

**TOWN OF MILTON
MILTON PLANNING BOARD**

IN THE MATTER OF: Thayer Nursery (Landscaping Special Permit)
 217, 237, and 270 Hillside Street
 Milton, Massachusetts

PETITIONERS: Thayer Nursery Inc., Maggie Oldfield and Josh Oldfield

THAYER NURSERY MEMORANDUM

On or about October 21, 2014, Thayer Nursery Corporation ("Thayer Nursery") and its operators F. Joshua Oldfield and Margaret T. Oldfield, caused to be filed an Application for Special Permit pursuant to Section 10, Subsection K, Section III Agricultural/Nursery/Landscaping Development of the General Bylaws.

Hearings have been held on June 18, 2015 continued to July 9, 2015 during which the public hearing portion of the process will be closed. During the public hearing process it has become evident that there is a fire line between the "Nursery" activity and the "Landscaping" activity.

In order to be granted a Special Permit to operate a landscaping business in conjunction with a Nursery business pursuant to the relevant section, the owner

- The owner/operator must be conducting nursery business
- On a parcel or parcels containing at least 5 acres.

The total acreage under control of Thayer Nursery currently operates on is 8.51 acres. Accordingly, the Nursery enjoys certain zoning exemptions pursuant to the provisions of G.L.c. 40A§3. The pertinent part of the "Agricultural Zoning Exemption", 40A, §3 now reads:

"No zoning ordinance or by-law shall ... prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, ***provided that*** either during the months of June, July, August and September of each year or ***during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located***, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities may be limited to parcels of 5 acres or more or to parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as 1 parcel... For the purposes of this section, the term "agriculture" shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises."

"Farming and Agriculture Defined.

"Farming" or agriculture" shall include farming in all of its branches...the growing and harvesting of forest products upon forest land...and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or ...including preparations for market, delivery to storage or to market or to carriers for transportation to market."

Permissible Items Sold From the Nursery

Thayer Nursery's business of growing, maintaining and selling nursery stock falls squarely within the horticultural uses currently protected by G. L. c. 40A, §3. "Moreover, the right to sell agricultural products, as ancillary to permitted agricultural use, has been recognized in a long line of cases under §3 and its predecessor, §5 of former c. 40A. See *Parrish v. Board of Appeals of Sharon*, 351 Mass. 561 (1967); *Deutschman v. Board of Appeals of Canton*, 325 Mass. 297 (1950)." See *Cataumet Garden Center v. Bourne*, Land Court, Misc. Case Nos. 229369 and 232647 (August 13, 1997). Said Section 3 provides that nursery stock shall be considered produced by the owner or lessee of the land if it is "nourished, maintained and managed while on the premises." Under said Section 3, a nursery facility consisting of greater than five (5) acres, which during the harvest season of its primary crop sells more than 25% of the product that it manages, nourishes and maintains is permitted to sell, as a matter of right, 75% of other product. The firewood that Petitioners are complaining about is accessory to the sale of the nursery stock, just as the tools, fertilizer pesticides and soil amendments and may be sold as a matter-of-right during and after the harvest season of Thayer Nursery's primary crop. See *Needham v. Winslow*, 330 Mass. 95 (1953). During the harvest season of the primary crop (April/May/June/July) 52% of the product sold is managed, nourished and maintained by Thayer Nursery. Further, the sale of the Nursery products during the harvest season of the primary crop qualifies the Nursery to the Seasonal Sale 25% Exemption.

THE SALE OF FIREWOOD

The Board is attempting to regulate sale of firewood as being a separate commercial landscaping enterprise requiring a Special Permit Petition. However, the

sale of an agricultural product, regardless of the product origin, must be cognizant of the fact that it cannot regulate by Special Permit contrary to the provisions of G. L. c. 40A, §3.¹ The Dover Amendment precludes the adoption of zoning ordinances or bylaws restricting the use of land for [agricultural] purposes." *Martin et al. v. The Corporation of the Presidency Bishop of the Church of the Latter-Day Saints*, SJC-08398 (May 16, 2001). The portion of the Zoning Act concerning agriculture has been amended several times, each time, making it "clear ... that it is the policy of the General Court to encourage agriculture within the Commonwealth..." *F. David von Jess v. Board of Appeals of Littleton*, Land Court Misc. Case No. 142973, at page 13, (Jan. 4, 1991).

