TOWN OF MILTON
2019

February Special Town Meeting

Monday, February 25, 2019

Milton High School Auditorium
7:30 p.m.

WARRANT

INCLUDING THE REPORT OF THE
WARRANT COMMITTEE AND
RECOMMENDATIONS ON ARTICLES
as required by Chapter 3, Section 4, of the
General Bylaws of the Town
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 on Gile Road, in said Milton on Monday, the twenty-fifth day of February next at 7:30 o’clock in the evening, then and there to act upon the following Articles to wit:

Articles 1-6

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-fifth day of February and leaving printed copies thereof at the dwelling houses of said Town at least fourteen days before the date.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk, on or before said twenty-fifth day of February, next.

Given under our hands at Milton this ninth day of January, two thousand and nineteen.

Richard G. Wells, Jr.
Michael F. Zullas
Melinda A. Collins
Kathleen M. Conlon
Anthony J. Farrington

A True Copy: Attest

William J. Neville
CONSTABLE OF MILTON
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In compliance with the Americans with Disabilities Act, this warrant can be made available in alternative formats. The February, 2019 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 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 and fragrances containing carcinogenic ingredients 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, etc. Attendees at Town Meeting are requested to avoid 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 restrooms, 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 the lobby entrance.
MESSAGE FROM THE MODERATOR
ROBERT G. HISS

Welcome to the 2019 Winter Special Town Meeting!

As many citizens know, Town Meeting provided for Special Town Meetings to address urgent business facing the town that could not wait for the following Annual Town Meeting held in May of each year. This year, your Warrant Committee has received and voted on 6 articles for your consideration. These articles exclude many of the typical articles Town Meeting considers in the Annual Meeting which has some implications of which you should be aware.

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

Secondly, since the articles are by definition special, I believe that none of them are candidates for a Consent Agenda like that which Town Meeting first considered in our May 2018 Annual Town Meeting. Accordingly, we will consider each of the articles individually in the order written in the Warrant.

Lastly, this Winter Town Meeting will operate under all the rules of our Annual Town Meeting as printed in your May 2018 Warrant.

I look forward to seeing you at 7:30 PM on February 25, 2019.

Robert G. Hiss

Town Moderator
Report of the Warrant Committee

The Warrant Committee has convened several times during the last three months to consider the six Articles included in the Warrant for the February Special Town Meeting. The membership has devoted significant time to researching, analyzing, discussing and considering each article that we are forwarding to the Town Meeting with our recommendations. In preparation for the Special Town Meeting, the Warrant Committee conferred with the several sponsors of the Articles before us. During the course of many presentations about the articles, the membership was able to question the presenters. The information from these presentations generated significant discussion and, in some cases, ignited disagreement that reflected the spectrum of opinion characteristic of an informed population.

The six Warrant Articles included in this Warrant consider articles recommending: the request of the Fire Station Building Committee for $2.7 million to develop construction drawings and to hire a state-mandated Owner’s Project Manager for the three new proposed fires stations; the sale/ disposition of the Kidder Branch by the Milton Public Library Trustees; the formation of a School Building Committee; two Articles from the Planning Board regarding building heights and setbacks in a prospective multi-acre upper Canton Avenue development in addition to a traffic mitigation proposal; and an authorization for the use of bond premium proceeds. Each article has been thoroughly discussed with its sponsors, with members of the Town Government and with interested residents. While the recommendations of the Warrant Committee may support the proposals, it is incumbent upon me, as Chair of the Warrant Committee, to relate that not all votes for the articles were unanimous nor was there always uniform agreement upon all of the recommendations. Despite having majority votes prevail, we cannot ignore that significant minority opinion should still be considered as part of a decision-making process. Consequently, I urge the readers of this Warrant to pay attention to the commentary sections accompanying each article as some will reflect the nuanced opinions of our discussions.

The February Special Town Meeting brings six timely articles for a vote on issues that are critical for our consideration. For example the School Committee has requested the formation of a Building Committee to address the increasing crowding of our schools that has occurred faster than anyone anticipated when the School Building program was contemplated less than twenty years ago. Demographic and economic factors have exerted pressure on our existing facilities with such intensity that there is a pressing need to explore solutions in an expedited fashion. While there was some discussion at the Warrant Committee concerning the premature nature of taking steps to form a School Building Committee, a majority of the membership accepted the urgency of the School Committee’s request to recommend the article for approval by the Town
Meeting. Additionally, there was significant concern among the Warrant Committee membership about the disposition of the Kidder Branch property in that an asset donated to the Town through the munificence of a past resident may be liquidated with limited benefit to the Town. In the end, the discussion adopted the reasoning of the Library Trustees that the generous gift had become something of a liability rather than an asset based on current trends in library needs. Hence our much debated recommendation for the approval of this article respects the judgment of the Library Trustees to deploy its assets appropriately while respecting the terms of Nathaniel Kidder’s bequest.

