

TOWN OF MILTON 2018



October Town Meeting

Monday, October 22, 2018

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

2018
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-second 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- 17

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

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

Given under our hands at Milton this twenty eighth day of August, two thousand eighteen.

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

A True Copy: Attest

William J. Neville
CONSTABLE OF MILTON

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In compliance with the Americans with Disabilities Act, this warrant can be made available in alternative formats. The October 22, 2018 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 and fragrances containing carcinogenic ingredients cause significant adverse reactions in some people, such as migraine headaches.

Products with strong fragrances include personal care products such as perfume, cologne, fragranced hair products, after shave lotion, etc. Attendees at Town Meeting are requested to avoid products with strong fragrances. As an accommodation to persons with such adverse reactions, and to allow safe and free access to the auditorium, the lobby and restrooms, attendees at Town Meeting who are wearing products with strong fragrances, or who think they may be wearing products with strong fragrances, are requested to sit away from the sections nearest the lobby entrance.

MESSAGE FROM THE MODERATOR ROBERT G. HISS

Welcome to the 2018 Fall Special Town Meeting!

As many citizens know, Town Meeting provided for a Fall Special Town Meeting to address urgent business facing the town that could not wait for the following Annual Town Meeting held in May of each year. This year, your Warrant Committee has received and voted on 17 articles for your consideration. These articles exclude many of the typical articles Town Meeting considers in the Annual Meeting which has some implications of which you should be aware.

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

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

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

I look forward to seeing you at 7:30 PM on October 22, 2018.

Robert G. Hiss

Town Moderator

Report of the Warrant Committee

This Warrant for the Special Town Meeting contains several Articles addressing several issues of concern to residents. The first nine Articles address the Planning Board's consideration of several issues including: height regulations for existing structures in the Town of Milton, regulations for occupations conducted from residences, amendments to Zoning Bylaws governing traffic impact mitigation and a Traffic Safety and Infrastructure Revolving Fund, modifications to the terms of Planning Board members and the establishment of a new member category on the Planning Board. The Board of Selectmen has submitted several Articles to authorize the appointment of retired Milton police officers as Special Police Officers, an expansion of the existing Fire Station Building Committee, the restriction of plastic bag distribution by certain retail establishments within the Town, the establishment of a senior finance role within the Town government and a change in the name of the Board of Selectmen for the Town to adopt gender neutral nomenclature. The Library Trustees have filed two articles; the first article asks to disband the Library Building Committee and the second article requests permission to dispose of the Kidder Library property. In addition, a citizen's petition was filed, appearing as Article 17, that calls for gender neutrality in the title of the Board of Selectmen.

The Warrant committee conducted extensive deliberations on these Articles beginning in mid- August. During the course of our discussions the Warrant Committee reviewed each article in great detail and received extensive input from the various Boards and committees of the Town, including the Board of Selectmen, the Planning Board, the Town Government Study Committee, the chiefs of the Fire and Police Departments, the Library Trustees, the Town Administrator, the Town Counsel and several interested citizens. The resulting recommendations for the individual Articles reflect the research and consideration by the Warrant Committee to generate thoughtful and reasoned recommendations found in this Warrant Report. As always, the ultimate decision to adopt these Articles rests with the Members of the Town Meeting. The recommendations and their respective explanatory comments reflect the majority opinion of the Warrant Committee. The Committee is composed of a broad and diverse representation of Milton residents and the discussions leading to the recommendations is conducted in a manner encouraging consideration of all viewpoints and issues with a bearing on the Articles being reviewed.

In addition to the various Articles contained in this Warrant Report, the Warrant Committee has also engaged in the initial stages in developing a long range financial plan for the Town. This plan will anticipate Milton's financing needs for prospective projects and capital requirements necessary to the continuation of various Town services, providing and maintain adequate resources for the Milton

Public Schools and the construction program that will likely be proposed by the Town Fire Station Building Committee. The Warrant Committee will collaborate with the Town Administrator and his staff to present a summary of this financial plan at the Annual Town Meeting.

The Warrant Committee welcomed several new members in August upon invitation by the Town Moderator. We have joined together to form an effective working relationship that encourages both diversity of opinion and mutual respect during the discussion of sometimes contentious issues. The Warrant Committee expresses its thanks to the Town Administrator and his staff, the members of the Board of Selectmen, the Planning Board, the Library Trustees, the Chiefs of Police and Fire, the Town Library Director, the members of the Town Government Study Committee and their respective staffs, for their assistance to work through the various Articles and complete this Warrant. The Warrant Committee members have spent many hours and several meeting sessions to produce the recommendations and comments included in this Warrant. We owe a special word of gratitude to our Clerk, Lynne Hoye, for her dedication and conscientious work to complete this Warrant. It is our privilege to serve our friends and neighbors in the Town of Milton with this work conducted on your behalf and we join together in thanking you for your trust and confidence in our effort.

George A. Ashur, Ph.D., Chairman

Brian Beaupre, Secretary

Rosemary C. Bouzane

Jonathan Boynton

Erin G. Bradley

Kathleen A. Cassis

Kevin D. Cherry

Brian G. Foster

Christine J. Gimber

Clinton Graham

Christopher R. Hart

Susannah H. Hegarty

J. Thomas Hurley

Gwendolen Long

Douglas B. Scibeck

Lynne Hoye, Clerk

ARTICLE 1 To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by *adding* the following language to Section V following the word “building”:—

“The term “half-story,” as used herein means a story in a sloping roof, the area of which story at a height four (4) feet above the floor does not exceed two-thirds the floor area of the story immediately below it. The height of any building shall be measured from the mean grade of the natural ground contiguous to the building, as such ground exists prior to construction, provided that, if alterations in grades may have been approved by the Board of Appeals pursuant to Section IV.A., the height of a building shall be measured from the mean grade of the ground contiguous to the building as so altered and approved by the Board of Appeals. Height shall be measured to the highest part of the building excluding those chimneys, lightning rods, solar energy systems, domes, spires, cupolas, towers and antennas for which a different height limit is herein established, but including weathervanes, elevator housings, satellite dishes, solar energy systems, and any other projections.

2. Additional Height Limits and Exceptions in Residence AA, A, B and C Districts. In a Residence AA, A, B or C district, the following additional height limits and exceptions shall apply. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. Towers which are part of any building not used for religious or educational purposes shall not exceed forty (40) feet in height. One or more spires, domes, cupolas, and/or towers in excess of thirty-five (35) feet in height may be a part of a building which is used for religious or educational purposes, provided that no such spire or tower may be in excess of twice the height of the building as determined for Paragraph 1 and that the portion of any spire, dome, cupola or tower in excess of thirty-five (35) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64) feet. Upon a finding that the portion of a spire, tower, or dome in excess of thirty-five (35) feet in height reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals shall authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy (70) feet in height. No spire, dome, cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot under separate ownership. Height of a spire, dome, cupola or tower shall be measured from the mean grade of the natural ground contiguous to the building of which the spire, dome, cupola or tower is part, as such natural ground exists prior to construction, provided that, if alterations in grades may have been approved by the Board of Appeals pursuant to Section IV.A., the height of a spire, dome, cupola or tower shall be measured from the mean grade of the ground contiguous to the building as so altered and approved by the Board of Appeals.

3. Existing Nonconforming Buildings with an Educational or Religious Use. In a Residence AA, A, B or C district, buildings in excess of thirty-five (35) feet in height, lawfully existing on May 31, 1991 with an educational or religious use may be maintained and/or altered for educational or religious use so long as any alteration does not increase the extent of the building's nonconformity with the applicable height, setback, and building coverage provisions in Sections V and VI.

B. Building Heights in Residence D Districts. In a residence D district, no building shall be erected or altered to exceed three (3) stories or thirty-five (35) feet in height, whichever is less. The Board of Appeals, upon a finding that additional stories and/or height are reasonably necessary in order to provide housing for the elderly and will not be detrimental to the neighborhood in which the building is located, may authorize by special permit a building for use as housing for the elderly not to exceed (6) stories or sixty-five (65) feet in height, whichever is less. Included in any such authorization for additional height may be one or more spires, domes, cupolas, or towers. 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 finished grade of the ground contiguous to the building. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building, excluding chimneys and lightning rods. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet.

C. Building Heights in Residence D-1 Districts. In a residence D-1 district, no building shall be erected or altered to exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less. The term "story," as used in this paragraph shall not include a basement as long as the finished floor height of the first story is no more than four (4) feet above the mean finished grade of the ground contiguous to the building. The term "half-story," as used herein means a story in a sloping roof, the area of which story at a height four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building excluding chimneys, lightning rods and one cupola. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. A cupola shall not exceed the height of building by more than ten (10) feet.

D. Building Heights in Residence D-2 Districts. In a Residence D-2 district, no building shall be erected or altered to exceed forty-five (45) feet in height above the mean finished grade of the ground contiguous to the building. Mean finished

grade shall be the grade of the ground contiguous to the building as such ground will exist subsequent to construction. Height of a building shall be measured to the highest part of the building excluding chimneys, lightning rods, and one cupola. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3), feet. A cupola shall not exceed the height of a building by more than eighteen (18) feet.

E. 1. Building Heights in Business Districts. In a business district, no building shall be erected or altered to exceed three (3) stories or forty-five (45) feet in height, whichever is less. The Board of Appeals, upon a finding that additional stories and/or additional height are 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 not to exceed five (5) stories or sixty-five (65) feet in height, whichever is less. 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 finished grade of the ground contiguous to the building. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building excluding those chimneys, lightning rods, solar energy systems, domes, spires, cupolas, towers and antennas for which a different height limit is herein established, but including weathervanes, elevator housings, satellite dishes, and any other projections.

2. Additional Height Limits and Exceptions in Business Districts. In a business district, the following additional height limits and exceptions shall apply. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. The Board of Appeals may authorize by special permit one or more spires, domes, cupolas and/or towers in excess of forty-five (45) feet in height above the ground but less than seventy-five (75) feet in height above the ground as part of a building with a business use. One or more spires, domes, cupolas, and/or towers in excess of forty-five (45) feet in height above the ground may be a part of a building which is used for religious or educational purposes, provided that no such spire, dome, cupola or tower may be in excess of twice the height of the building as determined for Paragraph 1, and that the portion of any spire, dome, cupola or tower in excess of forty-five (45) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64) feet. Upon a finding that the portion of a spire, tower or dome in excess of forty-five (45) feet in height reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals shall authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy-five (75) feet in height. No spire, dome,

cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot in a residence district under separate ownership. Height of a spire, dome, cupola or tower shall be measured from the mean finished grade of the ground contiguous to the building of which the spire, dome, cupola or tower is part, as such ground will exist subsequent to construction.

F. Buildings with an Educational or Religious Use in Residence D, D-1 and D-2 Districts. Notwithstanding the foregoing Paragraphs B, C and D, any building for educational or religious use in a Residence D, D-1 or D-2 district, which is not an accessory use to housing for the elderly or handicapped in a Residence D or Residence D-1 district or an accessory use to housing for the elderly in a Residence D-2 district or for which no special permit has been issued pursuant to Section III.D, shall meet the requirements contained in Paragraph A for a building for educational or religious use in a Residence AA district. Any building or portion of a building with such a non-accessory educational or religious use in a Residence D, D-1 or D-2 district shall also be subject to all other regulations of these bylaws applicable to such a building in a Residence AA district, including, but not limited to, the Building Coverage and Floor Space provisions in Section VI.E., the Open Space provisions in Section VI.F., and the parking regulations in Section VII. The addition of a new building with such a non-accessory educational or religious use or conversion of an existing building to such a use shall render any other building or buildings with a different use on the same lot or on adjoining lots in common ownership nonconforming.

G. Antennas. In any zoning district, the Board of Appeals may authorize by special permit an antenna in excess of the height permitted in this section but not to exceed fifty (50) feet in height above the ground if the additional height is necessary for use of the antenna and will have no substantial adverse effect on neighboring properties. If, under applicable state or federal law, an applicant is entitled, as a matter of right, to an antenna in excess of the height permitted hereunder, the Board of Appeals shall authorize an antenna in accordance with the requirements of such law, subject to permissible safeguards and conditions minimizing any adverse effect on neighboring properties. The provisions of this Section V do not apply to wireless telecommunications facilities, which are governed by Section III.G.

H. Berms and Terraces. Earthen berms or other mounding of earth materials, which exceed a slope rising more than one (1) foot in four (4) feet (4:1) within thirty (30) feet of a building shall not be considered in determining the mean finished grade of the building. Terraces, which project less than fifty (50) feet from the face of a building, shall not be considered in determining the mean finished grade of the building. This subsection shall not apply to any project for which Site Plan Approval pursuant to Section V III.F has been granted by the Planning Board prior to adoption of this subsection, even if amendments to such site plan approval are subsequently granted.”

As amended Section V. shall read: —

“V. A. 1. 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 ($2\frac{1}{2}$) 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. The term “half-story,” as used herein means a story in a sloping roof, the area of which story at a height four (4) feet above the floor does not exceed two-thirds the floor area of the story immediately below it. The height of any building shall be measured from the mean grade of the natural ground contiguous to the building, as such ground exists prior to construction, provided that, if alterations in grades may have been approved by the Board of Appeals pursuant to Section IV.A., the height of a building shall be measured from the mean grade of the ground contiguous to the building as so altered and approved by the Board of Appeals. Height shall be measured to the highest part of the building excluding those chimneys, lightning rods, solar energy systems, domes, spires, cupolas, towers and antennas for which a different height limit is herein established, but including weathervanes, elevator housings, satellite dishes, solar energy systems, and any other projections.

2. Additional Height Limits and Exceptions in Residence AA, A, B and C Districts. In a Residence AA, A, B or C district, the following additional height limits and exceptions shall apply. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. Towers which are part of any building not used for religious or educational purposes shall not exceed forty (40) feet in height. One or more spires, domes, cupolas, and/or towers in excess of thirty-five (35) feet in height may be a part of a building which is used for religious or educational purposes, provided that no such spire or tower may be in excess of twice the height of the building as determined for Paragraph 1 and that the portion of any spire, dome, cupola

or tower in excess of thirty-five (35) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64) feet. Upon a finding that the portion of a spire, tower, or dome in excess of thirty-five (35) feet in height reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals shall authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy (70) feet in height. No spire, dome, cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot under separate ownership. Height of a spire, dome, cupola or tower shall be measured from the mean grade of the natural ground contiguous to the building of which the spire, dome, cupola or tower is part, as such natural ground exists prior to construction, provided that, if alterations in grades may have been approved by the Board of Appeals pursuant to Section IV.A., the height of a spire, dome, cupola or tower shall be measured from the mean grade of the ground contiguous to the building as so altered and approved by the Board of Appeals.

3. Existing Nonconforming Buildings with an Educational or Religious Use. In a Residence AA, A, B or C district, buildings in excess of thirty-five (35) feet in height, lawfully existing on May 31, 1991 with an educational or religious use may be maintained and/or altered for educational or religious use so long as any alteration does not increase the extent of the building's nonconformity with the applicable height, setback, and building coverage provisions in Sections V and VI.