Further, the Act specifically states the parameter in which an agricultural facility must operate to enjoy the exemption, that being "provided that during the months of June, July, August and September of every year **or during the harvest season of the primary crop** raised on the land of the owner or lessee, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land the facility is located." G. L. c. 40A, §3 (emphasis added). A municipality cannot enact a [bylaw] inconsistent with state law." *Vieira v. Barnstable Zoning Board of Appeals*, Land Court Misc. Case No. 212935 at Page 9; (Dec. 6, 1996) citing *Rogers v. Provincetown*, 384 Mass. 179, 180-81 (1981).

¹ Milton's Building Inspector rightfully acknowledged that such portion of the Town's Bylaw is unenforceable in his November 29, 2012 Memorandum to the Board of Selectmen.

**All Agriculture Is Commercial and Firewood May
Be Sold as a Matter of Right**

During Petitioner's presentation to the Board and throughout Petitioners' Memorandum, Petitioners focus on the term "commercial" use of Thayer Nursery. The provisions of the Milton Zoning Bylaw, Section III A.4 (a) provide:

"SECTION III. Use Regulations. A. *Residence AA, A, B, and C District Uses.* In a Residence AA, A, B, C district, except as herein otherwise provided, no building or land shall be used and no building shall be erected or altered which is intended or designed to be used for a store or shop, or for manufacturing or commercial purposes, or for other purposes except one or more of the following:...

(a) Agricultural, horticultural, or floricultural use on a parcel of more than five acres if such use is the primary one, [selling only produce raised on the premises], but the term "agricultural use" shall not include maintenance of a piggery or fur farm."²

Accordingly, firewood, as an agricultural product, it may be sold as a matter of right as part of a commercial enterprise. To determine whether firewood is an agricultural product one must look to the statutory definition provided at G.L. c. 128, §1A that reads in pertinent part:

"Farming and Agriculture Defined.

"Farming" or agriculture" shall include farming in all of its branches...the growing and harvesting of forest products upon forest land...and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or ...including preparations for market, delivery to storage or to market or to carriers for transportation to market."

Pursuant to the statutory definition of "Agriculture" firewood or cord wood being a forest product is considered agriculture.

² As the Building Commissioner has correctly pointed out in his letter dated November 29, 2012, the requirement that the product must be raised on the premises is inconsistent with state law and therefore cannot be enforced.

Grow Out Area

The question was raised as to the term "Grow Out Area" as shown on the plan of record. The "Grow Out Area" is synonyms to a "production area". Typically the potted plant stock is set in rows perpendicular to walking on roadway for ease of access to the plant stock. See Exhibit A the "Grow Out Area" is also utilized for overwintering plant stock. Typically the plants are clustered together and the pots are buried with mulch. This protects the roots of the plant stock and allows for a timely budding in the spring.

Respectfully Submitted
By their attorney

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Woburn, MA 01801
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Dated: July ____, 2015

Layout and Design Considerations for a Wholesale Container Nursery ¹

Thomas H. Yeager, Dewayne L. Ingram²

Many commercial nurseries begin as small backyard operations, with little thought given to initial or future layout design. Nursery managers are often anxious to realize a rapid return on their investment, and overlook the need for thorough nursery layout planning. Nursery managers may be apprehensive about nursery expansion or may not have a clear perspective of nursery crop production systems. Consequently, an inefficient, haphazard layout design may result which requires a costly change later.

This publication provides the framework for planning and implementing efficient nursery layouts. Visits to nurseries with similar production systems will be valuable, and discussions with other managers about how they would change their production systems will usually give insight to an effective layout. A slight modification in the proposed design may increase the flexibility for future expansion and increase time and motion efficiency.

