

TOWN OF MILTON 2017



October Town Meeting

Monday, October 23, 2017

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

2017
OCTOBER 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 on Gile Road, in said Milton on Monday, the twenty-third day of October next at 7:30 o'clock in the evening, then and there to act upon the following Articles to wit:

Articles 1- 14

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-third day of October 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-third day of October, next.

Given under our hands at Milton this fifteenth day of September, two thousand and seventeen.

David T. Burnes
Kathleen M. Conlon
Richard G. Wells, Jr.

A True Copy: Attest

Stephen Freeman
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 October 23, 2017 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 Board of Selectmen 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 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 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 section nearest the lobby entrance."

REPORT OF THE WARRANT COMMITTEE FOR THE 2017 OCTOBER TOWN MEETING

The Warrant Committee is pleased to present Town Meeting and the residents of Milton with our recommendations for action on fourteen articles submitted to the October Town Meeting convening on Monday, October 23, 2017.

Article 34 of the 2012 Annual Town Meeting Warrant, as voted by Town Meeting, established a schedule of spring annual town meeting and fall special Town Meetings to replace the previous annual May and floating Fall/Winter Special Town Meetings. Always scheduled for the fourth Monday in October, our fifth scheduled special October Town Meeting is October 23, 2017 at the Milton High School Auditorium, beginning at 7:30 p.m. If needed, a second night will be held October 24, 2017, also at the Milton High School Auditorium and also beginning at 7:30 p.m.

The Warrant Committee has begun this current session with a significant number of new members bringing with them both diverse and distinguished backgrounds and capabilities. We have held four meetings to consider the business of the Town as requested by the Board of Selectmen, the Planning Board, the Historical Commission, and the Town Government Study Committee. These requests are included in the several articles for consideration at the Special Town Meeting on October 23. The articles vary in complexity and scope ranging from a request to transfer funds from the retained earnings account of the Water Enterprise Fund to eliminate the need for increased water rates in the present fiscal year, to an extended review period required before the demolition of historically significant structures in the town. Community members will appreciate the variety of issues addressed by the Warrant Committee as they review the specific articles detailed below.

A proposal to amend Chapter 13 of the General Bylaws regarding changes to the responsibilities of the Town's Personnel Board was submitted by the Town Government Study Committee and the Board of Selectmen. The Warrant Committee devoted significant time to discussing the ramifications of the request following detailed presentations from members of the proposing bodies and the Personnel Board. The recommendation to refer the proposal to the Town Government Study Committee reflects our opinion that the proposal's drafting required further refinement. Additionally, a comparison of the personnel policies observed in neighboring towns exhibited a more comprehensive approach to human resource issues than is evident in Milton's approach. Some members of the Warrant Committee were further persuaded that the proposed change of this bylaw could adversely affect the checks and balances between the Town Administrator responsible to the Board of Selectmen and the Personnel Board appointed by the Town Moderator regarding personnel hiring decisions in Milton. The Committee's

intent by referring the proposal for further study is to encourage discussion and collaboration among the Town Government Study Committee and the Personnel Board to refine and develop the Town's Personnel policies in a more systematic and thorough manner.

The Warrant Committee considered two articles respecting the establishment of new bylaws prohibiting recreational marijuana establishments in Milton. The Warrant Committee recommends adoption of the proposed prohibition following the sentiment expressed in the vote of the Town electorate last year to prohibit such establishments.

The remaining articles are detailed in this report. They reflect the continuing effort in Town Government to provide definition to issues affecting the general needs of the community. The Warrant Committee is dedicated to addressing each request in a responsible and thorough manner following sufficient deliberation. In order to properly consider all aspects of each request the Warrant Committee requires information in a timely fashion to avoid hurried or haphazard recommendations to the Town Meeting. To that end, we may request more lead time for requests before rendering a recommendation, particularly for complex financial and budgetary issues.

We are fully prepared to cooperate with the various committees and agencies of the Town Government to conduct the Town's business. Given the importance of the issues brought before the Warrant Committee we believe that our primary responsibility is to provide the most thoroughly-reasoned recommendations to Town Meeting. Our practice will be to accomplish this in a disciplined, rigorous and methodical manner. The result of our analyses and recommendations are designed to provide the community with the assurance that we labor in their interest and for the greater good of the Town of Milton.

My thanks to the members of the Warrant Committee who have devoted many hours preparing for meetings and spending many evenings discussing these warrant articles before Town Meeting. Their dedication to this work is an example of the best in responsible citizenship and service to our neighbors.

Respectfully submitted, September 19, 2017

George A. Ashur, Chair
Jonathan Boynton
Jean Eckner
Christopher Hart
Chuck Karimbakas
Gwendolyn Long
Maggie McAweeney

Brian Beaupre, Secretary
Kevin D. Cherry
Clinton Graham
J. Thomas Hurley
Lucinda Larson
Scott D. MacKay
Jonathan Schindler

Douglas B. Scibeck

ARTICLE 1 To see if the Town will vote to amend the vote of the 2017 Milton Annual Town Meeting under Article 22 amending certain amounts as set forth in the table below:

	Current Recommended	Addition (Reduction)	Revised Recommended
WATER ENTERPRISE REVENUE:			
Rate/User Fee Revenue	6,357,624	(430,000)	5,927,624
Service & Miscellaneous Revenue	200,000		200,000
Retained Earnings		430,000	430,000
Investment income	-	-	-
Total Revenue	6,557,624	-	6,557,624

WATER ENTERPRISE COSTS:

Direct Costs:

Salaries & Wages	831,698	-	831,698
Expenses	400,800	-	400,800
Capital Outlay	365,000	-	365,000
Debt Service	965,654	-	965,654
MWRA Assessment	3,509,472	-	3,509,472
Subtotal Direct Costs	6,072,624	-	6,072,624
Indirect Costs	485,000	-	485,000
Total	6,557,624	-	6,557,624

and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to amend the vote of the May 2017 Milton Town meeting under Article 22 amending certain amounts as set forth in the table below:

	Current Recommended	Addition (Reduction)	Revised Recommended
WATER ENTERPRISE REVENUE:			
Rate/User Fee Revenue	6,357,624	(430,000)	5,927,624
Service & Miscellaneous Revenue	200,000		200,000
Retained Earnings		430,000	430,000
Investment income	-	-	-
Total Revenue	6,557,624	-	6,557,624

WATER ENTERPRISE COSTS:

Direct Costs:

Salaries & Wages	831,698	-	831,698
Expenses	400,800	-	400,800
Capital Outlay	365,000	-	365,000
Debt Service	965,654	-	965,654
MWRA Assessment	3,509,472	-	3,509,472
Subtotal Direct Costs	6,072,624	-	6,072,624
Indirect Costs	485,000	-	485,000

Total	6,557,624	-	6,557,624
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COMMENT: The Director of the Department of Public Works in his report dated August 14, 2017 recommended to the Board of Selectmen in their capacity as the Town's Water & Sewer Commissioners the water rates for FY 2018. The Board of Selectmen subsequently voted approval of these rates. The rates were calculated with the inclusion of the retained earnings (surplus) proposed in this article, effectively resulting in no Water rate increases to the users for FY 2018. In spite of the application of the retained earnings, the Retained Earnings balance of the Water Enterprise Fund remains at a prudent level.

ARTICLE 2 To see if the Town will vote to amend Chapter 13 of the General Bylaws, known as the Personnel Administration Bylaw, by deleting Chapter 13 in its entirety and replacing it with the following; and to act on anything relating thereto.

CHAPTER 13

PERSONNEL ADMINISTRATION

Section I. Enabling Laws

By virtue of authority established under Massachusetts General Laws, Chapter 41, Sections 108A and 108C, as amended, and all other acts thereto enabling, there is hereby established a plan pertaining to wage and salary determination and personnel administration of the Town to be known as the Personnel Administration Plan, and sometimes hereinafter referred to in this Chapter as the "Plan."

Section II. Application Coverage

All Town departments and positions in the Town service for which compensation is paid (whether full-time, part-time, seasonal, casual, special, Civil Service or others) shall be considered as being within the scope of coverage unless otherwise stated, and shall be subject to, and have the benefits of this Chapter with the following exceptions and/or limitations:

A. In conformance with Chapter 41, Section 108, of the General Laws, as amended, salaries paid to elected Town Officials shall be established annually by vote of Town. The Personnel Board may make recommendations as to equitable salaries for these positions.