Bringing these articles to the Town Meeting serves two practical purposes from the Warrant Committee’s point of view. In the first place, it moves the Town’s business forward by several months and permits the administration to work on pressing issues during the present fiscal year. Secondly, it reduces our agenda for the Annual Town Meeting and permits us to focus on the budget which grows in complexity each year.

Once again, the Chair expresses his gratitude to the members of the Warrant Committee for their dedication and cooperation during a very busy time of the year to complete this Warrant. Our work as a group has been made easier by the support of the Select Board, Town Administrator and his staff, School Committee, Library Trustees, Planning Board and concerned citizens who work together to make Milton the community in which we are proud to live.

George A. Ashur, Ph.D., Chairman
Brian Beaupre, Secretary
Rosemary C. Bouzane
Jonathan Boynton
Erin G. Bradley
Kathleen A. Cassis
Kevin D. Cherry
Brian G. Foster
Christine J. Gimber
Clinton Graham
Christopher R. Hart
Susannah H. Hegarty
J. Thomas Hurley
Gwendolen Long
Douglas B. Scibeck
Lynne Hoye, Clerk
ARTICLE 1 To see if the Town will vote to raise and appropriate a sum of money for architectural and engineering design services, including production of construction documents, for a new Fire Headquarters and two Fire Sub-stations. In addition, the funding will also include the services of a State mandated Owner’s Project Manager (OPM). Determine whether the money will be provided by the tax levy, transfer from available funds, by borrowing or by any combination of these methods, or act in other manner in relation thereto.

Funds Requests: $2,700,000

Description: These funds will permit the design work for the new headquarters and two sub-station at the locations outlined below. Subsequent funding for construction will likely be requested at a Town Meeting in the fall of 2019.

Headquarters – Engine One: Town Center
Sub-Station – Engine Two: East Milton, Location TBD
Sub-Station – Engine Four: Atherton Street

and to act on anything relating thereto.

Submitted by the Fire Station Building Committee

RECOMMENDED that the Town appropriate the sum of $2,700,000 for the costs for architectural and engineering design services, including production of construction documents, for a new Fire Headquarters and two Fire Sub-stations and the services of a State mandated Owner’s Project Manager (OPM) and that to meet such appropriation, the Treasurer, with the approval of the Select Board, be authorized to sell and issue bonds or notes of the Town, aggregating not more than $2,700,000 in principal amount, pursuant to the provisions of Chapter 44, Section 7(7) of the Massachusetts General Laws, as amended, or any other applicable law and that the Select Board be authorized to accept grants or gifts from any other public or private funding source relating to this appropriation. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

COMMENT: The existing Fire Stations are old and in need of repair. The Main Fire Headquarters and the Atherton Street Firehouse are over 100 years old and the East Milton Fire house is almost 70 years old. Each building does not meet the space or operational needs of the 21st century fire department. It is not feasible to renovate any of these three facilities, as the cost to bring all three of the facilities up to today’s standards would not be cost effective and would not be sufficient to accommodate all necessary space and equipment needed for the
21st century emergency response operations. The Warrant Committee agrees that the thoughtful development of all three fire houses will be beneficial to the Town to ensure the safety of all residents.

ARTICLE 2 To see if the Town will vote to transfer the former Kidder Branch Library property at 101 Blue Hills Parkway from the Trustees of the Milton Public Library for library purposes to the Trustees of the Milton Public Library for the purpose of sale of said property, and further, to authorize the Trustees of the Milton Public Library to sell said property for such consideration and upon such terms as the Trustees of the Public Library deem appropriate;

and to act on anything relating thereto.

Submitted by the Trustees of the Milton Public Library

RECOMMENDED that the Town vote to transfer the former Kidder Branch Library property at 101 Blue Hills Parkway from the Trustees of the Milton Public Library for library purposes to the Trustees of the Milton Public Library for the purpose of sale of said property, and further, to authorize the Trustees of the Milton Public Library to sell said property for such consideration and upon such terms as the Trustees of the Public Library deem appropriate.