B. Building Heights in Residence D Districts. In a residence D district, no building shall be erected or altered to exceed three (3) stories or thirty-five (35) feet in height, whichever is less. The Board of Appeals, upon a finding that additional stories and/or height are reasonably necessary in order to provide housing for the elderly and will not be detrimental to the neighborhood in which the building is located, may authorize by special permit a building for use as housing for the elderly not to exceed (6) stories or sixty-five (65) feet in height, whichever is less. Included in any such authorization for additional height may be one or more spires, domes, cupolas, or towers. 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 finished grade of the ground contiguous to the building. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building, excluding chimneys and lightning rods. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet.

C. Building Heights in Residence D-1 Districts. In a residence D-1 district, no building shall be erected or altered to exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less. The term "story," as used in this paragraph shall not include a basement as long as the finished floor height of the first story is no more than four (4) feet above the mean finished grade of the ground contiguous to the building. The term "half-story," as used herein means a story in a sloping roof, the area of which story at a height four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building excluding chimneys, lightning rods and one cupola. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. A cupola shall not exceed the height of building by more than ten (10) feet.

D. Building Heights in Residence D-2 Districts. In a Residence D-2 district, no building shall be erected or altered to exceed forty-five (45) feet in height above the mean finished grade of the ground contiguous to the building. Mean finished grade shall be the grade of the ground contiguous to the building as such ground will exist subsequent to construction. Height of a building shall be measured to the highest part of the building excluding chimneys, lightning rods, and one cupola. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3), feet. A cupola shall not exceed the height of a building by more than eighteen (18) feet.

E.

1. Building Heights in Business Districts. In a business district, no building shall be erected or altered to exceed three (3) stories or forty-five (45) feet in height, whichever is less. The Board of Appeals, upon a finding that additional stories and/or additional height are 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 not to exceed five (5) stories or sixty-five (65) feet in height, whichever is less. 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 finished grade of the ground contiguous to the building. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building excluding those chimneys, lightning rods, solar energy systems, domes, spires, cupolas, towers and antennas for which a different height limit is herein established, but including weathervanes, elevator housings, satellite dishes, and any other projections.

2. Additional Height Limits and Exceptions in Business Districts. In a business district, the following additional height limits and exceptions shall apply. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. The Board of Appeals may authorize by special permit one or more spires, domes, cupolas and/or towers in excess of forty-five (45) feet in height above the ground but less than seventy-five (75) feet in height above the ground as part of a building with a business use. One or more spires, domes, cupolas, and/or towers in excess of forty-five (45) feet in height above the ground may be a part of a building which is used for religious or educational purposes, provided that no such spire, dome, cupola or tower may be in excess of twice the height of the building as determined for Paragraph 1, and that the portion of any spire, dome, cupola or tower in excess of forty-five (45) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64) feet. Upon a finding that the portion of a spire, tower or dome in excess of forty-five (45) feet in height reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals shall authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy-five (75) feet in height. No spire, dome, cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot in a residence district under separate ownership. Height of a spire, dome, cupola or tower shall be measured from the mean finished grade of the ground contiguous to the building of which the spire, dome, cupola or tower is part, as such ground will exist subsequent to construction.

F. Buildings with an Educational or Religious Use in Residence D, D-1 and D-2 Districts. Notwithstanding the foregoing Paragraphs B, C and D, any building for educational or religious use in a Residence D, D-1 or D-2 district, which is not an accessory use to housing for the elderly or handicapped in a Residence D or Residence D-1 district or an accessory use to housing for the elderly in a Residence D-2 district or for which no special permit has been issued pursuant to Section III.D, shall meet the requirements contained in Paragraph A for a building for educational or religious use in a Residence AA district. Any building or portion of a building with such a non-accessory educational or religious use in a Residence D, D-1 or D-2 district shall also be subject to all other regulations of these bylaws applicable to such a building in a Residence AA district, including, but not limited to, the Building Coverage and Floor Space provisions in Section VI.E., the Open Space provisions in Section VI.F., and the parking regulations in Section VII. The addition of a new building with such a non-accessory educational or religious use or conversion of an existing building to such a use shall render any other building or buildings with a different use on the same lot or on adjoining lots in common ownership nonconforming.

G. Antennas. In any zoning district, the Board of Appeals may authorize by special permit an antenna in excess of the height permitted in this section but not to exceed fifty (50) feet in height above the ground if the additional height is necessary for use of the antenna and will have no substantial adverse effect on neighboring properties. If, under applicable state or federal law, an applicant is entitled, as a matter of right, to an antenna in excess of the height permitted hereunder, the Board of Appeals shall authorize an antenna in accordance with the requirements of such law, subject to permissible safeguards and conditions minimizing any adverse effect on neighboring properties. The provisions of this Section V do not apply to wireless telecommunications facilities, which are governed by Section III.G.

H. Berms and Terraces. Earthen berms or other mounding of earth materials, which exceed a slope rising more than one (1) foot in four (4) feet (4:1) within thirty (30) feet of a building shall not be considered in determining the mean finished grade of the building. Terraces, which project less than fifty (50) feet from the face of a building, shall not be considered in determining the mean finished grade of the building. This subsection shall not apply to any project for which site Plan Approval pursuant to Section V III.F has been granted by the Planning Board prior to adoption of this subsection, even if amendments to such site plan approval are subsequently granted.”

and to act on anything related thereto.

Submitted by the Planning Board

RECOMMENDED that the Town vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by *adding* the following language to Section V following the word “building”:—

The term “half-story,” as used herein means a story in a sloping roof, the area of which story at a height four (4) feet above the floor does not exceed two-thirds the floor area of the story immediately below it. The height of any building shall be measured from the mean grade of the natural ground contiguous to the building, as such ground exists prior to construction, provided that, if alterations in grades may have been approved by the Board of Appeals pursuant to Section IV.A., the height of a building shall be measured from the mean grade of the ground contiguous to the building as so altered and approved by the Board of Appeals. Height shall be measured to the highest part of the building excluding those chimneys, lightning rods, solar energy systems, domes, spires, cupolas, towers and antennas for which a different height limit is herein established, but including weathervanes, elevator housings, satellite dishes, solar energy systems, and any other projections.

2. Additional Height Limits and Exceptions in Residence AA, A, B and C Districts. In a Residence AA, A, B or C district, the following additional height limits and exceptions shall apply. Chimneys and solar energy systems shall

not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. Towers which are part of any building not used for religious or educational purposes shall not exceed forty (40) feet in height. One or more spires, domes, cupolas, and/or towers in excess of thirty-five (35) feet in height may be a part of a building which is used for religious or educational purposes, provided that no such spire or tower may be in excess of twice the height of the building as determined for Paragraph 1 and that the portion of any spire, dome, cupola or tower in excess of thirty-five (35) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64) feet. Upon a finding that the portion of a spire, tower, or dome in excess of thirty-five (35) feet in height reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals shall authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy (70) feet in height. No spire, dome, cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot under separate ownership. Height of a spire, dome, cupola or tower shall be measured from the mean grade of the natural ground contiguous to the building of which the spire, dome, cupola or tower is part, as such natural ground exists prior to construction, provided that, if alterations in grades may have been approved by the Board of Appeals pursuant to Section IV.A., the height of a spire, dome, cupola or tower shall be measured from the mean grade of the ground contiguous to the building as so altered and approved by the Board of Appeals.

3. Existing Nonconforming Buildings with an Educational or Religious Use. In a Residence AA, A, B or C district, buildings in excess of thirty-five (35) feet in height, lawfully existing on May 31, 1991 with an educational or religious use may be maintained and/or altered for educational or religious use so long as any alteration does not increase the extent of the building's nonconformity with the applicable height, setback, and building coverage provisions in Sections V and VI.

B. Building Heights in Residence D Districts. In a residence D district, no building shall be erected or altered to exceed three (3) stories or thirty-five (35) feet in height, whichever is less. The Board of Appeals, upon a finding that additional stories and/or height are reasonably necessary in order to provide housing for the elderly and will not be detrimental to the neighborhood in which the building is located, may authorize by special permit a building for use as housing for the elderly not to exceed (6) stories or sixty-five (65) feet in height, whichever is less. Included in any such authorization for additional height may be one or more spires, domes, cupolas, or towers. 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 finished grade of

the ground contiguous to the building. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building, excluding chimneys and lightning rods. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet.

C. Building Heights in Residence D–1 Districts. In a residence D–1 district, no building shall be erected or altered to exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less. The term “story,” as used in this paragraph shall not include a basement as long as the finished floor height of the first story is no more than four (4) feet above the mean finished grade of the ground contiguous to the building. The term “half-story,” as used herein means a story in a sloping roof, the area of which story at a height four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building excluding chimneys, lightning rods and one cupola. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. A cupola shall not exceed the height of building by more than ten (10) feet.

D. Building Heights in Residence D–2 Districts. In a Residence D–2 district, no building shall be erected or altered to exceed forty-five (45) feet in height above the mean finished grade of the ground contiguous to the building. Mean finished grade shall be the grade of the ground contiguous to the building as such ground will exist subsequent to construction. Height of a building shall be measured to the highest part of the building excluding chimneys, lightning rods, and one cupola. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3), feet. A cupola shall not exceed the height of a building by more than eighteen (18) feet.

E. 1. Building Heights in Business Districts. In a business district, no building shall be erected or altered to exceed three (3) stories or forty-five (45) feet in height, whichever is less. The Board of Appeals, upon a finding that additional stories and/or additional height are 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 not to exceed five (5) stories or sixty-five (65) feet in height, whichever is less. 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

finished grade of the ground contiguous to the building. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building excluding those chimneys, lightning rods, solar energy systems, domes, spires, cupolas, towers and antennas for which a different height limit is herein established, but including weathervanes, elevator housings, satellite dishes, and any other projections.

2. Additional Height Limits and Exceptions in Business Districts. In a business district, the following additional height limits and exceptions shall apply. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. The Board of Appeals may authorize by special permit one or more spires, domes, cupolas and/or towers in excess of forty-five (45) feet in height above the ground but less than seventy-five (75) feet in height above the ground as part of a building with a business use. One or more spires, domes, cupolas, and/or towers in excess of forty-five (45) feet in height above the ground may be a part of a building which is used for religious or educational purposes, provided that no such spire, dome, cupola or tower may be in excess of twice the height of the building as determined for Paragraph I, and that the portion of any spire, dome, cupola or tower in excess of forty-five (45) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64) feet. Upon a finding that the portion of a spire, tower or dome in excess of forty-five (45) feet in height reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals shall authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy-five (75) feet in height. No spire, dome, cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot in a residence district under separate ownership. Height of a spire, dome, cupola or tower shall be measured from the mean finished grade of the ground contiguous to the building of which the spire, dome, cupola or tower is part, as such ground will exist subsequent to construction.

F. Buildings with an Educational or Religious Use in Residence D, D-1 and D-2 Districts. Notwithstanding the foregoing Paragraphs B, C and D, any building for educational or religious use in a Residence D, D-1 or D-2 district, which is not an accessory use to housing for the elderly or handicapped in a Residence D or Residence D-1 district or an accessory use to housing for the elderly in a Residence D-2 district or for which no special permit has been issued pursuant to Section III.D, shall meet the requirements contained in Paragraph A for a building for educational or religious use in a Residence AA district. Any building or portion of a building with such a non-accessory

educational or religious use in a Residence D, D-1 or D-2 district shall also be subject to all other regulations of these bylaws applicable to such a building in a Residence AA district, including, but not limited to, the Building Coverage and Floor Space provisions in Section VI.E., the Open Space provisions in Section VI.F., and the parking regulations in Section VII. The addition of a new building with such a non-accessory educational or religious use or conversion of an existing building to such a use shall render any other building or buildings with a different use on the same lot or on adjoining lots in common ownership nonconforming.

G. Antennas. In any zoning district, the Board of Appeals may authorize by special permit an antenna in excess of the height permitted in this section but not to exceed fifty (50) feet in height above the ground if the additional height is necessary for use of the antenna and will have no substantial adverse effect on neighboring properties. If, under applicable state or federal law, an applicant is entitled, as a matter of right, to an antenna in excess of the height permitted hereunder, the Board of Appeals shall authorize an antenna in accordance with the requirements of such law, subject to permissible safeguards and conditions minimizing any adverse effect on neighboring properties. The provisions of this Section V do not apply to wireless telecommunications facilities, which are governed by Section III.G.

H. Berms and Terraces. Earthen berms or other mounding of earth materials, which exceed a slope rising more than one (1) foot in four (4) feet (4:1) within thirty (30) feet of a building shall not be considered in determining the mean finished grade of the building. Terraces, which project less than fifty (50) feet from the face of a building, shall not be considered in determining the mean finished grade of the building. This subsection shall not apply to any project for which site Plan Approval pursuant to Section V III.F has been granted by the Planning Board prior to adoption of this subsection, even if amendments to such site plan approval are subsequently granted.”

As amended Section V. shall read: —

A.

1. 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 1/2) 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. The term “half-story,” as used herein means a story in a sloping roof, the area of which story at a height four (4) feet above the floor does not exceed two-thirds the floor area of the story immediately below it. The height of any building shall be measured from the mean grade of the natural ground contiguous to the building, as such ground exists prior to construction, provided that, if alterations in grades may have been approved by the Board of Appeals pursuant to Section IV.A., the height of a building shall be measured from the mean grade of the ground contiguous to the building as so altered and approved by the Board of Appeals. Height shall be measured to the highest part of the building excluding those chimneys, lightning rods, solar energy systems, domes, spires, cupolas, towers and antennas for which a different height limit is herein established, but including weathervanes, elevator housings, satellite dishes, solar energy systems, and any other projections.

2. Additional Height Limits and Exceptions in Residence AA, A, B and C Districts. In a Residence AA, A, B or C district, the following additional height limits and exceptions shall apply. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. Towers which are part of any building not used for religious or educational purposes shall not exceed forty (40) feet in height. One or more spires, domes, cupolas, and/or towers in excess of thirty-five (35) feet in height may be a part of a building which is used for religious or educational purposes, provided that no such spire or tower may be in excess of twice the height of the building as determined for Paragraph 1 and that the portion of any spire, dome, cupola or tower in excess of thirty-five (35) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64) feet. Upon a finding that the portion of a spire, tower, or dome in excess of thirty-five (35) feet in height reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals shall authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy (70) feet in height. No spire, dome, cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot under separate ownership. Height of a spire, dome, cupola or tower shall be measured from the mean grade of

the natural ground contiguous to the building of which the spire, dome, cupola or tower is part, as such natural ground exists prior to construction, provided that, if alterations in grades may have been approved by the Board of Appeals pursuant to Section IV.A., the height of a spire, dome, cupola or tower shall be measured from the mean grade of the ground contiguous to the building as so altered and approved by the Board of Appeals.

3. Existing Nonconforming Buildings with an Educational or Religious Use. In a Residence AA, A, B or C district, buildings in excess of thirty-five (35) feet in height, lawfully existing on May 31, 1991 with an educational or religious use may be maintained and/or altered for educational or religious use so long as any alteration does not increase the extent of the building's nonconformity with the applicable height, setback, and building coverage provisions in Sections V and VI.

B. Building Heights in Residence D Districts. In a residence D district, no building shall be erected or altered to exceed three (3) stories or thirty-five (35) feet in height, whichever is less. The Board of Appeals, upon a finding that additional stories and/or height are reasonably necessary in order to provide housing for the elderly and will not be detrimental to the neighborhood in which the building is located, may authorize by special permit a building for use as housing for the elderly not to exceed (6) stories or sixty-five (65) feet in height, whichever is less. Included in any such authorization for additional height may be one or more spires, domes, cupolas, or towers. 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 finished grade of the ground contiguous to the building. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building, excluding chimneys and lightning rods. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet.