B. Positions and matters under the direction and control of the School Committee in conformance with Chapter 41, Section 108A, of the General Laws, as amended, shall not be included unless such inclusion shall be at the specific request of the School Committee.

Section III. Administration (General)

A. Personnel Board

1. Appointment Procedure

There shall be a Personnel Board, consisting of five (5) unpaid members, each of whom shall be appointed by the Moderator for a term of five (5) years, beginning the first day of June in the year of appointment. Terms of service shall be so arranged that the term of one (1) member expires each year. Every member shall serve until his/her successor has been appointed. There shall be a Chairman of the Board, designated by the Moderator each year and he/she shall hold office for one (1) year beginning on the first day of June and until his/her successor is appointed.

Vacancies in the membership of the Board shall be filled by the Moderator to cover the unexpired term of the vacated member. In the event of a vacancy in the office of Chairman, the members of the Board shall elect a Chairman to serve until the next first of June.

2. Board Membership

No Board members shall be in a paid service of the Town, whether elected, appointed or hired.

B. General Administration Authority of Personnel Board

The Personnel Board shall administer the provisions of this Chapter and shall resolve all questions arising thereunder. The Personnel Board shall, from time to time, establish rules for the administration of the Plan and the conduct of its affairs not inconsistent with this Chapter, and may at any time amend or revoke the same. Such rules shall include specifications for minimum requirements of every classified position. No person shall be employed by the Town unless in the opinion of the Town Administrator, such person meets said requirements.

The Personnel Board shall from time to time review job classifications and job descriptions covered by the Plan and the salary schedules provided in the Plan.

The Plan shall not be amended except at an Annual Town Meeting, but the Personnel Board, upon the recommendation of the Town Administrator and the appointing authority, may add, abolish or reclassify positions in the Plan, and so far as permitted by law, change salary rates, all such action to be effective until the final adjournment of the next Annual Town Meeting.

The Personnel Board shall maintain the employee classification plan and salary schedules. This plan and these schedules may be subject to applicable law or collective bargaining agreements. In the event of any conflict with applicable law or with a collective bargaining agreement, the provisions of applicable law or the collective bargaining agreement currently in effect shall take precedence.

The Personnel Board shall approve the creation of new employment positions in Town Departments and advise the Warrant Committee on the same.

The Town Administrator or other appointing authority, shall provide information to the Personnel Board on all new hires and promotions as they occur, and the Personnel Board may review, advise and/or report to the Town Administrator or other appointing authority on all promotions and new hires of Town employees in a timely fashion.

The Town Administrator or his/her delegate, has authority over the entire Human Resources and payroll process following the hiring of all Town employees.

The Personnel Board is authorized to advise the Town Administrator during the collective bargaining planning process on developing economic and non-economic trends, potential proposals and anticipated outcomes, but shall not participate during the actual collective bargaining process.

The Town Administrator and other appointing authorities shall ensure fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, gender, gender identity, sexual orientation (which shall not include persons whose sexual orientation involves minor children as the sex object), marital status, handicap/disability or religion. The Personnel Board shall oversee development, implementation and adherence to these policies and shall report to Town Meeting on compliance with these policies.

The Board of Selectmen shall establish and periodically review affirmative action and equal employment goals and guidelines for the Town.

The Personnel Board, with the cooperation of the Town Administrator, shall monitor and strive for diversity in the Town workforce by, among other things, promoting and overseeing compliance with the Town's affirmative action and equal employment opportunity guidelines and goals for all departments.

The Personnel Board shall report annually in writing to the Town, prior to the Annual Town Meeting, on the classification and salary schedules of the Town and the efforts of the Town to achieve the goals and policies of this bylaw.

C. General Administration Authority of Town Administrator

1. Authority

Notwithstanding any other provisions of this Chapter, the Town Administrator shall be entrusted with the administration of the Town personnel system, in conjunction with the Personnel Board, which shall include, but not be limited to: personnel by-laws, personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, and collective bargaining agreements entered into by the Town.

2. Appointing Authority.

Pursuant to Chapter 65, section 2(d) of the Acts of 2016, subject to the civil service laws and any collective bargaining agreements as may be applicable, the Town Administrator shall appoint, supervise and direct all department heads (except for the consolidated facilities director) and town employees, who are under the jurisdiction of the Board of Selectmen.

3. Staffing Requirements

The Town Administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each Town department or entity, except the school department.

4. Compensation of Employees

The Town Administrator shall fix the compensation of all appointed officers and employees within the limits established by appropriation of Town Meeting.

5. The provisions of this Subsection C shall apply to all Town employees, including, without limitations, employees who serve under elected or appointed Town boards, commissions and committees, excluding only the school department.

D. Records and Information

Each department, committee and board of the Town shall, furnish the Personnel Board with all facts, figures and other information pertaining to the employees of the Town under their respective jurisdiction, as the Board shall require.

Section IV. Wage and Salary Determination

A. The Plan

A classification and compensation plan (the Plan) utilizing formal position evaluation procedures and a consideration of general current wage levels as a basis for determining equitable rates of compensation is hereby established. The Plan requires the maintenance of accurate and detailed job descriptions and position requirements, the proper evaluation of same through the use of established job evaluation methodologies and the classification of said positions into job and salary grades.

B. Current Classifications and Compensation Values

All positions are hereby classified into groups or grades that represent substantially similar over-all requirements, as evaluated, in accordance with the Plan set forth in Section IV - A above. These values are contained in Salary and Job Schedules referenced above. These schedules include minimum and maximum wage and salary rates, with intermediate step-rate increases, and reflect the value of specific services as currently performed. There shall not be a requirement to include the current schedule of weekly employee pay rates in a warrant article that seeks to amend the Salary Schedule of the Plan.

C. Implementing the Plan

No present employee's wage or salary or paid vacation shall be reduced as a result of the implementation of this Plan. Any existing rates of present employees above the maximum shall become Personal Rates and shall apply only to the present incumbent. Such rates are not subject to general increases until such time as these rates are less than the Grade maximum as indicated in the Plan. When the incumbent leaves the employ of the Town, or is transferred to another position that carries a higher rate than his Personal Rate, or voluntarily changes to another position, the Personal Rate shall disappear. No other employee assigned to or hired for the position shall advance beyond the maximum of the job.

D. Operating the Plan

1. Job and Position Descriptions

The Personnel Board shall oversee the maintenance of up-to-date descriptions for each job or position in the Plan, describing the specific duties, requirements and characteristics of each, so as to permit a fair evaluation and/or re-evaluation.

These descriptions shall not be interpreted as being a complete or limiting definition of job requirements and it is expected that the employee will perform any duties assigned by those performing supervisory functions.

2. Job and Position Evaluation and Re-evaluation

As new jobs or positions are added to the Plan, or as changes take place in the specific requirements of those already evaluated, they shall be evaluated in accordance with the established procedures to determine the grade or change in grade, if any, resulting from such evaluation.

3. Changes of Grade

An employee advancing to a higher grade shall start at the lowest step in the new grade which does not reduce his/her compensation, provided, however, that the Town Administrator may start such employee in a higher step than prescribed when the Town Administrator concurs with the written opinion of the Department Head that special circumstances warrant such action. The signature of the Personnel Board Chair is required to effectuate such action.

4. Step Rate Advances

Employees may be advanced by merit increases within their salary grade, one step each year as of July first, until the maximum is reached. A new employee may be eligible to advance on July first to the next higher step of his grade if he has been in continuous town employment for at least three (3) months. If the employee has not been so employed for at least three (3) months, the employee shall not be eligible for advancement until the second July first after employment. Every increase shall be made on the basis of merit only, upon the recommendation of the Department Head and with the approval of the Town Administrator.

Where differences may exist, the employee may be granted a hearing for the purpose of receiving a clarification of the basis or decision in this area.

5. Classification of New Employees

The Personnel Board shall be notified of all requisitions for persons to fill positions or perform duties, subject to the Plan and shall advise upon the appropriate classification to which such person shall be assigned. Persons who have resided in the Town for at least one (1) year immediately prior to the date of the filing of the requisitions to fill a position shall be granted a preference to be hired for said position ahead of persons who have not so resided. The Town Administrator may waive this requirement in any case where the appointing authority furnishes written reasons that the Town Administrator deems sufficient. In the case that the Town Administrator is the appointing authority, the Chair of the Board of Selectmen may waive this requirement when the Town Administrator furnishes written reasons that the Chair deems sufficient.

