

# TOWN OF MILTON 2014



## October Town Meeting

Monday, October 27, 2014

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

**2014**  
**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-seventh day of October next at 7:30 o'clock in the evening, then and there to act upon the following Articles to wit:

Articles 1-16

And you are directed to warn said inhabitants qualified as aforesaid to meet at the times and places and for the purposes herein mentioned by posting attested copies of the Warrant in each of the Post Offices of said Town fourteen days at least before the twenty-seventh day of October 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-seventh day of October, next.

Given under our hands at Milton this twenty-third day of September, two thousand and fourteen.

Kathleen M. Conlon  
Denis F. Keohane  
J. Thomas Hurley

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 27, 2014 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, fragrancd hair products, after shave lotion, scented hand lotion, etc. Attendees at Town Meeting are requested to avoid wearing products with strong fragrances. As an accommodation to persons with such adverse reactions, and to allow safe and free access to the auditorium, the lobby and 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 to the lobby entrance."

## **REPORT OF THE WARRANT COMMITTEE FOR THE 2014 OCTOBER TOWN MEETING**

To the Honorable Board of Selectmen:

The Warrant Committee is pleased to present to Town Meeting and the voters and taxpayers of the Town our recommendations for action on sixteen articles submitted to the October Town Meeting convening on Monday, October 27, 2014.

Article 34 of the 2012 Annual Town Meeting Warrant, as voted by Town Meeting, established a schedule of spring and fall Town Meetings to replace the previous Annual May and floating Fall/Winter Special Town Meetings. Always scheduled for the fourth Monday in October, our third annual October Town Meeting is October 27, 2014 at the Milton High School Auditorium, beginning at 7:30 p.m. If needed, a second night will be held October 28, 2014, also at the Milton High School Auditorium and also beginning at 7:30 p.m.

Of the sixteen articles coming before this meeting, six of the articles are essentially of a financial nature, with the remainder related to zoning and planning.

The planning and zoning articles include a request to establish a Master Plan Implementation Committee; a request to establish another Planned Unit Development at the former site of St. Pius parish; modifications to signage requirements; and amendments to certain zoning requirements such as height of auxiliary buildings. These items are addressed in the warrant to the extent possible in this report and the comments. Unfortunately, the Planning Board's public participation process had not been completed by the time this warrant went to print, so the reader will see several instances where the Committee was unable to offer a recommendation or comment. We will post our recommendations for these articles when written, along with this warrant, on the Town Meeting page of the Town's website.

Financially-related items include articles to adopt the provisions of MGL Ch. 44, Sect. 53 F 1/2, to establish Water Enterprise and Sewer Enterprise accounts; an article to establish a special purpose account, an article enabling the continuation of work by the Fire Space Needs Committee; and the purchase of Town water supply infrastructure in the Blue Hills. Again, the specific merits of each of those items are addressed in the comments following each recommendation in the warrant.

An additional article seeks to add a representative of the Library Trustees to the town's Capital Improvement Planning Committee. This article engendered significant discussion among the members of the Warrant Committee, less about the risk-reward calculus of expanding the CIPC, and more specifically to the perceived need to improve the town's long-term capital planning. It is the general

perception of this committee that the present system has an annual focus, dividing up the available funds in a scrum among the competing interests of the town and school departments. As a result, it appears that the long view is not well addressed.

Milton has an unfortunate track record of running its buildings to ruin. Our old Town Hall, the Police Station, the schools, and the libraries have all fallen into significant disrepair prior to enormous investment being required to bring the buildings into serviceable condition, or replace them. Our fire stations have fallen into and remain in a sorry state, and loom as the next major investment for the Town. Many of our DPW facilities are in dire straits as well.

The Warrant Committee respectfully suggests and is willing to participate in a review of the capital planning process in Milton, with an eye toward establishing a long-term perspective to protect our built assets. Appropriate short-term investment in maintenance and operations will extend the life cycle of these assets. A coordinated effort to address big-ticket items will allow us to modulate the expense of any debt service needed to finance the more expensive repairs

Finally, your Warrant Committee's collective recollection is that annual October Town Meetings were conceived as the opportunity to address zoning articles; that financial articles would continue to be addressed in the spring at Annual Town Meeting, and that occasionally, a time-sensitive issue might bump over into the other meeting. However, the recommendation was altered on Town Meeting floor to eliminate preference for zoning articles and further to qualify the annual holding of this meeting with the phrase "if required." That proved to be an excess of caution as last year's October Warrant had fifteen articles and this year there are sixteen. Still, financial articles can be problematic. In particular, attempting to address financial articles requesting appropriations in the fall, when the fiscal year budget was already established in the spring, is a tricky and risky enterprise. Some financial articles, however, are indeed time-sensitive. Your Warrant Committee chair has advanced an article to establish a special purpose stabilization fund that will likely be used this spring if authorized now. We believe this fund will prove essential to the prudent fiscal management of a contingent budget, its requisite override, and the following near term. Nothing has developed since March to alter our prediction of a two million dollar, or greater, shortfall of revenue to requested expenditure. The special purpose stabilization fund will help the Warrant Committee maximize the number of years between overrides, without jeopardizing the Town's credit rating. We repeat from last spring's warrant that most important for our credit rating and the continued smooth delivery of services and education, is the Town's willingness, periodically, to overcome the structural deficit inherent in Massachusetts' municipal finances under Proposition 2 ½ and pass an override.

The basis for our recommendations and background on the articles are discussed below and/or in the comments to the articles.

### **Article 1: Authorization for Acquisition of Central Avenue/Eliot Street Parcel by Eminent Domain**

Passage of this article will authorize the Board of Selectmen to acquire, by gift, taking by eminent domain, or otherwise a small parcel of unknown ownership located at Central Avenue and Eliot Street, sandwiched between property owned by the Town and property owned by Carrick Realty Trust.

### **Article 2: Capital Items Appropriation – Water Storage Tanks**

An agreement made in 1957 with the Town of Canton for water usage worked well until 2007 when a new agreement was negotiated. Canton complied and, after spending \$7 million for its own water mains, was ready to disconnect from the Milton water mains eighteen months ago. However, by then, and actually much sooner (but not in 2007) Milton had learned that the abandonment of the Canton “loop” water line would spell disastrous consequences for water pressure in the more highly elevated parts of town. Legally mandated levels of pressure would likely be unattainable. The Town would be unable to fight fires at four hundred residences. In addition, the drop in pressure could lead to a serious drop in water quality. Rerouting the water through new, more direct mains at a cost of \$2.9 million is the only remedy. A new agreement with Canton gives Milton until November 2016 to finish our work with checkpoints along the way such as securing bond authorization from Town Meeting by this December.

Meanwhile, the three 80-year old water tanks in the Blue Hills, crucial to the water pressure and supply of the town, need to be replaced at a cost of \$2.7 million.

This article seeks an appropriation of \$5.4 million to be bonded and paid for over 20 years by Town of Milton water rate payers.

### **Articles 3 and 4: Establish Sewer and Water Enterprise Funds**

Milton established special revenue funds in the early part of the last century for the financial activity associated with the town-owned water and sewer utilities. They became known in the town as the Water and Sewer Enterprise funds. The Commonwealth, recognizing that some special revenue funds (not Milton’s) operated in a limited way, enacted the enterprise fund statute in 1986. Communities that adopted the statute had enterprise funds that provided accounting and managerial advantages over some special revenue funds that tracked operations only. However, Milton’s Enterprise Funds had always operated with full enterprise asset accounting, so no particular advantage was to be gained by adoption of the enterprise fund statute. There are some small differences in reporting requirements to the Department of Revenue on the tax recapitulation.

**Article 5: Capital Improvement Planning Committee Library Appointment**

This article seeks to seat a member of the Library Board of Trustees on the Capital Improvement Planning Committee.

**Article 6: Change of Purpose – Land off Landfill Access Road**

In 1954 by act of Town Meeting, the old private dump off Randolph Avenue was taken by eminent domain in a tax taking for the purpose of establishing a municipal landfill. \$12,000 was appropriated in a separate article to construct the landfill access road. This article seeks to allow a change in the designated use for the parcels of the original taking on the west side of the access road. Everything east went to the golf course.

