

TOWN OF MILTON 2016



Special Town Meeting

Monday, February 8, 2016

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

2016
FEBRUARY 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 eighth day of February next at 7:30 o'clock in the evening, then and there to act upon the following Articles to wit:

Articles 1-4

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

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

Given under our hands at Milton this fifteenth day of December, two thousand and fifteen.

J. Thomas Hurley
David T. Burnes
Kathleen M. Conlon

A True Copy: Attest

Stephen Freeman
CONSTABLE OF MILTON

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WARRANT ARTICLES AND RECOMMENDATIONS

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In compliance with the Americans with Disabilities Act, this warrant can be made available in alternative formats. The February 8, 2016 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 sections nearest the lobby entrance.”

**REPORT OF THE WARRANT COMMITTEE
FOR THE FEBRUARY 8, 2016 SPECIAL TOWN MEETING**

To the Honorable Board of Selectmen:

The Warrant Committee herewith presents to the Town Meeting and to the voters and taxpayers of the Town recommendations for action on four articles submitted to the Special Town Meeting convening Monday, February 8, 2016.

1. Amend Chapter 10 of the General Bylaws – Landscaping Business Use

This article cures erroneous references in a previous article passed during a Special Town Meeting on May 5, 2014, and also clarifies language in several areas without changing the intent of the original article. The original article created a special permit process for landscaping business use in a residence zone.

2. Amend Chapter 10 of the General Bylaws – Central Avenue Planned Unit Development

This article will amend zoning which applies to the Central Avenue business district, including the property at the corner of Eliot Street and Central Avenue. It adjusts, among other things, requirements for physical dimensions, parking, business use, and fees as well as terminology associated with potential development in the area.

3. Amend Chapter 10 of the General Bylaws – Parkway Planned Unit Development

This citizens' petition would enable commercial redevelopment of a pre-existing non-conforming parcel located between Pope's Pond and the Blue Hills Parkway.

4. Amend Chapter 21 of the General Bylaws – Stormwater Management

This article would create a mechanism to calculate and assess proportional allocations for costs associated with stormwater management. The allocations would rely on the amounts of permeable/impermeable surfaces on parcels that create runoff.

The Chair extends his thanks to all of the appointed and elected officials, citizens and staff of the Town who assisted in the preparation of this Warrant.

Respectfully submitted,
January 13, 2016

LeeMichael McLean, Chair
Edward Hays, Secretary
Brian Beaupre
Richard Boehler
Jean Eckner

Charles Karimbakas
Philip Mathews
Steven McCurdy
Michael Maholchic
James Potter

Jonathan Schindler
Darnell Turner
Elizabeth White
Julia Getman, Clerk

ARTICLE 1 AMEND SECTIONS III.A AND III.N OF THE ZONING BYLAWS

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

by deleting Subsection III.A.7(k);

by amending Section III.A.8 as follows; by deleting “use” in the first line and inserting “uses” in its place, and by inserting “(a)” before the word “Condominium”

and by adding the following Subparagraph (b) to Section III.A.8: -

(b) Landscaping Business Use as provided in Section III.N;

so that, as amended, Section III.A.8 shall read as follows:

“The following uses, if authorized by permit issued by the Planning Board and subject to appropriate conditions, limitations and safeguards stated in writing by the Planning Board and made a part of the permit:

(a) Condominium units converted from existing estate buildings, as provided in subsection L of Section VI;

(b) Landscaping Business Use as provided in Section III.N.”

and by amending Section III.N LANDSCAPING BUSINESS USE as follows:

In the first paragraph, replace the words “Section III.A.4 and or 6” with the words “Subsection III.A.7(d)” and move the words “pursuant to” after the words “special permit” so that the said sentence reads as follows:

“In a residence zone on a lot or lots on which a landscaping business was being conducted in July 2012, the Planning Board may grant a special permit for landscaping business use on such lot or lots provided that the applicant or applicants or their predecessors in interest on that date held a special permit **pursuant to Subsection III.A.7(d)** or use variance issued by the Board of Appeals with regard to all or part of any such lot.”