6. Overtime

The unit of measure for establishing each rate of compensation is the hour. Normal hours of employment are thus made a part of the salary and job grade schedules as referenced above. Deviation from these normal hours after forty (40) hours/week, with the exception of the Fire Department whose normal workweek is forty-two (42) hours, becomes the basis for overtime consideration except as otherwise stated. It is to be assumed that all work hour schedules will be determined with a consideration of all laws affecting hours of employment. For services rendered beyond forty hours (40) in any one (1) week, or forty-two (42) hours in the case of the Fire Department, overtime may be paid up to one and one-half (1 ½) times the regular rate of pay, time off equal to the overtime served may be granted, or such extra pay and time off may be combined to compensate for the overtime hours. The payment of overtime will be determined under federal and state wage and hour laws.

7. The Personnel Board shall establish policies and procedures governing fringe benefits to be granted to employees who are covered by this Chapter, including without limitation paid holidays, vacations, sick leave, paid leave for jury duty or for military duty, retirement, extra compensation for extended service, bereavement leave, accumulated sick leave, personal days and maternity-adoption leave. Such fringe benefits shall comply with applicable requirements of federal law and Massachusetts law. The Personnel Board shall oversee the maintenance of written records of all fringe benefit policies and procedures.

Section V. Miscellaneous General Provisions and Policies

A. The total number of persons employed by the Town temporarily or otherwise shall not be increased without the approval of the Personnel Board.

B. No Department Head or employee receiving compensation from the Town may engage in private work that has any relation to Town affairs or to their official duties or responsibilities.

C. Employees shall not receive compensation by way of salaries, wages or fees from more than one department, Board or Committee unless such compensation is

approved by the Personnel Board and is in compliance with Massachusetts General Laws Chapter 268A, and other applicable law.

D. Provisions in this Chapter requiring or authorizing payments of compensation are in every case subject to appropriations being made, from time to time, by Town Meeting, unless such payments are otherwise authorized by law.

E. If any provision of this Plan shall conflict with any Civil Service Law or any other law presently or hereinafter in force, such a provision of this Plan shall be deemed modified, but only to the extent required to conform to law.

F. The invalidity of any section or provision of this Chapter shall not invalidate any other section or provision thereof.

G. All personnel policies referring to regular part-time employees' proportionate benefits will be calculated based on the number of part-time hours worked per week as compared to the number of full-time hours worked per week within the same position classification.

Section VI. Dispute Resolution Process

There shall be a dispute resolution process available to those employees of the Town who are covered by the Plan, not covered by a collective bargaining agreement and not covered by an employment contract. As used in this section, the word "dispute" shall be construed to mean a dispute between an employee and his/her supervisor(s) concerning discharge, removal, suspension, layoff, transfer, or reduction in compensation or rank. Only employees who have completed a six-month probationary period shall be eligible to initiate a dispute resolution process.

Step I. The employee shall take up his/her dispute orally with his/her immediate supervisor who shall reach a decision and communicate it orally to the employee within three (3) working days from the date on which the incident, giving rise to the dispute, has occurred.

Step II. If the dispute is not settled at Step I, the employee shall within five (5) working days thereafter present his/her dispute in writing to his/her supervisor who shall forward it to the department head who shall hold a hearing within five (5) working days. Within five (5) working days of the hearing the department head shall render his decision in writing to the employee.

Step III. If the dispute is not settled at Step II, all records and facts in the case shall be referred to the Town Administrator for adjudication. If the Town Administrator finds that the action of the supervisor was justified, such action shall be affirmed, otherwise the action relating to the employee may be reversed and/or modified and the employee may be returned to his/her position with or without loss of compensation. Within ten (10) working days of the hearing the employee shall be notified in writing through the department head as to the decision of the Town Administrator, which shall be final.

Submitted by the Town Government Study Committee and the Board of Selectmen

RECOMMENDED that the Town vote to refer the article to the Town Government Study Committee for further study to be reported back as an Article at the Annual Town Meeting in May 2018.

COMMENT: The proposed article would rewrite the Town's Personnel Administration general bylaw, known as Chapter 13, to transition certain responsibilities currently entrusted to the Personnel Board to the Town Administrator and add additional oversight and policy-making responsibilities to the Personnel Board.

Under the rewritten bylaw the Personnel Board would continue to have the following duties:

- *Upon the recommendation of the appointing authority, approve the creation of new employee positions and advise the Warrant Committee*
- *Maintain the employee classification plan for the Town*
- *Maintain and recommend to Town Meeting pay adjustments for Chapter 13 employees who are not department heads (The change in the Town's charter to move to a strong town administrator expressly bestows to the town administrator the power to hire department heads under the control of the town administrator.)*

The following duties and responsibilities would be added to the Personnel Board:

- *Review job classifications and job descriptions and salary schedules*
- *Advise the Town Administrator during the collective bargaining planning process on developing economic and non-economic trends, potential proposals and anticipated outcomes*
- *Promoting and overseeing the Town's implementation of Affirmative Action goals and EEO guidelines for all departments and report to Town Meeting on said implementation.*
- *Receive information from the appointing authorities on new hires and promotions and the Personnel Board may review, advise, and report to the Town Administrator or other appointing authority on the new hires and promotions*
- *Report in writing to the Town Meeting on classification and salary schedules and the efforts of Town departments to comply with goals and policies of the bylaw*

The following duties would be moved from the Personnel Board to the Town Administrator with the Personnel Board maintaining oversight powers and responsibilities:

- *Responsibility for maintaining employee records shifted from the Personnel Board to the Town Administrator*

- *Responsibility for approval of step raises shifted from the Personnel Board to Town Administrator*
- *Responsibility for approving waivers of the one year residency rule shifted from the Personnel Board to the Town Administrator for positions wherein the Town Administrator is not the appointing authority and to the Chair of the Board of Selectmen for positions for which the Town Administrator is the appointing authority*
- *Responsibility for approving that appointed persons meet the minimum requirements of the position and that the appointment has met the requirements of the Personnel Board shifted from the Personnel Board to the Town Administrator*
- *Approval of changes in individual work schedules for employees under Chapter 13 removed from the bylaw*
- *Personnel Board would no longer approve appointments or promotions.*

It should be noted that the Personnel Board does not support this article. The opinion of the Personnel Board is that the added oversight and policy-making roles granted to the Personnel Board will not replace the loss of control inherent in the Personnel Board's role of being the final decision maker for every new employee hired by the Town.

The Town Government Study Committee (the Committee) and the Board of Selectmen (the Board) believe that the changes proposed are consistent with other towns that have a strong town administrator or town manager as well as being consistent with changes recommended by the Massachusetts Division of Local Services in its September 2013 Financial Management Review of the Town. The Committee and the Board both feel that the conversion of the Assistant Town Administrator's role to a full time experienced human resource administrator and the addition of a new Assistant Town Administrator whose role would be in support of the Town Administrator make the change in the bylaw both possible and preferable from the standpoint of effective and efficient management.

The Warrant Committee feels that while this article has considerable merit there are problems with clarity of responsibilities, powers and responsibilities of the Personnel Board and the Town Administrator as it is written. The Warrant Committee feels that the article should be revised to better clarify and organize the duties, powers and responsibilities of all of the parties involved.

ARTICLE 3 To see if the Town will vote to amend the General Bylaws by adding the following Chapter 26:

Chapter 26. No person or entity (excluding the residents of residential premises on projects not requiring a building permit on their lot and excluding the Town) shall operate any mechanized vehicles, including without limitation trucks, backhoes, bobcats and earth-movers, or operate other mechanized equipment, including

without limitation power saws, other power tools, power washers, chain saws, generators, lawn mowers, lawn sweepers, and leaf blowers, with respect to construction or maintenance activities on any lot in the Town except as may be permitted by a construction management plan approved by the Planning Board or Building Commissioner or, in the absence of an approved construction management plan, except between the hours 7:00am and 7:00pm Monday through Friday, 7:00am and 5:00pm on Saturdays and 10:00am and 3:00pm on Sundays and on legal holidays when the New York Stock Exchange is closed, provided that the Building Commissioner, Police Chief, Fire Chief, Director of Public Works or their designees may permit such construction or maintenance activity outside of such hours in the event of emergency or other good cause and further provided that construction activities on the interior of a fully enclosed building may be conducted outside of these hours and further provided that snow plowing and snow and ice removal may be conducted outside of these hours. The Building Commissioner is authorized to enforce the provisions of this section; any person or entity who violates any provision of this section shall be subject to a stop work order. A violator shall receive a warning for the first offense and shall be liable for a fine of \$100 for each subsequent offense.