COMMENT: This article was brought forward by the Trustees of the Public Library to allow the Trustees to sell the former Kidder Branch Library property, located at 101 Blue Hill Parkway, that has housed a preschool since 2009 and is currently not used for library purposes. This property was deeded to the Town in 1928 by the Kidder House Association for the benefit of the inhabitants of the Town and the library branch was built in 1929. The land is located in a residence C Zoning District. The Kidder Library has not been used for its original purpose since 1996 and underwent renovations from 2007-2009, however, more extensive renovations would be needed for this structure to be utilized by the town.

The Trustees, beginning in 2015, started looking to sell property and hosted numerous Town departments to determine if there was interest from them and they also held multiple public forums for the community to offer input. The Town departments, including the school administration, have determined they cannot use the building for any current projects.

The property has been appraised at $1.2 million per the Trustees and their goal is to utilize this money for other library projects. It is important to note that with the sale, the Trustees must put the proceeds into a trust and may only use the interest (estimated at $30,000 annually) for proper public library purposes, per the deed and a Final Decree of the Massachusetts Judicial Court.
The property is a drain on the Trustees, who are currently acting as a landlord and the buildings current use does not further the mission of the library. Any renovations needed to fully utilize this building are above the annual income received and would require additional funding from the Town. However, this is a Town resource and quite possibly the last of the larger land gifts to the Town from one of its residents.

This article was discussed at length at the Warrant Committee with many questions raised about who it could be sold to, whether it could be used for another function for the Town and whether this resource should be sold at all. The vote showed how difficult the decision was to many on the committee in order to determine the best resolution for this article: 7 voted in favor, 5 against, and it should be noted that there were 2 absentees from the committee and the Chair did not vote.

ARTICLE 3 To see if the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, in Section III.Q, Subsection 7, Setbacks and Height, by inserting “, except with respect to a rear lot line” at the end of the fifth sentence, by inserting “providing frontage for the project” after “from an existing street” in the sixth sentence, and by inserting a new seventh sentence which provides a height requirement: As amended, Section III.Q, Subsection 7 shall read:

“7. Setbacks and Height. No new building in a Great Estate PUD shall be less than 250 feet from the lot line fronting on an existing street, and no new building in a Great Estate PUD shall be less than 175 feet from a side lot line or 100 feet from the rear lot line. No new roadway in a Great Estate PUD shall be less than 125 feet from a side lot line, 50 feet from the rear lot line or 125 feet from an existing driveway easement. A new roadway may traverse the 250 foot setback area connecting to an existing street approximately perpendicular to that existing street. All setback areas shall be suitably maintained in their natural condition or landscaped as hereafter provided. There shall be a 75 feet wide “No Disturbance Zone” parallel to the lot lines, except with respect to a rear lot line. New townhouse units shall not be constructed less than 550 feet from an existing street providing frontage for the project, provided that one or two new townhouse unit(s), designed with the appearance of a stable or carriage house in a traditional style and sited to create a grouping with a condominium unit or units in an existing house of similar style, totaling no more than three units, so as to give a unified and coherent traditional appearance to such grouping, may be approved. No building in a Great Estate PUD shall exceed 35 feet in height, provided that the pre-1900 dwellings may be retained and converted to condominium use at their original height.”

And to act on anything relating thereto.

Submitted by the Planning Board
RECOMMENDED that the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, in Section III.Q, Subsection 7, Setbacks and Height, by inserting “, which the Planning Board may waive in its discretion to allow for a roadway within 75 feet of a rear lot line” at the end of the fifth sentence, by inserting “providing frontage for the project” after “from an existing street” in the sixth sentence, and by inserting a new seventh sentence which provides a height requirement: As amended, Section III.Q, Subsection 7 shall read:

“7. Setbacks and Height. No new building in a Great Estate PUD shall be less than 250 feet from the lot line fronting on an existing street, and no new building in a Great Estate PUD shall be less than 175 feet from a side lot line or 100 feet from the rear lot line. No new roadway in a Great Estate PUD shall be less than 125 feet from a side lot line, 50 feet from the rear lot line or 125 feet from an existing driveway easement. A new roadway may traverse the 250 foot setback area connecting to an existing street approximately perpendicular to that existing street. All set back areas shall be suitably maintained in their natural condition or landscaped as hereafter provided. There shall be a 75 feet wide “No Disturbance Zone” parallel to the lot lines, which the Planning Board may waive in its discretion to allow for a roadway within 75 feet of a rear lot line. New townhouse units shall not be constructed less than 550 feet from an existing street providing frontage for the project, provided that one or two new townhouse unit(s), designed with the appearance of a stable or carriage house in a traditional style and sited to create a grouping with a condominium unit or units in an existing house of similar style, totaling no more than three units, so as to give a unified and coherent traditional appearance to such grouping, may be approved. No building in a Great Estate PUD shall exceed 35 feet in height, provided that the pre-1900 dwellings may be retained and converted to condominium use at their original height.”