**Article 7: Amend Zoning Bylaws, Section III, Subsection C – Signs in a Business District**

This article hopes to bring some clarity and light to the question of allowable exterior illuminated lights in a business district.

**Article 8: Amend Zoning Bylaws, Section III, Subsection B – Signs in a Residence District**

This article hopes to establish parameters regarding allowable signs placed on residential properties for historical, advertising, and political purposes. It also addresses temporary signs of all kinds, and the allowable display periods for such signs.

**Article 9: Amend Zoning Bylaws, Section IV – Grandfathering Change**

This article seeks to amend the Zoning Bylaws with regard to alterations and extensions to residential buildings built before February of 1938.

**Article 10: Amend Zoning Bylaws, Section V – First Story Determined by Grade**

This article gives relief for owners of buildings built before 1950 looking to add another story to an existing structure. Under current bylaws, a basement more than four (4) feet at average grade above ground is considered a story; this amendment changes that to six (6) feet at average grade above ground for pre-1950 buildings.

**Article 11: Amend Zoning Bylaws, Section III – Planned Unit Townhouse Development**

This article amends the Zoning Bylaws to establish a Planned Unit Townhouse Development special permit process. This may be applied to a proposed development at 865 Brush Hill Road, a property formerly owned by the St. Pius Church. It creates a special permit process for this type of development through the Planning Board, and defines parameters for site plan, open land, design standards, condominium association, housing types, and affordable housing.

**Article 12: Amend Zoning Bylaws Section VI, Subsection D – Accessory Structure Height**

This is a housekeeping article for the Zoning Bylaws.

**Article 13: Establish a Master Plan Implementation Committee**

This article will establish a successor committee to the Master Plan Committee: the Master Plan Implementation Committee.

**Article 14: Fire Station Facilities Renovation Appropriation**

This article authorizes the Board of Selectmen to accept grants or gifts and to determine, with input from the Fire Space Needs Committee, their expenditure for further study of the potential renovation, reconstruction and/or construction of fire station facilities in the Town. The Fire Space Needs Committee was formed by an article at Town Meeting in the spring of 2013. They delivered a report to Town Meeting as charged last spring. They issued a Request for Information for a study of all options and costs required to meet future needs for fire station facilities. Six of nine solicitations were returned with estimates ranging from \$34,000 to \$100,000.

The planning and architecture firm Drummey Rosane Anderson, Inc., delivered a report to the Town in August of 2012 titled Conditions Assessment for School and Public Buildings. In it, all three fire stations earn the worst possible score in all five major categories of assessment.

**Article 15: Authorization for Acquisition of Easements**

Passage of this article will authorize the Board of Selectmen, during Fiscal Year 2015, to acquire or abandon easements on behalf of the Town. As the authorization is just for the balance of this fiscal year an article for reauthorization for Fiscal Year 2016 can be expected this spring. An amendment to the General Bylaws of the Town (Chapter 4, Section 5) could be a permanent solution.

**Article 16: Establish a Special Purpose Fund**

This article seeks to establish a special purpose stabilization fund for the purpose of balancing the General Fund budget, essentially a savings account for the Town. Other towns enjoy this useful tool.

## **Acknowledgements**

On behalf of your Warrant Committee, the Chair extends his thanks to all of the appointed and elected officials of the Town who assisted in the preparation of this Warrant: Town Administrator Annemarie Fagan, Town Counsel John Flynn, Town Accountant Amy Dexter, Planning Board Chair Alex Whiteside and Planning Director William Clark, the Board of Selectmen and staff of their office, most especially Patricia Cahill, our invaluable clerk.

Respectfully submitted,  
September 23, 2014

Ted Hays, Chair  
Paul Pasquerella, Secretary  
Richard Boehler  
Nathan Bourque  
Jean Eckner  
Frank Guiliano  
Steven McCurdy  
LeeMichael McLean  
Michael Maholchic  
Jim Potter  
Jonathan Schindler  
Kevin Sorgi  
Darnell Turner  
Betty White  
Patricia Cahill, Clerk

**ARTICLE 1 AUTHORIZATION FOR ACQUISITION OF CENTRAL AVENUE/ELIOT STREET PARCEL BY EMINENT DOMAIN**

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, taking by eminent domain, or otherwise, a certain parcel of land containing approximately one thousand two hundred twenty (1,220) square feet, together with any structures and improvements thereon, which parcel is located at Central Avenue and Eliot Streets, Milton, Massachusetts, between property owned by the Town of Milton and property owned by Carrick Realty Trust, and which parcel is also identified in Section 1 of Chapter 215 of the Acts of 2014, and to see what sum of money the Town will vote to appropriate for the purposes of this article;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

**RECOMMENDED that the Town vote to authorize the Board of Selectmen to acquire, by gift, taking by eminent domain, or otherwise, a certain parcel of land containing approximately one thousand two hundred twenty (1,220) square feet, together with any structures and improvements thereon, which parcel is located at Central Avenue and Eliot Street, Milton, Massachusetts, between property owned by the Town of Milton and property owned by Carrick Realty Trust, and which parcel is also identified in Section 1 of Chapter 215 of the Acts of 2014, and further that the Town make no appropriation under this article.**

*COMMENT: The 1,220 square foot parcel described in this article is located between the property owned by the Town at 0 Central Avenue and that owned by the Carrick Realty Trust at 131 Eliot Street. The Selectmen have advertised as required before a potential taking of the parcel. The Selectmen are confident there are no parties with rights to this parcel, but along with the Town Planner believe that the costs of demolition, cleanup, and various fees attributable to this parcel will more than offset any value it may have, reducing or eliminating the Town's financial exposure in the remote chance a claim of ownership is made. The acquisition of this parcel by gift, eminent domain, or other method, will remove an obstacle to the disposition of the property at Zero Central Avenue.*

**ARTICLE 2 CAPITAL ITEMS-WATER STORAGE TANKS**

To see what sum of money the Town will vote to appropriate for capital items, to determine how said appropriation shall be raised, whether by borrowing or otherwise;

and to act on anything thereto.

Submitted by the Board of Selectmen and Capital Improvement Planning Committee

**RECOMMENDED that the sum of \$5,400,000 be appropriated for the purpose of financing the rehabilitation, replacement or enhancement of the Town’s water system, including costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$5,400,000 under and pursuant to Chapter 44, Section 8 (4 and 5) of the General Laws, as amended, or any other enabling authority, and to issue bonds or notes of the Town therefor, and that the Board of Selectmen be and hereby is authorized to accept and expend in addition to the foregoing appropriation one or more grants or gifts from any public or private funding source.**

*COMMENT: Water service to some Canton homes near the Blue Hills has actually been provided, for decades and at cost, by the town of Milton. Water mains from Milton ran into Canton neighborhoods to provide them with drinking water, then looped back into Milton, to serve Milton neighborhoods near Blue Hills. Roughly ten years ago, Canton was frustrated in its efforts to convince Milton to reduce the cost of water to Canton, and developed a plan to construct the water mains needed to service its own neighborhoods. That work is now completed and Canton is prepared to disconnect from the Milton water main system. Regrettably, that action will create a gap in the Milton system, isolating the Milton neighborhoods. A series of projects is needed to address the situation and to ensure that our system is constructed to meet water quality standards.*

<i>The project has three major components totaling</i>	<i>\$6.031 million:</i>
<i>1. Water Main Replacement and Improvements</i>	<i>\$2.925 million</i>
<i>2. Pressure reduction Vault</i>	<i>\$0.408 million</i>
<i>3. Replacement of three Water Tanks</i>	<i>\$2.698 million</i>

*Elements 2 and 3 of the project include a significant percentage of their cost for improvements to the Milton water system beyond just the service area, while element 1 is essentially the cost to reroute the water mains to those Milton neighborhoods that would be isolated by the Canton shut-off. Canton has given Milton a 2016 deadline to complete its work on the rerouted system.*

*The anticipated bonding authorization is \$5.4 million, as portions of the project are planned to be funded by non-borrowed monies.*

