

## OCTOBER TOWN MEETING RECOMMENDATIONS AND COMMENTS

### ARTICLE 8 SIGNS IN RESIDENCE DISTRICTS

**RECOMMENDED** that the Town 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 **other than by a low intensity, steady white light** 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 **four (4)** 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- b) A sign of not more than **four (4)** square feet containing historical references for the property or building, such as the name of the original owner, the date of construction or a significant event.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 **four (4)** 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 **four (4)** 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 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. **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.** 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 **four(4)** 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 **a personal** event on a lot provided that any such sign shall not be erected for more than **seven (7)** 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 **four (4)** 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.**

*COMMENT: In similar fashion to the language of Article 7, this article offers better-defined parameters to the Zoning Bylaws regulating signs in residential areas. It places specific size restrictions on property, historical, and hazard signs, restricts illumination, and allows the Board of Selectmen to grant relief in certain cases and to oversee signs for non-conforming business use. It adds to the Zoning Bylaws a paragraph regulating temporary signs, which currently does not exist in the Bylaws. Regulation of temporary signs includes limits on size and allowed duration for signs announcing sales, construction, civic and personal events, and political candidates during times leading up to an election. It also allows the Board of Selectmen to grant relief from these parameters in certain cases.*

## **ARTICLE 9 GRANDFATHERING CHANGE, SECTION IV**

**RECOMMENDED that the subject matter of this article be referred to the Planning Board.**

## **ARTICLE 11 PLANNED UNIT TOWNHOUSE DEVELOPMENT**

**RECOMMENDED that the Town 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.**

*COMMENT: For developments mixing residential units and open space, this article amends the Zoning Bylaws to create a Planned Unit Townhouse Development special permit process through the Planning Board, which may be applied to the proposed development at 865 Brush Hill Road on a site formerly owned by the St. Pius church. It is the intent of the article that the parameters are restrictive and thorough enough to grant the Town through the Planning Board a measure of control over design and site plan standards, open space, affordable units, parking, condominium associations, and other details. The article should serve as a template for the Town in the regulation of future condominium development as that becomes more commonplace.*