

Application for Special Permit:

LANDSCAPING BUSINESS USE

Date: April 5, 2015

Name: Oldfield Family, LLC, Josh Oldfield, Maggie Oldfield and The Thayer Nursery Corp.

Address: 217, 237, 270 Hillside Street and 0, 24 Forest Street

1. Purpose, Property History and Ownership

The Owner, Oldfield Family, LLC, and Applicant, Josh Oldfield, Maggie Oldfield and Thayer Nursery Corp., hereby request the issuance of a Special Permit and Site Plan Approval for the operation of a Landscaping Business Use as that term is defined under Section III, K of the Zoning Bylaw.

As required in the Bylaw, this Application provides information about the state of Thayer Nursery's businesses in 2012/2013. It also describes various plans required and recommended measures to be implemented by Thayer to control/mitigate the impacts of its landscaping business.

The Applicants, Josh Oldfield, Maggie Oldfield and Thayer Nursery, operates as tenant, the properties known as 217, 237 and 270 Hillside Street and 0 and 24 Forest Street (the "Property.") As shown on the Site Plan, these properties contain in excess of 8.5 acres of land in Milton's Residence A and AA Zoning District. Thayer Nursery currently operates agricultural and nursery business and seeks a Special Permit to reincorporate their Landscaping Business Use back into its operations. The Landscaping Business Use will operate primarily on a portion of the Property known as t270 Hillside Street and 0 and 24 Forest Street within the area identified as the LandCare Yard and the Wood Barn; it operates ancillary portions at 217 and 237 Hillside Street.

This nursery business is a protected pre-existing, non-conforming use that pre-dates the writing of the 1938 zoning bylaws. It is recorded with the Massachusetts Historical Commission that 270 Hillside Street is historically significant for the reasons of "Agricultural, Architectural, Commerce and Recreation." Mass Historical goes on to state "the house and land at 270 Hillside Street, site of the home of Robert Oldfield and his Thayer Nurseries, was probably built and first occupied by Bezer Thayer, an independent farmer, born in Braintree, 1768. Thayer likely moved to Milton in the 1790's settled in the Scott's Woods area along Hillside St. and took up farming. Following Bezer's death, the property, with some partitions, stayed in the Thayer family to recent times. The following is a sidelight from Teele's History: "eight years ago (1879) Henry F. Thayer, a long skillful florist in Roxbury, removed to Milton, his old home, and engaged in floriculture on Hillside St. where he is raising flowers for the market with great success." (See Mass Cultural Resource Info attached)

Following Bezer Thayer's death in 1812, the property stayed in the Thayer family. According to property tax records, from 1933 to 1960 the description of real estate at the Property is 'house, stable and greenhouses.' In 1938, a building permit was issued by to Charles Thayer for the set-up and rebuild of an old greenhouse located on the Property. (See attached Town of Milton Tax Records and Building Permit)

In 1963, Robert and Margaret Oldfield purchased the home of Roger Thayer's pre-existing, non-conforming farm site at 270 Hillside Street to grow their business. In 1967, the Oldfield's were granted a Special Permit by the Zoning Board of Appeals to construct a greenhouse and lath house and for the purpose of selling produce and plants as well as mulches and other fertilizer type products and to conduct a landscaping business. In 1976, The Oldfields purchased the property at 0 Forest Street, an additional lot at the rear of the Nursery. In 1987, The Oldfields purchased the property at 24 Forest Street. The Special Permit was amended by the Board of Appeals to allow the new lots to be used in conjunction with the nursery business, to allow for the erection of a display room and an office, and to authorize the sale of products raised on the premises and for the display and sale of items accessory to the sale of such products, including garden tools and firewood.

(This additional acreage gave the Oldfield's the minimum 5 acres needed to qualify for agricultural exemption. This exemption lies in Mass General Law 40A Section 3, commonly known as the "Dover Amendment." It protects and exempts certain religious, educational and agricultural uses from local zoning restrictions. As far back as the 1950's, state law has afforded certain protections to agricultural uses and in the mid 1970's, the protections were expanded to enable 5 acres or more, meeting certain financial criteria, even if not specifically zoned for agriculture, to conduct agricultural operations without being unreasonably regulated by municipalities. Milton Zoning Bylaw, Section III-A-4a, also allows agricultural uses as a matter of right on parcels of 5 acres or more, provided that all produce sold be grown on the premises. MGL 40A Section 3 would overrule the restriction in Milton bylaws that mandate "grown on premises" as this law sets specific parameters and allows for certain amount of products to be grown at other locations and sold on the premises.

In 2002 and 2005, the Oldfields purchased 217 Hillside Street and 237 Hillside Street, respectively.

(In 2010, MGL 40A Section 3 was amended by increasing protections for agriculture by reducing the acreage requirement to include a parcel of only 2 acres or more. Reiterated throughout documents pertaining to the legislative history, it is stated that their intent is to encourage and promote agricultural uses throughout the Commonwealth.)

In 2010, the Milton ZBA declared the use of the Properties located at 217 and 237 Hillside Street were appropriately protected by MGL 40A Section 3 because it consists of (2) two acres or more, and was being used for the primary purpose of commercial horticulture.

From 1963 to present, the Oldfield Family has resided on the Property, has held ownership of the Thayer Nursery Corp. and has operated continuously as a nursery agribusiness selling bulk mulches, soils, and firewood as well as conducting a landscaping business at the Property. The current operators are Josh Oldfield, who holds a B.S. in Landscape Design and Horticulture from The University of Maine, and Maggie Oldfield, who holds a B.S. in Business Administration from St. Michael's College; both are Accredited Organic Land Care Professionals (AOLCP.)

Thayer Nursery has been providing landscaping services to off-site clients since 1965. (See attached 1968, 1969 and 1984 Milton Record Transcript advertisements.) Thayer Nursery began receiving, selling and delivering bulk earth materials and firewood from its property since 1965 (see attached ads.) Thayer Nursery has been providing snow plowing and ice management services for municipal, institutional, business and residential customers since the 1960's, one of Thayer Nursery's largest client was Milton Hospital. (See attached 1979 Milton Record Transcript advertisement and Invoices.) Thayer Nursery has been selling patio

furniture, fire pits and lawn games since 2005 when they became the local, brick and mortar store front distributor for Smith and Hawken.

2. Definition of Landscape Business Use; Permissible Activities

Thayer Nursery provides landscaping services in conjunction with its horticultural nursery and agribusiness. Thayer Nursery's landscaping services include installing and maintaining lawns, trees, yards, shrubs, gardens, patios, walls, walkways, drainage systems, and other related outdoor areas which are owned by others.

In 2012, Thayer Nursery had in its employ (19) nineteen employees. (See attached Employee List.) In 2012, Thayer Nursery was issued (11) eleven Vehicle Registrations from The Commonwealth of Massachusetts for its pieces of equipment that required such registration. The remaining (8) eight pieces of equipment that Thayer Nursery owned in 2012 do not require plates. (See attached Vehicle List and Registration.)