COMMENT: This Article, which amends Chapter 10, Section III.Q, Subsection 7 of the Zoning Bylaws, applies to a Great Estate Planned Unit Development and is intended to clarify the applicable zoning. These zoning changes bring the previously approved Zoning Bylaws for the Great Estate Planned Unit Development in line with general Town Zoning Bylaws so the two are consistent in regard to setback and height requirements.

ARTICLE 4 To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by amending the Section entitled Traffic Impact Mitigation as follows:

1. By adding language that the Bylaw applies in Residence Districts and Business Districts as well as in a Planned Unit Development and in an Overlay District.
2. By adding language to clarify that in a Planned Unit Development, an Overlay District or a Residential District, the Bylaw applies to projects which require a special permit and which meet the threshold requirements for increase in floor area by percentage of existing floor area, for increase in gross floor area by square footage, or for required additional parking spaces.

3. By adding language to clarify that in a Business District the Bylaw applies to projects which require site plan approval and which meet the threshold requirements for increase in floor area by percentage of existing floor area, for increase in gross floor area by square footage, or for required additional parking.

and to act on anything relating thereto.

Submitted by the Planning Board

RECOMMENDED that the Town vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by amending the Traffic Impact Mitigation ByLaw as follows:

1. In the first paragraph, first line, reword the first clause to read: “In a Planned Unit Development District, an Overlay District or a Residential District where a special permit is required, or in a Business District where site plan approval is required, in either event”, and add a new final sentence which reads “This Bylaw shall not apply to a single residential structure which contains not more than 4 units”;

2. Insert “, or the site plan approval granting authority, as applicable” after “SPGA” wherever it appears;

3. In the Determination of Traffic Impact provisions, first paragraph, the first clause shall read: “An application for a special permit or site plan approval for a project subject to TIM shall include as compliance with all other applicable special permit or site plan approval requirements for the applicable Planned Unit Development District, Overlay District, Residence District or Business District a Traffic Impact Statement,”

4. In the Establishment of TDM Goals and Requirements Provisions, first line, delete “Planning Board” and insert in its place “SPGA or the site plan approval granting authority, as applicable”.

5. In the Establishment of TDM Goals and Requirements Provisions, last paragraph, first line, insert “or site plan approval” after special permit”. 
As amended, said Traffic Impact Mitigation ByLaw shall read.

TRAFFIC IMPACT MITIGATION

In a Planned Unit Development District, an Overlay District, and 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 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. This bylaw shall not apply to a single residential structure which contains not more than 4 units.

Purpose: The purpose of Traffic Impact Mitigation (“TIM”) is to protect the health, safety and general welfare of the inhabitants, businesses and other establishments of the Town of Milton.

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:

1. 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.

2. 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.

Determination of Traffic Impact:

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

1. 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.

   a. 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 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.

   b. 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 the SPGA or the site plan approval granting authority, as applicable with the recommendations of the Town Engineer.

   c. 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.

d. 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.

e. 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 by the project. Also, the Traffic Impact Assessment shall consider both on site and 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.

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.

Establishment of TDM Goals and Requirements:

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

- Provide staggered work hours (one hour increments) for at least 10% of the non-management work force.
• Provide preferential parking locations for all employees arriving in a car pool comprised of at least two licensed drivers.
• 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.
• 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.
• Provide a work at home option for at least one day per week for at least 10% of the total work force.
• Provide subsidized public transportation passes of at least 20% of the monthly pass cost.
• Provide secure and safe bicycle parking and storage
• Provide showers and lockers for bicyclists
• Provide a public bicycle sharing program
• Provide connectivity between adjacent bike storage sites and bike pathways
• Provide a fully connected sidewalk network
• Provide bicycle lanes
• Provide other programs designed by the Applicant and approved by the Planning Board in lieu of or in addition to those listed above.

All TDM plans shall be submitted to the SPGA or the site plan approval granting authority, as applicable as part of the special permit or site plan approval review process relative to this section. All TDM plans shall be subject to review by the Planning Department every two (2) years for compliance with previously approved TDM program terms and measures. At said time, if a particular TDM program is not being properly implemented, the applicant may revise said TDM program, and the SPGA or the site plan approval granting authority, as applicable may make revisions to maintain or improve its effectiveness. However, to meet the requirements of the special permit or site plan approval all projects must maintain the minimum number of TDM programs required by the SPGA or the site plan approval granting authority, as applicable as long as the development in question is operating under a special permit or site plan approval.