Under 1. Purpose, first sentence: replace the words “Section III.A.4 and/or 6” with the words “Subsection III.A.7(d)” and add the words “issued by the Board of Appeals” after the words “use variance” so that said sentence reads as follows:

“The purpose of this subsection is to permit the ongoing operations of landscaping businesses, which were in operation on July 2012 and which existed on lots for at least one of which is a special permit pursuant to **Subsection III.A.7(d)** or use variance **issued by the Board of Appeals** was in force on July, 2012”

Under 3. Landscaping Services May Exist on a Lot With Other Uses, Including Agricultural, Greenhouse, Nursery and/or Residential, third sentence, replace the words “M.G.L. c.128, s1(a) with “M.G.L. c.128, s1”, remove the words “M.G.L. c. 61A”, and replace the reference to III with III.A so that the sentence reads as follows:

“For purposes of this Subsection, an agricultural use is defined in and shall be conducted in accordance with **M.G.L. c.128, s.1**, and M.G.L. c.40A s. 3; a greenhouse and/or nursery use is defined in and shall be conducted in accordance with Section III.A 4(b) and 7(d).”

Under 5. Approval of Plans, Rules, and Specifications, second sentence, by adding the following words “or may revise the material itself” so that the said sentence reads as follows:

“Insofar as the material submitted by an applicant with the application for a special permit may be inadequate or fail to advance the purpose of this Subsection, the Planning Board shall require its revision **or may revise the material itself.**”

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, as follows:

by deleting Subsection III.A.7(k);

by amending Section III.A.8 as follows; by deleting “use” in the first line and inserting “uses” in its place, and by inserting “(a)” before the word “Condominium”

and by adding the following Subparagraph (b) to Section III.A.8: -

(b) Landscaping Business Use as provided in Section III.N;

so that, as amended, Section III.A.8 shall read as follows:

“The following uses, if authorized by permit issued by the Planning Board and subject to appropriate conditions, limitations and safeguards stated in writing by the Planning Board and made a part of the permit:

(c) Condominium units converted from existing estate buildings, as provided in subsection L of Section VI;

(d) Landscaping Business Use as provided in Section III.N.”

and by amending Section III.N LANDSCAPING BUSINESS USE as follows:

In the first paragraph, first sentence replace the words “Section III.A.4 and or 6” with the words “Subsection III.A.7(d)” and move the words “pursuant to” after the words “special permit” so that the said sentence reads as follows:

“In a residence zone on a lot or lots on which a landscaping business was being conducted in July 2012, the Planning Board may grant a special permit for landscaping business use on such lot or lots provided that the applicant or applicants or their predecessors in interest on that date held a special permit pursuant to Subsection III.A.7(d) or use variance issued by the Board of Appeals with regard to all or part of any such lot.”

In the first paragraph, add the following sentence as the last sentence of that paragraph: **“Pursuant to Chapter 40A, Section 1A of the Massachusetts General Laws, the Board of Appeals shall be deemed the permit granting authority under this Section III.N for the purposes of Chapter 40A, Section 8 of the Massachusetts General Laws.”**

Under 1. Purpose, first sentence: replace the words “Section III.A.4 and/or 6” with the words “Subsection III.A.7(d)” and add the words “issued by the Board of Appeals” after the words “use variance” so that said sentence reads as follows:

“The purpose of this subsection is to permit the ongoing operations of landscaping businesses, which were in operation on July 2012 and which existed on lots for at least one of which a special permit pursuant to Subsection III.A.7(d) or use variance issued by the Board of Appeals was in force on July, 2012”

Under 3. Landscaping Services May Exist on a Lot With Other Uses, Including Agricultural, Greenhouse, Nursery and/or Residential, third sentence, replace the words “M.G.L. c.128, s1(a) with “M.G.L. c.128, s1”, remove the words “M.G.L. c. 61A”, and replace the reference to III with III.A so that the sentence reads as follows:

“For purposes of this Subsection, an agricultural use is defined in and shall be conducted in accordance with M.G.L. c.128, s.1, and M.G.L. c.40A s. 3; a greenhouse and/or nursery use is defined in and shall be conducted in accordance with Section III.A 4(b) and 7(d).”

Under 5. Approval of Plans, Rules, and Specifications, second sentence, by adding the following words “or may revise the material itself” so that the said sentence reads as follows:

“Insofar as the material submitted by an applicant with the application for a special permit may be inadequate or fail to advance the purpose of this Subsection, the Planning Board shall require its revision or may revise the material itself.”