Finally, Thayer Nursery received and handled an aggregate volume of bulk agricultural/earth materials, which is used across its agribusiness, including its Landscaping Business. The aggregate volumes are identified on the attached Agricultural Materials Schedule.

Thayer Nursery is comprised of several interests but the activities of the Landscape Business Use shall include:

- (a) Landscaping Services: Landscaping services refer to any activity that modifies the visible features of an area of land, including the sale, delivery, and installation of trees, shrubs, annuals, perennials, sod, seed, loam, mulch, compost, walls, walkways, patios, drainage systems and other related materials and services that are needed to implement all aspects of a landscape design for properties that are owned by others.
- (b) Bulk Agricultural Material Sales (Firewood, Mulch, Soil, Stone etc.): Thayer Nursery shall receive bulk agricultural and earth materials to the Property which will be available for sale and pick-up at the nursery by clients, shall be delivered to off-site to do-it-yourself clients as sold to clients who have contracted with Thayer Nursery to install as part of their landscaping services. Thayer Nursery seeks to receive, store, and deliver all bulk agricultural and earth materials at and from the Property under the Special Permit for Landscaping Services.
- (c) Masonry Products: Thayer Nursery shall receive and store masonry products that includes but not limited to bricks, cobblestones, bluestone, and granite pillars at the Property.
- (d) Patio Furniture, Fire Pits, and Lawn Games: Thayer Nursery shall receive and sell patio furniture, fire pits, and lawn games that complement garden and outdoor living.
- (e) Artisan Market: Thayer Nursery shall host local, independent artisans and craftspeople that do not have a permanent brick and mortar store front.
- (f) Snow Management Services: Snow Management Services include plowing, snow blowing, sanding, salting, and the removal of large quantities of snow using bobcats, front end loaders and dump trucks from the site.

3. Landscape Business Use May Exist on a Lot With Other Uses, Including Agricultural, Greenhouse, Nursery and/or Residential

Thayer Nursery is a pre-existing, non-conforming agribusiness consisting of multiple related businesses, including horticultural nursery, greenhouse and garden shop, which are all defined as and in and shall be conducted in accordance with Massachusetts General Law 128 S1(a), which does not have an acreage limit associated with it.

Agricultural, Nursery and Greenhouse

Massachusetts General Law 128 S1(a) states in part that Agriculture "shall include farming in all of its branches including the cultivation and tillage of the soil, the cultivation, growing and harvesting of any agricultural, floricultural or horticultural commodities. A farmer, is defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market."

Thayer Nursery's business of growing, maintaining and selling nursery stock falls squarely within horticultural uses currently protected by Mass General Law 40A Section 3 which prohibits towns from requiring a special permit for agricultural and horticultural operations. It allows qualifying businesses to have accessory activities provided that 25% of products are nourished maintained or managed on its site. The right to sell products and services, as an accessory to agricultural use, has been recognized in a long line of cases. The land that is known as Thayer Nursery is being used to grow, nourish, manage and maintain flower, vegetable and nursery stock, as well as provide accessory nursery products and services.

The threshold to qualify for certain protections from zoning requirements used to be five acres, however, the law was amended in 2010 to two acres so as to allow smaller farms similar protections from local zoning. As used in this subsection, a lot shall be deemed to include all contiguous lots, including lots that may be separated by a road or waterway, under common ownership or lease. (See attached Massachusetts General Law.)

Thayer Nursery meets the qualifying 25% threshold. The Nursery specializes in growing, nourishing, maintaining and managing fruits, vegetables, berries, ornamental plants and shrubs, evergreens, annuals, perennials, sod, flowering trees and shade trees.

Thayer Nursery is a modern-day agricultural nursery and greenhouse that follows the most current trends and sells the most current outdoor living products in our industry. The Nursery's accessory products include tools and equipment that are needed for tending after a garden or landscape, watering accessories including but not limited to hoses, sprinklers, and watering cans, bagged soils, composts and mulches, fertilizers, insect and fungus controls, grass seed, cobblestones, bricks, plant supports, pottery and other items associated with outdoor living including but not limited to garden ornamentation, furniture, giftware and seasonal decorating items. (See Department List in Business Activities in Section *i*)

Thayer Nursery's Seasonal Farmers Market shall be the sought-after destination for fresh, seasonal produce, meat, seafood and poultry grown by family farmers as well as unique, one-of-a-kind crafts created by local artisans. More than just a shopping trip, markets have become integral parts of regional food systems, economies, and social networks. Markets offer a place to connect with neighbors, meet local farmers, and support many local, independent small businesses all in one location. Thayer Nursery aims to educate the community about agricultural diversity and sustaining a vibrant local economy. Farmers and

Artisan markets are considered an innovative marketing technique often referred to as agri-tourism. Because agri-tourism activities are incidental to the primary purpose of agriculture, they are extended the same rights and privileges under the law as agricultural activities. (See attached MDAR Law Memos.)

Thayer Nursery will sell Christmas and Holiday items between the Friday after Thanksgiving and New Year's Day. These products include trees, wreaths, greenery, flowers, giftware and other seasonally appropriate holiday decorating items.

Thayer Nursery shall also be conducted in accordance with Milton Bylaw section III, subsections 4 (a & b) and 7(d). Milton Bylaw Section III A 4a permits agricultural, horticultural and floricultural uses on parcels of 5 acres or less. Section III A 7d permits a greenhouse or nursery on 5 acres or less, to sell Christmas trees, boughs, holly and wreaths grown or fabricated elsewhere than on the premise. Section III B 1(a- d) permits the maintaining of more than (5) registered automobiles at any time. Section IV A 5b permits a nursery to deposit clean earth materials on its premises on a temporary basis and permits the selling of such clean earth materials in the course of its business. (See attached)

Residential

There are four dwellings located on the property with addresses of 217, 237 and 270 Hillside Street and 24 Forest Street

4. Plans, Rules and Specifications of a Landscape Business Use

The attached Site Plan identifies existing and proposed conditions and tracks the list of required plans. The main Property is known as 270 Hillside Street, is bounded partially by Hillside and Forest Streets and consists of 5.35 acres of land. The Nursery also operates on property known as 217 and 237 Hillside Street. This portion of the Property consists of 3.69 acres. In total, Thayer Nursery operates on more than 8.5 acres. The Site Plans contains the following elements:

(a) Existing Conditions Plan

This Application contains an Existing Conditions Plan prepared by DeCelle Burke & Associates, dated December 22, 2014, revised February 6, 2015. The plan identifies buildings, including location, height and square footage, existing site topography, driveways, landscape, natural features, and areas of use at each of the properties. The utility services, including water and sewer, are already existing onsite.