C. Building Heights in Residence D-1 Districts. In a residence D-1 district, no building shall be erected or altered to exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is less. The term "story," as used in this paragraph shall not include a basement as long as the finished floor height of the first story is no more than four (4) feet above the mean finished grade of the ground contiguous to the building. The term "half-story," as used herein means a story in a sloping roof, the area of which story at a height four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it. The height of any building shall be

measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building excluding chimneys, lightning rods and one cupola. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. A cupola shall not exceed the height of building by more than ten (10) feet.

D. Building Heights in Residence D–2 Districts. In a Residence D–2 district, no building shall be erected or altered to exceed forty–five (45) feet in height above the mean finished grade of the ground contiguous to the building. Mean finished grade shall be the grade of the ground contiguous to the building as such ground will exist subsequent to construction. Height of a building shall be measured to the highest part of the building excluding chimneys, lightning rods, and one cupola. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3), feet. A cupola shall not exceed the height of a building by more than eighteen (18) feet.

E.

1. Building Heights in Business Districts. In a business district, no building shall be erected or altered to exceed three (3) stories or forty–five (45) feet in height, whichever is less. The Board of Appeals, upon a finding that additional stories and/or additional height are 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 not to exceed five (5) stories or sixty–five (65) feet in height, whichever is less. 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 finished grade of the ground contiguous to the building. The height of any building shall be measured from the mean finished grade of the ground contiguous to the building, as such ground will exist subsequent to construction. Height shall be measured to the highest part of the building excluding those chimneys, lightning rods, solar energy systems, domes, spires, cupolas, towers and antennas for which a different height limit is herein established, but including weathervanes, elevator housings, satellite dishes, and any other projections.

2. Additional Height Limits and Exceptions in Business Districts. In a business district, the following additional height limits and exceptions shall apply. Chimneys and solar energy systems shall not exceed the height of a building by more than eight (8) feet. Lightning rods shall not exceed the highest point of a structure by more than three (3) feet. The Board of Appeals may authorize by special permit one or more spires,

domes, cupolas and/or towers in excess of forty-five (45) feet in height above the ground but less than seventy-five (75) feet in height above the ground as part of a building with a business use. One or more spires, domes, cupolas, and/or towers in excess of forty-five (45) feet in height above the ground may be a part of a building which is used for religious or educational purposes, provided that no such spire, dome, cupola or tower may be in excess of twice the height of the building as determined for Paragraph I, and that the portion of any spire, dome, cupola or tower in excess of forty-five (45) feet in height above the ground shall not have an exterior perimeter measurement of more than sixty-four (64) feet. Upon a finding that the portion of a spire, tower or dome in excess of forty-five (45) feet in height reasonably requires an exterior perimeter measurement of more than sixty-four (64) feet, the Board of Appeals shall authorize, by special permit, such a spire, tower or dome as part of a building used for religious or educational purposes, provided that in no event shall such a larger spire, tower or dome exceed seventy-five (75) feet in height. No spire, dome, cupola or tower shall have a height above the ground in excess of the distance from any contiguous lot in a residence district under separate ownership. Height of a spire, dome, cupola or tower shall be measured from the mean finished grade of the ground contiguous to the building of which the spire, dome, cupola or tower is part, as such ground will exist subsequent to construction.

F. Buildings with an Educational or Religious Use in Residence D, D-1 and D-2 Districts. Notwithstanding the foregoing Paragraphs B, C and D, any building for educational or religious use in a Residence D, D-1 or D-2 district, which is not an accessory use to housing for the elderly or handicapped in a Residence D or Residence D-1 district or an accessory use to housing for the elderly in a Residence D-2 district or for which no special permit has been issued pursuant to Section III.D, shall meet the requirements contained in Paragraph A for a building for educational or religious use in a Residence AA district. Any building or portion of a building with such a non-accessory educational or religious use in a Residence D, D-1 or D-2 district shall also be subject to all other regulations of these bylaws applicable to such a building in a Residence AA district, including, but not limited to, the Building Coverage and Floor Space provisions in Section VI.E., the Open Space provisions in Section VI.F., and the parking regulations in Section VII. The addition of a new building with such a non-accessory educational or religious use or conversion of an existing building to such a use shall render any other building or buildings with a different use on the same lot or on adjoining lots in common ownership nonconforming.

G. Antennas. In any zoning district, the Board of Appeals may authorize by special permit an antenna in excess of the height permitted in this section but not to exceed fifty (50) feet in height above the ground if the additional height

is necessary for use of the antenna and will have no substantial adverse effect on neighboring properties. If, under applicable state or federal law, an applicant is entitled, as a matter of right, to an antenna in excess of the height permitted hereunder, the Board of Appeals shall authorize an antenna in accordance with the requirements of such law, subject to permissible safeguards and conditions minimizing any adverse effect on neighboring properties. The provisions of this Section V do not apply to wireless telecommunications facilities, which are governed by Section III.G.

H. Berms and Terraces. Earthen berms or other mounding of earth materials, which exceed a slope rising more than one (1) foot in four (4) feet (4:1) within thirty (30) feet of a building shall not be considered in determining the mean finished grade of the building. Terraces, which project less than fifty (50) feet from the face of a building, shall not be considered in determining the mean finished grade of the building. This subsection shall not apply to any project for which site Plan Approval pursuant to Section V III.F has been granted by the Planning Board prior to adoption of this subsection, even if amendments to such site plan approval are subsequently granted.

COMMENT: The purpose of this Article is to correct a clerical error. The language presented in this Warrant was inadvertently omitted from the text presented in Article 10 of the October 2014 Town Meeting Warrant. Reinstating the language will provide the intended outcome of the October 2014 Town Meeting vote and appropriately document the intent of Chapter 10, Section V of the Zoning By-Laws. The Building Commissioner has been operating as if this amendment had been put in place in 2014 and reinstating this language will confirm the Building Commissioner's current practices and procedures.

ARTICLE 2 To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by striking every instance of the words "Town Clerk" and replacing the words "Building Commissioner" in paragraphs 1, 2, and 12, and by striking every instance of the words "a business certificate" and replacing with the words "an occupancy permit" in paragraphs 1, 12, 13, 14, and 15 of Section III.A.10. The revision of this language shall indicate that occupancy permit for home occupation use shall be issued by the Building Commissioner.

As amended Section III.A.10. shall read: —

"The following use, if authorized by an occupancy permit issued by the Building Commissioner to a resident or residents upon payment of a fee and subject to the following conditions: A Home Occupation.

(a) The home occupation shall be conducted in no more than 400 square feet within the dwelling and all materials, equipment, and facilities related to the

home occupation shall be included in that space. Outside storage shall not be permitted in a home occupation. A floor plan drawn to scale that details the area in which the home occupation will be conducted and such other material as specified by the Building Commissioner shall be included as part of the permit application. A detailed description of the home occupation shall also be included as part of the application.

(b) Only persons residing in the dwelling may engage in the home occupation and there shall be no more than three persons engaged in the home occupation.

(c) Merchandise, operations, signs or other indications of any kind regarding the home occupation shall not be visible from outside the dwelling.

(d) The appearance of the dwelling shall not be altered in any manner which reflects or indicates that the home occupation is being conducted in the dwelling.

(e) The home occupation shall not generate excessive pedestrian and/or vehicular traffic to or from the dwelling.

(f) There shall be no use of commercial vehicles for regular deliveries of goods or materials to or from the dwelling related to the home occupation.

(g) The home occupation shall not create noise, odor, dust, vibration, fumes, or smoke discernible at any boundary of the lot on which the home occupation is situated; it shall not create any electrical disturbance affecting electrical appliances located on adjacent properties; and it shall not create any hazardous or potentially hazardous condition or conditions.

(h) The home occupation shall be permissible under any applicable lease or rental agreement, or in the case of a condominium project, any applicable covenants, conditions, or restrictions.

(i) Home occupations shall not involve sexually oriented conduct.

(j) Home occupations shall be conducted in accordance with all applicable state and federal laws and regulations and with all applicable municipal requirements.

If all the foregoing conditions are satisfied, the Building Commissioner shall issue an occupancy permit for the home occupation. An occupancy permit issued in accordance with this section shall be in force and effect for four (4) years from the date of issue and upon payment of a fee for each renewal may be renewed for additional four (4) year terms so long as the home occupation shall have been conducted in accordance with these conditions. The certificate shall lapse and be void at the end of its term unless so renewed.

Any violation of the conditions imposed in this Paragraph 10 on a home occupation shall be cause for the revocation of the home occupation occupancy permit by the Building Commissioner pursuant to Section VIII.A. Upon such revocation, such home occupation shall cease immediately.

In the event that such home occupation shall continue following revocation or expiration of an occupancy permit and notice to the resident(s), the resident(s) shall be subject to a fine of no more than \$50 for each offense with each day that business continues following such notice being deemed a separate offense.

No home occupation shall be conducted except in compliance with the foregoing conditions pursuant to an occupancy permit or as otherwise authorized by special permit issued by the Board of Appeals pursuant to Section III, Subsection A, Paragraph 7 (i)."

and to act on anything relating thereto.

Submitted by the Planning Board

RECOMMENDED that the Town vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, in Section III.A.10. by deleting the words "Town Clerk" wherever they appear and inserting in their place the words "Building Commissioner" and by deleting the words "a business certificate" wherever they appear, and inserting in their place the words "an occupancy permit" . The revision of this language shall indicate that occupancy permit for home occupation use shall be issued by the Building Commissioner.

As amended Section III.A.10. shall read: —

"The following use, if authorized by an occupancy permit issued by the Building Commissioner to a resident or residents upon payment of a fee and subject to the following conditions: A Home Occupation.

(a) The home occupation shall be conducted in no more than 400 square feet within the dwelling and all materials, equipment, and facilities related to the home occupation shall be included in that space. Outside storage shall not be permitted in a home occupation. A floor plan drawn to scale that details the area in which the home occupation will be conducted and such other material as specified by the Building Commissioner shall be included as part of the permit application. A detailed description of the home occupation shall also be included as part of the application.

(b) Only persons residing in the dwelling may manage, operate or be employed by the home occupation and there shall be no more than three persons involved in managing or operating the home occupation or being employed by the home occupation.

(c) Merchandise, operations, signs or other indications of any kind regarding the home occupation shall not be visible from outside the dwelling.

(d) The appearance of the dwelling shall not be altered in any manner which reflects or indicates that the home occupation is being conducted in the dwelling.

(e) The home occupation shall not generate excessive pedestrian and/or vehicular traffic to or from the dwelling.

(f) There shall be no use of commercial vehicles for regular deliveries of goods or materials to or from the dwelling related to the home occupation.

(g) The home occupation shall not create noise, odor, dust, vibration, fumes, or smoke discernible at any boundary of the lot on which the home occupation is situated; it shall not create any electrical disturbance affecting electrical appliances located on adjacent properties; and it shall not create any hazardous or potentially hazardous condition or conditions.

(h) The home occupation shall be permissible under any applicable lease or rental agreement, or in the case of a condominium project, any applicable covenants, conditions, or restrictions.

(i) Home occupations shall not involve sexually oriented conduct.

(j) Home occupations shall be conducted in accordance with all applicable state and federal laws and regulations and with all applicable municipal requirements.

If all the foregoing conditions are satisfied, the Building Commissioner shall issue an occupancy permit for the home occupation. An occupancy permit issued in accordance with this section shall be in force and effect for four (4) years from the date of issue and upon payment of a fee for each renewal may be renewed for additional four (4) year terms so long as the home occupation shall have been conducted in accordance with these conditions. The certificate shall lapse and be void at the end of its term unless so renewed.

Any violation of the conditions imposed in this Paragraph 10 on a home occupation shall be cause for the revocation of the home occupation occupancy permit by the Building Commissioner pursuant to Section VIII.A. Upon such revocation, such home occupation shall cease immediately.

In the event that such home occupation shall continue following revocation or expiration of an occupancy permit and notice to the resident(s), the resident(s) shall be subject to a fine of no more than \$50 for each offense with each day that business continues following such notice being deemed a separate offense.

No home occupation shall be conducted except in compliance with the foregoing conditions pursuant to an occupancy permit or as otherwise authorized by special permit issued by the Board of Appeals pursuant to Section III, Subsection A, Paragraph 7 (i)."

COMMENT: Article #2 addresses the need of reducing the steps involving filing home occupation permit applications with the Town Clerk. Currently, a home occupation permit application is filed with the Town Clerk. The Town Clerk would receive this application and forward the application to the Building Commissioner. The Building Commissioner would then do an inspection of the property for which a home occupation permit has been requested. After the inspection, the Building Commissioner would forward the results of the inspection to the Town Clerk; who then grants a home occupation permit if the inspection passes.

ARTICLE 3 To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following words “and Side Yard” to the title of Section VII.K., as well as adding the following language to Section VII.K. following the word “area.”:

“In the side yard set-back area of a lot, as required in Section VI, Subsection C.3., for lots in Residence AA, A, B, and C districts, no motor vehicle shall be parked except in a driveway or contiguous parking area provided that no such driveway and contiguous parking area, if any, shall separately or in combination, cover more than 30 percent of the set-back area.”

As amended, Section VII. K. shall read: —

“K. Parking in the Front Yard and Side Yard Set-Back Area in Residence AA, A, B, and C Districts. In the front yard set-back area of a lot, as required in Section VI, Subsection B, Paragraphs 1, 2, and 3 for lots in Residence AA, A, B, and C districts, no motor vehicle shall be parked except in a driveway or contiguous parking area provided that no such driveway and contiguous parking area, if any, shall separately or in combination, cover more than 30 percent of the set-back area.

In the side yard set-back area of a lot, as required in Section VI, Subsection C.3., for lots in Residence AA, A, B, and C districts, no motor vehicle shall be parked except in a driveway or contiguous parking area provided that no such driveway and contiguous parking area, if any, shall separately or in combination, cover more than 30 percent of the set-back area.”

and to act on anything relating thereto.

Submitted by the Planning Board

RECOMMENDED that the Town vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following words “and Side Yard” to the title of Section VII.K., as well as adding the following language to Section VII.K. following the word “area.”:

“In the side yard set-back area of a corner lot, as required in Section VI, Subsection C.3., for lots in Residence AA, A, B, and C districts, no motor vehicle shall be parked except in a driveway or contiguous parking area

provided that no such driveway and contiguous parking area, if any, shall separately or in combination, cover more than 30 percent of the set-back area. In this context a corner lot means a lot which borders the intersection of two streets or ways.””

As amended, Section VII. K. shall read:—

“K. Parking in the Front Yard and Side Yard Set-Back Area in Residence AA, A, B, and C Districts. In the front yard set-back area of a lot, as required in Section VI, Subsection B, Paragraphs 1, 2, and 3 for lots in Residence AA, A, B, and C districts, no motor vehicle shall be parked except in a driveway or contiguous parking area provided that no such driveway and contiguous parking area, if any, shall separately or in combination, cover more than 30 percent of the set-back area.