*Debt service would be minimal in FY15 and 16, during construction, while we use Bond Anticipation Notes and cash reserves to pay construction bills. Once construction is complete, debt service costs would escalate in FY 2017, gradually declining over the following twenty years. The impact on the average “nuclear” household currently paying \$1,928 annually for water and sewer for this project will be about \$132 annually or an increase of 6.84% over current rates.*

**ARTICLE 3 ESTABLISH SEWER ENTERPRISE FUND**

To see if the Town will vote to accept the provisions of Chapter 44, Section 53F½ of the Massachusetts General Laws which would authorize the Town to establish a separate account classified as a Sewer Enterprise Fund, provided that such acceptance shall be effective on July 1, 2015;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

**RECOMMENDED that the Town vote to accept the provisions of Chapter 44, Section 53F½ of the Massachusetts General Laws which would authorize the Town to establish a separate account classified as a Sewer Enterprise Fund effective fiscal year 2016.**

*COMMENT: Article 3 and 4 have the same comment. See below.*

**ARTICLE 4 ESTABLISH WATER ENTERPRISE FUND**

To see if the Town will vote to accept the provisions of Chapter 44, Section 53F½ of the Massachusetts General Laws which would authorize the Town to establish a separate account classified as a Water Enterprise Fund, provided that such acceptance shall be effective on July 1, 2015;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

**RECOMMENDED that the Town vote to accept the provisions of Chapter 44, Section 53F½ of the Massachusetts General Laws which would authorize the Town to establish a separate account classified as a Water Enterprise Fund effective fiscal year 2016.**

*COMMENT for articles 3 and 4: Most municipalities that provide fee-funded services, such as water supply or sewers, segregate the fee revenues into a restricted account. Milton has had such an account since the early 1900s, collecting water and sewer rates from its residents, and utilizing the money to fund activities associated with water and sewer, as well indirect costs such as billing and accounting. This type of account helps to measure the true cost, including operation, maintenance, and replacement of infrastructure needed to provide the service. Even though the enterprise funds are segregated, communities are able to move funds in and out of the restricted accounts without difficulty. However, it is not considered a best management practice to transfer money from the municipal General Fund to subsidize water and sewer rates, nor is it a recommended practice to use surplus from Water and Sewer accounts to subsidize other activities of the local government. As a consequence, the Massachusetts Department of Revenue recommends that municipalities adopt M.G.L. Chapter 44, Section 53F½, to further segregate the water and sewer revenues from the Town's General Fund. The section restricts the use of the funds to the purposes for which the account was established, in this case one for water and one for sewer.*

## **ARTICLE 5 CAPITAL IMPROVEMENT PLANNING COMMITTEE LIBRARY APPOINTMENT**

To see if the Town will vote to amend Chapter 4, Section 17.1 of the General By Laws by deleting the words eight (8) and inserting in their place the words “nine (9)”, by adding the words “one (1) member of the Board of Library Trustees” after the words “School Committee”, and by referring to the required number of board and committee members with words and numbers, so that said Section 17.1 shall read:

“The Board of Selectmen shall establish and appoint a committee of persons to be known as the Capital Improvement Planning Committee. Said committee shall be composed of one (1) member of the Board of Selectmen, one (1) member of the Warrant Committee, one (1) member of the Planning Board, one (1) member of the School Committee, one (1) member of the Board of Library Trustees, the Town Accountant, the Consolidated Facilities Director, and two (2) members of the community at large. Members shall serve for a one (1) year term beginning on the fifteenth day of August in the year of appointment. The Committee shall choose its own officers”;

and to act on anything relating thereto.

Submitted by the Board of Library Trustees

**RECOMMENDED that the Town vote to amend Chapter 4, Section 17.1 of the General By Laws by deleting the words eight (8) and inserting in their place the words “nine (9)”, by adding the words “one (1) member of the Board of Library Trustees” after the words “School Committee”, and by referring to the required number of board and committee members with words and numbers, so that said Section 17.1 shall read:**

**“The Board of Selectmen shall establish and appoint a committee of nine (9) persons to be known as the Capital Improvement Planning Committee. Said committee shall be composed of one (1) member of the Board of Selectmen, one (1) member of the Warrant Committee, one (1) member of the Planning Board, one (1) member of the School Committee, one (1) member of the Board of Library Trustees, the Town Accountant, the Consolidated Facilities Director, and two (2) members of the community at large. Members shall serve for a one (1) year term beginning on the fifteenth day of August in the year of appointment. The Committee shall choose its own officers.”**

*COMMENT: The Capital Improvement Planning Committee (CIPC) currently has a membership of eight with the recent addition of the Consolidated Facilities Director. Since the renovation and expansion of the Library, overall use has markedly increased. As a valuable municipal asset, the building should be preserved and maintained on a regular basis as a matter of course. Adding a Library Trustee to serve on the CIPC will help that committee focus on issues of long-term maintenance and increases the committee voting membership to a more appropriate odd number. At the same time, the Warrant Committee is cognizant that the CIPC could become unwieldy with appointments of other town board members, and would be reluctant to recommend further committee expansion, especially as the remaining significant built civic asset now has direct representation.*

**ARTICLE 6 CHANGE OF PURPOSE – LAND OFF LANDFILL ACCESS ROAD**

To see if the Town will vote to transfer care, custody and control of the land described below from the Board of Selectmen for municipal dump purposes to the Board of Selectmen for general municipal purposes, which land is shown on Town of Milton Assessors’ Maps as that portion of Section I, Block 38D, Lot 9 located west of the former landfill access road and containing  $\pm 3.0725$  acres, and that portion of Section I, Block 38D, Lot 8 located west of the former landfill access road and containing  $\pm 0.28$  acres;

and to act on anything relating thereto

Submitted by the Board of Selectmen

**RECOMMENDED that the Town vote to transfer care, custody and control of the land described below from the Board of Selectmen for municipal dump purposes to the Board of Selectmen for general municipal purposes, which land is shown on Town of Milton Assessors' Maps as that portion of Section I, Block 38D, Lot 9 located west of the former landfill access road and containing ± 3.0725 acres, and that portion of Section I, Block 38D, Lot 8 located west of the former landfill access road and containing ± 0.28 acres.**

*COMMENT: The town dump has been closed since 1999. These particular lots of land, formerly part of the town dump, are still designated for landfill purposes. This purpose is obsolete, and this change will allow the Board of Selectmen to designate the lots as needed toward another purpose more beneficial to the Town.*

**ARTICLE 7 AMEND ZONING BYLAWS, SECTION III, SUBSECTION C – SIGNS IN A BUSINESS DISTRICT**

To see whether the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, adding the following paragraphs (f) and (g) to subsection C of Section III:

- (f) Sign illumination: Signs may be illuminated during regular business hours after dusk or before sunrise and, if so illuminated, shall be illuminated by a stationary steady light. Illumination shall be shielded or directed so that it does not shine directly onto neighboring properties and shall be Dark Sky compliant. Signs shall not be illuminated by blinking, flashing or fluttering lights or by other illuminating devices which have a changing light intensity, brightness or color. High intensity lights shall not be used provided that the Board of Selectmen for good cause and superior design may authorize lights which have no adverse impacts but which exceed a factor of 3 above ambient light intensity measured at any point on the ground.
- (g) Signs with Moving Parts or Text: Signs shall display no moving parts and shall not provide a changing message, text or appearance provided that signs may display the time and temperature and further provided that the Board of Selectmen for good cause and superior design may authorize signs which display moving parts or text and which have no adverse impacts.