and to act on anything related thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to amend the General Bylaws by adding the following Chapter 26:

Chapter 26. No person or entity (excluding the residents of residential premises on projects not requiring a building permit on their lot and excluding the Town) shall operate any mechanized vehicles, including without limitation trucks, backhoes, bobcats and earth-movers, or operate other mechanized equipment, including without limitation power saws, other power tools, power washers, chain saws, generators, lawn mowers, lawn sweepers, and leaf blowers, with respect to construction or maintenance activities on any lot in the Town except as may be permitted by a construction management plan approved by the Planning Board or Building Commissioner or, in the absence of an approved construction management plan, except between the hours 7:00am and 7:00pm Monday through Friday, 7:00am and 5:00pm on Saturdays and 10:00am and 3:00pm on Sundays and on legal holidays when the New York Stock Exchange is closed, provided that the Building Commissioner, Police Chief, Fire Chief, Director of Public Works or their designees may permit such construction or maintenance activity outside of such hours in the event of emergency or other good cause and further provided that construction activities on the interior of a fully enclosed building may be conducted outside of these hours and further provided that snow plowing and snow and ice removal may be conducted outside of these hours. The Building Commissioner is authorized to enforce the provisions

of this section; any person or entity who violates any provision of this section shall be subject to a stop work order. A violator shall receive a warning for the first offense and shall be liable for a fine of \$100 for each subsequent offense.

COMMENT: The proposed bylaw would prohibit the operation of any mechanized equipment for purposes of construction or maintenance on any lot in the Town except between the hours of 7am to 7pm Monday through Friday, 7am to 5pm on Saturday and 10am to 3pm on Sunday. The bylaw would not apply to such equipment operated by the owner of a residential premises with the exception of those types of projects that would require a building permit.

The bylaw has been written so as to allow homeowners the ability to do their own lawn maintenance and smaller household projects at times that are convenient for the home owner while keeping reasonable quiet hours from noise caused by contractors.

The bylaw does not apply to work inside of a fully enclosed building or to snow plowing or snow blowing operations.

ARTICLE 4 To see if the Town will vote to amend Chapter 22 of the General Bylaws as follows:

In Section 3. A. (ii), by deleting the words “prior to and including 1919” and inserting in their place “more than and including seventy-five (75) years prior”.

As amended, Section 3 A. would read:

“A. The provisions of Chapter 22 shall not apply to any building which is owned by the Town, its departments, boards or commissions. The provisions of Chapter 22 shall apply only to the following buildings:

- (i) a building listed on the National Register of Historic Places or the State Register; or which has been found eligible for listing on the National Register; or
- (ii) any building which in whole or in part was built more than and including seventy five (75) years prior”.

In Section 5 A., by deleting the number “four (4)” and inserting in its place the number “eight (8)”.

As amended, the first four lines of section 5. A. would read: “Not more than sixty (60) days after the Commission’s determination that the building is historically significant, the applicant for the permit shall submit to the Commission eight (8) copies of a demolition plan which shall include the following information;”

In Section 5. E., by deleting “nine (9) months” and inserting in its place “twenty-four (24) months” and by deleting “nine (9) month” and inserting in its place “twenty-four (24) month”.

As amended, Section 5 E. would read:

“E. If the building is determined to be a preferably preserved building; then the Building Commissioner shall not issue a demolition permit for a period of twenty four (24) months from the date the Commission’s report is filed with the Building Commissioner unless the Commission informs the Building Commissioner prior to the expiration of such twenty four (24) month period that the Commission is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building who is willing to preserve, rehabilitate or restore the building under consideration. The Commission reserves the right to specify reasonable conditions regarding the disposal of parts or portions of the building or property to be demolished.” and to act on anything relating thereto.

Submitted by the Historical Commission and the Board of Selectman

RECOMMENDED that the Town vote to amend Chapter 22 of the General Bylaws as follows:

As amended, Section 3 A. would read:

“A. The provisions of Chapter 22 shall not apply to any building which is owned by the Town, its departments, boards or commissions. The provisions of Chapter 22 shall apply only to the following buildings:

- (i) a building listed on the National Register of Historic Places or the State Register; or which has been found eligible for listing on the National Register; or**
- (ii) any building which in whole or in part was built more than and including seventy five (75) years prior”.**

In Section 5 A., by deleting the number “four (4)” and inserting in its place the number “eight (8)”.

As amended, the first four lines of section 5. A. would read: “Not more than sixty (60) days after the Commission’s determination that the building is historically significant, the applicant for the permit shall submit to the Commission eight (8) copies of a demolition plan which shall include the following information;”

In Section 5. E., by deleting “nine (9) months” and inserting in its place “twenty-four (24) months” and by deleting “nine (9) month” and inserting in its place “ twenty-four (24) month”.

As amended, Section 5 E. would read:

“E. If the building is determined to be a preferably preserved building; then the Building Commissioner shall not issue a demolition permit for a period of twenty four (24) months from the date the Commission’s report is filed with the Building Commissioner unless the Commission informs the Building

Commissioner prior to the expiration of such twenty four (24) month period that the Commission is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building who is willing to preserve, rehabilitate or restore the building under consideration. The Commission reserves the right to specify reasonable conditions regarding the disposal of parts or portions of the building or property to be demolished.”

COMMENT: The amendment to the bylaw would do the following:

- 1 Redefine a regulated building as a building being more than 75 years old, instead of built prior to 1919 as the bylaw currently reads. The building commissioner is required to submit any demolition application for a regulated building to the Historical Commission to determine whether or not a building is historically significant before further action can be taken.*
- 2 Increase the previous 9 months cooling off moratorium for demolition for buildings deemed historically significant to 24 months.*
- 3 Increase the number of copies of the demolition plans to be submitted to the Historic Commission from 4 to 8.*

The changes requested are in keeping with practices in other towns in the Commonwealth. Using a rolling date rather than a static date as the demarcation for potentially historically significant buildings will help prevent buildings as they age and become potentially significant from falling outside of the demarcation period.

The purpose of the bylaw is not only to preserve historically significant buildings but also to help ensure that the character of the Town and the character of its neighborhoods is maintained. Increasing the cooling off period from 9 to 24 months gives the Town much needed time to attempt to save these buildings by either incorporating them into the development site or relocating them. Nine months simply does not provide enough time to mobilize support and negotiate with third parties for the purpose of preserving the structures.

ARTICLE 5 To see if the Town will vote pursuant to Massachusetts General Laws Chapter 71, Section 16(d), other enabling law, and the Blue Hills Regional Technical School District Agreement to express its disapproval of the debt authorized by the Blue Hills Regional School District School Committee for a project renovating the 50 year old Blue Hills Regional Technical School District school building; and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote No.

COMMENT: This article asks if the Town will reject Blue Hill Regional Technical School's request of approval of a debt authorization for certain renovations to the School's facilities. A "No" vote on this article will not disapprove the debt authorization that the School District is seeking and will allow the School District to continue to seek concurrence of the debt authorization from other participating municipalities in the regional school district. A yes vote on this article will reject the Regional School District's request for a debt authorization and will not allow the project to move forward. The Warrant Committee does not favor a rejection of the Regional School's request. As such, the Warrant Committee is recommending a no vote on this article. Neither a yes vote nor a no vote will approve the Regional School District's request. A no vote will result in no action by the Town on the request. In early November, a formal request will be made by the Regional School District to each of the member towns in the district. Each town will then have 60 days to act on the on this formal request. If no action is taken by the town within the 60 day period, the town will be deemed to have approved the request.

Blue Hills Regional School District representatives appeared before the Warrant Committee to explain the scope of the building project, justification for the expenditure, the cost of the project and the proposed funding of the project. The project is expected to cost approximately \$85 million with a grant from the Massachusetts School Building Authority of \$41 million leaving a net amount to be financed over 30 years of approximately \$44 million.

The school building is over 50 years old and much of its mechanical plant is original. Furthermore, the school building is not compliant with current ADA laws. The project will replace the current HVAC system and related plumbing, replace windows and entry doors, make necessary ADA improvements, make significant improvements and upgrades to the electrical systems, replace major segments of the roofing structure, improve and replace computer network infrastructure and servers, make improvements to locker room facilities and make numerous safety and security improvements.

The shell of the building is structurally sound and in good condition. Currently the school has capacity for approximately 200 additional students. Long range student enrollment trends would indicate that the size of the facility will be adequate to house the estimated enrollment for many years to come.