COMMENT: On May 5, 2014, Town Meeting overwhelmingly embraced an article to create a special permit process to allow landscaping business use in a residential zone. As stated at that Town Meeting, the primary reason for this article, originally a citizens’ petition, was to address longstanding questions about the ability of Thayer Nursery to continue landscaping operations in addition to its existing nursery business on their site in the Hillside neighborhood. While the Warrant Committee does not believe the intention of the original article or the will of Town Meeting’s vote is in question, the language as voted contained errors referencing improper sections of the zoning bylaws that cast doubt on the effectiveness of the article. A yes vote on this article will correct those references and will also clarify that appeals under this special permitting process route to the Milton Board of Appeals.

ARTICLE 2 AMEND CHAPTER 10 OF THE GENERAL BYLAWS— CENTRAL AVENUE PLANNED UNIT DEVELOPMENT

To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by modifying Section III, Subsection J as follows:

1. Strike the first sentence of Paragraph 4.a and substitute the following sentence:-“In a Central Avenue planned unit development business use occupying no less than 3,750 square feet or, if greater, no less than 20% of the floor area of the principal floor in which the business space is located shall be

required with convenient access and egress for pedestrian traffic from the adjacent sidewalk.”

2. In the third sentence of Paragraph 4.a. substitute the words “for pedestrians” for the words “for both pedestrians and motor vehicles.”

3. Strike the last sentence of Paragraph 4.a.

4. Strike the second sentence of Paragraph 4.b and replace it with the following sentence:- “If the Planning Board determines that the area of the lot in the business district is the same as the qualifying lot area and that a development will preserve, if feasible, one or more significant natural features on the site and/or provide one or more other significant amenities to the public, the Planning Board may permit a bonus up to 15% for a higher FAR.”

5. Add the following additional sentence to Paragraph 4.b:—

“Provision of parking spaces for use without charge by the public while patronizing businesses in the Central Avenue Business District may be deemed a significant amenity to the public warranting a bonus.”

6. In the last sentence of Paragraph 4.c strike the phrase “such land may be used for parking in accordance with subsections F, G, and H of Section VII, including an underground parking structure” and substitute the following:- “such land may be used for parking in accordance with the provisions for parking herein. Such a parking area shall have a well maintained landscaped perimeter. Lighting shall be subdued with no significant light overspill onto neighboring properties. Effective measures shall be taken to control noise and unauthorized usage. The area shall be kept clean and in good repair.”

7. In the second sentence of Paragraph 4.d strike the words “first floor” and substitute the words “principal floor in which the business space is located.”

8. Add the following two sentences after the words “retail or restaurant use” at the end of the second sentence of Paragraph 4.d:—

“If all or part of the proposed building footprint falls within the area covered by a previously existing building the footprint elevation in this area shall be deemed the same as the nearest footprint elevation of the previously existing building as the Planning Board may in its discretion determine. In the event that a significant part of the principal floor of the building will lie below the average elevation of the building footprint subsequent to construction, the Planning Board may determine this principal floor to be a basement as well as the principal floor.”

9. Add the words “façade adjacent to a street” between the words “building” and “shall” in the first sentence of Paragraph 4.e so that the sentence reads: “In a Central Avenue planned unit development the third and fourth stories of any building façade adjacent to a street shall be set back from the second story sufficiently so as to maintain a scale appropriate to nearby residential areas.”

10. Substitute the words “building façade is set back from the street” for the words “entire building is set back from the lot line” in the last sentence of Paragraph 4.e so that the sentence reads: “The Planning Board may in its discretion grant an exception or modification of the set-back requirements in this paragraph upon finding that the building façade is set back from the street so as to meaningfully reduce the appearance of the bulk of the building.”

11. Strike the first sentence of Paragraph 8 and substitute the following sentences:—“In a Central Avenue planned unit development there shall be at least one parking space for each one bedroom unit, a minimum average of 1.5 parking spaces for each two bedroom unit, and a minimum average of 2.25 parking spaces for each unit with 3 or more bedrooms. In addition there shall be additional parking spaces equal in number to at least one third of the total number of spaces so computed and these spaces shall be available exclusively for residents, their guests and their service providers at least between the hours of 6:00 P.M. and 8:00 A.M.”