(b) Deeds and Leases

As required, copies of deeds and leases have been provided. (See attached)

(c) Wetlands Plan

There are no wetlands on the property. (See attached report of EcoTech, Inc., dated February 5, 2014)

(d) Drainage Plan

Drainage is shown on the Existing Conditions & Drainage Plan prepared by DeCelle Burke & Associates, Inc., revised February 25, 2015. Drainage is also described in the report prepared by DeCelle Burke entitled

This plan identifies drainage features that are proposed to manage the flow and retention of stormwater on the Property. The drainage system is designed to incorporate low impact development techniques, to minimize non-point source stormwater flow and to prevent the generation of additional stormwater by reducing impervious surfaces, disrupting flow paths, maximizing open space and protecting natural features.

The combination of these four major changes to the Property will significantly improve stormwater management of the site:

1. Installation of a drainage trench along the southerly property line, from Forest Street to a point that is easterly of the Wood Barn. This trench is sited to catch and retain the non-point source of water flow coming down Forest Street from the uphill neighbors and the Blue Hills. It is intended to ensure that other mitigation features proposed to be installed such as the berm along the southerly boundary line, do not cause stormwater to be redirected to the property to the south. The drainage trench is three (3) feet deep and lined with filter fabric, sand and crushed stone. (See attached photos)
2. Leach pits that will connect to the trench and which will disperse the stormwater underground in the area to the east of the Wood Barn.
3. Removal of impervious surface in the area to the east of the Wood Barn to be replaced with new loam and nursery stock area. This new vegetated grow-out field will naturally reduce storm water runoff. The plant material will capture and store rainfall in their canopies, their roots and their leaf litter, the planted field will create conditions that promote the infiltration of storm water into the soil, it will help slow down and temporarily store runoff, and it will reduce pollutants.
4. A series of Cultec chambers in the low area on the northeasterly section of the property proximate to and parallel to Hillside Street, which will tie in to the town’s storm drain system in Hillside Street.

(e) Landscape Plan

Proposed modifications to landscaping are as shown on the Proposed Conditions & Drainage Plan.

Descriptions are included in the Noise and Attenuation Plans within the Mitigation Plan.

New features include the following:

1. A new and expanded nursery stock area in the southeast corner of the Property shall be created. Thayer Nursery shall remove approximately 10,800 square feet of this gravel area and install a softer compost/loam mix in its place. Nursery stock will replace an area of essentially impervious gravel that formerly served as the main landscaping operations area. This new grow-out area will reduce the impact of operations by minimizing the conditions that contributed to dust creation; it will also increase the existing 30’ natural buffer by adding an additional 50’ of new nursery stock for the easterly abutters. This new nursery stock will capture, retain and reduce dust migration to the abutting properties.
2. A (8’) eight foot pressure treated fence with 6”x 6” posts, placed (8) eight feet on center, will be installed on a 1’ high planting berm along the southerly property line and shall be set back (15) feet from the lot line. The fence will run from the back right corner of the Wood Barn approximately (240) two hundred forty lineal feet towards Forest Street. This fence shall be treated with sound attenuation material to muffle the sound of operations in the LandCare Yard. (See description provided in Mitigation section)
3. Evergreen plant material will be sited to soften the appearance of the fence and to create an increased buffer at elevated heights. This new natural evergreen buffer will capture, retain and reduce the dust migration to the abutting property and shall be taller than the proposed fence. They will be planted

approximately (16') sixteen feet apart on the abutter's property and shall be sited with input from Pam Lepore, the abutter.

Evergreen Plant List On Abutters Property:

(13) Norway Spruce (10-12')

Evergreen Plant Material on Thayer Nursery Property:

(11) Arborvitae 'deer resistant' (10-12')

4. A (10') ten foot pressure treated fence with 6"x 6" posts (8) eight feet on center shall be installed from the existing deer fence and run approximately (120) one hundred twenty feet along the easterly property line. It shall run parallel to the property line and shall be set back approximately (30) thirty feet. The top of fence shall be at elevation 194, approximately (12) twelve feet above the ground elevation of abutting properties.

(f) Operations

The Macro Landscaping Season in New England consists of 3 Micro-Seasons:

#1 – half of March, April, May, June

#2 - July and August

#3 - September, October, November, half of December

The hours of operations are reflective of the 3 New England Landscaping Micro-Seasons. There is a direct correlation between the hours and days worked and the tasks we can do in this SEASONAL BUSINESS.

Thayer Nursery proposes the following hours for its Landscape Business Use operations:

1. Hours of Operation

i. Landscape Sales Office Hours:

Monday thru Saturday 7:00am - 6:00pm

Sunday 9:00am – 6:00pm

ii. Equipment Hours for Landscaping Business Use:

Monday – Friday: 7:00am – 6:00pm

Saturday: 8:00am – 5:00pm

Sunday: 10am – 3:00pm for the use of equipment for loading plant and nursery materials including bulk agricultural materials

iii. Equipment Hours for Nursery Business Use:

Monday – Friday: 7:00am – 6:00pm

Saturday: 8:00am – 5:00pm

Sunday: 10:00am – 3:00pm for the use of equipment for loading plant and nursery materials including bulk agricultural materials.

iv. Hours for Incoming Deliveries

Monday – Friday 9:00 AM – 2 - 2:00 PM.

If deliveries are made outside of these hours, the operators will maintain a log stating the type, the time of delivery and the reason why it was made out-of-hours.

Season	Hours/Week	Weeks/Month	Season Hours Total
April, May, June	55	4	660
July, August	50	4	400
Sept, Oct, Nov, Dec	55	4	880
			1940
Less:			
Rain/Weather Days, Sick Days, Vacation Days, Personal Days, Holidays			-230
Total Hours/Year			1710

Landscaping Hours of Operation:

Landscaping is a seasonal business. In an average year the work timeline is

April 1st to December 15th.

Because of this limited timeline and weather inconsistencies, we need to work as close to 2,000 hours (which is the US standard number of hours worked in a year) in a shorter window of time. If the start time is pushed back to 8:00 am from 7:00 am, this is a 10% reduction in productive work hours. If the hourly reduction was to occur, we would NOT be able to work enough hours to stay in business.

Agricultural, Nursery, Greenhouse:

In the agricultural, nursery, greenhouse industry, in which Thayer Nursery is included, 50% of sales occur on the weekend (Saturday and Sunday).

Even though the hours of these activities are not conditioned as part of the Special Permit, we will agree our hours shall be Monday thru Friday 7am until 6pm and Saturday 8am until 5pm.

Because 50% of our Agricultural/Nursery/Greenhouse sales occur on Saturday and Sunday, it is extremely important to the survival of our business that we have the ability to load and deliver products between the hours of 10:00 am and 3:00 pm on Sunday.

These two components of the Special Permit will determine whether we can stay in business.

2. Receiving/In-Coming Delivery Plan: The Proposed Conditions & Drainage Plan identifies the location of driveways and loading/unloading areas on the property at 270 Hillside Street. All loading and unloading will occur either inside the Wood Barn (firewood) or in the LandCare Yard at least 40' from the southerly property line. (The Proposed Conditions & Drainage Plan depicts the main LandCare operations area.)