A nursery operation encompasses many different phases and components of production. Proper timing of operations is essential, and efficient use of land and resources is important. Layout design must be

efficient if the nursery is to be productive and compete in today's market. Facilities or activity areas will vary with the type of nursery and specific production scheme employed. For example, a nursery may produce small plants or liners that only require greenhouse space. Other nurseries may purchase liners so propagation areas are not needed. The first requirement in planning is to determine the activities that are proposed in the nursery, and the space needed for each immediately, and as the nursery expands. Make a scaled drawing (Figure 1) to ensure that required areas or facilities are well planned and integrated so that nursery activities or operations progress efficiently (Figure 2). Appropriate judgement of distance and arrangement of areas can be achieved when every element is seen on the same scale. Scales of 1 inch equals 50 to 200 ft are common, but the dimension of the property and the available drawing supplies and equipment may dictate other scales.

An efficient arrangement of the 8 areas that should be considered for a container nursery is seen in Figure 1 . These activity areas must be arranged efficiently, considering constraints such as land form,

1. This document is CIR558, one of a series of the Environmental Horticulture Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida. Original publication date May 1985. Reviewed October 2003 and February 2010. Visit the EDis Web site at <http://edis.ifas.ufl.edu>.

2. Thomas H. Yeager, Assistant Professor, Department of Environmental Horticulture, Dewayne L. Ingram, Associate Professor, Department of Environmental Horticulture, Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, 32611.

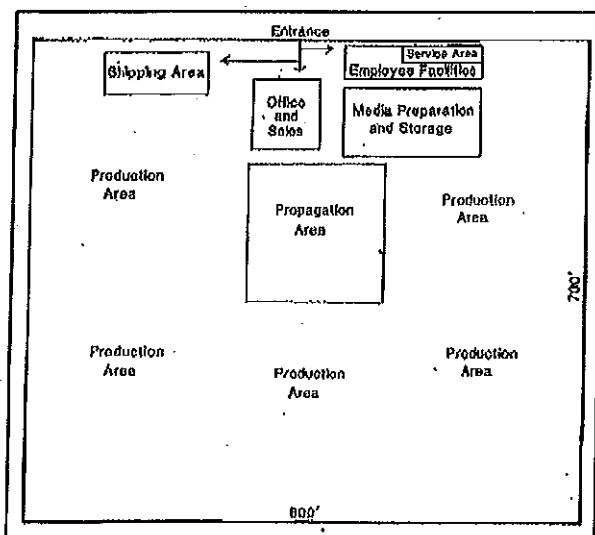


Figure 1.

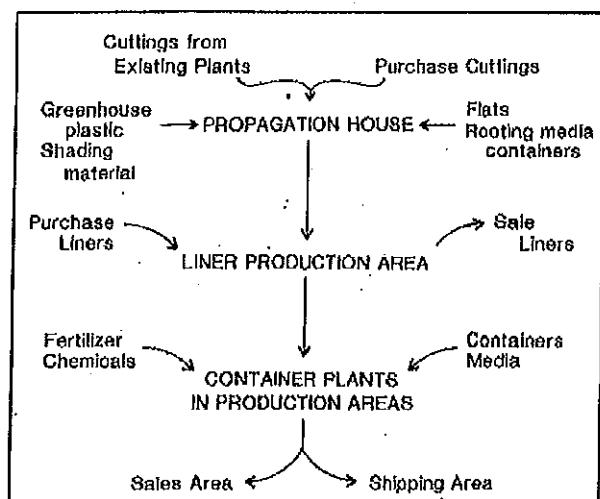


Figure 2.

slope, and natural barriers. The container nursery layout in Figure 1 is adaptable to most land shapes, the exception being very narrow tracts. The layout for narrow land tracts (Figure 3)

requires more time to transport employees to work sites, and plants must be transported greater distances, either to and from potting areas or to shipping areas. Labor costs are 25% to 35% of total production costs for the average nursery, and 60% of labor is moving materials. Efficiency can also be improved by planning travel routes. One way to evaluate equipment and personnel movement is to plot the routes on a scaled drawing of the nursery