MITIGATION PAYMENTS

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 Fund (the “Fund”) of an amount at its discretion equal to a maximum of:
$300 per parking space for any commercial, manufacturing, or retail use
$300 per loading dock for any distribution or warehouse facility
$450 per residential unit

The Fund shall be held separate and apart from other moneys by the Town Treasurer. Any moneys in said fund shall be expended only by majority vote of the Planning Board and Board of Selectmen and in accordance with 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 moneys from this Fund. No moneys 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 or site plan approval.

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.

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 or responsibility in the event of a change of ownership

Completion of Mitigation Measures

No building permit shall be issued to an Applicant for a Special Permit or 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.

No occupancy permit, permanent or temporary, shall be issued to an Applicant for a Special Permit or 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:

a. All required Mitigation Payments are received by the Town Treasurer
b. 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;
c. 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.

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.

COMMENT: This Article, which amends Chapter 10 of the General Bylaws, known as Zoning Bylaws, is intended to clarify that the Bylaw would be applied consistently to Residence Districts, Business Districts, Planned Unit Developments and Overlay Districts. These zoning changes clarify that Planned Unit Developments, Overlay Districts or Residential Districts which require special permits will meet threshold requirements while Business Districts which require site plan approval will also meet applicable threshold requirements. The Article amendment will provide consistency in application of the Bylaws.

ARTICLE 5 To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or to take any other action relative thereto.

Submitted by the Select Board

RECOMMENDED That the Town vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

COMMENT: This article considers the allocation of premiums associated with the serialized nature for the Town’s recent issuance of bonds to fund various capital projects. The intent of this article is to permit the Town to match to the premium associated with bonds issued in tranches of 5 to 30 year maturities with projects of the same life span.

ARTICLE 6 To see if the Town will vote to establish a School Building Committee for the purpose of planning the construction, alteration, renovation, remodeling, and furnishing of school buildings; to authorize the Moderator to appoint nine members to serve on the committee, two of whom shall be members of the School Committee; to see what sum of money the Town will vote to appropriate for the committee’s purposes, including without limitation for the retention of architectural or other consultation services and for
preliminary schematic drawings and specifications; to determine how said appropriation shall be raised, whether by borrowing or otherwise;

and to act on anything relating thereto.

Submitted by the School Committee

RECOMMENDED that the Town vote to establish a School Building Committee for the purpose of planning the construction, alteration, renovation, remodeling, and furnishing of school buildings and to authorize the Moderator to appoint nine members to serve on the committee, two of whom shall be members of the School Committee and two of whom shall be members of the Select Board or its designees.

COMMENT: The School Committee requested the formation of a Building Committee. The basis for this request is that Milton’s school age population appears to be growing faster than previous estimates had exhibited. This is due to several factors which include: higher admissions of school age children due to relocations into the Town, fewer families choosing parochial or independent schools for their children based on economics, convenience, or the desire to make use of our highly-rated school programs for purely academic reasons. To this end, the Superintendent and the Chair of the School Committee presented data illustrating the rapid growth of the school aged population in the past five years and the projected growth for the next several years. Included in their reports was compelling evidence of the unavoidable conversion of music, art, computer and other specialized rooms within the schools into general use classrooms in order to accommodate this growth in the student bodies at each building in town. In past situations of this nature, exploratory committees have been convened by the school department or the Town Meeting to conduct research and to develop options for consideration. However, given the magnitude of this problem the Warrant Committee voted to recommend for approval the School Committee’s article in order to expedite a process that may result in further requests for funds to expand existing schools or to construct new ones. The Warrant Committee’s discussion was intense and the vote was more divided than others have been given the potential expense which building projects of this nature imply. However, the majority’s prevailing rationale was that the Town Meeting and the residents of Milton should be aware of the existing situation and start to develop alternatives and the costs of implementing them. The Warrant Committee recommends approval with the specification that two members of the School Building Committee be members of the Select Board or its designees.
Town of Milton
525 Canton Avenue
Milton, MA 02186

February Special Town Meeting will be held on
Monday, February 25, 2019
Beginning at 7:30 p.m. at the
Milton High School Auditorium

The Milton High School Auditorium
is reserved for an additional February Special Town Meeting
Session at 7:30 p.m. on Tuesday,
February 26, 2019

ECRWSS
POSTAL CUSTOMER RESIDENT
MILTON, MA 02186