Incoming deliveries shall be scheduled to occur Monday – Friday between the hours of 9:00 am and 2:00 pm. A log of incoming deliveries shall be kept onsite for review by the proper permit granting authorities as needed.

A standard set of delivery directions (See attached) will be provided to all suppliers, which will provide that deliveries are to follow I-93 to Route 28 North (Randolph Ave.) to a left on Hillside Street and a left on Forest Street. Directions will note that Chickatawbut Road from either Route 28 and from the Houghton's Pond area come under the jurisdiction of DCR, which does not allow over-sized truck traffic. In conjunction with the Town's Department of Public Works, street signs will be prepared and installed establishing a truck delivery route for incoming deliveries of bulk products to the property.

The plan identifies the direction of travel for all trucks operating on the site. Incoming trucks shall follow along the single driveway to the LandCare Yard that is centrally located on the Property. Incoming deliveries shall pull in to the LandCare Yard where the trucks shall be unloaded. Nursery Stock will be offloaded and will be prepared for planting in the appropriate field, Bulk Materials will be offloaded in the appropriate bin and other products will be offloaded and will be appropriately stored. Firewood delivery trucks shall drive past the Wood Barn and then back into the barn so that wood can be unloaded within. Upon completion of delivery, the delivery truck will pull out back onto the main driveway and exit the Property by right turn onto Forest Street, then right onto Hillside Street to Route 28 (Randolph Avenue).

To the extent possible, backup alarms on bobcats and loaders that are used to fill the trucks will be deactivated, or set at the lowest sound level possible. Landscape Business Use trucks will be in compliance with Mass General Law Chapter 90 Section 16A.

3. Bulk Agricultural/Earth Materials: All bulk agricultural/earth materials shall be properly stored in three-sided contained bins that will be set back approximately 40' feet from the southerly lot line shown on the Plan. The bins shall be made of concrete block and shall either abut the Wood Barn or the existing interior fence along the property line of 24 Forest Street, the home of Josh Oldfield. Any requirements of 527 CMR 1.00, Chapter 31 shall be obtained and shall be kept current prior to the storage of such bulk agricultural/earth materials. The LandCare Yard will provide a safe, quiet and convenient delivery and pick up area for suppliers and nursery customers. Bulk agricultural/earth materials are received and managed for sale and distribution in the LandCare Yard and in the Wood Barn on a seasonal basis.

Aggregate Volume Chart on Annual Basis:

Agricultural Material	Total Volume cubic yards	Total Deliveries to nursery	Average Deliveries per Week 40 weeks excluding firewood	Maximum Deliveries per Week 40 weeks excluding firewood
NutriMulch	3300 cy	55	1.4	4
Hemlock Mulch	1000 cy	16	0.4	2
Playground Chips	350 cy	6	0.15	1
Loam	1500 cy	25	0.6	4
NutriSoil	1500 cy	25	0.6	4
OrganiGro Compost	2000 cy	33	0.8	4
Stone 3/4" stone, dense grade, stone dust	2000 cy	33	0.8	4
Sand	500 cy	10	0.25	1
Firewood	1000 cords	50	.96	4

The delivery rates assume a 40 week long season (excluding firewood – 52 weeks) for the receipt and distribution of these materials and assumes an initial buildup at the start of each season and periodic refills, based on the specific material. Each of the material bins described in the Building Plan below, has a capacity of approximately 160 cubic yards. Thayer Nursery will fill each at the start of the season and reorder when volumes drop to 40 cubic yards. There are occasional weeks when there will

be as many as four deliveries of a particular product, particularly for Nutrimulch in May and June, which is the busiest period for such material. Likewise, there will be occasional weeks in September and October when there will be as many as four deliveries of firewood.

The LandCare Yard and the materials in the bins shall be watered regularly by means of the (5) five permanently mounted sprinklers, by hand or by tank irrigation as needed. Sprinklers shall be installed proximate to the storage bins, as shown on the Plan. The LandCare Yard shall be irrigated a minimum of (3) three times per week for a minimum of (15) fifteen minutes or as needed to control dust and odor.

4. Dust will be mitigated on the Property using best practice methods which include the use of (20) twenty permanently mounted over-head sprinklers placed throughout the Property as shown on the Plan, or by hand or tank irrigation regularly. There are 9 within the nursery stock area in the northeasterly quadrant of the property; 5 in the southeasterly quadrant of the property; 2 along the westerly side of the Wood Barn; 2 along the westerly edge of the LandCare Yard; 1 on the southerly side of the Garden Shoppe; and 1 on the northerly side of the Garden Shoppe. Depending on weather conditions, the sprinklers will be turned on a minimum of (3) three times per week for a minimum of (15) fifteen minutes or as needed to water the nursery stock and to control dust.
5. The beds of the Landscape Business Use dump trucks used for firewood delivery shall be muffled with $\frac{3}{4}$ " thick rubber matting of the type found in hockey rinks and gym weight rooms. The matting will serve to muffle the noise of initial loads being deposited in the trucks. (See attached.)
6. The 217 and 237 Hillside Street properties will be used for composting, the storage of materials that are the by-products of the composting process and for the growing of nursery stock. (See attached MDAR Composting Certificate.)
7. Thayer Nursery contracts with public and private entities to perform snow and ice management services on public ways, private parking lots and driveways, and the like. Snow and ice removal is a seasonal business. As much as possible, the equipment used for the snow plow services will be prepared, equipped and stored in the Wood Barn before and after use. Off-season plows and other equipment shall be stored neatly in the LandCare Yard.

(g) Parking Plan

The parking areas and driveways are shown on the Proposed Conditions & Drainage Plan. Thayer Nursery proposes a total of 34 parking spaces to be shared among its customers, employees and for the parking of its vehicles when not in use. These do not include area within the Wood Barn for the parking of bobcats and other equipment when not in use nor does it take into consideration the available additional parking at the 217 site or at the accompanying dwellings. In particular, spaces numbered 1-16 on the Plan shall be reserved for customers; spaces 17-24 shall be reserved for employees; and spaces 25-34 are available for the parking of equipment when not in use. (Please see attached Parking Schedule portion of the Plan)

The customer requirement for the Landscape Business Use is very minimal. Most clients of the Landscape Business Use are met at their homes off the Property. However, the sixteen spaces allocated to customers are more than adequate to handle routine nursery customer parking on the site.

Thayer Nursery also conducts seasonal special events. Any necessary permits and/or appropriate law enforcement assistance which may be needed to aid in the management of temporary, on-street public parking shall be obtained from the Milton Police Department.

The driveway and parking areas shall be maintained in good condition and shall be free from litter. Lighting shall ensure safe movement of vehicles and people after dark. Clearance of snow from the parking areas and driveways as reasonably necessary for motorists and customer use shall be the responsibility of Thayer Nursery.