12. Add the following sentence to Paragraph 9:—“Such parking may include parking spaces reserved for resident use between 6:00 P.M. and 8:00 A.M. provided that such parking shall be provided to the public at other hours without charge as a public amenity and shall be time-limited and subject to reasonable rules for use. Commuter use shall not be permitted.”

13. Add the following Paragraph 13:-

“13. Application Fees. An applicant for a special permit and site plan approval hereunder shall pay the prescribed application fees provided that if an applicant shall have previously paid an application fee for a substantially similar development, the Planning Board in its discretion may waive the fees.”

14. Add the following Paragraph 14:-

“14. Modification of Timing for Application Requirements. For good cause shown the Planning Board may modify the timing for an applicant to satisfy the application requirements, such as approval of drainage requirements, so as to permit issuance of a special permit and site plan approval subject to subsequent satisfaction of such requirements provided that a preliminary approval shall be given with respect to such requirements.”

Submitted by the Planning Board and the Board of Selectmen

RECOMMENDED that the Town vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by modifying Section III, Subsection J as follows:

1. Strike the first sentence of Paragraph 4.a and substitute the following sentence:-“In a Central Avenue planned unit development business use occupying no less than 3,750 square feet or, if greater, no less than 20% of the floor area of the principal floor in which the business space is located shall be required with convenient access and egress for pedestrian traffic from the adjacent sidewalk.”

2. In the third sentence of Paragraph 4.a. substitute the words “for pedestrians” for the words “for both pedestrians and motor vehicles.”

3. Strike the last sentence of Paragraph 4.a.

4. Strike the second sentence of Paragraph 4.b and replace it with the following sentence:- “If the Planning Board determines that the area of the lot in the business district is the same as the qualifying lot area and that a development will preserve, if feasible, one or more significant natural features on the site and/or provide one or more other significant amenities to the public, the Planning Board may permit a bonus up to 15% for a higher FAR.”

5. Add the following additional sentence to Paragraph 4.b:—

“Provision of parking spaces for use without charge by the public while patronizing businesses in the Central Avenue Business District may be deemed a significant amenity to the public warranting a bonus.”

6. In the last sentence of Paragraph 4.c strike the phrase “such land may be used for parking in accordance with subsections F, G, and H of Section VII, including an underground parking structure” and substitute the following:- “such land may be used for parking in accordance with the provisions for parking herein. Such a parking area shall have a well maintained landscaped perimeter. Lighting shall be subdued with no significant light overspill onto neighboring properties. Effective measures shall be taken to control noise and unauthorized usage. The area shall be kept clean and in good repair.”

7. In the second sentence of Paragraph 4.d strike the words “first floor” and substitute the words “principal floor in which the business space is located.”

8. Add the following two sentences after the words “retail or restaurant use” at the end of the second sentence of Paragraph 4.d:—

“If all or part of the proposed building footprint falls within the area covered by a previously existing building the footprint elevation in this area shall be deemed the same as the nearest footprint elevation of the previously existing building as the Planning Board may in its discretion determine. In the event that a significant part of the principal floor of the building will lie below the average elevation of the building footprint subsequent to construction, the Planning Board may determine this principal floor to be a basement as well as the principal floor.”

9. Add the words “façade adjacent to a street” between the words “building” and “shall” in the first sentence of Paragraph 4.e so that the sentence reads: “In a Central Avenue planned unit development the third and fourth stories of any building façade adjacent to a street shall be set back from the second story sufficiently so as to maintain a scale appropriate to nearby residential areas.”

10. Substitute the words “building façade is set back from the street” for the words “entire building is set back from the lot line” in the last sentence of Paragraph 4.e so that the sentence reads: “The Planning Board may in its discretion grant an exception or modification of the set-back requirements in this paragraph upon finding that the building façade is set back from the street so as to meaningfully reduce the appearance of the bulk of the building.”

11. Strike the first sentence of Paragraph 8 and substitute the following sentences:—“In a Central Avenue planned unit development there shall be at least one parking space for each one bedroom unit, a minimum average of 1.5 parking spaces for each two bedroom unit, and a minimum average of 2.25 parking spaces for each unit with 3 or more bedrooms. In addition there shall be additional parking spaces equal in number to at least one third of the total number of spaces so computed and these spaces shall be available exclusively for residents, their guests and their service providers at least between the hours of 6:00 P.M. and 8:00 A.M.”