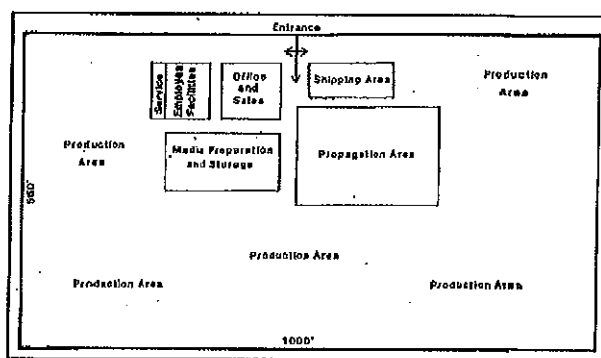


Figure 3.

layout so comparisons of alternative routes can be made. Cost of travel time is of more concern for nursery operations located on non-adjoining land. In this case, some reduction in travel time can be achieved by strategically locating shipping and potting areas near production areas.

Nursery Entrance

The organization and appearance of a nursery gives visitors and customers an impression of the operation that directly influences sales. The nursery entrance provides the first and most important opportunity to present a good image. The entrance should be accessible to the nursery office and shipping areas; and be landscaped with an attractive, uncluttered arrangement of plants including those sold by the nursery. The entrance planting should contain any special plant materials offered by the nursery, or plant materials that need to be introduced or emphasized.

Nursery Office and Sales Area

The nursery office should be clearly identified and located close to the nursery entrance (Figure 1). Customer parking for cars must be provided, and receiving trucks should be directed to the loading areas by signs so drivers can proceed without delays. A sales area, located close to the office and containing a representative display of salable plant materials, enables customers to view salable plant material without traveling through the nursery. This saves time for customers and sales personnel.

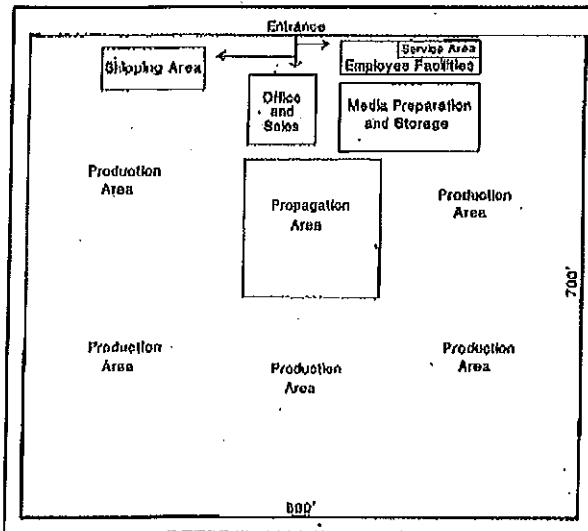


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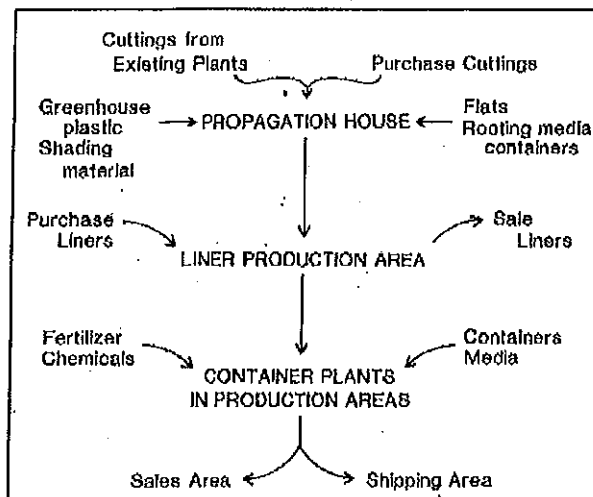