(h) Building Plans

All of the buildings on the Property are as identified on the Existing Conditions Plan. The closest building to any lot line is the Dry Storage shed attached to the rear of the Wood Barn, which is located 37' from the southerly lot line at its closest point. The following buildings and relevant areas are identified on the Plan:

1. The Garden Shoppe is located as shown on the Plan. The Garden Shoppe was constructed in 1987. It is two stories tall with a height of 24.5 feet and contains 1,620 square feet. The Garden Shoppe is used to display seasonally appropriate and accessory garden products customarily sold at nurseries, including potting soil, pottery, seed starting supplies, composts, fertilizers and other soil amendments. It also houses the office and administration spaces and is the primary location where retail sales are conducted.
2. The Green House is located as shown on the Plan. The GreenHouse was constructed in 1967. It is a one story structure with a height of 11.4 feet and contains 2,552 square feet. The Green House is used to grow, nourish and maintain seasonal plant material including annuals, perennials, herbs and vegetables.
3. The Lath House is located as shown on the Plan. The Lath House was constructed in 1987. It is a one story structure with a height of 10 feet and contains 1,930 square feet. The Lath House is used to grow, nourish and maintain seasonal plant material, including annuals, perennials, herbs and vegetables.
4. The 1798 Barn is located as shown on the Plan. It is a historic three story structure with a height of 28 feet and contains 2,518 square feet. The 1798 Barn is used to display seasonally appropriate and accessory garden products customarily sold at nurseries including pottery, trellises, fire pits, garden ornamentation, garden benches and related furniture.
5. The Shed is located as shown on the Plan. It is a pre-existing one story structure with a height of 16.1 feet and contains 414 square feet. The Shed is used to display seasonally appropriate and accessory garden products customarily sold at nurseries including fertilizers, insect and fungus controls, peat moss and other bagged products.
6. The Wood Barn is located as shown on the Plan. The Wood Barn was constructed between the years of 1990-1993. It is a three-sided structure with a height of 23.3 feet and contains 3,299 square feet. The Wood Barn is one of few such structures constructed for the purpose of storing firewood. It provides a sturdy and permanent enclosure to minimize dust and noise and to insure dryness and protection of product. It has a concrete floor and its side-walls contain steel trusses and columns, using wood as a secondary framing material. It is used during the firewood season (late-summer until mid-spring) to store firewood for purchase at both retail and for delivery. Off-season, it is used to store seasonally appropriate and accessory garden products customarily sold at nurseries including bagged soils, mulches, peat moss, stone, fertilizer, insect and fungus controls. The Wood Barn shall also be the location designated for routine equipment repair and storage.

7. The Tool Shop is located as shown on the Plan. The Tool Shop was constructed in 2005. It is a one story structure with a height of 15 feet and contains 1,263 square feet and is connected to the Wood Barn. The Tool Shop is used to house tools, rakes, shovels, wheel barrels, burlap, drainage pipe, hammers, compressors, compactors, aerators and other equipment and supplies for nursery and land care activities.
8. The Fuel Shed/Dry Storage is located as shown on the Plan. It is a one story structure with a height of 12.6 feet and contains 437 square feet and is connected to the rear of the Wood Barn. The Fuel Shed houses and above ground fuel tank, which is recorded with the Milton Fire Department, as well as portable fuel containers, blowers, trimmers and other small equipment used for nursery and nursery services. Dry Storage is also used for the off-season storage of seasonally appropriate displays and merchandise.
9. The Recyclable/Compost Plot is located as shown on the Plan. It is a two-sided enclosed area containing approximately 100 square feet along the easterly side of the Wood Barn adjacent to the Tool Shop. The Recyclable/Compost Plot is the area that houses compost, dumpsters and recyclables, including grower pots and containers.
10. Bulk Agricultural/Earth Material Bins will be located along the westerly side of the Wood Barn and along the boundary of Josh Oldfield's house on 24 Forest Street. Nine new bins as shown on the Proposed Conditions & Drainage Plan shall be made of concrete block. Each of the 6 bins abutting the Wood Barn shall be 30' deep and 13' wide. The bins will be installed at least 40' from the southerly property line. The 3 bins along the Oldfield property shall be 30' deep and 15' wide and shall be at least 50' from the southerly lot line. These bins will contain compost, mulch, soil, washed stone, dense gravel, stone dust and other stone material including bluestone, brick, cobblestone, and field stone. In addition, as discussed in the Dust Control Plan, sprinklers will be installed at the corners of the bins to control dust and odors.

(i) List of Business Activities

The following list sets out all the business activities that Thayer Nursery seeks a Special Permit to reintroduce: Landscaping Services, Delivery of Bulk Agricultural Materials including Firewood, and Snow Management Services.

Business Activity Schedule

Activity	Location	Time of Day	Days of Week	Month of Year
Bulk Agricultural Products	LandCare Yard	7 am - 6 pm	Mon - Fri	March-December
		8 am - 5 pm	Saturday	
	Deliveries	10 am - 3 pm	Sunday	
Firewood Sales	Wood Barn	7 am - 6 pm	Mon - Fri	September-March
		8 am - 5 pm	Saturday	
	Deliveries	10 am - 3 pm	Sunday	
Christmas Sales	Shed, Lath House,	7 am - 9 pm	Mon - Sun	November-December
	Green House			
Landscaping	LandCare Yard	7 am - 6 pm	Mon - Fri	March-December
		8 am - 5 pm	Saturday	
Snow Management	LandCare Yard/Wood Barn	as needed	Mon - Sun	as needed

Nursery Departments

Maintained and Nourished OnSite:

Annuals
Perennials
Herbs
Vegetables
Ground Cover
Bonsai and Tropical Plant Material
Evergreens (Flowering and Non-Flowering)
Deciduous Shrubs (Flowering and Non-Flowering)
Trees (Fruit, Flowering and Shade)
Roses
Sod
Vines
Seeds to grow plant material

Bulk Agricultural Products:

OrganiGro
NutriMulch
Loam
Hemlock Mulch
Stone
Wood Chips
Firewood Small Quantity Pick-Up

Note: If Thayer Nursery chose to produce these products on site, there would be an increase in noise/activity levels

Accessory Products:

Christmas Trees, Wreaths, Roping, Greens
Seeds and Accessory Products
Fertilizer
Insect Control
Fungus Control
Moisture Retention Pellets
Anti-Desiccants
Peat Moss
Bagged Composts and Soils
Plant Material Containers
(any plant receptacle - plastic pots, pottery, window boxes, raised planter boxes)
Bird Accessories (feeders, baths, feed)
Water Accessories (hoses, sprinklers, nozzles, cans)
Plant Supports (trellis, stakes)
Farmers Market

Landscaping Departments

Installation Services

Firewood (Bulk Delivery and Bulk Pick-Up)

Bulk Agricultural Materials Imported to Property (Compost, Mulch, Loam, Stone etc)

Masonry Products (Brick, Cobblestones, Granite Pillars etc)

Patio Furniture, Fire Pits, Lawn Games

Artisan Market

(j) Mitigation Plan

Thayer Nursery proposes the following measures to mitigate the impact of its Landscaping Business Use on abutting properties:

1. **Dust Control:** There are 20 permanently mounted sprinklers located in various areas of the property. As shown on the Existing Conditions Plan, there are 9 within the nursery stock area in the northeasterly quadrant of the property; 5 in proposed the nursery stock area in the southeasterly quadrant of the property, 2 along the westerly side of the wood barn, 2 along the westerly edge of the proposed LandCare Yard, 1 on the southerly side of the Garden Shoppe, and 1 on the northerly side of the Garden Shoppe.