In the side yard set-back area of a corner lot, as required in Section VI, Subsection C.3, for lots in Residence AA, A, B, and C districts, no motor vehicle shall be parked except in a driveway or contiguous parking area provided that no such driveway and contiguous parking area, if any, shall separately or in combination, cover more than 30 percent of the set-back area. In this context a corner lot means a lot which borders the intersection of two streets or ways.”

COMMENT: This Article, which amends Chapter 10, Section VII.K of the Zoning By-Laws, applies to new driveway paving on corner lots, places restrictions on the amount of paving allowed in side yard set-back areas and front yard set-back areas, and addresses concerns about excessive paving on corner lots. The Article places a 30% limit on the area that can be paved on these respective portions of corner lots. While this Article will make strides with consistency in how paving occurs on the corner lots, and in preserving aesthetics in the neighborhoods, there is an educational aspect to the Article where citizens will have to be informed of the change and of permitted areas for paving.

ARTICLE 4 To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by removing the entire text of Section IV and replacing with the following amended text.

As amended Section IV shall read:

“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 of right within the existing building envelope or within a height and setback which conform with the dimensional requirements of the Milton Zoning Bylaws and may be further extended or altered beyond the existing building envelope beyond the limits of the dimensional requirements, if authorized by a Special Permit from the Zoning Board of Appeals, and subject to appropriate conditions, limitations, and safeguards stated in writing by the Board of Appeals and made a part thereof.

A valid pre-existing nonconforming single family or two family residential structure which is destroyed by fire or other natural disaster may be rebuilt or replaced as a matter of right within the existing foot print and height of the prior residential structure, or within a height and setback which conform with the dimensional requirements of the Milton Zoning Bylaws, provided the construction is commenced within twelve (12) months of the fire or disaster and is completed within twenty-four (24) months after such fire or disaster except that such time may be extended by the Board of Appeals for good cause shown.

Otherwise, valid pre-existing nonconforming structures or uses, other than a one or two family home, may be extended, altered, reconstructed or replaced and such extension, alteration, reconstruction or replacement may be used for the purpose or for a purpose substantially similar to the purpose for which the original buildings may have been lawfully used, if authorized by a special permit from the Board of Appeals and subject to appropriate conditions, limitations, and safeguards stated in writing by the Board of Appeals and made a part thereof.

Authorization by special permit of a subsequent use in a building in the business district shall not be required where the only nonconformity in the building and use is in the dimensions or setback of the building, where the prior use is a valid, preexisting use, where the subsequent use is the same or one that is normally permitted without a Special Permit or Variance in the Business District, excluding sales rooms and repair shops for motor vehicles, garages, filling stations, and/or storage warehouses, and where the parking requirements conform to Section VII of the Milton Zoning Bylaws.

As a basis for such any special permit provided for herein, the Board of Appeals must be satisfied that such extension, alteration, reconstruction or replacement and the extended or altered structure or use to be made thereof will not substantially increase any detrimental or injurious effect of the building or use on the neighborhood.”

and to act on anything relating thereto.

Submitted by the Planning Board

RECOMMENDED that the Town vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by removing the entire text of Section IV and replacing with the following amended text. As amended, Section IV shall read:

“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 of right within the existing building envelope or within a height and setback which conform with the dimensional requirements of the Milton Zoning Bylaws and may be further extended or altered beyond the existing building envelope or beyond the limits of the dimensional requirements, if authorized by a special permit from the Board of Appeals, and subject to appropriate conditions, limitations, and safeguards stated in writing by the Board of Appeals and made a part thereof.

A valid pre-existing nonconforming single family or two family residential structure which is destroyed by fire or other natural disaster may be rebuilt or replaced as a matter of right within the existing footprint and height of the prior residential structure, or within a height and setback which conform with the dimensional requirements of the Milton Zoning Bylaws, provided the construction is commenced within twelve (12) months of the fire or disaster and is completed within twenty-four (24) months after such fire or disaster except that such time may be extended by the Board of Appeals for good cause shown.

Otherwise, valid pre-existing nonconforming structures, other than a one or two family home, may be extended, altered, reconstructed or replaced and such extension, alteration, reconstruction or replacement may be used for the purpose or for a purpose substantially similar to the purpose for which the original buildings may have been lawfully used, if authorized by a special permit from the Board of Appeals and subject to appropriate conditions, limitations, and safeguards stated in writing by the Board of Appeals and made a part thereof.

Authorization by special permit of a subsequent use in a building in the business district shall not be required where the only nonconformity in the building and use is in the dimensions or setback of the building, where the prior use is a valid, preexisting use, where the subsequent use is the

same or one that is normally permitted without a Special Permit or Variance in the Business District, excluding sales rooms and repair shops for motor vehicles, garages, filling stations, and/or storage warehouses, and where the parking requirements conform to Section VII of the Milton Zoning Bylaws.

As a basis for any special permit provided for herein, the Board of Appeals must be satisfied that the requirements of Section IX.C. have been met subject to any appropriate conditions and limitations and that such extension, alteration, reconstruction or replacement and the extended or altered structure or use to be made thereof will not substantially increase any detrimental or injurious effect of the building or use on the neighborhood.”

COMMENT: The intent of this Article, which seeks to amend, Section IV of the Zoning By-Laws, is to simplify and streamline the process currently in place for citizens when there is a desire to alter homes or residential structures that are considered valid pre-existing, non-conforming structures. Currently a variance is required in situations where alterations are proposed on existing structures that are close in proximity to property lines, or where the existing structure may exceed height requirements. The variance process can be a lengthy and burdensome process for those that want to add an addition to their home, for example. The proposed simplified process allows for the use of special permits up to certain limits which provides more flexibility and less complexity throughout the process; if and when certain encroachment limits are reached the variance process would still be required.

ARTICLE 5 To see whether the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following Section __:

Section __:

TRAFFIC IMPACT MITIGATION

In a Planned Unit Development District or in an Overlay District where a special permit is required for the construction or alteration of a principal use that will result in the increase in gross floor area by more than 10% of existing floor area or that will require the addition of 10 or more parking to a property or that will result upon full completion in 7,500 square feet or more of gross floor area, the Special Permit Granting Authority (“SPGA”) may require mitigation measures and/or a monetary contribution from applicants to mitigate or offset a development’s transportation impacts.

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

- Expanding the Town's inventory of data about transportation needs and transportation utilization;
- Implementing a Complete Streets program;
- Implementing traffic calming measures;
- Permitting vehicular, pedestrian and bicycle traffic on Milton streets to move in an efficient manner without excessive delay or congestions;
- Assuring adequate opportunities for mobility for all Milton residents, workers and visitors;
- Reducing motor vehicle and pedestrian accidents on Milton's streets;
- Permitting emergency vehicles to reach homes and businesses with a minimum of delay;
- Increasing the awareness of and reducing the impact of vehicular traffic on a predominantly residential town;
- Promoting safe and convenient routes for pedestrians and bicycles to schools, public transit, parks, amenities, and commercial areas;
- Promoting cleaner air and reducing automotive exhaust emissions caused by vehicles standing and idling for an excessive time; and
- Maintaining a balance between the traffic generating capacity of businesses and residential development in the Town and the traffic carrying capacity of streets and intersections

Traffic Impact Mitigation also seeks to aid Milton businesses and other establishments by:

- Reducing the cost of operations for Milton companies and establishments caused by delays in vehicular traffic;
- Expanding the pool of potential employees who can reach places of work in Milton more easily and economically;
- Employing a more efficient and satisfied workforce less concerned at the work place by the frustrations of transportation, particularly commuting; and
- Providing transportation services more effectively in collaboration with other business and with the Town.

Development Traffic Impact Standards:

Standards by which a project subject to TIM shall be evaluated relative to its impact upon Milton's traffic infrastructure shall include:

1. Level of Service ("LOS") of all intersections and roads shall be adequate following project development and shall be determined according to criteria set forth by the Transportation Research Board of the National

Research Council. LOS shall be determined inadequate if a development reduces the LOS more than one level below the existing grade prior to the development, and in any case, the LOS shall never be below a “C” for scenic and residential streets or a “D” for all other new or existing intersections.

2. An Impacted Intersection shall be any intersection or intersections projected to receive at least 60 additional vehicle trips during peak hour traffic over the no-build condition or intersections projected to receive an additional 5% of anticipated daily or peak hour traffic over the no-build condition due to the contribution of traffic by the proposed development.

Determination of Traffic Impact:

An application for a Special Permit for a project subject to TIM shall include as compliance with all other special permit application submission requirements as established in Section _____ a Traffic Impact Statement, which shall be prepared by a qualified MA. Registered Professional Traffic Engineer that shall include the following:

1. A Traffic Impact Assessment documenting existing traffic conditions in the vicinity of the proposed project, accurately describing the volume and effect of the projected traffic generated by the proposed project, and identifying measures necessary and sufficient to mitigate any adverse impacts on existing traffic conditions.
 - a. Determination of Scope: prior to preparing the Traffic Impact Assessment, the Applicant’s Professional Engineer shall meet with the Town Engineer, to review the proposed scope of the Traffic Impact Assessment, including the identification of the “project impact area,” to be studied, which shall include all impacted intersections and streets likely to be significantly affected by the proposed project, as defined above. The Town Engineer shall provide a written statement to the SPGA regarding his/her concurrence or disagreement with the proposed scope, and the reasons for his/her opinion, which shall be provided to the Applicant and included with the Traffic Impact Assessment.
 - b. Existing Traffic Conditions: the assessment shall measure and assess average and daily peak hour volumes, average and peak speeds, sight distances, accident data, and levels of service (LOS) of all intersections and streets within the project impact area. Generally, such data shall be no more than 12 months old at the date of the application, unless other data are specifically approved by SPGA with the recommendations of the Town Engineer.
 - c. Projected Traffic Conditions: the assessment shall include projected traffic conditions for the design year of occupancy, including statement of the design year of occupancy, estimated background traffic growth on

an annual average basis, and impacts of other proposed developments that have been approved in whole or in part by the Town which will affect future traffic conditions. If a proposed principal use is not listed in said publication, the SPGA may approve the use of trip generation rates for another use listed that is similar in terms of traffic generation to the proposed use. If no use is similar, a traffic generation estimate, along with the methodology used, prepared by a registered professional traffic engineer, shall be submitted and approved by the SPGA.

d. Projected Impact of Proposed Development: the assessment shall include the projected peak hour and daily traffic generated by the development on the roads and ways in the project impact area, sight lines at the intersections of the proposed driveways and streets, existing and proposed traffic controls in the vicinity of the proposed development, and projected post-development traffic volumes and levels of service of intersections and roads likely to be affected by the proposed development.

e. Traffic Mitigation Measures: the assessment shall propose specific measures to be undertaken by the Applicant in order to mitigate the impacts of the proposed development and to ensure that current traffic conditions and LOS are not adversely effected by the project. Also, the assessment shall consider both on site and off site mitigation measures, to include but are not limited to new traffic control signals, increase in right of way capacity via widening roads, or other right of way or intersection improvements. The proposed mitigation measures, if approved by the SPGA, shall become conditions of the special permit.

The SPGA shall have the option to require a peer review of the Traffic Impact Statement by a Registered Professional Traffic Engineer of its choosing at the Applicant's expense.

Establishment of TDM Goals and Requirements:

The Planning Board shall have the discretion to demand at least one or more Transportation Demand Management (TDM) programs to reduce AM peak hour volumes, as listed below:

- Provide staggered work hours (one hour increments) for at least 10% of the non-management work force.
- Provide preferential parking locations for all employees arriving in a car pool comprised of at least two licensed drivers.
- Provide a cash incentive for all car pools of two or more licensed drivers. Said incentive shall be at least 40 dollars per month per car pool.
- Provide a shuttle or van service to and from public transportation terminals. Said service must have the capacity to accommodate at least 10% of the employees on the largest shift.

- Provide a work at home option for at least one day per week for at least 10% of the total work force.
- Provide subsidized public transportation passes of at least 20% of the monthly pass cost.
- Provide secure and safe bicycle parking and storage
- Provide showers and lockers for bicyclists
- Provide a public bicycle sharing program
- Provide connectivity between adjacent bike storage sites and bike pathways
- Provide a fully connected sidewalk network
- Provide bicycle lanes
- Provide other programs designed by the applicant and approved by the Planning Board in lieu of or in addition to those listed above.

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

MITIGATION PAYMENTS

In lieu of or in addition to the Applicant performing all or part of the mitigation measures which have been made a condition of the Special Permit, the SPGA may require the Applicant to make a contribution into the Traffic Safety and Infrastructure Fund (the “Fund”) of an amount at its discretion equal to a maximum of:

\$300 per parking space for any commercial, manufacturing, or retail use

\$300 per loading dock for any distribution or warehouse facility

\$450 per residential unit

In a building of a mixed use, the amount of the contribution shall be pro-rated to reflect the ratio of the uses and the applicable contributions.

The Fund shall be held separate and apart from other moneys by the Town Treasurer. Any moneys in said fund shall be expended only at the direction of the Planning Board and Board of Selectmen and in accordance with the Requirements for Monetary Contributions specified herein. The fund may be used for the

implementation of a Complete Streets program, traffic calming measures, maintenance and improving of traffic regulation and control, road improvements (including widening), traffic control signals, street lighting, pedestrian and bike improvements, sidewalks and other public improvements related to traffic safety. The cost of land takings necessary to accomplish any of the purposes listed herein shall be considered a proper purpose for the expenditure of moneys from this fund. No moneys in this fund shall be used for any purpose not included or directly related to the purposes listed above. Further, moneys contributed by a specific applicant for a special permit under this section shall only be spent on mitigation measures related to said development and specified as conditions in the special permit.

Per written request of the Applicant, the SPGA may allow him/her to directly implement a portion of the proposed mitigation measure identified in the Project Mitigation Assessment, and which have been made conditions of the special permit. The costs of those measures, itemized by cost category, as certified by the Town Engineer and approved by the SPGA, shall be credited to the Applicant's payment to the Traffic Safety and Infrastructure Fund, and said payment shall be reduced by the certified amount.

Funds:

Potential uses of funds: Funds may only be used if the expenditure directly relates to the impact created by the development to which it applies. Funds may not be used to pay for existing deficiencies unless the deficiencies are increased by the new development.

Requirements for Monetary Contributions:

The SPGA must:

- 1) Establish a clear and proximate link between the impact of a development on the transportation network and how the mitigation funding will be used to remedy that impact;
- 2) Establish a clear and well-defined process to monitor progress and compliance towards established goals
- 3) Specify a timeframe for the use of mitigation revenue and determine a process to return unspent sums of money outside of the established time frame
- 4) Hold the revenue in a specifically identified account that is monitored and reported on
- 5) Ensure a clear transfer or responsibility in the event of a change of ownership

Completion of Mitigation Measures

No building permit shall be issued to an applicant for a Special Permit under this section until surety has been established in a sum sufficient to ensure completion of mitigation measures required by the SPGA in the form of a 100% performance bond, irrevocable letter of credit, or escrow agreement. The sum of said surety shall be established by the SPGA and be approved as to proper form and content by the Town's Treasurer.

No occupancy permit, permanent or temporary, shall be issued to an applicant for a Special Permit under this section until all required mitigation measures described in the Development Impact Statement and specified as conditions in the Special Permit have met the following conditions:

- a. All required Mitigation Payments are received by the Town Treasurer
- b. All mitigation measures have been certified by the Town Engineer as complete and all public improvements have been accepted by the Town of Milton or the Commonwealth of Massachusetts, whichever is applicable;
- c. All design, construction, inspection, testing, bonding and acceptance procedures have been followed and completed in strict compliance with all applicable public standards and have been certified by the Town Engineer.