Submitted by the Board of Selectmen and the Planning Board

**RECOMMENDED that the Town vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws by adding the following language and subparagraphs at the end of paragraph 5 of subsection C of Section III:**

**Exterior illuminated signs shall also comply with the following:**

- (a) Exterior Sign illumination: Signs may be illuminated during regular business hours after dusk or before sunrise and, if so illuminated, shall be illuminated by a stationary steady light. Illumination shall be shielded or directed so that it does not shine directly onto neighboring properties. Signs shall not be illuminated by blinking, flashing or fluttering lights or by other illuminating devices that have a changing light intensity, brightness or color. High intensity lights shall not be used provided that the Board of Selectmen for good cause and superior design may authorize lights that have no adverse impacts.**
  
- (b) Exterior Signs with Moving Parts or Text: Signs shall display no moving parts and shall not provide a changing message, text or appearance provided that signs may display the time and temperature and further provided that the Board of Selectmen for good cause and superior design may authorize signs which display moving parts or text and which have no adverse impacts.**

*COMMENT: The current language of the Zoning Bylaws simply states “signs or illuminated signs.” This language offers better-defined parameters to guide regulation of illuminated signs in business districts. It prohibits the use of illuminated signs during daylight hours and outside of normal business hours, prohibits blinking and flashing signs, and prohibits illuminated signs from being a nuisance to neighbors. It also prohibits high intensity signs and moving or changing message signs other than those displaying time and temperature, but grants the Board of Selectmen discretion to make exemptions in these cases. These amendments apply to exterior signs only.*

**ARTICLE 8 AMEND ZONING BYLAWS, SECTION III, SUBSECTION B – SIGNS IN A RESIDENCE DISTRICT**

To see if the Town will vote to amend Chapter 10 of the General Bylaws known as the Zoning Bylaws by striking Paragraph 3 of Section III subsection B and by substituting the following Paragraph 3 in its place and by adding the following Paragraph 4:

3. Signs in Residence Districts

In a residence district the following signs, which are visible from a street or a neighboring property in separate ownership, only are authorized provided that certain temporary signs are authorized under Paragraph 4. When reference is made to the Board of Selectmen in this paragraph such a reference shall include the Town’s Sign Review Committee or the Board of Selectmen’s designee under procedures established by the Board of

Selectmen for that committee or designee. Signs shall not be illuminated without authorization by the Board of Selectmen. In instances where the Board of Selectmen is required to consider authorization for a proposed sign, the Board's review shall include the proposed design, content and construction of the sign.

- a) A sign of not more than three (3) square feet displaying the street number, which may include the name of the street, and/or the name of the occupant.
- b) A sign of not more than three (3) square feet containing historical references for the property or building, such as the name of the original owner, the date of construction or a significant event.
- c) Signs, each of not more than three (3) square feet, restricting access to or use of property such as signs which post property or which prohibit trespassing, hunting, fishing or other activity.
- d) Signs, each of not more than three (3) square feet, which warn of danger such as high voltage or other hazardous conditions existing on a lot or in a building, provided the Building Commissioner on the advice of the Police Chief or Fire Chief may specify a larger size and the placement of such signs.
- e) Signs for a pre-existing non-conforming business use, including any such use authorized by the Board of Appeals pursuant to a variance. Any such signs shall be subject to approval by the Board of Selectmen on the same terms and conditions and pursuant to the procedures applicable to signs permitted in a business district for such a use under section III.C.5. Signs for any such use shall not be in a total amount of square footage exceeding that which existed on January 1, 2014 provided that the Board of Selectmen may allow additional area upon a showing of good cause and reasonable need. Signs for any such use, which is no longer conducted on the premises, shall be removed within 30 days after discontinuance of the use. The Board of Selectmen may authorize similar signs for a successor legal non-conforming business use upon application made no later than 60 days after discontinuance of the prior use or such longer time as the Board of Selectmen may deem reasonable under the relevant circumstances.
- f) Signs for a use authorized by special permit under section III.A.7 pursuant to the rules and procedures established by the Board of Selectmen for the creation and maintenance of signs in the business district provided that the signage for any such use shall not be in a total amount of square footage exceeding that which existed on January 1, 2014 for a use commenced prior to that date provided that the Board of Selectmen may allow additional area upon a showing of good cause and reasonable need. Signs for any such use no longer conducted on the premises shall be removed within sixty (60) days after discontinuance of the use.

- g) Signs of not more than five (5) square feet maintained for public safety, for public welfare or for public convenience by the Town.
- h) Signs erected by the Town or by the state or federal government identifying public buildings and places, providing information and other governmental purposes provided that signs exceeding twenty-four (24) square feet shall be reasonably necessary for their purposes.
- i) A sign of not more than fifteen (15) square feet approved by the Board of Selectmen at the entrance to a subdivision or multi-unit residential development provided that the Selectmen for good cause and superior design may approve a larger sign for developments in excess of twenty (20) units.
- j) A sign not to exceed twenty (20) square feet for an educational or religious institution which may include the name and address of the institution, pertinent information about the institution, and a bulletin board on which may be posted information about events and/or messages to the public. Additional signs or larger signs reasonably necessary for educational or religious purposes or for public convenience may be approved by the Board of Selectmen.
- k) Governmental flags and flags of the U.S. Armed Services.
- l) Signs lawfully erected and maintained prior to October 27, 2014.
- m) Signs which are shown to be appropriate and reasonably necessary and for the public benefit may be authorized by the Board of Selectmen.
- n) Signs of not more than three square feet acknowledging private maintenance of public spaces as authorized by the Board of Selectmen during the period of such maintenance.

#### 4. Temporary signs

Temporary signs are signs erected for a period not to exceed sixty (60) consecutive days.

Such signs shall be stationary and unlighted. Temporary signs may be double faced and shall be placed on property in which the person placing the sign has an interest or has permission from a person or entity with such an interest. Temporary signs shall not be placed on public property without authorization by the Board of Selectmen and shall not obstruct sight lines needed for traffic safety. Only the following are permissible temporary signs:

- i. One real estate sign pertaining to the lease or rental or sale of a lot, building or residential building unit provided that no such sign shall exceed a total of nine (9) square feet nor more than four (4) feet in any dimension and further provided that the Board of Selectmen shall upon application extend the permissible time for displaying the sign until

such time as all lots, residential or business units or buildings have been leased, rented or sold at which time the sign shall be removed.

- ii. Signs expressing constitutionally protected free speech provided that no such sign shall exceed a total of more than fifteen (15) square feet nor more than five (5) feet in any dimension and further provided that the Board of Selectmen shall upon application(s) extend the permissible time for display of the sign for one or more additional periods of sixty (60) days. No such sign shall be located within twenty (20) feet of a common lot line with a neighboring residential property. No more than one sign may be displayed in regard to the same matter of constitutionally protected expression.
- iii. Political signs which are intended to influence the action of voters for the passage or defeat of a measure or the election of a candidate to a public office at a local, state or national election provided that such signs do not exceed nine (9) square feet nor more than four (4) feet in any dimension and further provided that any such signs shall be removed within five (5) days following action by the voters. No more than one (1) sign may be displayed on any lot in regard to the same measure or candidate.
- iv. One sign of not more than three (3) square feet concerning construction or landscaping which is taking place on a lot or in a building provided that no such sign shall be displayed prior to commencement of construction or landscaping or subsequent to its completion.
- v. Signs giving notice of an event on a lot provided that any such sign shall not be erected for more than two (2) days before the event and that any such sign shall be removed no more than two (2) days after the event. No such sign shall be placed on public property without authorization by the Town. No such sign shall exceed two (2) square feet.
- vi. Banners over public streets announcing charitable, civic, or commemorative events on such terms and conditions as may be included in a permit from the Board of Selectmen for each such banner specifying the time, place, content and manner of the display. The banner shall be removed within two days after the announced event.
- vii. Holiday and seasonal decorations, seasonal greetings, and buntings and banners celebrating national and religious holidays.
- viii. Temporary signs, which are not specifically listed in i - vii but which are shown to be appropriate and reasonably necessary and for the public benefit, may be authorized by the Board of Selectmen.

Submitted by the Planning Board and Board of Selectmen

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

*COMMENT: The Planning Board's public participation process had not been completed by the time this warrant went to print. Please consult the Town Meeting page on the Town website for any updates.*

**ARTICLE 9 AMEND ZONING BYLAWS, SECTION IV – GRANDFATHERING CHANGE**

To see whether the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, by striking the words “within a height and setback which conform with the dimensional requirements of the Milton Zoning Bylaws” and by substituting the words “may be otherwise extended or altered where such extension or alteration does not render the structure nonconforming with respect to other requirements in the Milton Zoning Bylaws” in second sentence of section IV so that section IV, as amended shall read:

**SECTION IV. Non-Conforming Uses of Building and Land.**

Any building or use of a building or use of land or part thereof lawful and existing upon the adoption of this bylaw on February 10, 1938, or upon the effective date of any amendment of this bylaw may be continued unless and until abandoned, although such building or use does not conform to the provisions thereof; but in any event, non-use of such land or building for a period of two years shall constitute abandonment thereof. A valid pre-existing, nonconforming single family or two family residential structure may be extended or altered as a matter of right within the existing foot print and height of the structure or may be otherwise extended or altered where such extension or alteration does not render the structure nonconforming with respect to other requirements in the Milton Zoning Bylaws.