Thayer Nursery proposes to maintain the sprinklers as currently located, but will relocate the sprinklers in the LandCare Yard to the corners of the new material bins, as shown on the Proposed Conditions & Drainage Plan and the LandCare Mitigation Sheet, attached. Depending on weather conditions, the sprinklers will be turned on at least 3 times per week for 15 minute intervals as necessary to water the plant stock and to control dust.

In addition to the sprinklers, Thayer Nursery proposes to remove approximately 10,000 square feet of existing hard packed gravel in the area to the east of the Wood Barn and replace with a softer loamy surface and planted nursery products.

2. **Noise and Odor Attenuation Plan – LandCare Yard:** Thayer Nursery proposes to implement several measures to mitigate the impacts of noise, particularly in the area of the LandCare Yard, as depicted on the LandCare Mitigation Sheet, attached. An (8') eight foot pressure treated fence with 6"x 6" posts, placed (8) eight feet on center, will be installed on a 1' high planting berm along the southerly property line and shall be set back (15') fifteen feet from the lot line. This will provide a (9') nine foot noise attenuating barrier between the LandCare Yard and the southerly lot line. With the exception of the incoming delivery trucks making seasonal deliveries, the average height of Thayer Nursery's equipment is (9'.) In-coming delivery trucks will not circle the Wood Barn, and unloading shall take place (40') forty feet inside the lot line. The fence will buffer trucks from view. Thayer Nursery proposes that the fence will run from the back right corner of the Wood Barn approximately (240') two hundred forty linear feet towards Forest Street. This fence shall be treated with sound attenuation material to muffle the sound of operations in the LandCare Yard. (Please see description of sound attenuation prepared by Cascade Engineering, attached.)

Evergreen plant material will be placed along the southerly property line to soften the appearance of the fence and to create an increased noise, dust and odor buffer at heights above 9'. This new natural evergreen buffer will be taller than the proposed fence. Norway Spruces will be planted approximately (16') sixteen feet apart on the abutter's property and shall be sited with input from the abutter, Pam Lepore. Arborvitaes will be planted on the LandCare Yard side of the fence.

Evergreen Plant List on Abutters Property:
(13) Norway Spruces – 10-12' in height (initially)

Evergreen Plant Material on Thayer Nursery Property:
(11) Arborvitae 'deer resistant' – 10-12' in height (initially)

Materials that are delivered in bulk form, such as mulch, loam, stone, etc. will be stored in material bins to be erected and maintained along the Wood Barn and the westerly side of the Yard. Dust will be mitigated on the Property using best practice methods which will over-head sprinklers, hand or tank irrigation regularly as needed.

3. Noise, Dust and Odor Attenuation Plan – Area to the East of the Wood Barn: Most of this area was comprised of hard packed gravel, which was substantially impervious and dusty in dry weather. (See Area East of Wood Barn Sheet, attached) Approximately 10,000 square feet of impervious gravel surface will be removed and will be replaced with a softer loamy material to provide for a new grow-out area for nursery stock, as shown. This new grow-out area will reduce the impact of operations by minimizing the conditions that contributed to dust creation; it will also increase the existing 30' natural buffer by adding an additional 50' of new nursery stock for the easterly abutters. This new nursery stock will capture, retain and reduce dust migration to the abutting properties.

A (10') ten foot pressure treated fence, with 6"x 6" posts set (8') eight feet on center, will be installed along the back side of the nursery stock from the existing deer fence and run approximately (120) one hundred twenty feet along the easterly property line. The fence will run parallel to the property line and be set back approximately (30) thirty feet. The fence will be situated such that the top of the fence will stand at elevation 194', an elevation that is 12' above the ground of the abutting property, which is at elevation 182.

Approximately (8) eight evergreens shall be spot sited and planted along the easterly lot line (Cole Property with input from the Coles) to increase the density of the existing established berm. These evergreens shall consist of a mix of Arborvitae 'Green Giant' (8-10'), White Pine (8-10') and Norway Spruce (8-10').

Dust will be mitigated in this area by over-head sprinklers or by hand or tank irrigation regularly as needed.

4. The drainage trench located along the southerly property line as shown on the Plan will be installed. The trench will extend from Forest Street turning into the gravel area east of the Wood Barn into an underground set of leach pits as shown on the Drainage Plan. This trench is sited to catch and retain the non-point source of water flow coming down Forest Street from the Blue Hills and from the uphill neighbors. The drainage trench shall be 3 feet deep, and lined with filter fabric, sand and crushed stone.
5. Sound attenuating matting shall be installed in the beds of the delivery trucks that are used for firewood deliveries. This matting will minimize and absorb the sound of the firewood as it is being deposited into the bed of the truck.
6. In the event that delivery truck traffic cannot adequately access the business property due to the narrow nature of both Hillside and Forest Streets, Thayer Nursery shall make necessary improvements to

minimize and repair damage to edges of roadway, as needed. As an example, Thayer has placed large stones/boulders along the edge of pavement on the side of Forest Street that is opposite the main entrance to the Property. Thayer Nursery has installed 3/8" crushed stone in front of the Properties located at 217, 237 and 270 Hillside as well as 24 Forest Street. This area essentially provides additional space for either pedestrian or horse use because a sidewalk is not present or it provides additional area to accommodate trucks. Thayer Nursery would be willing to install similar stone in front of any neighbor's property upon request.

(k) Lighting Plan

Exterior lighting is as shown on Existing Conditions Plan and the Lighting Plan. They are located as follows:

1. (4) Four 1,000 watt flood lights mounted: (1) one on The Barn at 13.1', (2) two on the Garden Shoppe at 22' and (1) one on the Shed at 10'.
2. (2) Two accent wall lights on either side of the doors on the Barn.
3. (2) Two accent wall lights on either side of doors on the Shed.
4. (4) Four florescent tube lights under-mounted on the ceiling of the porch of the Shed.
5. (8) Eight task lighting fixtures along the center of the roof of the Lath House.
6. (5) Five post lights along the site driveway entrance.
7. (5) Five light cans under-mounted on the entrance of the Garden Shoppe.