If the applicant fails to complete any required mitigation, the Town shall be authorized to complete such measures with the surety payments and with the Mitigation Payments to the extent required. Any expenditure of the Town of Mitigation Payments associated with correcting applicant's deficiencies shall be refunded to the Town by the applicant prior to issuance of an occupancy permit, permanent or temporary.

and to act on anything relating thereto.

Submitted by the Planning Board

RECOMMENDED that the Town vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following Section, the Section number to be assigned by the Town Clerk:

Section __:

TRAFFIC IMPACT MITIGATION

In a Planned Unit Development or in an Overlay District where a special permit is required for the construction or alteration of a principal use that

will result in the increase in gross floor area by more than 10% of existing floor area or that will require the addition of 10 or more parking spaces to a property or that will result upon full completion in 7,500 square feet or more of gross floor area, the Special Permit Granting Authority (“SPGA”) may require mitigation measures and/or a monetary contribution from applicants to mitigate or offset a development’s transportation impacts.

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

Development Traffic Impact Standards:

Standards by which a project subject to TIM shall be evaluated relative to its impact upon Milton’s traffic infrastructure shall include:

1. Level of Service (“LOS”) of all intersections and roads shall be adequate following project development and shall be determined according to criteria set forth by the Transportation Research Board (“TRB”) of the National Research Council. LOS shall be determined inadequate if a development reduces the LOS more than one level below the existing grade prior to the development, and in any case, the LOS shall never be below a “C” for Scenic Roads or a “D” for all other new or existing intersections.
2. An Impacted Intersection shall be any intersection or intersections projected to receive at least 60 additional vehicle trips during peak hour traffic over the no-build condition or intersections projected to receive an additional 5% of anticipated daily or peak hour traffic over the no-build condition due to the contribution of traffic by the proposed development.

Determination of Traffic Impact:

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

1. A Traffic Impact Assessment documenting existing traffic conditions in the vicinity of the proposed project, accurately describing the volume and effect of the projected traffic generated by the proposed project, and identifying measures necessary and sufficient to mitigate any adverse impacts on existing traffic conditions.

a. Determination of Scope: prior to preparing the Traffic Impact Assessment, the Applicant's Professional Engineer shall meet with the Town Engineer, to review the proposed scope of the Traffic Impact Assessment, including the identification of the "project impact area," to be studied, which shall include all impacted intersections and streets likely to be significantly affected by the proposed project, as defined above. The Town Engineer shall provide a written statement to the SPGA regarding his/her concurrence or disagreement with the proposed scope, and the reasons for his/her opinion, which shall be provided to the Applicant and included with the Traffic Impact Assessment.

b. Existing Traffic Conditions: the Traffic Impact Assessment shall measure and assess average and daily peak hour volumes, average and peak speeds, sight distances, accident data, and levels of service (LOS) of all intersections and streets within the project impact area. Generally, such data shall be no more than 12 months old at the date of the application, unless other data are specifically approved by SPGA with the recommendations of the Town Engineer.

c. Projected Traffic Conditions: the Traffic Impact Assessment shall include projected traffic conditions for the design year of occupancy, including statement of the design year of occupancy, estimated background traffic growth on an annual average basis, and impacts of other proposed developments that have been approved in whole or in part by the Town which will affect future traffic conditions. If a proposed principal use is not listed in the criteria established by the TRB, the SPGA may approve the use of trip generation rates for another use listed that is similar in terms of traffic generation to the proposed use. If no use is similar, a traffic generation estimate, along with the methodology used, prepared by a registered professional traffic engineer, shall be submitted and approved by the SPGA.

d. Projected Impact of Proposed Development: the Traffic Impact Assessment shall include the projected peak hour and daily traffic generated by the development on the roads and ways in the project impact area, sight lines at the intersections of the proposed driveways and streets, existing and proposed traffic controls in the vicinity of the proposed development, and projected post-development traffic volumes and levels of service of intersections and roads likely to be affected by the proposed development.

e. Traffic Mitigation Measures: the Traffic Impact Assessment shall propose specific measures to be undertaken by the Applicant in order to mitigate the impacts of the proposed development and to ensure that current traffic conditions and LOS are not adversely

effected by the project. Also, the Traffic Impact Assessment shall consider both on site and off site mitigation measures, to include but are not limited to new traffic control signals, increase in right of way capacity via widening roads, or other right of way or intersection improvements. The proposed mitigation measures, if approved by the SPGA, shall become conditions of the special permit.

The SPGA shall have the option to require a peer review of the Traffic Impact Statement by a Registered Professional Traffic Engineer of its choosing at the Applicant's expense.

Establishment of TDM Goals and Requirements:

The Planning Board shall have the discretion to strongly encourage at least one or more Transportation Demand Management (TDM) programs to reduce AM peak hour volumes, as listed below:

- Provide staggered work hours (one hour increments) for at least 10% of the non-management work force.
- Provide preferential parking locations for all employees arriving in a car pool comprised of at least two licensed drivers.
- Provide a cash incentive for all car pools of two or more licensed drivers. Said incentive shall be at least 40 dollars per month per car pool.
- Provide a shuttle or van service to and from public transportation terminals. Said service must have the capacity to accommodate at least 10% of the employees on the largest shift.
- Provide a work at home option for at least one day per week for at least 10% of the total work force.
- Provide subsidized public transportation passes of at least 20% of the monthly pass cost.
- Provide secure and safe bicycle parking and storage
- Provide showers and lockers for bicyclists
- Provide a public bicycle sharing program
- Provide connectivity between adjacent bike storage sites and bike pathways
- Provide a fully connected sidewalk network
- Provide bicycle lanes
- Provide other programs designed by the applicant and approved by the Planning Board in lieu of or in addition to those listed above.

MITIGATION PAYMENTS

In lieu of or in addition to the Applicant performing all or part of the mitigation measures which have been made a condition of the special permit, the SPGA may require the Applicant to make a contribution into a Traffic Safety and Infrastructure Revolving Fund (the “Fund”) of an amount at its discretion equal to a maximum of:

\$300 per parking space for any commercial, manufacturing, or retail use

\$300 per loading dock for any distribution or warehouse facility

\$450 per residential unit

The Fund shall be held separate and apart from other moneys by the Town Treasurer. Any money in said Fund shall be expended only by majority vote of the Planning Board and Board of Selectmen and in accordance with the provisions of the Fund and the Requirements for Monetary Contributions specified herein. The Fund may be used for the implementation of a Complete Streets program, traffic calming measures, maintenance and improving of traffic regulation and control, road improvements (including widening), traffic control signals, street lighting, pedestrian and bike improvements, sidewalks and other public improvements related to traffic safety. The cost of land takings necessary to accomplish any of the purposes listed herein shall be considered a proper purpose for the expenditure of money from this Fund. No money in this Fund shall be used for any purpose not included or directly related to the purposes listed above. Further, money paid by a specific applicant for a special permit under this section shall only be spent on mitigation measures related to said development and specified as conditions in the special permit.

Per written request of the Applicant, the SPGA may allow the Applicant to directly implement a portion of the proposed mitigation measures identified in the Traffic Impact Assessment, and which have been made conditions of the special permit. The costs of those measures, itemized by cost category, as certified by the Town Engineer and approved by the SPGA, shall be credited to the Applicant’s payment to said Traffic Safety and Infrastructure Fund, and said payment shall be reduced by the certified amount.

Funds:

Potential uses of funds: Funds may only be used if the expenditure directly relates to the impact created by the development to which it applies. Funds may not be used to pay for existing deficiencies unless the deficiencies are increased by the new development.

Requirements for Monetary Contributions:

The SPGA must:

- 1.) Establish a clear and proximate link between the impact of a development on the transportation network and how the mitigation funding will be used to remedy that impact;**
- 2.) Establish a clear and well-defined process to monitor progress and compliance towards established goals**
- 3.) Specify a timeframe for the use of mitigation revenue and determine a process to return unspent sums of money outside of the established time frame**
- 4.) Hold the revenue in a specifically identified account that is monitored and reported on**
- 5.) Ensure a clear transfer of responsibility in the event of a change of ownership**

Completion of Mitigation Measures

No building permit shall be issued to an Applicant for a Special Permit under this section until surety has been established in a sum sufficient to ensure completion of mitigation measures required by the SPGA in the form of a 100% performance bond, irrevocable letter of credit, or escrow agreement. The sum of said surety shall be established by the SPGA, with input from the Town Engineer, and be approved as to proper form and content by the Town's Treasurer.

No occupancy permit, permanent or temporary, shall be issued to an Applicant for a Special Permit under this section until all required mitigation measures described in the Traffic Impact Statement and specified as conditions in the Special Permit have met the following conditions:

- a. All required Mitigation Payments are received by the Town Treasurer**
- b. All mitigation measures have been certified by the Town Engineer as complete and all public improvements have been accepted by the Town of Milton or the Commonwealth of Massachusetts, whichever is applicable;**
- c. All design, construction, inspection, testing, bonding and acceptance procedures have been followed and completed in strict compliance with all applicable public standards and have been certified by the Town Engineer.**

If the Applicant fails to complete any required mitigation, the Town shall be authorized to complete such measures with the surety payments and with the Mitigation Payments to the extent required. Any expenditure by the Town of Mitigation Payments associated with correcting applicant's deficiencies shall be refunded to the Town by the Applicant prior to issuance of an occupancy permit, permanent or temporary.

COMMENT: This article effectively expands the scope of traffic, pedestrian, and bicycle mitigation measures currently in place for larger-scale projects, and addresses the potential impact from a concentration of several smaller-scale projects. The article requires developers to collaborate extensively with the Town Engineer and the special permit granting authority to develop a customized mitigation strategy, implemented and/or funded directly by the developer depending on the unique challenges revealed in the Traffic Impact Assessment.

ARTICLE 6 To see if the Town will vote, pursuant to Chapter 44, Section 53E ½ of the Massachusetts General Laws, to establish by by-law a revolving fund for money received from applicants before the Board of Appeals or the Planning Board for approval of developments which may impact traffic on roads in the Town; to authorize the Town Administrator, in consultation with for recommendations and cost estimates from the Town Engineer or other appropriate department heads and after a majority vote of the Planning Board and the Board of Selectmen, to appropriate such funds only for the purpose of fulfilling the Complete Streets program, traffic calming measures, maintaining and improving the traffic regulation and control, road improvements (including widening), traffic control signals, street lighting, sidewalks, pedestrian and bike improvements, and other public improvements related to traffic safety; to determine a limit on the total amount which may be expended from such fund during the fiscal year beginning July 1, 2019.

All moneys which are collected as a result of any contribution to this fund shall be transferred to the principal of said fund, and the Town Treasurer shall be the custodian of the fund and shall deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth of Massachusetts, or in federal savings and loan associates situated in the commonwealth. Any interest earned thereon shall be credited to and become a part of such fund.

and to act on anything relating thereto.

Submitted by the Planning Board

RECOMMENDED A. that the Town vote, pursuant to Chapter 44, Section 53E ½ of the Massachusetts General Laws, to establish by a by-law, Traffic Safety and Infrastructure Revolving Fund for money received from applicants

before a Board of Appeals or the Planning Board for approval of developments which may impact traffic on roads in the Town; to authorize the Town Administrator, after consideration of any recommendations and cost estimates received from the Town Engineer or other appropriate department heads and after a majority vote of the Planning Board and the Board of Selectmen, to expend such funds only for the purpose of fulfilling the Complete Streets program, traffic calming measures, maintaining and improving the traffic regulation and control, road improvements (including widening), traffic control signals, street lighting, sidewalks, pedestrian and bike improvements, and other public improvements related to traffic safety; and to establish a limit of fifty thousand dollars (\$50,000.00) which may be expended from such fund during the fiscal year beginning July 1, 2019.

All moneys which are collected as a result of any contribution to this fund shall be transferred to the principal of said fund, and the Town Treasurer shall be the custodian of the fund and shall deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth of Massachusetts, or in federal savings and loan associations situated in the commonwealth. Any interest earned thereon shall be credited to and become a part of such fund, and

B. that the Town vote to amend the General By Laws by adding the following new provision to the Revolving Funds By-Law:

10	2018 Fall Town Meeting Article 6	Planning Board and Board of Selectmen	Traffic and Infrastructure Improvement	Money received by the Board of Appeals or Planning Board from applicants for developments which may impact traffic on roads in Milton.
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COMMENT: Establishment of a revolving fund associated with traffic and infrastructure payments will help provide transparency into the available funds and ensure funds are deployed exclusively towards traffic, pedestrian, and bicycle remediation efforts.

ARTICLE 7 To see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by *adding* the following: SPECIAL PERMIT 21: Brook Road Overlay District

Section III, Subsection S

SPECIAL PERMIT 21: Brook Road Overlay District

Section III, Subsection S

1. Purpose. A zoning overlay district to be known as the Brook Road Overlay District is hereby established to encourage adaptive reuse of abandoned, vacant or underutilized buildings, and to build upon the historic development patterns in the existing neighborhood to create an attractive, walkable neighborhood at the gateway of Milton.
2. District Description. The overlzay district contains about 20,909 square feet and as of January 1, 2018 was divided into two lots including single-family residential uses and the shell of a disused fraternal hall. The subject parcels are identified on the Assessors Map as of January 1, 2018 as: D-1-2 and D-1-16.
3. Uses. On a lot containing at least 20,000 square feet with at least 150 feet of frontage, the Planning Board may grant a special permit for a townhouse development containing not more than six townhouse units. These units may be constructed in two or three-unit buildings. Each townhouse unit shall contain no more than two bedrooms and may not exceed 1,400 square feet per unit exclusive of garage area. A townhouse is a single-family dwelling unit attached to one or two other single-family dwelling units. Individual buildings must be located 10 feet apart from one another.
4. Setbacks. Any building permitted under this section shall be set back 10 feet on all sides of the property. Front yard setback may be adjusted to align with abutting properties but shall be no less than 5 feet. Driveways and walkways may be located in a setback area provided that no less than 6 feet of landscaped open space be maintained between the driveway and abutting lots.
5. Affordable Housing. An applicant may make a payment to the Town's Affordable Housing Trust in lieu of providing one perpetually affordable unit qualifying for inclusion on the state's Subsidized Housing inventory. The Planning Board shall determine the amount of the payment which shall be reasonable in light of all relevant circumstances.
6. Site Design. Buildings shall not cover in excess of 35% of the lot, and the total coverage, including surface parking and buildings, shall not cover in excess of 70% of the lot. At least 30% of the lot shall be dedicated open space. Buildings shall be designed to fit with the character of the surrounding neighborhood and to respect the privacy of nearby residents.
7. Building Design. Buildings shall not exceed two and one-half stories or more than 35 feet in height, measured from the mean finished grade to the highest point of the building, and may include a single car garage in the first floor of each unit. The Planning Board may permit additional height for protrusions above the roof line for chimneys, so long as the appearance of the top of the building remains architecturally coherent with the neighborhood and visually attractive. Buildings shall be designed

so that there are no blank walls, unrelieved flat surfaces, or box-like structures. The Laurel Road façade shall include variation on front yard setback for individual units. Windows, doors, dormers, window bays, porches, porticos, arches, and other architectural elements shall project or be recessed in order to relieve design flatness unless good architectural cause exists for a different treatment. Roofs shall be pitched and shall be visually coherent and architecturally well defined, and dormers and/or gables shall be used to break the planes of the roof. The back and sides of each building shall be given as much architectural care as the front. Traditional building materials shall be used on exterior surfaces. The fronts of buildings shall not be dominated by garage doors. A unit may have a porch, balcony or deck if consistent with good design and respectful of the privacy of nearby residents.