The improvements will make major improvements in the student learning environment and ensure the integrity of the building for the foreseeable future. If these major repairs and improvements are not done, it will in all likelihood result in more costly facility expenses in the future.

Representatives of the Blue Hills Regional School District will make a presentation to Town Meeting on this article.

ARTICLE 6 To see if the Town will vote to amend the General Bylaws of the Town of Milton by adding a new Chapter 25, to read as follows:

**CHAPTER 25
PROHIBITION ON MARIJUANA ESTABLISHMENTS**

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Milton. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time);

and to act on anything relating thereto.

Submitted by the Board of Selectmen and the Planning Board.

RECOMMENDED that the Town vote to amend the General Bylaws of the Town of Milton by adding a new Chapter 25, to read as follows:

**CHAPTER 25
PROHIBITION ON MARIJUANA ESTABLISHMENTS**

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Milton. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time);

COMMENT: This General Bylaw along with the corresponding Zoning Bylaw under Article 7 will permanently ban all recreational marijuana facilities, cultivation, retail, wholesale and manufacturing from the Town of Milton. The recent change by the Massachusetts General Court and signed by the Governor allows any town that did not vote in favor of the recreational marijuana referendum ballot question in November of 2016 to permanently ban marijuana facilities by a simple vote of Town Meeting. The vote will not require ratification by a referendum vote of the Town. Town Counsel has recommended that the Town pass both a General and a Zoning Bylaw as the law is unclear as to what type of bylaw is necessary to impose the ban.

The ban on recreational marijuana establishments does not ban the ability of residents to grow and possess small amounts of marijuana in the Town. The ban will also have no impact on the establishment of medical marijuana facilities which are covered by a separate zoning bylaw.

ARTICLE 7 To see if the Town will vote to amend Chapter 10 of the General Bylaws known as the Zoning Bylaw by adding a new Subsection T, to Section III to read as follows:

Subsection T. Prohibition on Marijuana Establishments

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Milton. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time);

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 Bylaw by adding a new Subsection T, to Section III to read as follows:

Subsection T. Prohibition on Marijuana Establishments

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Milton. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time);

COMMENT: See comment on General Bylaw under Article 6.

ARTICLE 8 To see if the Town will vote to authorize the Town Clerk to make up-to-date, accurately indexed, print and digital copies of the Town’s General Bylaws conveniently available to the public; to separately format and index Chapter 10, known as the Zoning Bylaws, and make up-to-date, accurately indexed, print and digital copies of the Town’s Zoning Bylaws conveniently available to the public; to promptly incorporate and index future amendments to the Bylaws in up-to-date print and digital copies of the General Bylaws and the Zoning Bylaws which shall be conveniently available to the public.

and to act on anything related thereto.

Submitted by the Planning Board

RECOMMENDED that the Town vote to authorize the Town Clerk to make up-to-date, accurately indexed, print and digital copies of the Town’s General Bylaws conveniently available to the public; to separately format and index Chapter 10, known as the Zoning Bylaws, and make up-to-date, accurately indexed, print and digital copies of the Town’s Zoning Bylaws conveniently available to the public; to promptly incorporate and index future amendments to the Bylaws in up-to-date print and digital copies of the General Bylaws and the Zoning Bylaws which shall be conveniently available to the public.

COMMENT: The Article would authorize the Town Clerk to keep updated and indexed General and Zoning bylaws conveniently available for the public and in digital form. Currently the General Bylaws have not been updated on the Town’s website since 2007 and the Zoning Bylaws since 2009.

ARTICLE 9 To see if the Town will vote to amend Chapter 10 of the General Bylaws known as the Zoning Bylaws by designating Article 51 on the May 2017 Warrant (“Amend Chapter 10 of the General Bylaws – Great Estates PUD”) as Subsection Q of Section III; by designating Article 52 on the May 2017 Warrant (“Amend Chapter 10 of the General Bylaws – Parkway PUD”) as Subsection R of Section III and by designating Article 48 on the May 2017 Warrant (“Temporary Moratorium on Marijuana Establishments and Marijuana Retailers”) as Subsection S of Section III.

and to act on anything related thereto.

Submitted by the Planning Board

RECOMMENDED that if the Town will vote to amend Chapter 10 of the General Bylaws known as the Zoning Bylaws by designating Article 51 on the May 2017 Warrant (“Amend Chapter 10 of the General Bylaws – Great Estates PUD”) as Subsection Q of Section III; by designating Article 52 on the May 2017 Warrant (“Amend Chapter 10 of the General Bylaws – Parkway PUD”) as Subsection R of Section III and by designating Article 48 on the May 2017 Warrant (“Temporary Moratorium on Marijuana Establishments and Marijuana Retailers”) as Subsection S of Section III.

COMMENT: This article is a housekeeping article. When the above mentioned prior warrant articles were voted by Town Meeting, neither the article nor the recommendation specified a location for the bylaw changes in the codified Zoning Bylaws. Approval of this article will allow those bylaws to be properly codified.

ARTICLE 10 To see if the Town will vote to amend Chapter 10 of the General Bylaws known as the Zoning Bylaws by adding the following new subsection L to Section VII:

L. Bicycle Parking: In any district any new building containing more than one residential unit shall have provision for convenient parking of bicycles. Such provision shall require covered parking for a number of bicycles at least equal to the number of units, provided that the Planning Board may modify the requirement for good cause. Any new building containing four or more residential units shall require indoor parking for a number of bicycles at least equal to the number of units, provided that the Planning Board may modify the requirement for good cause.

Any existing building containing three or more residential units which undergoes renovations costing at least 25% of the amount of the assessed value shall have provision made for convenient parking of bicycles in number at least equal to the number of units, provided that the Planning Board may modify the requirement for good cause.

and to act on anything related 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 adding the following new subsection L Laws Section VII:

L. Bicycle Parking: In any district any new building containing more than one residential unit shall have provision for convenient parking of bicycles. Such provision shall require covered parking for a number of bicycles at least equal to the number of units, provided that the Planning Board may modify the requirement for good cause. Any new building containing four or more residential units shall require indoor parking for a number of bicycles at least equal to the number of units, provided that the Planning Board may modify the requirement for good cause.

Any existing building containing three or more residential units which undergoes renovations costing at least 25% of the amount of the assessed value shall have provision made for convenient parking of bicycles in number at least equal to the number of units, provided that the Planning Board may modify the requirement for good cause.

COMMENT: The bylaw would require owners of newly constructed multi-family residences (more than 1 family) to provide convenient covered parking for at least

one bicycle for every residential unit. It would further require any existing residential building of three or more units which undergoes renovations in excess of 25% of the building's assessed value to provide similar convenient bicycle parking. The bylaw would provide for modification to its requirement to be made by the Planning Board for good cause. The Warrant Committee understands the trend in recent years towards non-motorized methods of transportation and its positive impacts on the environment and a healthy life style and therefore believes that this is a reasonable accommodation.

ARTICLE 11 To see if the Town will vote to amend Chapter 10 of the General Bylaws known as the Zoning Bylaws by adding the following third sentence to Section IV:

In a valid pre-existing, non-conforming single or two family residential structure an existing dimensional non-conformity may be extended by special permit within the front, side or rear set-back areas provided that the intrusion into the set-back area is no greater than the average intrusion into the relevant set-back area of existing single or two family residential structures within 300 feet and provided that the extension of such an existing dimensional non-conformity will be architecturally consistent with the existing structure and neighboring structures as well as meeting the usual requirements for issuance of a special permit set out in Section IX.C.

and to act on anything related 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 adding the following third sentence to Section IV:

In a valid pre-existing, non-conforming single or two family residential structure an existing dimensional non-conformity may be extended by special permit within the front, side or rear set-back areas provided that the intrusion into the set-back area is no greater than the average intrusion into the relevant set-back area of existing single or two family residential structures within 300 feet and provided that the extension of such an existing dimensional non-conformity will be architecturally consistent with the existing structure and neighboring structures as well as meeting the usual requirements for issuance of a special permit set out in Section IX.C.

COMMENT: The proposed amendment to the Zoning Bylaw would allow in certain limited circumstances changes to a preexisting nonconforming single or two family residential structure that would intrude into the front, rear or side set back areas of the property through a special permit process from the Planning Board without the requirement of a zoning variance from the Board of Appeals. In general, the structure could be altered into a set-back area provided intrusion is no greater than the average preexisting intrusion into the relevant set back area. For example,

a preexisting nonconforming property with a rear porch intruding into the rear set-back area could expand a kitchen addition into the rear set-back area no further than the intrusion of the preexisting porch.