12. Add the following sentence to Paragraph 9:—“Such parking may include parking spaces reserved for resident use between 6:00 P.M. and 8:00 A.M. provided that such parking shall be provided to the public at other hours without charge as a public amenity and shall be time-limited and subject to reasonable rules for use. Commuter use shall not be permitted.”

13. Add the following Paragraph 13:-

“13. Application Fees. An applicant for a special permit and site plan approval hereunder shall pay the prescribed application fees provided that if an applicant shall have previously paid an application fee for a substantially similar development, the Planning Board in its discretion may waive the fees.”

14. Add the following Paragraph 14:-

“14. Modification of Timing for Application Requirements. For good cause shown the Planning Board may modify the timing for an applicant to satisfy the application requirements, such as approval of drainage requirements, so as to permit issuance of a special permit and site plan approval subject to subsequent satisfaction of such requirements provided that a preliminary approval shall be given with respect to such requirements.”

COMMENT: The Warrant Committee shares frustration with many citizens that the former Hendries building at the corner of Eliot Street and Central Avenue is still standing, not only because it is an eyesore and a potential hazard, but because tax revenues from a finished project on this site are sorely needed. This article seeks to amend zoning bylaws that apply to the Hendries site in an effort to make a mixed-use development more feasible, and more likely. It adjusts, among other things, requirements for physical dimensions, parking, business use, and fees as well as terminology associated with potential development for the area. The Warrant Committee feels that this article is an important step in the continued revitalization of the Central Avenue neighborhood.

**ARTICLE 3 AMEND CHAPTER 10 OF THE GENERAL BYLAWS—
PARKWAY PLANNED UNIT DEVELOPMENT**

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

In accordance with the provisions of G.L. c. 40A, s. 9, a planned unit development is hereby authorized for the redevelopment of a lot with at least two hundred (200) feet of frontage on a state-owned parkway, which contains at least 60,000 square feet of land and which has contained an ice business and other non-conforming business uses. Such a development shall be known as a Parkway planned unit development (“Parkway PUD”) and may combine new business uses with an Open Space use under a special permit issued by the Planning Board upon such terms and conditions as the Planning Board shall deem to be reasonable and appropriate. In the event that a special permit for a Parkway PUD shall be issued, no use of the lot may be made except as specifically authorized by the special permit. As used in this subsection ___, the “lot” shall be deemed to include a combination of adjacent lots in one ownership.

1. Purpose

The purpose of this subsection is to encourage redevelopment of a lot which contains or has contained an ice house and other non-conforming business uses by converting to a new business use or uses and combining such use(s) with another use so as to encourage reinvestment, provide amenities for surrounding neighborhoods, address environmental concerns, improve building façades and streetscapes, provide meaningful and usable Open Space, and/or generate new tax revenues for the Town.

2. Allowable Uses

(a) The following business uses shall be allowed: a food market, retail shops, restaurants, cafes, offices and/or banks (with drive-thru). Business uses may include public amenities such as meeting space and restrooms.

(b) At least twenty-five percent (25%) of the lot shall be used for Open Space, which shall be accessible to the public during daylight hours and without undue restriction.

3. Dimensional Requirements/Operations

(a) Buildings. Business uses may be contained in one or more buildings. Each building shall be designed to be architecturally coherent, well-sited on the lot and compatible and complementary to its surroundings. The design shall provide small-scale, retail-oriented business development that is appropriate to the existing built environment and compatible with the surrounding neighborhood in terms of building design and use of materials

(b) Building Height. New buildings shall not contain in excess of two and one-half (2½) stories, not including any basement level, and shall not exceed a height of more than thirty-five (35) feet above the average elevation of the building footprint after construction, as determined by the Planning Board. If new construction is permitted, then the clear height of the first floor shall be a minimum of eleven (11) feet. The Planning Board may allow a cupola or clock tower at a reasonable height above the roofline so long as it has been shown to add significant merit to the building's design.

(c) Setbacks. New buildings and parking areas shall be set back from abutting residential properties by a minimum of thirty (30) feet. Buildings, parking areas and site driveways shall be screened from such abutting residential properties by fencing, vegetation and/or landscape features.

(d) Lot Coverage/Floor Area Ratio. Buildings shall not cover in excess of twenty percent (20%) of the lot and shall not have a floor area ratio in excess of forty percent (40%) of the area of the lot.