8. **Parking.** Any project permitted within the Brook Road Overlay District shall provide two parking spaces per unit, one of which may be a garage space, and parking shall be located to the rear of the lot. Parking shall be designed to be visually unobtrusive when viewed from the street. Any project permitted under this section shall comply with the bicycle parking requirements included in Chapter 10, Subsection VII (L) of the zoning bylaws.
9. **Site Access.** Any application for a project in the Brook Road Overlay District shall make provision for safe and convenient access to and egress from the project for vehicles and pedestrians. Any project shall be designed to respect the convenience and safety of users of adjacent streets and sidewalks. The location of driveways and site access shall be approved by the director of the Town Department of Public Works.
10. **Open Space.** Open space shall include that portions of the setback area not traversed by driveways or walkways. Open space shall be landscaped and maintained in accordance with a landscaping plan, as part of the site plan. Trees and shrubs shall be native species and selected from the Shade Tree Committee list of approved species.
11. **Application.** Any application for development within the Brook Road Overlay District shall be filed with the Planning Board. Every application shall include a site plan meeting the requirements of this section. It shall include a narrative explaining how the development proposal meets the requirements and purpose of the Brook Road Overlay District, a statement of any impacts of the development on the neighborhood and the Town including traffic and pedestrian impacts, and proposed mitigation of any adverse impacts. The plan shall show the development in all material detail and include building elevations, building designs, building and parking layout, and a landscaping plan for the open space including setback areas. The Planning Board will commence review of the application only upon a determination of application completeness is rendered by the Planning Department staff.

12. **Issuance and Modification.** The Planning Board may grant a special permit for a project within the Brook Road Overlay District if it finds that the requirements for grant of a special permit, as well as the requirements of this Subsection have been met. The Planning Board may permit modification of the requirements of this Subsection if it finds that modifications are reasonable, necessary, consistent with the purpose of this Subsection and maintain the character of the neighborhood without adverse impacts. The Planning Board may impose reasonable requirements and conditions in connection with any approval under this subsection. Any approval shall include an approved site plan. All development shall be in accordance with the special permit and approved site plan. No other development shall be permitted.
13. **Recording.** The site plan shall be contained in various sheets, all of which, after approval, shall be recorded with the special permit with the Norfolk County Registry of Deeds at the applicant's expense. When each such recorded document has been returned to the applicant, the applicant shall promptly provide a copy thereof to the Planning Board, which shows the book and page of recording.
14. **Amendment of Permit.** After a special permit for a project within the Brook Road Overlay District has been granted, the permit 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 (except for non-substantial amendments) and a finding by the Planning Board that the alteration or amendment is reasonable and consistent with the purpose of this subsection without adverse or undesirable impacts. In permitting an alteration or amendment, the Planning Board may impose such conditions or restrictions which it finds are necessary or appropriate to accomplish the purpose or satisfy the requirements of this subsection. Any amendment shall be recorded with the Registry of Deeds in the same manner as the permit.

and to act on anything relating thereto.

Submitted by the Planning Board

RECOMMENDED that the Town vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by adding a new Section III, Subsection S, which reads: Brook Road Overlay District”.

1. **Purpose.** A zoning overlay district to be known as the Brook Road Overlay District is hereby established to encourage adaptive reuse of abandoned, vacant or underutilized buildings, and to build upon the historic development patterns in the existing neighborhood to create an attractive, walkable neighborhood at the gateway of Milton.
2. **District Description.** The overlay district contains about 20,909 square feet and as of January 1, 2018 was divided into two lots

including single-family residential uses and the shell of a disused fraternal hall. The subject parcels are identified on the Assessors Map as of January 1, 2018 as: D-1-1 (3 Laurel Road) D-1-2 (3 Laurel Road) and D-1-16 (5-9 Thacher Street).

3. **Uses.** On a lot in the Brook Road Overlay District containing at least 20,000 square feet with at least 150 feet of frontage, the Planning Board may grant a special permit for a townhouse development containing not more than six townhouse units. These units may be constructed in two or three-unit buildings. Each townhouse unit shall contain no more than two bedrooms and may not exceed 1,400 square feet per unit exclusive of garage area. A townhouse is a single-family dwelling unit attached to one or two other single-family dwelling units. Individual buildings must be located 10 feet apart from one another.
4. **Setbacks.** Any building permitted under this section shall be set back 10 feet on all sides of the property. Front yard setback may be adjusted to align with abutting properties but shall be no less than 5 feet. Driveways and walkways may be located in a setback area provided that no less than 6 feet of landscaped open space be maintained between the driveway and abutting lots.
5. **Affordable Housing.** An applicant may make a payment to the Town's Affordable Housing Trust in lieu of providing one perpetually affordable unit qualifying for inclusion on the state's Subsidized Housing inventory. The Planning Board shall determine the amount of the payment which shall be reasonable in light of all relevant circumstances.
6. **Site Design.** Buildings shall not cover in excess of 35% of the lot, and the total coverage, including surface parking and buildings, shall not cover in excess of 70% of the lot. At least 30% of the lot shall be dedicated open space. Buildings shall be designed to fit with the character of the surrounding neighborhood and to respect the privacy of nearby residents.
7. **Building Design.** Buildings shall not exceed two and one-half stories or more than 35 feet in height, measured from the mean finished grade to the highest point of the building, and may include a single car garage in the first floor of each unit. The Planning Board may permit additional height for protrusions above the roof line for chimneys, so long as the appearance of the top of the building remains architecturally coherent with the neighborhood and visually attractive. Buildings shall be designed so that there are no blank walls, unrelieved flat surfaces, or box-like structures. The Laurel Road façade shall include variation on front yard setback for individual units. Windows, doors, dormers, window bays, porches, porticos, arches, and other architectural elements shall project or be recessed in order to relieve design flatness unless good architectural

cause exists for a different treatment. Roofs shall be pitched and shall be visually coherent and architecturally well defined, and dormers and/or gables shall be used to break the planes of the roof. The back and sides of each building shall be given as much architectural care as the front. Building materials consistent with residential construction shall be used on exterior surfaces. The fronts of buildings shall not be dominated by garage doors. A unit may have a porch, balcony or deck if consistent with good design and respectful of the privacy of nearby residents.

8. **Parking.** Any project permitted within the Brook Road Overlay District shall provide two parking spaces per unit, one of which may be a garage space, and parking shall be located to the rear of the lot. Parking shall be designed to be visually unobtrusive when viewed from the street. Any project permitted under this section shall comply with the bicycle parking requirements included in Chapter 10, Subsection VII (L) of the zoning bylaws.
9. **Site Access.** Any application for a project in the Brook Road Overlay District shall make provision for safe and convenient access to and egress from the project for vehicles and pedestrians. Any project shall be designed to respect the convenience and safety of users of adjacent streets and sidewalks. The location of driveways and site access shall be approved by the director of the Town Department of Public Works.
10. **Open Space.** Open space shall include portions of the setback area not traversed by driveways or walkways. Open space shall be landscaped and maintained in accordance with a landscaping plan, as part of the site plan. Trees and shrubs shall be native species and selected from the Shade Tree Committee list of approved species.
11. **Application.** Any application for development within the Brook Road Overlay District shall be filed with the Planning Board. Every application shall include a site plan meeting the requirements of this section. It shall include a narrative explaining how the development proposal meets the requirements and purpose of the Brook Road Overlay District, a statement of any impacts of the development on the neighborhood and the Town including traffic and pedestrian impacts, and proposed mitigation of any adverse impacts. The plan shall show the development in all material detail and include building elevations, building designs, building and parking layout, and a landscaping plan for the open space including setback areas. The Planning Board will commence review of the application only if a determination of application completeness is rendered by the Planning Department staff.
12. **Issuance and Modification.** The Planning Board may grant a special permit for a project within the Brook Road Overlay District if it finds

that the requirements for grant of a special permit in Section IX.C., as well as the requirements of this Subsection have been met. The Planning Board may permit modification of the requirements of this Subsection if it finds that modifications are reasonable, necessary, consistent with the purpose of this Subsection and maintain the character of the neighborhood without adverse impacts. The Planning Board may impose reasonable requirements and conditions in connection with any approval under this subsection. Any approval shall include an approved site plan. All development shall be in accordance with the special permit and approved site plan. No other development shall be permitted.

13. **Recording.** The site plan shall be contained in various sheets, all of which, after approval, shall be recorded with the special permit with the Norfolk County Registry of Deeds at the applicant's expense. When each such recorded document has been returned to the applicant, the applicant shall promptly provide a copy thereof to the Planning Board, which shows the book and page of recording.
14. **Amendment of Permit.** After a special permit for a project within the Brook Road Overlay District has been granted, the permit 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 (except for non-substantial amendments) and a finding by the Planning Board that the alteration or amendment is reasonable and consistent with the purpose of this subsection without adverse or undesirable impacts. In permitting an alteration or amendment, the Planning Board may impose such conditions or restrictions, including without limitation a requirement to post a bond or other surety, which it finds are necessary or appropriate to accomplish the purpose or satisfy the requirements of this subsection. Any amendment shall be recorded with the Registry of Deeds in the same manner as the special permit and site plan.

COMMENT: This article was submitted by the Planning Board in response to concerns expressed by neighbors of the abandoned former Knights of Columbus building on the corner of Brook Road and Laurel Road. The intent of the article is to create zoning that would encourage the development of residential townhouses on the parcels. The Planning Board devoted significant energy to revising the zoning for these parcels that considers neighborhood aesthetics, open space, traffic, and volume of new residents. Applicants would still be required to apply for and be issued a special permit by the Planning Board that would consider plan specifics in order to build on these parcels. The Warrant Committee agrees that thoughtful development of this property is beneficial to the Town.

ARTICLE 8 To see whether the Town will vote to amend Chapter 11 of the General Bylaws, known as the Planning Board and Board of Appeals, by adding the following Section 3:

Section 3: Planning Board Term: Planning Board members elected in and after calendar year 2019 shall serve for a term of three years in accordance with Commonwealth of Massachusetts General Laws Chapter 41, Section 81A (Acts of 1936, Chapter 211) and any amendments thereto.

and to act on anything relating thereto.

Submitted by the Planning Board

RECOMMENDED that the Town vote to amend Chapter 11 of the General Bylaws, entitled Planning Board and Board of Appeals, by adding the following Section 3:

Section 3: Planning Board Term: Planning Board members elected in and after calendar year 2019 shall serve for a term of three years in accordance with General Laws Chapter 41, Section 81A, added by the Acts of 1947, Chapter 340, Section 4, and any amendments thereto.

COMMENT: The Planning Board has proposed this Article to change the term of its members from five years to three years to accomplish several goals. Currently, the five members of the Planning Board are each elected to a five year term of office. This term compares to three years for the Board of Selectmen, for example and one year appointments to the Warrant Committee. While the longer term provides continuity and institutional memory to the Planning Board, election to this body requires a substantial allocation of time and a level of dedication to highly specialized and often minutely-detailed issues involving zoning and building issues of significant importance to the Town and its residents. However, the long term nature of election to this body has been regarded as daunting and possibly discouraging to many interested and qualified candidates from seeking a seat on the Planning Board. Of particular concern are the requirements for the Planning Board's review of special permit applications. This is of concern as special permits require a super majority of its five person membership, meaning that four members of the Planning Board must vote favorably to approve special permits. A member who misses more than one Planning Board meeting considering a special permit is ineligible to vote on said special permit. Such a circumstance would then require a unanimous vote of the remaining four eligible Planning Board members to approve the proposed special permit. Such a situation places a burden on the other members of the Planning Board as they evaluate the special permit application. The situation becomes even more difficult if two members of the Planning Board miss more than one meeting during the process. Such a situation could result in the Planning Board being unable to consider the application of a special permit until the following year. Needless to say, such a delay would impose additional or unanticipated complications for special permit applicants. While it is impossible

to anticipate the attendance of a body's membership under most circumstances, it has been considered that shortening the Planning Board's five year term to three years would encourage greater interest among Town residents and expand the pool of potential candidates. The Town Government Study Committee has reviewed this article and has expressed a favorable disposition towards shortening the office term for members of the Planning Board but has not voted on it.

The Warrant Committee has considered the Article and appreciates the need for the Planning Board to execute its responsibilities with a well-informed membership able to meet the needs of the Town's development over the next several years. The proposed change is an attempt to address the challenge presented by the Planning Board's need to apply and interpret complex zoning rules as the Town of Milton continues to undergo development. We view the proposed change favorably as shorter term of office may enhance the appeal of running for a seat on the Planning Board and potentially broaden the candidate pool.

ARTICLE 9 To see whether the Town will vote to amend Chapter 11 Section 1 of the General Bylaws, known as the Planning Board and Board of Appeals, by adding the following language after the word "statute.":

"One Associate Member, who shall be a resident of the Town, shall be appointed by the Planning Board and the Board of Selectmen in joint session to serve for a term of one year. The Chairman of the Planning Board may then designate the Associate Member to sit on the board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the board."

As amended, Chapter 11, Section 1 shall read:—

"CHAPTER 11 PLANNING BOARD AND BOARD OF APPEALS

Section 1. A Planning Board is hereby established under the provisions of General Laws (Ter. Ed.), Chapter 41, Section 81A (Acts of 1936, Chapter 211) and any amendments thereto, with all the powers and duties therein and in any existing bylaws of the Town provided, to consist of five members to be elected by ballot at the annual Town Meeting in March, 1939, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years and thereafter in accordance with the statute. One Associate Member, who shall be a resident of the Town, shall be appointed by the Planning Board and the Board of Selectmen in joint session to serve for a term of one year. The Chairman of the Planning Board may then designate the Associate Member to sit on the board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the board."

and to act on anything relating thereto.

Submitted by the Planning Board

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

COMMENT: This Article was initially developed by the Planning Board and submitted for review by the Warrant Committee and the Town Meeting to address the issue of its members' absences as they affected the Planning Board's consideration of special permits. The proposed Associate Member would have been able to substitute for ineligible members to vote on special permits when, as and if required. Subsequent to submitting this Article to the Board of Selectmen, the Planning Board requested that it be permitted to engage in further research and discussion concerning the creation of such a role. The Warrant Committee concurs with this request and recommends that the Town Meeting remand Article 9 to the Planning Board for additional work.

ARTICLE 10 To see if the Town will vote to authorize the Board of Selectmen to file a petition with the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition.