There are many homes built in Milton prior to the enactment of the Town's zoning bylaws in 1938 that are on lots that are smaller than that required for a building lot under current zoning. This will bring some degree of relief to those homeowners especially in a Residence C district who desire to make structural improvements to their homes without the lengthy, costly and uncertainty of a zoning variance process.

ARTICLE 12 To see if the Town will vote to amend Chapter 10 of the General Bylaws known as the Zoning Bylaws by striking Paragraphs 3 and 5, of Section III.C by renumbering Paragraph 4 of Section III.C as Paragraph 3 and by adding the following new Paragraphs 4 and 5 to Section III.C:

4(a) Signs Permitted in the Business District. Signs, which are permissible in any residence district, are permissible in the business district. The following advertising signs, which are erected and maintained to advertise goods, services or businesses offered or conducted on the premises, are allowable in the business district by Sign Permit:

(i) Allowable Sign Area – Unless otherwise determined in accordance with the Sign and Façade Design Handbook, the total area of all signs erected on a lot shall not exceed two (2) square feet in area for each horizontal linear foot of the building facade(s) parallel to, or substantially parallel to, a street line.

However, if the primary façade is on a parking area, then said façade shall be used to determine the amount of allowable signage.

The area of a sign is the entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed.

(ii) Principal Signs – No more than two principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign. Unless otherwise determined in accordance with the Sign and Façade Design Handbook, the area and characteristics of principal signs shall be as hereafter specified and, if there shall be more than one principal sign, each such sign shall be of a different type.

(A) Wall Sign – The total area of all flat wall signs shall not exceed fifty (50) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. A flat wall sign may be located below the second story windows if any or the first story cornice, provided that it does not conceal any part of a window or significant

architectural details, does not go above the cornice or roof line, and its length does not exceed seven-eighths (7/8) of the facade of the business establishment.

(B) Projecting Sign – A Projecting Sign shall not extend beyond the curb line or more than 50 inches beyond the face of the building, exclusive of any supporting structure from the building. A projecting sign shall not be less than 8 feet from the ground level at the base of the building. Such sign shall not extend above the building shall not be more than six (6) square feet in area on each face shall not be more than six (6) inches in thickness, and shall not consist of more than two (2) faces. Each face shall count in computing sign area.

(C) Freestanding Sign—A freestanding sign shall not be a part of or attached to any building. It may be located elsewhere on a lot where it does not obstruct vehicular traffic sight lines or pedestrian traffic. A freestanding sign may pertain to any or all of the businesses located on a lot. A freestanding sign shall not have more than 2 faces, each of which shall count in computing sign area.

(iii) Secondary Signs – If a business establishment consists of more than one building, or if a building has secondary frontage on a street or parking area, a secondary sign may be affixed to one wall of each building or to the second side. Unless otherwise determined in accordance with the Sign and Façade Design Handbook, the area and characteristics of secondary signs shall be as herein specified. Secondary signs shall not exceed one square foot for each horizontal linear foot of secondary frontage on a street or parking lot, and said area shall be limited to 50% of the area allowed for the principal sign.

(iv) Directory Sign – If there are two (2) or more businesses on a lot, or if there are businesses without an entrance on the street frontage, a secondary directory sign may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet and shall be limited to 6 feet in height. Such a directory shall be included in the calculation of total allowable sign area for the lot.

(v) Awning – Fabric awnings projecting from the wall of a building for the purpose of shielding the doorway or windows from the elements shall not be considered signs. Awnings shall contain no lettering or commercial images. Awnings shall be located such that significant architectural features and details are not concealed. Awnings shall have a traditional sloped form with no sides or valence and shall not extend unbroken beyond a single storefront.

(vi) Sidewalk Signs – One “A” frame sidewalk sign per business premises may be permitted in addition to the other signs permitted; however at no time may there be more than one such sign within 150 feet of another such sign. Sidewalk signs are not permitted in the public street.

The sign shall be erected upon issuance of a 30-day permit. The Town Administrator shall issue permits on a first-come, first-served basis and maintain a waiting list if an existing permit has been issued for a business within 150 feet of the first. A permit may only be renewed if there is not an applicant on the waiting

list to install a sign within 150 feet. Such signs are subject to the following conditions and any other conditions specified by the Building Commissioner:

- (A) The sign shall only be displayed in front of the place of business.
- (B) The sign shall be placed so as to maintain at least 48” of sidewalk area in compliance with ADA requirements.
- (C) The sign shall not exceed 24” in width and 36” in height.
- (D) The sign shall advertise only the business on the premises.
- (E) The sign shall be free of sharp corners, protrusions and devices which could cause injury and shall be constructed with a cross-brace for stability and have sufficient strength to withstand wind gusts without moving.
- (H) The sign may be displayed only during business hours and must be removed thereafter.
- (I) Liability insurance coverage shall be carried, and evidence of same may be requested by the Building Commissioner. Said insurance shall cover personal injuries or property damage which may occur on account of such sign. Such liability insurance coverage shall include the Town of Milton as an insured in amounts specified by the Town Administrator.

(vii) Window Signs. Businesses may have advertising signs covering no more than 20% of the window area of the storefront. Signs positioned within the premises but with the principal effect of being seen through the window from the outside shall be subject to this requirement. Temporary advertising window signs displayed for a period not to exceed 60 consecutive days shall not require a sign permit but, in conjunction with other window signs, shall not cover more than 20% of the window area.

(b) Application Submittal and Reference to the Sign Review Committee –Any person desiring to erect, install, place, construct, alter, move or maintain an advertising sign in the business district shall apply to the Building Commissioner for a permit. The applicant for a sign permit shall submit a completed application in form and content as the Building Commissioner may specify. Electronic submissions may be required. The applicant shall be duly authorized by the owner of the business premises. Following receipt of the application and payment of a fee the Building Commissioner shall refer it to the Sign Review Committee which may request additional information in addition to the following:

- (i) An elevation drawing, including dimensional information for the sign, the building façade (if applicable), and the relationship of the sign to the frontage of the building.
- (ii) Material specifications, construction and application method.
- (iii) Sign drawing, including letter style, size and color.
- (iv) Sign cross-section.
- (v) A color photograph of the existing storefront or façade and the storefronts or facades to either side.

(vi) Applicant's name, phone number, email and address. If the Applicant is a sign contractor, then the name of the owner of the business premises and the owner's phone number, email and address and the name, phone number, email and address of the owner of the business (if different).

(vii) The allowable total sign area determined under Paragraph 4(a)(1) of the Sign and Façade Design Handbook and the proposed total sign area.

(viii) In the event that an illuminated sign is sought, the design, type and model (if applicable) of the lighting equipment and the strength, color, type and intensity of the light emitted shall be specified as well as specifications showing compliance with the following:

- (A) No sign shall use flashing, intermittent or unduly bright lights.
- (B) No signs, other than barber poles and time and temperature displays shall have visible moving parts.
- (C) Signs may only be illuminated by steady, stationary light which does not reflect or shine on or into neighboring properties or the street.
- (D) A sign may be illuminated for a business operating after sunset only during its hours of operation.

(ix) In the event that the total area of signs for which application is made exceeds the allowable area specified in subparagraph 4(a)(1) there shall be a detailed statement in the application showing good cause for additional allowable area.

(c) Action by the Sign Review Committee— Following receipt of the application and all required information, the Sign Review Committee shall schedule a public hearing at the expense of the applicant if the application seeks authorization of additional allowable area or if it seeks one or more illuminated signs. Otherwise, it may act on the application without a hearing. Public hearings shall require published notice and mailed notice at the expense of the applicant at least one week before the date of the hearing. Permissible action on an application shall include:

(i) The Sign Review Committee shall approve applications for unilluminated or illuminated signs meeting all requirements set out herein and all relevant standards and requirements in the Sign and Façade Design Handbook.

(ii) The Sign Review Committee may approve an application with conditions which ensure that all relevant standards and requirements are met.

(iii) The Sign Review Committee may deny an application upon a determination that relevant requirements or standards have not been met and that conditions would not be a reasonable cure.

(iv) The Sign Review Committee may allow additional allowable area for signs if good cause has been shown.