(e) Dumpsters and Deliveries. There may be one or more dumpsters as necessary to handle trash and refuse from the businesses, provided that there shall be the fewest number of dumpsters necessary to service the approved uses, which shall be shared by multiple users. Dumpsters shall be screened from neighboring residential properties and public view with fencing and/or other landscaped features, shall be used in a quiet manner, and shall emit no noxious odors. To the extent feasible, truck deliveries and the movement of and emptying of dumpsters shall be scheduled to occur between the hours of 9:00 am and 4:00 pm on weekdays.

4. Building Design Standards

(a) Building mass shall be varied to create a logical hierarchy of forms, break up long unadorned expanses of façade, and create visual interest through shade, shadow and size and arrangement of fenestration. Buildings shall have no blank walls. Building walls shall not present unrelieved flat surfaces. Box-shaped structures without visual interest shall not be used.

(b) In a development with more than one building, the buildings shall be designed and situated so that they work in harmony with each other. The back and sides of each building shall be given as much architectural care as the front. Each building, whether observed from the front, rear or sides shall present an attractive appearance and be an architectural whole.

(c) Building façades shall include in their detailing some form of repeating pattern that includes window and door arrangement, and color, texture and material changes. Retail buildings are encouraged to incorporate some combination of façade recesses, projecting or recessed display windows, overhangs, canopies or porticos, arcades or colonnades, arches or decorative details. Entrances should create architectural focal points and break up large façades. Multiple entrances may be appropriate to facilitate pedestrian access to individual businesses.

(d) Retail buildings shall contain ground floor façades with at least fifty percent (50%) transparency. Windows shall generally be recessed into the wall and have detailing around the openings such as sills and trim boards. Signs or other objects shall not obscure views into the interior of the retail space.

(e) Roof lines shall be visibly coherent and architecturally well-defined. Roof edge treatments shall be coordinated with façade designs to provide emphasis to the building's primary entrances.

(f) Exterior building materials and colors shall be well-designed. Materials and colors should be coordinated to create a comprehensive design that

harmonizes with the surrounding area in order to instill a sense of place to the larger community. Interior finishes shall be reasonably consistent with the style of the exterior.

(g) Exterior lighting fixtures shall be appropriate to the architecture, be compliant with the requirements of the Fixture Seal of Approval from the International Dark Sky Association and be appropriately shielded to avoid significant light spill-over or visible glare into adjoining residential properties.

(h) Building equipment such as air handling units, condensers, transformers and the like shall be placed on the roof or at grade in locations screened by building or landscape elements. Such equipment shall not be visible from abutting residential properties or from the state-owned parkway.

5. Site Design Standards

The site shall be planned and designed in such a way to preserve existing features, including natural assets, viewsheds, and similar assets through harmonious and thoughtful design. Lighting, landscaping and signage shall complement the site's character. Site and building designs shall contain features that will encourage and facilitate access by foot and bicycle.

(a) Open Space shall be designed as an integral part of such development and shall enhance the development and the area in which the development is located. If the development is adjacent to a conservation resource area, some Open Space shall enhance public access to such resource area. Open Space may include pedestrian walkways and passive recreational space open to the public with public amenities such as outdoor patios with benches and other seating. Seventy percent (70%) of Open Space shall be comprised of permeable materials. Open Space shall not include paved sidewalks, parking areas or recreational space not dedicated to public use. Open Space may be utilized for the coursing or temporary retention of storm drainage. No structure shall be erected or maintained on the Open Space except as may be reasonably necessary for and incidental to the use of the Open Space, such as a shed to store maintenance equipment and outdoor furniture. The number, use, characteristics and location of structures shall be subject to approval by the Planning Board and the Conservation Commission, as appropriate.

(b) Existing trees shall be incorporated into the development to the extent practical by using planning and construction techniques that will best protect such natural features. All plant materials shall be sized so that the landscaping has a mature appearance within three years of planting. At least seventy-five percent (75%) of new plant materials shall be native species or species adapted to the New England climate. Invasive species shall not be permitted. Plantings shall be maintained in a healthy condition and replaced if damaged or diseased.

(c) Bicycle parking shall be provided within thirty (30) feet of the main building entrance in a visible and prominent location that is well-lighted.

(d) The site design shall provide for an area for storage of snow that is cleared from any paved area.