Submitted by the Planning Board

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

*COMMENT: The Planning Board's public participation process had not been completed by the time this warrant went to print. Please consult the Town Meeting page on the Town website for any updates.*

**ARTICLE 10 AMEND ZONING BYLAWS, SECTION V – FIRST STORY DETERMINED BY GRADE**

To see whether the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, adding the following after the word “building” in the third sentence of Section V “provided that with respect to a building constructed before 1950 the term “story”, as used in this paragraph, shall not include a basement so long as the finished floor height of the first story is no more than six (6) feet above the mean grade of the ground contiguous to the building.” so that Section V as amended shall read:

A. 1. *Building Heights in Residence AA, A, B and C Districts.*

In a Residence AA, A, B or C district, no building, including dwellings, accessory buildings, buildings for educational or religious use, and any other structures of whatever sort shall be erected or altered to exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less, provided that if the building is set back from each street and lot line fifteen (15) feet or more farther than is required by section VI, it may have three (3) stories but shall not exceed thirty-five (35) feet in height. The Board of Appeals, upon a finding that additional height is reasonably necessary for use of a building and will not be detrimental to the neighborhood in which the building is located, may authorize by special permit a building for religious or educational use not to exceed fifty (50) feet in height with no more than two (2) stories. The term “story”, as used in this paragraph, shall not include a basement so long as the finished floor height of the first story is no more than four (4) feet above the mean grade of the ground contiguous to the building provided that with respect to a building constructed before 1950 the term “story”, as used in this paragraph, shall not include a basement so long as the finished floor height of the first story is no more than six (6) feet above the mean grade of the ground contiguous to the building.

Submitted by the Planning Board

**RECOMMENDED that the Town vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, adding the following after the word “building” in the third sentence of Section V “provided that with respect to a building constructed before 1950 the term “story”, as used in this paragraph, shall not include a basement so long as the finished floor height of the first story is no more than six (6) feet above the mean grade of the ground contiguous to the building.” so that Section V as amended shall read:**

A. 1. *Building Heights in Residence AA, A, B and C Districts.*

**In a Residence AA, A, B or C district, no building, including dwellings, accessory buildings, buildings for educational or religious use, and any other structures of whatever sort shall be erected or altered to exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less, provided that if the building is set back from each street and lot line fifteen (15) feet or more farther than is required by section VI, it may have three (3) stories but shall not exceed thirty-five (35) feet in height. The Board of Appeals, upon a finding that additional height is reasonably necessary for use of a building and will not be detrimental to the neighborhood in which the building is located, may**

**authorize by special permit a building for religious or educational use not to exceed fifty (50) feet in height with no more than two (2) stories. The term “story”, as used in this paragraph, shall not include a basement so long as the finished floor height of the first story is no more than four (4) feet above the mean grade of the ground contiguous to the building provided that with respect to a building constructed before 1950 the term “story”, as used in this paragraph, shall not include a basement so long as the finished floor height of the first story is no more than six (6) feet above the mean grade of the ground contiguous to the building.**

*COMMENT: Language in Section V. A. 1. of the current Zoning Bylaws greatly impedes the ability of owners of residential property built prior to 1950 to add a story to their home, because the mean ground level of pre-1950 basements exceed the height of newer construction and are considered the first floor. Revising the height in the bylaw for homes constructed before 1950 from four (4) feet to six (6) feet will alleviate that impediment. The amended article shall not consider a basement as a first story for qualified residential property.*

#### **ARTICLE 11 AMEND ZONING BYLAWS, SECTION III – PLANNED UNIT TOWNHOUSE 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 Section L to Section III:

Planned Unit Townhouse Development.

1. Definition. As used herein “Planned Unit Townhouse Development” or “PUTD” means a planned unit development, as defined in G.L. c. 40A Sec. 9, in which residential use and open space are mixed. Dwelling units in a PUTD are situated in groupings, containing two or three townhouse dwelling units in individual townhouse structures, separated from each other and from a parcel’s perimeter lot lines by dedicated landscaped open space and protective buffer zones (herein referenced as “Open Land”). The townhouse unit in a PUTD is a two story dwelling unit with garage attached to one or two other townhouses.
2. Purpose. This subsection is intended to permit well-designed townhouse development on large tracts of land adjoining property where multi-unit, high density development currently exists so as to: (1) provide an added diversity of housing types in the Residence A district attractive to households desirous of downsizing from larger single family dwellings; (2) provide housing for households unable to pay full market price; (3) provide dedicated Open Land and protective buffer zones with outstanding landscape design for the areas between groupings of townhouse buildings

and along the boundaries of the lot; (4) permit the preservation of large, historic houses through their conversion into condominium dwelling units; and (5) ensure quality land planning, architectural design in building and landscaping and to ensure their long-term preservation and maintenance.

3. Siting. A PUTD may be established and maintained pursuant to a special permit issued by the Planning Board on a lot (including a combination of adjacent lots) of land in a Residence A district which (1) contains at least 375,000 square feet (exclusive of wetlands); (2) has frontage of at least 400 feet; (3) has a lot line, at least equivalent to the length of its frontage, in common with a multi-family housing development (including access roads and driveways) with multi-unit buildings containing at least 40 dwelling units; and (4) on which there exists a single family dwelling constructed before 1925.
4. Housing Types. The housing types in a PUTD shall be townhouse dwelling units and condominium units located in a pre-1925 renovated dwelling converted to multi-family use. These units shall be contained in groupings of two or three units per building structure. Each unit shall be attached to one or two other units. Units in a PUTD shall be developed as condominiums and each unit shall be separately owned and occupied; provided that the owner of one unit who occupies such unit may own one or more other units. Individual units may be rented for occupancy for terms of not less than 18 months and not more than 10% of all of the units in a PUTD may be rented at any one time.
5. Streets. Any new street in a PUTD shall meet the requirements for streets as specified in the Planning Board's Rules and Regulations with such waivers as the Board may find to be desirable and appropriate for the PUTD. Adequate provision shall be made for the safety of bicyclists and pedestrians.
6. Number of Units. The maximum number of units in a PUTD shall not exceed an average density of 4.5 units per acre, exclusive of wetlands. In calculating the maximum permissible density, after determining the number of usable acres in a parcel, if there is a remainder of area less than an acre, that area shall be disregarded.
7. Setbacks and Height. No building in a PUTD shall be less than 60 feet from the lot line fronting on an existing street, and no building in a PUTD shall be less than 35 feet from a side lot line and 30 feet from the rear lot line. All set back areas shall be landscaped as hereafter provided. No building in a PUTD shall exceed 35 feet in height, provided that the pre-1925 dwelling(s) may be retained and converted to condominium use at its original height.