While most of the lighting is set at low elevation and low wattage, there are (4) 1,000 watt flood light fixtures that are used for security, and they are located as follows:

The first is located on the southeasterly corner of the Barn at a height of 13.1 feet and faces to the east over the nursery stock area and the area in which Christmas trees are sold. The second is located on the northern peak of the Garden Shoppe at a height of 22' and faces north over the same nursery stock area.

The third is located on the southern peak of the Garden Shoppe, also at a height of 22', and faces south to the proposed LandCare Yard. The fourth is located on the Shed at a height of 10' and also faces the LandCare Yard.

The Lighting Plan demonstrates that foot candle effect of each dissipates substantially before the light leaves the premises. (See attached Photometric Plan) However, Thayer Nursery proposes to adjust these flood lights by pointing them in a downward fashion, installing covers and insuring that these lights are shut off by 10:00 pm each night unless needed for safety. They shall be pointed downward so as to avoid light spillage into abutting properties and shall be turned off by 10:00 pm each night

(l) Street Improvement Plan

Thayer Nursery shall repair and improve, as need and in a timely, any damage to the street shoulders or adjoining properties in the event truck traffic entering or exiting the Property causes harm. In particular, Thayer has installed large stones/boulders along the opposite side of Forest Street from the corner of Hillside Street to a point that is opposite the driveway entrance. The purpose of these boulders is to encourage large trucks to make tighter turns when entering and exiting the Property from Hillside Street. In order to prevent rutting and other damage, Thayer Nursery will install stone along Forest Street and the northerly sideline of Hillside Street where turns are made by the incoming delivery trucks. Thayer Nursery will continue to monitor and repair damage as it may occur.

(m) Sign Plan

Thayer Nursery owns five signs. Their locations are shown on the Existing Conditions Plan. There is one sign on Hillside Street opposite Harland Street and a second sign on Hillside, proximate to Forest Street. There is a third sign at the entrance to the Nursery at Forest Street. There is a fourth sign atop above the entrance to the Garden Shoppe. The fifth sign is located at the island at Hillside Street and Randolph Avenue. (It should be noted that Thayer Nursery provides an attractive landscaped setting on the island.)

(n) List of Vehicles

The equipment owned by Thayer in 2012 is identified on the Vehicle List; Thayer Nursery owns and operates all of the same equipment in 2015. The expected replacement date for each is included. All equipment shall be properly registered with the Registry of Motor Vehicles and shall be maintained in proper running order. All safety signals are inspected yearly when the equipment is inspected for their annual inspection stickers. Routine maintenance, repair or cleaning of equipment shall be performed inside the Wood Barn as possible. Landscape Business Use trucks will be in compliance with Mass General Law Chapter 90 Section 16A. (See attached Registration and Equipment List as of 2012.)

(o) Rules

1. Landscape Business Use trucks and equipment will comply with the idling laws of Mass General Law Chapter 90 Section 16A.
2. Vehicle movements will be forward-only as much as possible to minimize the effect of backup alarms.
3. Employees will wear earphones when listening to radios, CD players or the like.
4. If music is outdoors with a loudspeaker or amplifier, Thayer Nursery shall seek appropriate approval from the Town of Milton and shall position equipment so as not to intrude on abutting properties.

(p) Firewood Plan

Incoming firewood deliveries to the Property will be scheduled to occur Monday through Friday between the hours of 9:00 am and 2:00 pm. The firewood is received from several foresters that are permitted to forest and sell firewood by their respective states. All deliveries typically arrive and are emptied at midday. In particular, some states restrict trucks from leaving the supplier's yard before 7:00 am. (See attached letter regarding Vermont environmental restrictions.) In 2012, Thayer received an average of 4 deliveries of firewood per week for the months of September through November, and an average of 3 deliveries per week December through March. (See Delivery Schedule, *supra*.)

Trucks will pull forward to a point just past the Wood Barn, then back into the barn where the wood is off-loaded. Trucks are off-loaded using a "walking floor" mechanism. (For good demonstrations of the "walking floor", please refer to https://www.youtube.com/watch?v=lm0_QFxP_m4&feature=youtu.be) The walking floor is a slow, quiet mechanism that pushes the load out the back of the truck in 12" intervals. The wood is then pushed to the rear of the barn by bobcat or similar equipment. A typical load fills up an area that is 25' x 12' (~300 sf), approximately 10% of the floor area of the Wood Barn itself, which contains 3,299 sf. Thayer Nursery maintains a maximum volume on-hand of 200 cords, which fills approximately half of the interior of the Wood Barn. Once emptied, the delivery trucks return to I-93 via Hillside Street and Randolph Ave.

Firewood is sold in two main ways; for pick-up by drive-in clients or delivered to off-site clients. Drive-in clients pull into the Wood Barn and their vehicles are either loaded by hand or machine. Most amounts sold are small – designed to fit in personal vehicles. The second is by delivery. Thayer Nursery delivers in its own dump trucks, up to 2 cords per load. The first two bucket fills can be loud as the wood is deposited into the dump trucks; Thayer Nursery proposes to mitigate that noise by installing ¾” thick, tough rubber matting in its dump truck beds, similar to that found in weight rooms, hockey rinks, etc. All loading will be done inside the Wood Barn in order to capture dust and muffle noise associated with the operation.

Firewood sales occur year-round with the months of September thru February being the most active.

(q) Snow Management Services Plan

Equipment used in snow removal will be parked in the Wood Barn in season, and will be used on an as needed basis during snow and ice conditions. Off-season, equipment will be stored in the equipment storage area. Snow Management Services shall operate as necessary to meet the snow and ice conditions.

The snow management service season is typically from December thru February.

(r) Sales Plan of the Landscape Business Use

The sales office of the Landscape Business Use shares space with the Nursery. The Landscape Business Use office is located on the second floor of the Garden Shoppe. The Landscape Business purchases products from the Nursery that are available for sale located in buildings and grow-out fields located on the Property as outlined above in Section 4(h). The sales hours shall be Monday through Saturday, 7:00 am to 6:00 pm and on Sunday between 8:00 am and 6:00 pm

The landscaping season is typically March thru November.

(s) Christmas Trees and Holiday Materials Plan

Sales take place daily between the day after Thanksgiving and New Year’s Day, between the hours of 8:00 am and 9:00 pm. Deliveries to the Nursery are scheduled to occur Weekdays between the hours of 9:00 am and 2:00 pm. Trees are staged in the nursery stock area on in the northerly side of the main entrance driveway and in the area on the northerly side of the Garden Shoppe and the Lath House. Other holiday materials are sold from the Barn and the Garden Shoppe. Sales are made on a retail basis and they are hand loaded onto/into customer vehicles.

Christmas and Holiday Season is typically Thanksgiving thru December.