Within 60 days of receipt of the application the Sign Review Committee shall issue a proposed decision to the Building Commissioner who may accept it and issue a permit or who may refer the matter back to the Sign Review Committee specifying the aspects of the proposed decision which did not reflect proper application of the relevant standards or requirements. If a matter is referred back to it, the Sign Review Committee shall act upon the Building Commissioner's comments and issue a revised proposed decision, which the Building Commissioner may accept and issue a permit or which the Building Commissioner may further revise and issue a permit, with a detailed explanation for the revisions. The Building Commissioner may also deny the permit with a written denial specifying the reasons for denial. The Building Commissioner shall mail or deliver copies of the permit or of the permit denial to Applicant, the Town Planner, the Town Administrator and the Sign Review Committee and file it with the Town Clerk.

(d) Appeal to Board of Appeals. An applicant, Board of Selectmen, Planning Board, the Sign Review Committee or person aggrieved by a permit issued by the Building Commissioner or denial of a permit may appeal to the Board of Appeals in the same manner as with an enforcement order of the Building Commissioner. In the event of an appeal the Building Commissioner after consultation with the Sign Review Committee may authorize temporary advertising signs during the continuance of the appeal.

[Alternate Paragraph (d)]:

Appeal to Board of Selectmen. An applicant, Planning Board, Sign Review Committee, or person aggrieved by a permit issued by the Building Commissioner or denial of a permit may appeal to the Board of Selectmen in the same manner as an appeal from an enforcement order of the Building Commissioner may be taken to the Board of Appeals; the Board of Selectmen shall establish specific procedures for such appeals. In the event of an appeal the Building Commissioner after consultation with the Sign Review Committee may authorize temporary advertising signs during continuance of an appeal.

[New Paragraph 5]

5. Sign and Façade Design Handbook. The Sign Review Committee subject to the approval of the Board of Selectmen, shall prepare, maintain and periodically update or revise a Sign and Façade Design Handbook. The handbook shall contain detailed standards and requirements for advertising signs in the business district including standards or requirements which may differ with the provisions of this Paragraph 4 as herein authorized.

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 striking Paragraphs 3 and 5, of Section III.C by renumbering Paragraph 4 of Section III.C as Paragraph 3 and by adding the following new Paragraphs 4 and 5 to Section III.C:

Advertising Signs in the Business District

4(a) **Signs Permitted in the Business District.** Signs, which are permissible in any residence district, are permissible in the business district. The following advertising signs, which are erected and maintained to advertise goods, services or businesses offered or conducted on the premises, are allowable in the business district by Sign Permit:

(i) **Allowable Sign Area** – Unless otherwise determined in accordance with the Sign and Façade Design Handbook, the total area of all signs erected on a lot shall not exceed two (2) square feet in area for each horizontal linear foot of the building façade(s) parallel to, or substantially parallel to, a street line.

However, if the primary façade is on a parking area, then said façade shall be used to determine the amount of allowable signage.

The area of a sign is the entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed.

(ii) **Principal Signs** – No more than two principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign. Unless otherwise determined in accordance with the Sign and Façade Design Handbook, the area and characteristics of principal signs shall be as hereafter specified and, if there shall be more than one principal sign, each such sign shall be of a different type.

(A) **Wall Sign** – The total area of all flat wall signs shall not exceed fifty (50) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. A flat wall sign may be located below the second story windows if any or the first story cornice, provided that it does not conceal any part of a window or significant architectural details, does not go above the cornice or roof line, and its length does not exceed seven-eighths (7/8) of the façade of the business establishment.

(B) **Projecting Sign** – A Projecting Sign shall not extend beyond the curb line or more than 50 inches beyond the face of the building, exclusive of any supporting structure from the building. A projecting sign shall not be less than 8 feet from the ground level at the base of the building. Such sign shall not extend above the building shall not be more than six (6) square feet in area on each face shall not be more than six (6) inches in thickness, and shall not consist of more than two (2) faces. Each face shall count in computing sign area.

(C) **Freestanding Sign**— A freestanding sign shall not be a part of or attached to any building. It may be located elsewhere on a lot where it does not obstruct vehicular traffic sight lines or pedestrian traffic. A freestanding sign may pertain to any or all of the businesses located on a lot. A freestanding sign shall not have more than 2 faces, each of which shall count in computing sign area.

(iii) **Secondary Signs** – If a business establishment consists of more than one building, or if a building has secondary frontage on a street or parking area, a secondary sign may be affixed to one wall of each building or to the second side. Unless otherwise determined in accordance with the Sign and Façade Design Handbook, the area and characteristics of secondary signs shall be as herein specified. Secondary signs shall not exceed one square foot for each horizontal linear foot of secondary frontage on a street or parking lot, and said area shall be limited to 50% of the area allowed for the principal sign.

(iv) **Directory Sign** – If there are two (2) or more businesses on a lot, or if there are businesses without an entrance on the street frontage, a secondary directory sign may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet and shall be limited to 6 feet in height. Such a directory shall be included in the calculation of total allowable sign area for the lot.

(v) **Awning** – Fabric awnings projecting from the wall of a building for the purpose of shielding the doorway or windows from the elements shall not be considered signs. Awnings shall contain no lettering or commercial images. Awnings shall be located such that significant architectural features and details are not concealed. Awnings shall have a traditional sloped form with no sides or valence and shall not extend unbroken beyond a single storefront.

(vi) **Sidewalk Signs** – One “A” frame sidewalk sign per business premises may be permitted in addition to the other signs permitted; however at no time may there be more than one such sign within 150 feet of another such sign. Sidewalk signs are not permitted in the public street.

The sign shall be erected upon issuance of a 30-day permit. The Town Administrator shall issue permits on a first-come, first-served basis and maintain a waiting list if an existing permit has been issued for a business within 150 feet of the first. A permit may only be renewed if there is not an applicant on the waiting list to install a sign within 150 feet. Such signs are subject to the following conditions and any other conditions specified by the Building Commissioner:

- (A) The sign shall only be displayed in front of the place of business.
- (B) The sign shall be placed so as to maintain at least 48” of sidewalk area in compliance with ADA requirements.

- (C) The sign shall not exceed 24” in width and 36” in height.
- (D) The sign shall advertise only the business on the premises.
- (E) The sign shall be free of sharp corners, protrusions and devices which could cause injury and shall be constructed with a cross-brace for stability and have sufficient strength to withstand wind gusts without moving.
- (H) The sign may be displayed only during business hours and must be removed thereafter.
- (I) Liability insurance coverage shall be carried, and evidence of same may be requested by the Building Commissioner. Said insurance shall cover personal injuries or property damage which may occur on account of such sign. Such liability insurance coverage shall include the Town of Milton as an insured in amounts specified by the Town Administrator.

(vii) Window Signs. Businesses may have advertising signs covering no more than 20% of the window area of the storefront. Signs positioned within the premises but with the principal effect of being seen through the window from the outside shall be subject to this requirement. Temporary advertising window signs displayed for a period not to exceed 60 consecutive days shall not require a sign permit but, in conjunction with other window signs, shall not cover more than 20% of the window area.

(b) Application Submittal and Reference to the Sign Review Committee –Any person desiring to erect, install, place, construct, alter, move or maintain an advertising sign in the business district shall apply to the Building Commissioner for a permit. The applicant for a sign permit shall submit a completed application in form and content as the Building Commissioner may specify. Electronic submissions may be required. The applicant shall be duly authorized by the owner of the business premises. Following receipt of the application and payment of a fee the Building Commissioner shall refer it to the Sign Review Committee which may request additional information in addition to the following:

- (i) An elevation drawing, including dimensional information for the sign, the building façade (if applicable), and the relationship of the sign to the frontage of the building.
- (ii) Material specifications, construction and application method.
- (iii) Sign drawing, including letter style, size and color.
- (iv) Sign cross-section.
- (v) A color photograph of the existing storefront or façade and the storefronts or facades to either side.
- (vi) Applicant’s name, phone number, email and address. If the Applicant is a sign contractor, then the name of the owner of the business premises and the owner’s phone number, email and address and the name, phone number, email and address of the owner of the business (if different).

(vii) The allowable total sign area determined under Paragraph 4(a)(1) or the Sign and Façade Design Handbook and the proposed total sign area.

(viii) In the event that an illuminated sign is sought, the design, type and model (if applicable) of the lighting equipment and the strength, color, type and intensity of the light emitted shall be specified as well as specifications showing compliance with the following:

- (A) No sign shall use flashing, intermittent or unduly bright lights.
- (B) No signs, other than barber poles and time and temperature displays shall have visible moving parts.
- (C) Signs may only be illuminated by steady, stationary light which does not reflect or shine on or into neighboring properties or the street.
- (D) A sign may be illuminated for a business operating after sunset only during its hours of operation.