An Act Authorizing the Appointment of Retired Police Officers as Special Police Officers

Be it enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

An Act Authorizing the Appointment of Retired Police Officers as Special Police Officers in the Town of Milton

Section 1. Subject to the approval of the Town Administrator, the Chief of Police may appoint, as he deems necessary, retired Milton police officers as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, regardless of whether or not related to the detail work. The retired police officers must have been regular Milton police officers and retired based upon superannuation. No retired police officer shall be appointed under this act as a special police officer if the officer has been retired for more than 5 years. The special police officers appointed under this act shall not be subject to the same maximum age restrictions as applied to regular Milton police officers under chapter 32 of the General Laws, but shall not be able to serve if they have reached the age of 70. Prior to performing police details, a special police officer appointed under this act must pass a medical examination, by a physician or other certified professional chosen or agreed to by the department, to determine that he or she is capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officer.

Section 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws, chapter 150E of the General Laws, or chapter 151A of the General Laws.

Section 3. Special police officers appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and perform other police functions as do regular police officers of the town of Milton.

Section 4. Special police officers appointed under this act shall be appointed for an indefinite term, subject to suspension or removal by the Police Chief with approval of the Town Administrator at any time. In the case of permeant removal, a special police officer shall be provided with 14 calendar days written notice prior to removal.

Section 5. Special police officers appointed under this act shall also be subject to the rules and regulations, policies and procedures and requirements of the Chief of Police of the town of Milton, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications, requirements for maintaining a medical insurance policy, and requirements regarding uniforms and equipment. Special police officers shall not be subject to section 96B of chapter 41 of the General Laws. The cost of all training, uniforms and equipment shall be borne by the special police officers.

Section 6. Special police officers appointed under this act shall be sworn before the town clerk of the town of Milton who shall keep a record of all such appointments.

Section 7. Sections 100 and 111F of chapter 41 of the General Laws shall not apply to special police officers appointed under this act. Special police officers appointed under this act shall not be subject to section 85H or 85H 1/2 of chapter 32, nor eligible for any benefits pursuant thereto.

Section 8. Appointment as a special police officer under this act shall not entitle any individual appointed as such to assignment to any detail.

Section 9. Retired Milton police officers, serving as special police officers under this act shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

Section 10. This act shall take effect upon its passage.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to authorize the Board of Selectmen to file a petition with the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition.

AN ACT Authorizing the Appointment of Retired Police Officers as Special Police Officers in the Town of Milton

Be it enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Subject to the approval of the Town Administrator, the Chief of Police may appoint, as he deems necessary, retired Milton police officers as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, regardless of whether or not related to the detail work. The retired police officers must have been regular Milton police officers and retired based upon superannuation. No retired police officer shall be appointed under this act as a special police officer if the officer has been retired for more than 5 years. The special police officers appointed under this act shall not be subject to the same maximum age restrictions as applied to regular Milton police officers under chapter 32 of the General Laws, but shall not be able to serve if they have reached the age of 70. Prior to performing police details, a special police officer appointed under this act must pass a medical examination, by a physician or other certified professional chosen or agreed to by the department, to determine that he or she is capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officer.

Section 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws, chapter 150E of the General Laws, or chapter 151A of the General Laws.

Section 3. Special police officers appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and perform other police functions as do regular police officers of the town of Milton.

Section 4. Special police officers appointed under this act shall be appointed for an indefinite term, subject to suspension or removal by the Police Chief with approval of the Town Administrator at any time. In the case of permeant removal, a special police officer shall be provided with 14 calendar days written notice prior to removal.

Section 5. Special police officers appointed under this act shall also be subject to the rules and regulations, policies and procedures and requirements of the Chief of Police of the town of Milton, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications, requirements for maintaining a medical insurance policy, and requirements regarding uniforms and equipment. Special police officers shall not be subject to section 96B of chapter 41 of the General Laws. The cost of all training, uniforms and equipment shall be borne by the special police officers.

Section 6. Special police officers appointed under this act shall be sworn before the town clerk of the town of Milton who shall keep a record of all such appointments.

Section 7. Sections 100 and 111F of chapter 41 of the General Laws shall not apply to special police officers appointed under this act. Special police officers appointed under this act shall not be subject to section 85H or 85H 1/2 of chapter 32, nor eligible for any benefits pursuant thereto.

Section 8. Appointment as a special police officer under this act shall not entitle any individual appointed as such to assignment to any detail.

Section 9. Retired Milton police officers, serving as special police officers under this act shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

Section 10. This act shall take effect upon its passage.

COMMENT: A yes vote on this article would authorize the Board of Selectmen to file a home rule petition seeking legislation to allow the Town to appoint (hire) retired Milton police officers as Special Police Officers. Special police officers will be fully deputized officers with full powers to make arrests and perform other police functions as do regular police officers of the town of Milton.

Special police officers will be appointed solely for the performance of details as required at street construction sites and other private duty details required by the Town, provided, however, that at the discretion of the Chief of Police, they will be available for any other police duties that may occur while performing the detail work, regardless of whether or not related to the detail work.

Retired Milton police officers will be eligible for appointment if they have been retired for not more than five years and are under age 70. Special police officers will not be allowed to serve beyond age 70. Prior to appointment, the officers will be required to undergo a physical exam.

Special police officers will be compensated at the same rate as regular police officers that perform detail work. The cost of all training, uniforms and equipment required to perform the duties of a special police officer will be borne by the special police officer. The special police officer will not be eligible for fringe benefits normally provided to regular police officers, including but not limited to vacation, sick leave, overtime pay and health insurance. Special police officers will not be subject to civil service requirements, collective bargaining agreements, residency or proximity requirements, any indemnifications provided under MGL Chapter 41, §100, other special compensation provided for in MGL Chapter 41, §111.

Due to budgetary constraints over the past several years, many police departments have been operating at manning levels that are less than optimal. This has placed a strain on departments in trying to fill required police details within the Town and to respond to significant emergencies that may from time to time arise. The use of retired police officers for private details at construction sites and other required details would allow the Town to fill these requirements with Milton officers under the control and direction of the Milton Chief of Police and provide for additional reinforcement in times of emergencies. Currently due to lack of availability, an increasing number of private details are being filled by non-Milton police officers. While the town does receive full reimbursement from the person or entity requiring the detail for any compensation paid to police officers, it forgoes a 10% administrative fee for compensation that is paid to non-Milton police officers.

ARTICLE 11 To see if the Town will vote to amend the vote of the 2017 Annual Town Meeting under Article 14, by increasing the membership of the Fire Station Building Committee from nine (9) members to eleven (11) members. The two (2) additional members would be the Fire Chief and a member of the Town of Milton Fire Department; and to act on anything relating thereto.

Submitted by the Board of Selectmen

RECOMMENDED that the Town vote to amend the vote of the 2017 Annual Town Meeting under Article 14, by increasing the membership of the Fire Station Building Committee from nine (9) members to eleven (11) members. The two (2) additional members would be the Fire Chief and a member of the Town of Milton Fire Department, neither of whom shall serve as Chair of that Committee.

COMMENT: This article would amend the existing 2017 Warrant article that created the Fire Station Building Committee. It adds two additional committee members: the Town of Milton Fire Chief, and one additional member of the Town of Milton Fire Department. Currently, the Fire Chief is available to the Fire Station Building Committee for consultation, but is not able to add comment to the proceedings without being asked to do so, and is not permitted to vote on the proceedings. The amendment gives both a voice and a vote on the Committee to the Fire Department. The Warrant Committee amended the original amendment to prohibit either member from the Fire Department from serving as Chairperson of the Fire Station Building Committee.

ARTICLE 12 To see if the Town will vote to amend the General Bylaws by adopting a new bylaw entitled “Plastic Bag Ban” to help protect the environment from plastic pollution, in the form set forth below; and to act on anything relating thereto.

Chapter _ PLASTIC BAG BAN

Section 1. Findings and Purpose

Plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to: (1) harming marine and terrestrial animals through ingestion and entanglement; (2) polluting and degrading the terrestrial and marine environments; (3) clogging storm drainage systems; (4) creating a burden for solid waste disposal and recycling facilities; and (5) requiring the use of non-renewable fossil-fuel in their composition.

The purpose of this Bylaw is to protect the Town’s natural beauty and natural resources and the health and quality of life of its residents by reducing the number of single-use, plastic check-out bags that are distributed in the Town of Milton and promoting the use of reusable bags.

Section 2. Definitions

The following words shall have the following meanings:

- a. “Check-out Bag” shall mean a bag provided by a Retail Establishment to a customer at the point of sale.
- b. “Code Enforcement Officer” shall mean the Department’s Code Enforcement Officer.
- c. “Department” shall mean the Milton Inspectional Services Department.
- d. “Recyclable Paper Bag” shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word “recyclable” or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
- e. “Reusable Check-Out Bag” shall mean a bag with handles that is specifically designed for multiple reuse and that is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.
- f. “Retail Establishment” shall mean any person, corporation, partnership, limited liability company, vendor or business facility that sells goods, articles, food or personal services directly to the consumer whether for profit or not for profit,

including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores and seasonal and temporary businesses.

g. “Thin-Film, Single-Use Plastic Check-Out Bags” shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

Section 3. Regulated Conduct

a. No Retail Establishment in the Town of Milton shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers.

b. If a Retail Establishment provides or sells Check-Out Bags to customers, each such Check-Out Bag must be either a Recyclable Paper Bag or a Reusable Check-Out Bag.

Section 4. Exemptions

This bylaw shall not apply to thin-film plastic bags without handles that are used to contain dry cleaning clothing items, newspapers, produce, meat, fish, bulk foods, wet items and pet waste.

Section 5. Enforcement

This bylaw shall be enforced by any means available in law and in equity by the Code Enforcement Officer. The following penalties shall apply:

a. A fine of \$50.00 shall apply to the first violation.

b. A fine of \$100.00 shall apply to the second violation.

c. A fine of \$200.00 shall apply to the third violation and each additional violation.

Fines shall be cumulative, and each day on which a violation occurs shall constitute a separate offense.

Section 6. Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or July 1, 2019, whichever is later.

Section 7. Regulations

The Department is hereby authorized to adopt regulations to effectuate the purposes of this Bylaw, including without limitation to address a situation where financial hardship prevents or limits compliance with this Bylaw. Such rules and regulations shall be kept on file in the offices of the Department and the Town Clerk;

and to act on anything relating thereto.

Submitted by the Board of Selectmen.

RECOMMENDED the town vote to amend the General Bylaws by adopting a new bylaw entitled “Plastic Bag Ban” to help protect the environment from plastic pollution, in the form set forth below the section number of said by law to be assigned by the Town Clerk; and to act on anything relating thereto.

Chapter _ PLASTIC BAG BAN

Section 1. Findings and Purpose

Plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to: (1) harming marine and terrestrial animals through ingestion and entanglement; (2) polluting and degrading the terrestrial and marine environments; (3) clogging storm drainage systems; (4) creating a burden for solid waste disposal and recycling facilities; and (5) requiring the use of non-renewable fossil-fuel in their composition.

The purpose of this Bylaw is to protect the Town’s natural beauty and natural resources and the health and quality of life of its residents by reducing the number of single-use, plastic check-out bags that are distributed in the Town of Milton and promoting the use of reusable bags.

Section 2. Definitions

- a. The following words shall have the following meanings:
- b. “Check-out Bag” shall mean a bag provided by a Retail Establishment to a customer at the point of sale.
- c. “Code Enforcement Officer” shall mean the Department’s Code Enforcement Officer.
- d. “Department” shall mean the Milton Inspectional Services Department.
- e. “Recyclable Paper Bag” shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word “recyclable” or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.

f. “Reusable Check-Out Bag” shall mean a bag with handles that is specifically designed for multiple reuse and that is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.

g. “Retail Establishment” shall mean any person, corporation, partnership, limited liability company, vendor or business facility that sells goods, articles, food or personal services directly to the consumer whether for profit or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores and seasonal and temporary businesses.

h. “Thin-Film, Single-Use Plastic Check-Out Bags” shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

Section 3. Regulated Conduct

a. No Retail Establishment in the Town of Milton shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers.

b. If a Retail Establishment provides or sells Check-Out Bags to customers, each such Check-Out Bag must be either a Recyclable Paper Bag or a Reusable Check-Out Bag.

Section 4. Exemptions

This bylaw shall not apply to thin-film plastic bags without handles that are used to contain dry cleaning clothing items, newspapers, produce, meat, fish, bulk foods, wet items and pet waste.

Section 5. Enforcement

This bylaw shall be enforced by any means available in law and in equity by the Code Enforcement Officer. The following penalties shall apply:

a. A fine of \$50.00 shall apply to the first violation.

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c. A fine of \$200.00 shall apply to the third violation and each additional violation.

Fines shall be cumulative, and each day on which a violation occurs shall constitute a separate offense.

Section 6. Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or July 1, 2019, whichever is later.

Section 7. Regulations

The Department is hereby authorized to adopt regulations to effectuate the purposes of this Bylaw, including without limitation to address a situation where financial hardship prevents or limits compliance with this Bylaw. Such rules and regulations shall be kept on file in the offices of the Department and the Town Clerk.

COMMENT: A “yes” vote is recommend by the Warrant Committee. By passing this article, Milton will align with 80+ Massachusetts cities and towns that have this prohibition in place.

The goal of this ban is to reduce the impact of plastic bags in our community, and encourage the use of re-useable bags.

Lastly, it is important to note that these bags, commonly provided by supermarkets and convenience stores, are not recyclable via Milton’s single stream recycling program. Accordingly, the disposal of the bags and/ or the improper recycling results in increased cost to the town.

ARTICLE 13 To see if the Town will vote to discharge the Library Building Committee, established by vote of the 2004 Annual Town Meeting under Article 34; and to act on anything relating thereto.

Submitted by the Trustees of the Milton Public Library and the Library Building Committee.

RECOMMENDED that the Town vote to discharge the Library Building Committee, established by vote of the 2004 Annual Town Meeting under Article 34.

COMMENT: The Library Trustees have submitted this Article and request its approval by the the Town Meeting as the Building Committee has discharged its oversight responsibilities related to the renovation of the Library on Canton Avenue. As the design and construction process has been completed the Warrant Committee concurs with the Library Trustees and recommends approval of this Article.

ARTICLE 14 To see if the Town will vote to transfer the former Kidder Branch Library property at 101 Blue Hills Parkway from the Trustees of the Milton Public Library for library purposes to the Trustees of the Milton Public Library for the

purpose of sale of said property, and further, to authorize the Trustees of the Milton Public Library to sell said property for such consideration and upon such terms as the Trustees of the Public Library deem appropriate;

and to act on anything relating thereto.

Submitted by the Trustees of the Milton Public Library

RECOMMENDED that Town refer this article to the Trustees of the Milton Public Library for further study.

COMMENT: After several conversations with the Warrant Committee during the course of our deliberations, the Library Trustees have requested that the Warrant Committee recommend to Town Meeting that this article be referred to the Trustees of the Milton Public Library for further study. The Warrant Committee concurs with this request. Town Counsel has provided information to the Warrant Committee as follows: The June 4, 1928 Final Decree of the Massachusetts Supreme Judicial Court in the case of Kidder House Association vs. the Attorney General of the Commonwealth, et al. provides in part that the Kidder Branch Library property is held by the Town in a public charitable trust, that the property may be sold, and that the income from such sale shall be applied from time to time “under control and direction of the Trustees of the Public Library of said Inhabitants of Milton or their successors, to the establishment or maintenance of a public library, or branch libraries, or reading rooms, and for other proper public library purposes, in such manner as the Trustees of said Public Library for the time being shall deem for the benefit of the Inhabitants of the Town of Milton”. The Library Trustees have expressed willingness to consider providing more specific information and/or alternatives for the use of the property or proceeds from any sale as it would benefit the Library and the residents of the Town according to the terms of Nathaniel Kidder’s original intent.