(e) In the event that buildings are set back from the state-owned parkway by at least thirty (30) feet, the development may contain a free-standing, two-sided sign that shall be set back from the state-owned parkway by at least ten (10) feet and which may contain one two-sided sign panel advertising the name of the development and one two-sided panel for each business located within the development. The maximum height of such sign shall be nine (9) feet, the maximum width of the sign shall be ten (12) feet and the maximum area of all sign panels on such sign shall be seventy-two (72) square feet. The sign may be externally illuminated by white, steady, stationary light shielded and directed downward solely at the sign. Each business shall also be entitled to install signs on their portions of building façades. All signage shall otherwise comply with the sign bylaw.

6. Parking

Parking for business uses shall be dependent on the type of business use. In the absence of specification of the business use in the application for a special permit, four (4) spaces per 1,000 square feet of business floor area shall be required; thereafter, each business use undertaken shall have the number of parking spaces specified in Section VII.C or a lesser number of spaces determined to be adequate for the particular use by the Planning Board considering all relevant circumstances. In the event of a restaurant use one parking space shall be provided for each three (3) patron seats in the restaurant or such lesser number determined to be adequate for the particular restaurant use by the Planning Board considering all relevant circumstances. If a business use is changed, a new determination of an adequate number of parking spaces shall be made by the Planning Board in like manner. Provision shall be made for employee parking to be located in the most remote sections of the parking areas and such parking shall be enforced by the owner of the development.

7. Neighborhood Involvement

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

8. Site Plan

An application for special permit shall include a plan meeting the requirements for site plan approval in Section VIII.D.2, a narrative explaining how the development proposal meets one or more of the objectives in paragraph 1, a statement of the impacts of the development on the neighborhood and the Town and a description how such impacts will be mitigated, and such other requirements as may be specified by the Planning Board. The plan shall include building elevations and a three-dimensional massing model showing the impact of the proposed new structures on the abutting properties as well as a landscaping plan, including a detailed plan of the proposed Open Space. The application shall also include professional studies calculating the impacts of the development on Town services, on parking, and on traffic in the Town. The plan shall be contained in various sheets, all of which, after approval, shall contain the written approval of the Planning Board and shall be recorded with the Norfolk County Registry of Deeds at the applicant's expense. The plan on record shall be a part of the special permit. The plan shall show the development in all material detail. Any amendments or modifications shall be approved by the Planning Board and recorded with the Registry of Deeds at the applicant's expense. The applicant shall promptly provide to the Planning Board evidence of recording of each approved plan, amendment or modification. When each such recorded document has been returned to the applicant, the applicant shall promptly provide a copy thereof to the Planning Board, which shows the book and page of recording.

9. Notice, Procedures and Standard for Decision

The notice and procedural requirements set out in Section IX.B and C and the standard to be used in rendering a decision set out in Section IX.C shall apply to special permits under this subsection.

and to act on anything related thereto.

The Warrant Committee had no recommendation at the time of printing.

COMMENT: The Planning Board believes this article needs more study and specificity. The Warrant Committee is allowing more time for the possibility that the Planning Board will endorse this article with changes before the Warrant Committee votes a recommendation.

**ARTICLE 4 AMEND CHAPTER 21 OF THE GENERAL BYLAWS—
STORMWATER MANAGEMENT**

To see if the Town will vote to amend Chapter 21 of the General Bylaws of the Town of Milton as follows:

1. by adding a new Section 6, which reads:

“The Board of Selectmen may adopt, through rules and regulations authorized by this Stormwater Management Bylaw, a Stormwater Utility pursuant to MGL c.83, § 16 MGL and any other applicable provisions of law. The Board of Selectmen may administer, implement and enforce this Utility. The Board of Selectmen shall establish, administer, and collect a Stormwater Utility Fee. The Stormwater Utility fee shall be imposed on each parcel of residential property and each parcel of nonresidential property, whether occupied or not. The Stormwater Utility fee shall be billed at least annually, but not more frequently than in four quarterly increments, as determined by the Board of Selectmen. Receipts generated from the Stormwater Utility fee shall be deposited to a special revenue account to be known as the “Stormwater Utility Account” established in accordance with the authority granted by MGL c. 44, § 53F 1/2. The funds deposited to this account shall be used to fund the stormwater management program(s) of the Town.”; and

2. by renumbering Sections 6 and 7 as Sections 7 and 8.