(ix) In the event that the total area of signs for which application is made exceeds the allowable area specified in subparagraph 4(a)(1) there shall be a detailed statement in the application showing good cause for additional allowable area.

(c) Action by the Sign Review Committee— Following receipt of the application and all required information, the Sign Review Committee shall schedule a public hearing at the expense of the applicant if the application seeks authorization of additional allowable area or if it seeks one or more illuminated signs. Otherwise, it may act on the application without a hearing. Public hearings shall require published notice and mailed notice at the expense of the applicant at least one week before the date of the hearing. Permissible action on an application shall include:

(i) The Sign Review Committee shall approve applications for unilluminated or illuminated signs meeting all requirements set out herein and all relevant standards and requirements in the Sign and Façade Design Handbook.

(ii) The Sign Review Committee may approve an application with conditions which ensure that all relevant standards and requirements are met.

(iii) The Sign Review Committee may deny an application upon a determination that relevant requirements or standards have not been met and that conditions would not be a reasonable cure.

(iv) The Sign Review Committee may allow additional allowable area for signs if good cause has been shown.

Within 60 days of receipt of the application the Sign Review Committee shall issue a proposed decision to the Building Commissioner who may accept it and issue a permit or who may refer the matter back to the Sign Review Committee specifying the aspects of the proposed decision which did not

reflect proper application of the relevant standards or requirements. If a matter is referred back to it, the Sign Review Committee shall act upon the Building Commissioner's comments and issue a revised proposed decision, which the Building Commissioner may accept and issue a permit or which the Building Commissioner may further revise and issue a permit, with a detailed explanation for the revisions. The Building Commissioner may also deny the permit with a written denial specifying the reasons for denial. The Building Commissioner shall mail or deliver copies of the permit or of the permit denial to Applicant, the Town Planner, the Town Administrator and the Sign Review Committee and file it with the Town Clerk.

(d) Appeal to Board of Appeals. An applicant, Board of Selectmen, Planning Board, the Sign Review Committee or person aggrieved by a permit issued by the Building Commissioner or denial of a permit may appeal to the Board of Appeals in the same manner as with an enforcement order of the Building Commissioner. In the event of an appeal the Building Commissioner after consultation with the Sign Review Committee may authorize temporary advertising signs during the continuance of the appeal.

5. Sign and Façade Design Handbook. The Sign Review Committee subject to the approval of the Board of Selectmen, shall prepare, maintain and periodically update or revise a Sign and Façade Design Handbook. The handbook shall contain detailed standards and requirements for advertising signs in the business district including standards or requirements which may differ with the provisions of this Paragraph 4 as herein authorized.

COMMENT: The Town's bylaw for signs in a business district was promulgated many years ago and has not been significantly modified over the years. The Town also published regulations in the form of a Sign and Façade Design Handbook in or about 2007 to help business owners and their advisors understand and navigate the bylaw when applying for a new sign permit.

The Building Commissioner is responsible for receiving and approving all applications for sign permits in the business district. If the application is complete and meets all of the zoning requirements, a permit is issued. If the application does not meet the requirements of the bylaw, the Building Commissioner will reject the application and inform the applicant of his or her right to appeal the decision or ask for relief from the bylaw. If the applicant decides to appeal or seek relief the application will be reviewed by the Town's Sign Review Committee, which will hold a meeting with the business owner and their representatives and make a recommendation to the Board of Selectmen on whether to grant relief or not. The Selectmen will then hold a public hearing and decide if there is justification under the bylaw to grant relief to the business owner.

Over the years changes in sign technology, competitive business needs and customary practices with respect to business signs have resulted in almost every sign permit application being rejected as nonconforming.

The proposed amendment to the bylaw is an attempt to continue to maintain the character of the Town and its business districts while recognizing the needs of our local businesses and at the same time reducing the administrative burden on the Building Commissioner, the Sign Review Committee and the Board of Selectmen.

The proposed amendment would:

- 1) Define primary and secondary signs*
- 2) Allow for a maximum of two primary signs*
- 3) Allow for a secondary sign*
- 4) Allow for and set standards for projecting signs, window signs and free standing signs*
- 5) Set standards for illuminated signs*
- 6) Set the maximum combined size for all signs on the premises*
- 7) Provide for temporary sidewalk signs*
- 8) Better define the role of the Sign Review Committee*
- 9) Allow the Sign Review Committee to recommend to the Board of Selectmen changes and amendments to the Sign and Façade Design Handbook*
- 10) Set the Zoning Board of Appeals as the arbiter of any appeals of a sign permit*

ARTICLE 13 To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, in Section III.B.3.b by striking the comma and the ensuing words “and that any such temporary advertising sign on premises shall be no larger than the size which would be permissible if the premises were located in a business district”; by striking the comma and adding the word “and” between the words “valid business use” and the word “that”; and by adding the following two sentences: “No temporary sign shall have a face area (the area of the face of the sign) in excess of 16 square feet for each face and shall not extend more than 5 feet in any direction provided that for good cause the Town Administrator may permit a greater area, length and/or width. No temporary sign shall be erected within 10 feet of an abutter’s lot line or so as to obstruct sight lines necessary for traffic safety.”

As amended Section III.B.3.b shall read: “Temporary signs are permitted, provided that a temporary sign advertising any commodities, including but not limited to goods, food and services, shall be displayed only on premises where such commodities are sold, rented or otherwise made available to the public pursuant to a valid business use and that any such temporary advertising sign shall be displayed for no more than forty-five (45) days. No temporary sign shall have a face area (the area of the face of the sign) in excess of 16 square feet for each face and shall not extend more than 5 feet in any direction provided that for good cause

the Town Administrator may permit a greater area, length and/or width. No temporary sign shall be erected within 10 feet of an abutter's lot line or so as to obstruct sight lines necessary for traffic safety.”

and to act on anything relating thereto.

Submitted by the Planning Board

RECOMMENDED that the Town vote refer the article to the Planning Board for further study.

COMMENT: The amendment to the zoning as proposed would limit the size of all temporary signs in a residential district to 16 square feet and place restrictions on the siting of all temporary signs to ensure that they do not unduly encroach on abutting properties. Overall the Warrant Committee favored the limitation on the size of temporary signs in a residential district, however, there was overall concern by the Committee that such a restriction on signs other than advertising signs may infringe on a resident's first amendment rights. Lacking a legal opinion from Town Counsel regarding infringement of first amendment rights, the Warrant Committee did not feel comfortable making a recommendation on this article.

ARTICLE 14 To see if the Town will vote to amend Chapter 10 of the General Bylaws known as the Zoning Bylaws by adding the following new Subsection I to Section V entitled “Maintenance of Buildings”:

I. Maintenance of Buildings. In all zoning districts all buildings shall be maintained in a structurally sound and safe condition by their owners.

and to act on anything related thereto.

Submitted by the Planning Board

RECOMMENDED that the Town vote to refer this article to the Planning Board for further study.

COMMENT: The proposed zoning bylaw would require all buildings to be maintained in a structurally safe and sound condition. While there was no disagreement by the Committee that buildings should be maintained in a safe and sound condition, there was concern that the proposed bylaw did not attempt to define safe and sound either with a specific definition or by reference to its definition in another creditable document. Additionally, the Building Commissioner already has the authority under Massachusetts state law to take enforcement action against the owner of any building that is unsafe and a hazard to the general public. Similarly, the Board of Health has a broad range of powers under Massachusetts public nuisance laws to take action against all nuisances or sources of filth and causes of sickness within the town which may, in its opinion, be injurious to the public health. The Warrant Committee was unable to discern how this bylaw would add any benefit with respect to maintaining the character of the Town or to enhancing public safety.

Town of Milton
525 Canton Avenue
Milton, MA 02186

Town Meeting will be held on
Monday, October 23, 2017
Beginning at 7:30 p.m. at the
Milton High School Auditorium

The Milton High School auditorium
is reserved for additional Town Meeting
sessions at 7:30 p.m. on Tuesday, October 24
and Thursday, October 26, 2017

The Pierce Middle School Auditorium
is reserved for additional Town Meeting
sessions at 7:30 p.m. on Monday, October 30,
Tuesday, October 31 and Thursday and
November 2, 2017

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