8. Buildable Pods. In a PUTD no dwelling shall be erected or maintained except on a “Buildable Pod”. A “Buildable Pod” in a PUTD is a building containing not more than three townhouse units and which contains an exclusive use area suitable for the provision of parking and yard for each townhouse unit. Each Buildable Pod shall have a location, size and shape to provide two or three townhouses, including garages.
9. Affordable Housing. In a PUTD containing less than 10 townhouse units, an application may count on the state’s Subsidized Housing Inventory (SHI) or its future equivalent, or in lieu thereof the application may provide for a monetary contribution to the Town’s Affordable Housing Trust Fund in an amount which is reasonable, as determined by the Planning Board under the relevant circumstances. In a PUTD containing 10 or more townhouse units, 10% of the townhouse units (rounded to the nearest whole number) shall be suitably restricted so that the townhouse units shall count on the SHI or its future equivalent.
10. Parking. Each townhouse unit shall have an attached one or two car garage. Provision shall be made for sufficient additional parking for residents and guests to serve anticipated needs as established by applicant. On-street parking, if and where permitted, may count as serving these needs. Suitable provision shall be made for ownership and maintenance of separate parking areas by the condominium association (as hereafter defined), if such separate areas are needed to serve parking needs.
11. Open Land.
  - (a) Every PUTD shall include Open Land, which for the purposes of this subsection, shall mean land left in its natural state, gardens, and other open land suitably landscaped and maintained in harmony with the terrain of the site, its environs and the character of the surrounding neighborhood. Open Land shall not be used for parking or roadways but may include permeable paths and walkways. Insofar as permitted hereunder and subject to the approval of the Planning Board, Open Land may be used for passive outdoor recreational purposes and for the installation and maintenance of underground utility services. The Planning Board may permit Open Land to be utilized for the coursing or temporary retention of storm drainage. No structure shall be erected or maintained on Open Land except as may be reasonably necessary for and incidental to the use of Open Land, such as lampposts, benches, small sheds, stone landscape or retaining walls and decorative fences. The number, use, characteristics and location of structures shall be subject to approval by the Planning Board.

(b) At least 30% of the total land area of the PUTD, exclusive of wetlands and streets, shall be Open Land.

(c) Open Land in a PUTD shall be designed and located on the lot so that the purposes of this subsection are met. Narrow strips of land, which are not necessary for a high-quality site design, shall not be a part of the Open Land. Open Land shall be situated so that each Buildable Pod is adjacent to Open Land or has convenient access to Open Land.

(d) Open Land in a PUTD shall be owned and maintained by a duly organized condominium association and shall be kept in an open, landscaped or natural state, free of invasive species, and not built for commercial or residential use or developed for accessory uses such as parking or roadway.

## 12. Condominium Association.

In a PUTD, a condominium association shall be established to manage and own the property, streets, separate parking areas and Open Land and shall be controlled by the owners of the townhouse units. Each such owner's interest in the condominium association shall be subject to the PUTD special permit issued in accordance with this subsection and shall pass with the conveyance of his or her townhouse unit. The condominium association shall be responsible for the maintenance of the streets, parking areas and Open Land and in no event shall the Town of Milton be responsible for any such maintenance. Each deed to a townhouse unit shall obligate the owner and his successors in title to pay a pro rata share of the expenses of the condominium association. The condominium association, by unamendable provision in its charter or trust indenture, shall (a) be obligated to maintain the streets and Open Land; (b) be prohibited from mortgaging or pledging the Open Land; (c) be prohibited from conveying or assigning the Open Land; and (d) require that all buildings be kept in good order and repair by their owners. In the event that the condominium association shall be legally terminated, another corporation or trust constituted pursuant to the requirements of this paragraph, subject to the rights and obligations provided herein, shall take title to the streets, parking areas and Open Land. The condominium documents which will establish and control the condominium association shall be submitted with the special permit application for review by Milton Town Counsel who may require amendment so as to effectuate the purpose of this subsection and shall not be amended without the consent of the Milton Planning Board.

### 13. Design Standards for Buildings.

(a) The buildings containing the townhouse dwelling units in a PUTD shall meet the following design standards:

- i. The architecture of each building shall be consistent and coherent in all its elements and compatible with and complementary to its surroundings, in form, scale and massing. The rear and sides of each building shall be given the same careful attention as the front.
- ii. The scale of each building shall complement its landscaped context.
- iii. Windows and doors shall be surrounded by appropriate architectural elements setting the windows and doors off from the plane of the façade. Muntins shall be used in the top half of all windows. Vents or grills for air conditioner units, if any, shall be incorporated into the architectural elements surrounding the window units so as to present a coherent visual whole.
- iv. Each door, doorway, window or window grouping shall be suitably proportioned to the building. Each unit shall have windows that open. Small windows, disruptive to architectural continuity, shall not be used.
- v. Exterior lighting fixtures shall be appropriate to the architecture, be Dark Sky compliant and be appropriately shielded to prevent any significant light over-spill into adjoining residential areas. Exterior spot lights are expressly prohibited.
- vi. Roof lines shall be visually coherent and architecturally well defined. Pitched roofs, cornices and other appropriate architectural elements shall be used. Dormers and/or gables which break the planes of the roof should be used where appropriate.
- vii. Building materials should be of high quality. Traditional materials and colors that are in keeping with the architectural context shall be used when reasonably possible.
- viii. Building walls shall not present unrelieved flat surfaces. Windows, doors, dormers, window bays, porches and architectural elements shall project or be recessed in order to relieve such flatness unless good architectural cause exists for a different treatment.
- ix. Small accessory buildings needed for condominium operations and maintenance shall be permissible if attractive in design and sited unobtrusively.
- x. Second floor windows should not directly face abutters.

(b) The Pre-1925 Building. The pre-1925 dwelling in a PUTD shall be converted into no more than 3 condominium units and shall retain, insofar as reasonably possible, the original exterior appearance of the dwelling and its landscaping. Demolition of wings and construction of a garage architecturally consistent with the dwelling shall be permissible.

(c) Requirements for Dwelling Units. The townhouse units and the condominium units shall meet the following requirements:

- i. The townhouse units shall not exceed 2 stories.
- ii. The townhouse units shall have a first floor master bedroom.
- iii. No townhouse unit shall have more than 3 bedrooms and the average number of bedrooms for all the units in the PUTD shall not exceed 2.6.
- iv. Each townhouse unit shall contain a 1 or 2 car garage.
- v. No townhouse or condominium unit shall exceed 3,000 square feet of living area. The square footage of unfinished basement, garage and attic areas are excluded from this calculation.
- vi. The two Buildable Pods nearest the front lot line and pre-existing street shall be designed so that the side of the townhouse unit that faces the street shall have a front door appearance; provided that garage doors in such Buildable Pods shall not face the street.
- vii. Interior spaces shall be designed so that units are resistant to noise from the adjoining units. Interior finishes shall be constructed with high quality materials. Construction methods and uses of materials may be specified by the Building Commissioner in order to ensure high-quality construction.

#### 14. Site Plan.

(a) A site plan for a PUTD shall be part of the special permit application. It may be contained in one or more plans prepared in a form suitable for recording by a Registered Professional Engineer or a Registered Land Surveyor, and in accompanying text and material. Applicants are encouraged to secure the assistance of a Registered Architect or Landscape Architect in preparation of the Site Plan. A Site Plan approved by the Planning Board is a prerequisite of a special permit for a PUTD granted under this subsection, and construction of the PUTD shall be in accordance with the approved Site Plan. The Site Plan shall show:

- i. The existing topography of the land showing two-foot contours.
- ii. A mapping of all wetlands, a description of these wetlands, and any proposed alteration of wetlands.

- iii. Major site features such as large trees, wooded areas, rock-ridges and outcroppings, water bodies, meadows, stone walls, and buildings, a description of these features, and any proposed removal or changes in these features.
- iv. The siting, grading, and landscape plan for all proposed streets, Buildable Pods, Open Land, parking areas, paths, walkways, driveways, playgrounds, gardens and fences.
- v. A written description of the landscape characteristics of the site and its contiguous neighborhood and of the effects of the PUTD on such characteristics, including the passage of water through the site and to and from contiguous property.
- vi. A written description of the site's current uses, such as watershed, wildlife habitat, woodland, or meadowland and of the effect of the PUTD on such uses.
- vii. A statement of all significant impacts, which the PUTD is likely to cause and a description of any measures proposed to deal with these impacts.
- viii. The design of all structures. The plans should make the appearance of each dwelling on its sides and rear at least equal in amenity and design to the appearance of the dwelling on its front. The plans should show the relationship between each townhouse dwelling unit and its attached neighboring townhouse dwelling unit(s).
- ix. Storm water and drainage calculations and the design of adequate storm water and drainage systems.
- x. Utility plan including designs for adequate sewer, water, electric, gas, telephone and cable systems.