ARTICLE 15 To see if the Town will vote to create a more centralized and professional financial management structure that includes, without limitation, the Accounting, Treasury, Collections, Purchasing and Information Technology functions, reporting to a chief financial officer, under the direction of the Town Administrator, and to change the Town Treasurer/Collector from a position elected under MGL c. 41 § 1 to a position appointed by the Town Administrator under MGL c. 41 § 1B and Chapter 65 of the Acts of 2016, with required professional qualifications, background and experience commensurate with the Town’s increasing scope and responsibilities for treasury, collections and operations, cash management, investment management, bonding, debt service management, and financial forecasting; and, further, to amend the General Bylaws, if necessary, to accomplish the purposes of this article; and to act on anything related thereto.

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

RECOMMENDED: That the Town vote to create a more centralized and professional financial management structure for the Town that includes, without limitation, the Accounting, Treasury, Collections, Purchasing and Information Technology functions, reporting to a chief financial officer (see attached Position Specification), under the direction of the Town Administrator, and that the Town vote to change the office of the Town Treasurer/Collector of Taxes from a position elected under Mass. G.L.c. 41, § 1 to an appointed office, pursuant to Mass. G.L.c. 41, § 1B, with the appointing authority for such office to be the Town Administrator, pursuant to Chapter 65 of the Acts of 2016, provided that the appointed Treasurer/Collector of Taxes shall have professional qualifications, background and experience commensurate with the Town’s increasing scope and responsibilities for treasury, collections and operations, cash management, investment management, bonding, debt service management, and financial forecasting; and, provided further, that such change in the office of Town Treasurer/Collector of Taxes shall be subject to acceptance by the voters of the Town of the following question to be placed on the official ballot for an annual Town Election: shall the Town vote to have its elected Town Treasurer/Collector of Taxes become an appointed Treasurer/Collector of Taxes of the Town?

Yes _____ No _____

COMMENT: This Article is a reflection of the increased need for financial expertise to consolidate and rationalize the Town’s increasingly complex financial and budgetary needs. The Warrant Committee agrees with the Government Study Committee and Board of Selectmen that such a move is commensurate with the Town’s financial needs, and will follow the success that other towns in the Commonwealth have had in moving to such a structure.

Note that, if approved by Town Meeting, a new structure will not go into effect immediately or even promptly. Rather, the Article would be the first step in a series of changes, including the potential changes to the General Bylaws in order to implement this structure. This explains the Article’s otherwise general nature and lack of specificity on procedure: it is an approval to begin the process.

ARTICLE 16 To see if the Town will vote to amend the General Bylaws as follows:

- A.
 - 1. To delete the words “board of selectmen,” “selectmen” and “selectman” wherever they appear and insert in their place the words “select board”, “members of the select board” or “select board members” and “member of the select board” or “select board member”, respectively.
 - 2. To delete the word “chairman” wherever it appears and to insert in its place the word “chair.”

3. To insert the following new provision: “The select board shall be the entity historically known as the board of selectmen. The select board shall have and exercise all legal rights, authority, duties and responsibilities vested in a board of selectmen by the laws of the Commonwealth and by vote of the Town. For the purposes of these bylaws words “board of selectmen” shall mean select board”; and

4. To insert the following new provision; “In all currently active Town communications and official documents, such as policies and regulations, where reasonably practical, and in all future Town communications and documents, the words “board of selectmen”, “selectmen”, “selectman”, and “chairman” shall be deleted and replaced with “select board”, “members of the select board” or “select board members”, “member of the select board” or “select board member”, and “chair”, respectively. It is the intent of this provision that in all future Town communications and documents the foregoing gender neutral terminology and other gender neutral language shall be used, and that with respect to currently active Town communications and official documents where it is not reasonably practical to change the foregoing terminology as provided, such documents shall be interpreted to impute gender neutral language”;

- B. and further, to see if the Town will vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by deleting the words “board of selectmen”, “selectmen”, “selectman” and “chairman” whenever they appear and inserting in their place “select board”, “members of the select board” or “select board members”, “member of the select board” or “select board member” and “chair” respectively;
- C. and further, to see if the Town will vote to authorize the Board of Selectmen to file a petition with the General Court to amend the Charter By Special Act of the Town of Milton, Chapter 27 of the Acts of 1927, as previously amended, by deleting the words “the selectmen” wherever they appear and inserting in their place the words “select board members” and by deleting the word “chairman” wherever it appears and inserting in its place “chair” provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition;
- D. and further to see if the Town will vote to authorize the Board of Selectmen to file a petition(s) with the General Court to amend any other special legislation applicable to the Town of Milton, by deleting the words “board of selectmen”, “selectmen,” selectman”, and “chairman” whenever they appear and inserting in their place “select board”, “members of the select board” or “select board members”, “member of the select board” or “select board

member” and “chair,” respectively, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition;

and to act on anything relating thereto.

Submitted by the Board of Selectmen

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

1. To delete the words “board of selectmen,” “selectmen” and “selectman” wherever they appear and insert in their place the words “select board”, “members of the select board” or “select board members” and “member of the select board” or “select board member”, respectively.
 2. To delete the word “chairman” wherever it appears and to insert in its place the word “chair.”
 3. To insert the following new provision: “The select board shall be the entity historically known as the board of selectmen. The select board shall have and exercise all legal rights, authority, duties and responsibilities vested in a board of selectmen by the laws of the Commonwealth and by vote of the Town. For the purposes of these bylaws words “board of selectmen” shall mean select board”; and
 4. To insert the following new provision; “In all currently active Town communications and official documents, such as policies and regulations, where reasonably practical, and in all future Town communications and documents, the words “board of selectmen”, “selectmen”, “selectman” and “chairman” shall be deleted and replaced by “select board”, “members of the select board” or “select board members”, “member of the select board” or “select board member” and “chair” respectively. It is the intent of this provision that in all future Town communications and documents the foregoing gender neutral terminology and other gender neutral language shall be used, and that with respect to currently active Town communications and official documents where it is not reasonably practical to change the foregoing terminology as provided, such documents shall be interpreted to impute gender neutral language.
- B. and further, that the Town vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by deleting the words “board of selectmen”, “selectmen”, “selectman” and “chairman” whenever they appear and inserting in their place “select board”, “members of the select board” or “select board members”, “member of the select board” or “select board member” and “chair” respectively;

- C. and further, that the Town vote to authorize the Board of Selectmen to file a petition with the General Court to amend the Charter By Special Act of the Town of Milton, Chapter 27 of the Acts of 1927, as previously amended, by deleting the words “the selectmen” wherever they appear and inserting in their place the words “select board members” and by deleting the word “chairman” wherever it appears and inserting in its place “chair” provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition;
- D. and further that the Town vote to authorize the Board of Selectmen to file a petition(s) with the General Court to amend any other special legislation applicable to the Town of Milton, by deleting the words “board of selectmen”, “selectmen,” selectman”, and “chairman” whenever they appear and inserting in their place “select board”, “members of the select board” or “select board members”, “member of the select board” or “select board member” and “chair,” respectively, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition;

COMMENT: This Article reflects work done by the Board of Selectmen, in consultation with Town Counsel, to effectuate where necessary the change to gender-neutral language for the Board of Selectmen and its individual members, which the Warrant Committee as a body welcomes.

Some members of the Warrant Committee expressed some concern about the lack of a cost estimate for the change. According to representations made by the Board and the Town Administrator, while there are costs – such as changing letterhead and business cards – they appear to be one-time, and relatively small. While exact figures were not provided, the understanding of the Warrant Committee is that the cost amounts at most to the thousands (four figures) of dollars.

ARTICLE 17: The citizens below respectfully submit the following petition: That, (a) the Town By-Laws will be changed relative to the executive board of the Town and its members. The name of the executive board currently called the “board of selectmen” will be struck and replaced by “select board” and the terms currently used to refer to its members as “selectman” or “selectmen” will be struck and replaced by “select board member(s)” or “member(s) of the select board” in all places they appear in the Town Bylaws and in all currently active and future Town documents and communications, and (b) The Town By-Laws will require the use of gender neutral language in all currently active and future Town documents and communications.

Submitted by the Citizen’s Petition. More than 100 citizens signed the petition, the first ten (10) of whom are:

Katherine Simpson	88 Meagher Avenue
Catherine Uyenoyama	2 Weston Street
Daphine Confar	88 Meagher Avenue
Scott Mathews	11 Harold Street
Lindsey Mahoney	16 Meagher Avenue
Martha J. McCarthur	89 Harold Street
Paul Cichella	19 Chilton Park
Camila Charparro	19 Chilton Park
James L. Kelly	29 Meagher Avenue
Amy Conley	55 Allen Circle

RECOMMENDED that the Town vote NO.

COMMENT: The Warrant Committee recommends against Article 17 because, Article 16 accomplishes the same purpose. Article 17 was submitted via citizens’ petition. The Board of Selectmen then proposed the more comprehensive change in coordination with Town Counsel (see the Comment to Article 16), which accomplishes the same objective and appears to obviate any concerns that the changes will be under inclusive or that the By-law ammendments will not be approved by the Massachusetts Attorney General. This Article was not withdrawn because the procedural mechanism to do so (collect 100 signatures) was burdensome. If Article 16 has been accepted by the Town, Article 17 can be rejected.

Appendix Town of Milton

Position Title: Chief Financial Officer

Department/Division: Finance

Grade Level:

Position Summary:

The Chief Financial Officer (CFO) provides overall leadership and management on all matters related to the short-term and long-term financial health and viability of the Town of Milton. As a member of the Senior Management Team (Town Administrator, Chief Financial Officer, Assistant Town Administrator for Human Resources), the CFO plays a key role in town-wide financial planning and leadership. The CFO oversees the development and formulation of financial policy to ensure efficient utilization of resources and control of all Town of Milton funds. The CFO plans, organizes, directs, reports on and controls the fiscal operations of the Town of Milton. The CFO identifies potential revenue opportunities and maintains sufficient financial resources for the Town of Milton operating needs. The CFO has overall responsibility for the development, implementation and direction of all accounting activities, policies, procedures and practices for the Town of Milton in accordance with GASB, applicable State and Federal Laws and Regulations and guidelines as set forth by the Town Administrator and the Board of Selectmen. The CFO develops and recommends budgets and financing strategies for the Town of Milton. The CFO serves as the primary liaison with representatives of financial institutions, financial advisors to the Town of Milton, underwriters and rating agencies. The CFO has supervisory responsibility for the Town of Milton financial organization that includes but is not limited to Financial Services (Accounting, Treasury, Collections, Budget), Audit and Controls, Financial Planning, Cash Management, Investments and Procurement.

Supervision Exercised: **Direct** – Treasurer/Collector, Town Accountant, Chief Procurement Officer, Town of Milton Information Technology Director, **Indirect** – Assistant Superintendent, Business (MPS), MPD and MPS Information Technology Leads

Reporting Relationship: Direct - Town Administrator, **Indirect** – Board of Selectmen

Key Accountabilities:

- Manages the overall financial activities of the Town of Milton including operating and capital budget, procurement, treasury, cash management, investments, accounting and information technology.
- As a member of the Senior Management Team, plays a key leadership role including development and execution of multi-year financial and strategic plans.
- Oversees the investment of all funds, in conjunction with the Treasurer, to achieve the maximum return on investment for the Town of Milton taking into account safety, risk management and liquidity needs.
- Oversees the Town of Milton accounting practices and maintenance of fiscal records in conjunction with the Town Accountant.
- Oversees and directs best-practice general accounting and financial asset management activities.
- Provides advice and counsel to the Town Administrator and the Board of Selectmen as needed on all matters related to the short-term and long-term financial health and viability of the Town of Milton.
- Oversees the preparation of all financial reports for review by the Town Administrator and the Board of Selectmen.
- Directs the preparation of and adherence to the overall Town of Milton operating and capital budgets.
- Oversees the borrowing of funds to ensure adequate funding for the Town of Milton operations and capital plans.
- Ensures that the bonding and debt service calculation processes are structured in a manner that provides for sufficient input and ensures the short-term and long-term financial health and viability of the Town of Milton.
- Directs the investments of the Town of Milton cash assets in conjunction with the Treasurer in accordance with approved investment and liquidity policies. Ensures adequate funds to meet commitments, arranging for lines of credit as well as for sufficient balances in working and depository bank accounts.
- Provides for the proper signature(s) and endorsement of checks, notes, mortgages and all Town of Milton documents required and/or authorized by the Board of Selectmen.

- Develops and recommends long-range financing strategies and programs including but not limited to procurement options and schedules, regular cost-of-service and administrative expense analyses, asset management, depreciation strategy and cost-recovery programs.
- Successfully executes key elements of the Town of Milton Strategic and Financial Plans independently and in conjunction with the Town Administrator and the Board of Selectmen.
- Manages and oversees preparation for the annual financial and management audits.
- Ensures that proper and appropriate Property, Liability and Workers' Compensation insurance coverage for the Town is maintained at all times. Reviews insurance renewal proposals and makes appropriate recommendations.
- Develops financial statements and presents the Town of Milton Financial Condition in the most advantageous way while maintaining the highest legal and ethical standards.
- Interacts regularly with the Board of Selectmen.
- Oversees and coordinates all tax filings and inquiries.
- Works closely with other Town of Milton elected and appointed boards and committees (and staff) as needed to achieve the responsibilities and objectives outlined above.

Qualifications (knowledge/skills/abilities/behaviors):

- Understanding of financial management and controls including capital financing, asset management, accounting and treasury operations, budgeting and financial planning, cash management and investment strategy as acquired through 15-20 years of professional experience and demonstrated success in a government, for-profit or not-for-profit organization.
- 8-10 years of progressively more responsible financial management and leadership experience in companies or municipalities of comparable complexity.
- Knowledge of the principles of municipal revenue collection and taxation, investment management and the marketing and sale of long-term and short-term bonds, bond authorization notes and debt service management.
- Particular experience in financial analysis, development and use of accounting and financial information management systems and cash asset management is required.

- Demonstrated success in making oral and written presentations to governmental bodies, representatives of financial institutions, financial auditors, regulatory agencies and legislative bodies.
- Must possess the ability to be bonded as required by applicable regulations and/or policies.

Education

- MBA or equivalent relevant degree is required. Certification in Public Accounting is also desirable.

Other Skills and Abilities

- Comprehensive knowledge of GASB accounting principles.
- Strong working knowledge of accounting policies, procedures and controls.
- Specific knowledge of the financial management systems, requirements and obligations for municipalities.

Town of Milton
525 Canton Avenue
Milton, MA 02186

Town Meeting will be held on
Monday, October 22, 2018
Beginning at 7:30 p.m. at the
Milton High School Auditorium

The Milton High School Auditorium
is reserved for additional Town Meeting
sessions at 7:30 p.m. on Tuesday, October 23
and Thursday, October 25, 2018

The Pierce Middle School Auditorium
is reserved for additional Town Meeting
sessions at 7:30 p.m. on Monday, October 29,
Tuesday, October 30 and
Thursday, November 1, 2018

ECRWSS

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