provisions of law, or otherwise; and to act on anything relating thereto.

Submitted by the Board of Selectmen

Extension of Town Government Study Committee

Article _____ To see if the Town will vote to extend from December 1, 2016 to December 1, 2019 the term of the Town Government Study Committee, appointed pursuant to the vote of the October 2013 Town Meeting under Article 1;

and to act on anything relating thereto.

Submitted by the Town Government Study Committee

Citizens Petition – Playgrounds

The Milton Playground Planners respectfully submits this petition to see what sum of money the Town of Milton would commit to join our efforts in the renewal of the town's four existing playgrounds.