(b) Site Plan Design Standards. The Site Plan shall be prepared in conformity with the purpose and specific requirements of this subsection including the following design standards:

- i. The existing terrain, whether part of the Open Land or a Buildable Pod, shall be preserved insofar as reasonably possible, and earth moving shall be minimized except as may be required for a site design meeting the purpose and requirements of this subsection.
- ii. Existing trees and significant natural features shall be preserved and integrated into the landscape design plan insofar as reasonably possible and appropriate to a site design meeting the purpose and requirements of this subsection.
- iii. Street layouts shall take account of the existing terrain and landscape features, and there shall be no extreme or ill-designed cuts or fills. The width, construction and lighting of streets shall be appropriate for their intended use.

- iv. Creation of an attractive initial view of the PUTD from existing streets in harmony with the neighborhood shall be an objective of overall site design.

The groupings of townhouse dwelling units shall be arranged and oriented to be compatible with the terrain and features of surrounding land and shall be sited so that the arrangement of the groupings fronting a street creates a landscape setting in context with the street and the surrounding land.
  - v. The groupings shall not be located in such a manner so as to concentrate groupings in the immediate vicinity of any existing dwelling.
  - vi. Individually and commonly owned parking areas shall be designed with careful regard to topography, landscaping, ease of access and lighting and shall be developed as an integral part of overall site design.
  - vii. There shall be adequate, safe and convenient arrangement of walkways, paths, driveways and parking areas and suitable lighting. Varied construction materials, such as brick or stone, shall be used when feasible and appropriate to site design. All retaining walls shall be stone-faced.
  - viii. Suitable trees, shrubs and other plant material, used for screening or landscaping shall be of a size and number sufficient for their purpose. The Site Plan shall specify the location of groupings of attached townhouses and dimensions of each townhouse.
  - ix. The dwellings in the Buildable Pods shall be conveniently accessible from the street without extreme or ill-designed cuts or fills and without removal of trees or other natural features beyond what is necessary to a site design meeting the purpose and requirements of this subsection.
  - x. The development of a PUTD shall promote reasonable visual and audible privacy for the residents and their neighbors.
  - xi. The siting of a Buildable Lot shall take into account traditional neighborhood patterns for relationships of dwellings, exclusive use areas and open space.
15. Every application for a special permit for a PUTD under this Subsection shall be referred to the Conservation Commission and Board of Health. The Conservation Commission and Board of Health shall act upon the referral in the same manner as upon an application for subdivision approval under the Subdivision Control Law. The PUTD shall be served by a sewer.

16. Every application for a special permit for a PUTD shall be filed with the Town Clerk and ten copies of the application (including the date and time of filing certified by the Town Clerk) shall be filed forthwith with the Planning Board. The Planning Board shall forthwith transmit a copy of the application to the Conservation Commission and a copy of the application to the Board of Health and shall specify the date of public hearing. After due publication notice, the Planning Board shall hold a public hearing within 65 days of filing of the application or within such further time as may be permitted by G.L. c.40A, Section 9 (or successor statutory provision) or within such further time specified by written agreement between the applicant and the Planning Board filed with the Town Clerk. The Planning Board shall grant a special permit for a PUTD pursuant to the authority of and subject to the conditions and standards set out in Section IX.C if, in addition, it finds that the requirements of this subsection have been met and that the PUTD will serve an identifiable housing need in a manner which is compatible with the area of the residence district within which the PUTD is located.
17. After a special permit for a PUTD has been granted, the development may be altered or amended only upon an application for such alteration or amendment complying with the pertinent requirements of this subsection and after notice and a public hearing and a finding by the Planning Board that the alteration or amendment (a) meets the requirements and purpose of this subsection; (b) is financially practical and in reasonable probability will be completed; and (c) is desirable or reasonably necessary. In permitting an alteration or amendment, the Planning Board may impose such conditions or restrictions which it finds are reasonably necessary to accomplish the purpose or satisfy the requirements of this subsection.
18. In the event no substantial use of a special permit granted under this subsection is made and no substantial construction has commenced within 2 years of the Planning Board's decision (excluding any time involved in judicial review of the decision), the special permit shall expire, except for good cause. The Planning Board may set reasonable time limits for completion of parts or of the whole of the development and may determine the order of construction.

Submitted by the Planning Board

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

*COMMENT: The Planning Board's public participation process had not been completed by the time this warrant went to print. Please consult the Town Meeting page on the Town website for any updates.*

**ARTICLE 12 AMEND ZONING BYLAWS, SECTION VI, SUBSECTION D – ACCESSORY STRUCTURE HEIGHT**

To see if the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, by striking paragraph 1 of Subsection D of Section VI and by substituting the following paragraph 1: In a Residence AA, A, B or C district no building except a one-story building of accessory use, not greater than 21 feet in height above the average grade of the building footprint, shall be erected or maintained within 30 feet of the rear lot line, provided that no building need be set back from the rear lot line more than 30 percent of the mean depth of the lot and further provided that, if there shall be a retaining wall within 30 feet of a rear lot line which raises the average grade of the building footprint, the rise in average grade shall be deemed a part of the height of any one story building of accessory use constructed thereon.

and to act on anything relating thereto.

Submitted by the Planning Board

**RECOMMENDED that the Town vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, by striking paragraph 1 of Subsection D of Section VI and by substituting the following paragraph 1: In a Residence AA, A, B or C district no building except a one-story building of accessory use, not greater than 21 feet in height above the average grade of the building footprint, shall be erected or maintained within 30 feet of the rear lot line, provided that no building need be set back from the rear lot line more than 30 percent of the mean depth of the lot and further provided that, if there shall be a retaining wall within 30 feet of a rear lot line which raises the average grade of the building footprint, the rise in average grade shall be deemed a part of the height of any one story building of accessory use constructed thereon.**

*COMMENT: At the 2011 Town Meeting, approval was given to changing subsections C and D of Section VI in the Zoning Bylaws as presented in Article 36 of the Warrant. Owing to a typographical error in the recommendation, the number "20" was accidentally substituted for "21" in the phrase "not greater than 21 feet in height above the average grade of the building footprint," a phrase common to both subsections. This article changes the 2011 recommendation for subsection D and sets the height restriction to the level of 21 feet as stated in the body of Article 36 for subsection C. We expect a subsequent article to amend subsection C.*

**ARTICLE 13 ESTABLISH A MASTER PLAN IMPLEMENTATION COMMITTEE**

To see if the Town will vote to authorize the Board of Selectmen and the Planning Board to appoint a Master Plan Implementation Committee for the purpose of reviewing the implementation plan within the Town's Master Plan, established under Massachusetts General Laws, Chapter 41, Section 81D, at least twice annually, and to recommend to the Planning Board and the Board of Selectmen the actions necessary to implement such plan, including timing, resources, and responsibilities. Said Committee is expected to report to the Planning Board and the Board of Selectmen at least twice annually.

Said Committee will report to Town Meeting at least annually, at the Town Meeting regularly scheduled in October or, if no such meeting is held, the next Annual Town Meeting. The report will contain the following information:

- (a) implementation steps accomplished within the past year;
- (b) anticipated steps to be accomplished within the next two years; and
- (c) resources, including Town Meeting appropriations or other actions, necessary to complete those steps.

Said Committee shall consist of five members to be appointed jointly by the Planning Board and the Board of Selectmen for terms that are renewed annually. One member shall be a member of the Planning Board or its designee and a second member shall be a member of the Board of Selectmen or its designee. The other members shall have expertise in planning, architecture, economic development, landscape architecture, real estate, or other relevant fields.

The Master Plan Implementation Committee will exist for ten years from the date of establishment by Town Meeting. Such term may be extended by vote of Town Meeting. At the end of ten years, said Committee shall report to the Planning Board, the Board of Selectmen, and Town Meeting its recommendation as to whether the Master Plan shall be updated under Massachusetts General Laws, Chapter 41, Section 81D;

and to act on anything thereto.