5. Requirements for a Landscaping Business Use

(a) Storage, Loading and Unloading of Materials

All bulk agricultural/earth materials shall be properly stored in three-sided contained bins that will be set back at least 40' feet from the lot line shown on the Plan. Any requirements of 527 CMR 1.00, Chapter 31 regarding the storage of mulches shall be obtained and shall be kept current prior to the storage of such bulk agricultural materials. The LandCare Yard and the materials in the bins shall be watered regularly by the (5) five permanently mounted sprinklers in the area or by hand or tank irrigation as needed. The LandCare Yard will provide a safe and convenient delivery and pick up area for suppliers and customers. OSHA Regulation, 29 CFR s. 1926.601 provides that backup alarms are not required if the operator has a clear view of the area behind the vehicles. Thayer Nursery believes that it may be able to turn off the alarms on its bobcats on the Property because the operator has rear visibility. Loading and unloading of bulk agricultural/earth materials using equipment used for the Landscape Business Use shall occur Weekdays between the hours of 7:00am until 6:00pm, Saturdays between the hours of 8:00am until 5:00pm and on Sundays from 10:00am until 3:00pm.

(b) Storage of Fertilizer / Fuel

The Wood Barn houses seasonally appropriate and accessory garden products including fertilizers, insect, weed and fungus controls. These types of products will be located inside the Wood Barn at least (35') thirty-five feet from the lot line. These fertilizer type products typically are organic in nature and come in liquid form stored in 55 gallon plastic barrels. They get deposited into the water tank/hydroseeder which is then diluted with water. They may also come in granular form packaged in water resistant bags that are stored on wooden pallets on the concrete floor of the Wood Barn away from any water source or drain basin. The appropriate product is applied on an as needed seasonal schedule. The Wood Barn keeps these products contained and dry and available for Landscape Business Use as needed.

The above ground Diesel Tank is located in the Fuel Shed that is attached to the rear of the Wood Barn. The Diesel Tank shall be properly stored approximately 35' feet from the lot line. Fuel delivery trucks shall be set back (35') thirty five from the property line when making deliveries. Diesel deliveries to the Nursery shall be scheduled Weekdays between 9:00 am and 2:00 pm. Thayer Nursery will restrict the time when it fuels its trucks and equipment on Weekdays between the hours of 7:00 am and 6:00 pm, and on Saturdays from 8:00 am to 5:00 pm. The fuel delivery truck shall be equipped with any necessary extension hoses to adhere to the setback requirement. Any requirements of 527 CMR 1.00, Chapter 31 shall be obtained and shall be kept current. The current Diesel Tank Storage Permit is on file with the Milton Fire Department (See attached)

For additional clarification, diesel fuel is the same as home heating oil; the only "difference" is that home heating oil contains a red dye so state and federal regulatory agencies can conduct inspections to insure the proper product is being used for the appropriate application. Both products have a very high flash point temperature. Flash point temperature is the minimum temperature at which the fuel will ignite (flash) on application of an ignition source under specified conditions. Flash point varies inversely with the fuel's volatility. Due to its higher flash point temperature, diesel fuel is inherently safer than many other fuels. The Diesel Tank storage area will kept clean and clear of debris.

(c) Operators of a Landscape Business

Josh Oldfield of 24 Forest Street, Milton 774-259-5555

(d) Vehicles

All equipment shall be properly registered, inspected and shall be maintained in proper running order. To the extent possible, backup alarms on bobcats and loaders that are used to fill the trucks will be deactivated, or set at the lowest sound level possible. All safety signals and horns are inspected yearly when the equipment is inspected for their annual inspection stickers. Landscape Business Use trucks will be in compliance with Mass General Law Chapter 90 Section 16A and OSHA Regulation, 29 CFR s. 1926.601. Routine maintenance, repair or cleaning of equipment shall be performed inside the Wood Barn as possible. (The Registration and Equipment List as of 2012 is attached)

(e) On-Site Traffic; Loading; Deliveries

The Proposed Conditions Plan depicts the main LandCare operations area where loading and/or off-loading of trucks and equipment for Landscaping Business Use shall be concentrated. The driveway to the rear of the Wood Barn is located 15' of the lot line and the loading areas shall be located at least 30' of the south lot line.

The LandCare Yard shall be buffered by the Wood Barn, the sound attenuated fence and evergreens located along the southerly side of the property. Because the operator has rear visibility, Thayer Nursery believes that it may be able to turn off the back-up alarm of the Bobcat which will help minimize the impact of the Landscape Business Use. Thayer Nursery trucks will be in compliance with Mass General Law Chapter 90 Section 16A. Loading of the Landscape Business Use trucks will be scheduled to occur Monday through Friday between 7:00am until 6:00pm, Saturday between 8:00am until 5:00pm and Sunday between 10:00am until 3:00pm. With respect to any deliveries made outside these hours, the operators shall maintain a log stating the type and time of delivery and the reason why it was made out-of-hours.

Incoming deliveries shall be scheduled to occur Monday – Friday between the hours of 9:00 am and 2:00 pm. A log of incoming deliveries shall be kept onsite for review by the proper permit granting authorities as needed.

The plan identifies the direction of travel for all trucks operating on the site. Incoming trucks shall follow along the single driveway to the LandCare Yard that is centrally located on the Property. Incoming deliveries shall pull in to the LandCare Yard where the trucks shall be unloaded. Nursery Stock will be offloaded and will be prepared for planting in the appropriate field, Bulk Agricultural/Earth Materials will be offloaded in the appropriate bin and other products will be offloaded and will be appropriately stored. Firewood delivery trucks shall drive past the Wood Barn and then back into the barn so that wood can be unloaded within. Upon completion of delivery, the delivery truck will pull out back onto the main driveway and exit the Property by right turn onto Forest Street, then right onto Hillside Street to Route 28 (Randolph Avenue). Seasonal equipment may be stored off-season on-site so long as storage is orderly and space efficient.

(f) Outside Truck Traffic

Thayer Nursery will undertake to ensure that deliveries to the site shall be limited to the hours between 9:00 am and 2:00 pm on Weekdays. A standard set of delivery directions will be provided to all suppliers, which will provide that deliveries are to follow I-93 to Route 28 North (Randolph Ave.) to left on Hillside

Street and left on Forest Street. Directions will note that Hillside Street and Chickatawbut Road from Route 138 come under the jurisdiction of DCR Road which does not allow over-sized truck traffic. In conjunction with the Town of Milton Department of Public Works, street signs will be prepared and installed establishing a truck delivery route for incoming deliveries. Thayer Nursery receives deliveries of materials on a seasonal basis, as described on the attached Delivery Schedule. Deliveries are received by various sized trucks, including large 10 wheel dump trucks and 48' and 50' tractor trailers. Thayer Nursery will monitor damage to sidelines of streets and restore same, as necessary, in conjunction with requests of affected property owners.

(g) Dumpsters

The dumpster and compost pile are located proximate to the rear of the barn and will be screened by the fence to be installed along the southerly boundary. Thayer Nursery shall ensure that movement and/or emptying shall be scheduled Weekdays only, between 10:00 am and 2:00 pm. The dumpster area shall be changed/cleaned at regular intervals to ensure that there will be minimal emission of dust or odors.