And to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to amend Chapter 21 of the General Bylaws of the Town of Milton as follows:

1. by adding a new Section 6, which reads:

“The Board of Selectmen may adopt, through rules and regulations authorized by this Stormwater Management Bylaw, a Stormwater Utility pursuant to MGL c.83, § 16 MGL and any other applicable provisions of law. The Board of Selectmen may administer, implement and enforce this Utility. The Board of Selectmen shall establish, administer, and collect a Stormwater Utility Fee. The Stormwater Utility fee shall be imposed on each parcel of residential property and each parcel of nonresidential property, whether occupied or not. The Stormwater Utility fee shall be billed at least annually, but not more frequently than in four quarterly increments, as determined by the Board of Selectmen. Receipts generated from the Stormwater Utility fee shall be deposited to a special revenue account to be known as the “Stormwater Utility Account” established in accordance with the authority granted by MGL c. 44, § 53F 1/2. The funds deposited to this account shall be used to fund the stormwater management program(s) of the Town.”; and

2. by renumbering Sections 6 and 7 as Sections 7 and 8.

COMMENT: As stormwater runs off of our properties and into streets and drains, the water picks up particulate matter and eventually deposits into wetlands, streams, lakes and other waterways. The Environmental Protection Agency (EPA) is charged, among other things, with the protection of our natural water resources and has mandated each municipality to monitor, manage and control its stormwater in compliance with the Clean Water Act through the issuance of National Pollution Discharge Elimination System (NPDES) permits. The first NPDES permit was issued in 2003 and was set to renew with heightened restrictions in 2008. It has taken the EPA several years to study and develop the new permit that was supposed to have been issued in 2008. In 2013 the EPA issued the requirements for the new permit that is expected to become effective in phases starting in early 2016. The Federal government does not offer any funding to pay for the additional costs of complying with the permit. Intentional failure to comply can result in fines to the municipality of up to \$25,000 per day.

Stormwater management entails comprehensive planning, pre-emptive action and remediation, including:

- control of flooding, erosion and hazardous materials;*
- building “soft” structures such as ponds, swales, and wetlands to work with “hard” drainage structures, such as pipes and concrete channels;*
- establishment of long-term asset management programs to repair and replace aging infrastructure;*
- development of funding approaches such as stormwater user fees and a stormwater utility;*
- community education about how to protect and improve water quality.*

Currently the Town is expending approximately \$500,000 annually in direct costs (not including debt service on capital projects) to monitor and manage stormwater. These costs are expected to steadily increase as new permit requirements are implemented. These costs are currently part of the DPW’s budget which is funded through the real estate tax levy and as such are funded mostly by the homeowners of Milton.

The establishment of a stormwater utility would allow the Town to recover the cost of fulfilling requirements under the NPDES permit through a fee charged separately from the real estate tax levy in much the same way as residents are now charged for water and sewer. Additionally, this mechanism would allow the Town to charge a share of the cost to all property owners that create stormwater runoff, including not-for-profit entities and the Commonwealth of Massachusetts.

There are multiple ways the stormwater utility fees could be calculated. Fees could be flat or based on each parcel's impervious area, including driveways, patios, parking lots, roofs, etc. Parcels could be classified by residential property, large multifamily properties, commercial properties, not-for-profit properties, state properties and municipal properties. Each class could then be assigned a percentage of costs based on the ratio of impervious surfaces in the class to all impervious surfaces in the Town. Residential properties could be divided into three subclasses: small lots, mid-size lots and large lots. All home owners in each subclass could receive the same quarterly bill amount. All property owners in the other classes could be billed their share of the cost assigned to that class. The exact method for calculating fees would be determined by the Board of Selectmen.

Town Meeting will likely have two budgets to consider in the May 2016 Town Meeting, a non-contingent budget and a budget contingent on an operating override. Due to insufficient funding, the Town would need to implement significant budget cuts and as a result staff reductions to operate within a non-contingent budget. If this article is approved by Town Meeting, costs will be moved off of the operating and override budgets potentially decreasing the impact on town services and the size of an override.

Town meeting will be held on
Monday, February 8, 2016
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, February 9,
and Thursday, February 11, 2016

ECRWSS

POSTAL CUSTOMER RESIDENT
MILTON, MA 02186

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