Submitted by the Planning Board and the Board of Selectmen

**RECOMMENDED that the Town vote to authorize the Board of Selectmen and the Planning Board to appoint a Master Plan Implementation Committee for the purpose of reviewing the implementation plan within the Town's Master Plan, established under Massachusetts General Laws, Chapter 41, Section 81D, at least twice annually, and to recommend to the Planning Board and the Board of Selectmen the actions necessary to**

**implement such plan, including timing, resources, and responsibilities. Said Committee is expected to report to the Planning Board and the Board of Selectmen at least twice annually.**

**Said Committee will report to Town Meeting at least annually, at the Town Meeting regularly scheduled in October or, if no such meeting is held, the next Annual Town Meeting. The report will contain the following information:**

- (a) implementation steps accomplished within the past year;**
- (b) anticipated steps to be accomplished within the next two years; and**
- (c) resources, including Town Meeting appropriations or other actions, necessary to complete those steps.**

**Said Committee shall consist of five members to be appointed jointly by the Planning Board and the Board of Selectmen for terms that are renewed annually. One member shall be a member of the Planning Board or its designee and a second member shall be a member of the Board of Selectmen or its designee. The other members shall have expertise in planning, architecture, economic development, landscape architecture, real estate, or other relevant fields.**

**The Master Plan Implementation Committee will exist for ten years from the date of establishment by Town Meeting. Such term may be extended by vote of Town Meeting. At the end of ten years, said Committee shall report to the Planning Board, the Board of Selectmen, and Town Meeting its recommendation as to whether the Master Plan shall be updated under Massachusetts General Laws, Chapter 41, Section 81D.**

*COMMENT: The Master Plan will be presented to the Town in the Auditorium of the High School on September 29, 2014. The Master Plan Implementation Committee (MPIC) is the next step in evolving outcomes as recommended in the Master Plan. The MPIC will report to the Board of Selectmen and Planning Board as to actions necessary to realize the directives of the Master Plan, to map out strategies for those actions, and to monitor the progress of actions taken. It will report to the Town in general at the October Town Meeting and will have a charge of ten years, with an extension of that charge into the future at the discretion of Town Meeting.*

*The Warrant Committee feels strongly that the best way to capitalize on the investment made to date (\$125,000) in the Master Plan is to pass this article.*

*We believe the proposed committee will enliven the Plan and through constant involvement prevent its slow death on a dusty shelf.*

## **ARTICLE 14 FIRE STATION FACILITIES RENOVATION APPROPRIATION**

To see what sum of money the Town will vote to appropriate for expenditure by the Fire Space Needs Committee for further study of the potential renovation, reconstruction and/or construction of fire station facilities in the Town of Milton, including, without limitation, the following:

- Retention of an architectural firm and/or other consultants and professionals to refine and expand upon the initial findings of the Fire Space Needs Committee, including the development of plans and cost estimates for implementation of proposed work.
- Review of existing documentation and existing conditions at three fire stations.
- Analysis of proposed sites for their suitability to accommodate fire stations that will meet anticipated needs.
- Functional and space needs program for each station based on Committee and Fire Department input and current industry standards and best practices.
- Comparison of the relative advantages, disadvantages and costs of renovation/additions vs. new construction for each station.
- Concept plans, narrative descriptions (inclusive of site work and MEP systems) and outline specifications sufficient to establish a scope, level of quality and cost for each station.
- Design and construction schedule for the three stations.
- Construction and total project cost estimates.

To see if the Town will vote to authorize its Boards, Commissions and Committees, including without limitation the Board of Selectmen and the Fire Department, to apply for state and/or federal funds to assist and/or to reimburse the Town in connection with any of the foregoing; to authorize the Board of Selectmen to accept grants, gifts, or donations on behalf of the Town for the purposes of this article; and to determine how such appropriation shall be raised, whether by borrowing under any applicable provisions of law or otherwise; and to act on anything relating thereto.

Submitted by the Fire Space Needs Committee

**RECOMMENDED that the Town vote to authorize its Boards, Commissions and Committees, including without limitation the Board of Selectmen and the Fire Department, to apply for state and/or federal funds to assist and/or to reimburse the Town in connection with the purposes of this article; to authorize the Board of Selectmen to accept grants, gifts, or donations on**

**behalf of the Town for the purposes of this article; and to authorize the Board of Selectmen, with input from the Fire Space Needs Committee, to determine, within the scope of any restriction applicable to such grant, gift or donation, the expenditure of any funds so raised for further study of the potential renovation, reconstruction and/or construction of fire station facilities in the Town of Milton, including, without limitation, the following:**

- **Retention of an architectural firm and/or other consultants and professionals to refine and expand upon the initial findings of the Fire Space Needs Committee, including the development of plans and cost estimates for implementation of proposed work.**
- **Review of existing documentation and existing conditions at three fire stations.**
- **Analysis of proposed sites for their suitability to accommodate fire stations that will meet anticipated needs.**
- **Functional and space needs program for each station based on Committee and Fire Department input and current industry standards and best practices.**
- **Comparison of the relative advantages, disadvantages and costs of renovation/additions vs. new construction for each station.**
- **Concept plans, narrative descriptions (inclusive of site work and MEP systems) and outline specifications sufficient to establish a scope, level of quality and cost for each station.**
- **Design and construction schedule for the three stations.**
- **Construction and total project cost estimates.**
- **Conduct public meetings to share preliminary findings.**

**and further that the Town vote no appropriation under this article.**

*COMMENT: The Warrant Committee is grateful for the work of the Fire Space Needs Committee and is aware of the urgent need for repairs to and possible replacement of the Town's fire stations. As their report delivered to Town Meeting last spring stated, "Fifty-one years ago, a committee of citizens found Milton's fire stations to be obsolete... and time has not improved their condition." While we have no funds at this time to appropriate for a study that has an estimated cost between \$34,000 and \$100,000, we want to encourage the Fire Space Needs Committee to seek whatever funding it can in the interim. The Warrant Committee recommends that any future study seek further public input, and in the long run should evaluate whether or not the Town's Fire Department should allocate more resources and planning toward Emergency Medical Services to meet the Town's needs.*

**ARTICLE 15 AUTHORIZATION FOR ACQUISITION OF EASEMENTS**

To see if the Town will vote to authorize the Board of Selectmen, during Fiscal Year 2015, to acquire on behalf of the Town any and all easements for any of the following purposes: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities; and to abandon or relocate easements acquired for any of the foregoing purposes;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

**RECOMMENDED that the Town vote to authorize the Board of Selectmen, during Fiscal Year 2015, to acquire on behalf of the Town any and all easements for any of the following purposes: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities; and to abandon or relocate easements acquired for any of the foregoing purposes.**

*COMMENT: It is sometimes necessary to the economical construction and location of municipal infrastructure for the infrastructure to intrude onto or cross over private property. In order to ensure that the municipality is able to access the infrastructure and provide proper maintenance or repair, the municipality will ask for a legal easement to access without trespassing on the private property. Once granted and accepted, the easement is recorded on the deed of the lot. The landowner generally gives easements voluntarily, but in those occasions where the property owner refuses access, different routes for the infrastructure may be necessary. The inventory of easements granted to the Town is incomplete but being updated. This article will allow the Board of Selectmen to acquire and record easements for new and existing incursions of private properties, as well as to abandon easements for properties where access is no longer required, without having a direct vote by Town Meeting in each individual case.*

**ARTICLE 16 ESTABLISH A SPECIAL PURPOSE FUND**

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 40, Section 5B, to establish a Special Purpose Stabilization Fund for the purposes of balancing the General Fund budget;

and to act on any relating thereto.

Submitted by the Board of Selectmen

**RECOMMENDED that the Town vote, pursuant to Massachusetts General Laws Chapter 40, Section 5B, to establish a Special Purpose Stabilization Fund for the purposes of balancing the General Fund budget.**

*COMMENT: Passage of this article will give the Warrant Committee and Town Meeting a valuable tool to manage otherwise unappropriated funds from one year to the next. Any appropriation of funds into or out of this fund shall be approved by a two-thirds vote of Town Meeting.*





Town Meeting will be held on  
Monday, October 27, 2014  
beginning at 7:30 p.m. at the  
Milton High School Auditorium

The Milton High School auditorium  
is reserved for an additional Town Meeting  
session at 7:30 p.m. on Tuesday, October 28, 2014

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