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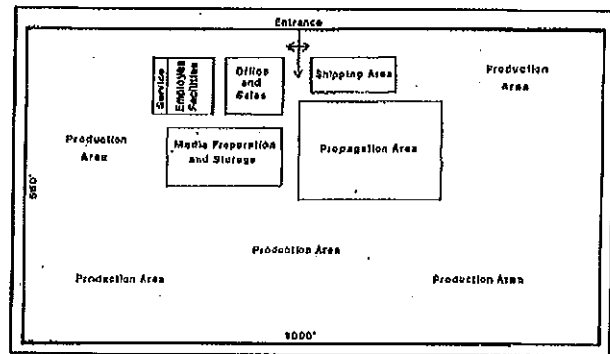


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Propagation Area

The propagation area is the heart of the nursery operation and must be located in an area accessible to the production and potting areas. A propagation area located close to the office helps in communication between the office staff and the propagation managers who must make long-range decisions regarding the number of specific plants to be produced. Propagation area size and design are determined by production type, number of plants and species produced, and markets.

The propagation area may contain greenhouse structure designs from A-frame steel and fiberglass to quonset PVC or galvanized pipe and polyethylene. Steel frame, gutter-connected, or ridge-and furrow type greenhouses usually cover more than 1000 sq ft. Conduit or PVC greenhouses usually cover less than 1000 sq ft and cost considerably less than steel frame or ridge-and furrow-type houses. Plant species that require different rooting environments may be segregated using smaller greenhouses. However, several small greenhouses will require more land than 1 or 2 larger houses of equivalent square footage, and this should be considered if less than ample land is available for the propagation area and facilities.

Certain plant species, such as junipers, may be propagated outdoors in small containers or raised ground beds and will not require special propagation structures (Figure 4). Because of repeated mist cycles or frequent watering, this area must be located on well-drained soil. Seeds may also be germinated in outdoor beds, although structures built to accommodate tiers or racks of seed germinating flats will use space more efficiently (Figure 5). Outdoor propagation has the disadvantage of lacking water control. Heavy rains may occur and pack the rooting media, destroying aeration and contributing to soil-borne diseases.

The amount of land available for propagation may determine if plant stock blocks are maintained to supply cuttings. Stock blocks are generally 20% to 25% the size of container production areas and should be located close to the propagation area. Limited land availability requires taking cuttings from salable nursery plants and eliminating stock blocks. Cutting

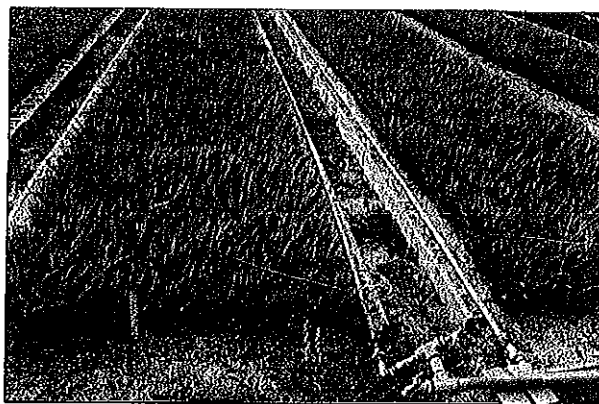


Figure 4.

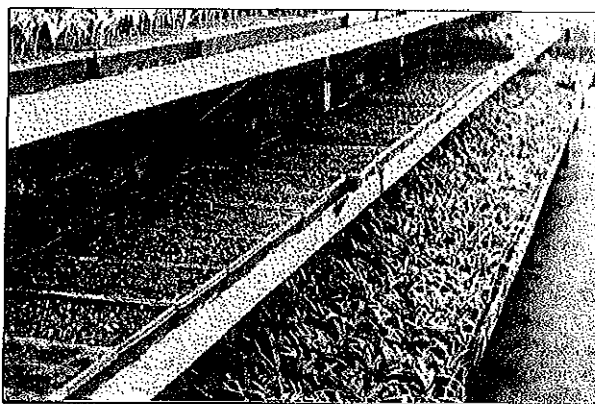


Figure 5.

preparation areas may be included in the propagation area of the layout. A protective structure allows for cutting preparation during inclement weather (Figure 6) and will be an advantage for the nursery producing large numbers of junipers propagated during the winter. A nursery producing primarily broadleaf evergreens, propagated during the summer, may choose to exclude a cutting preparation area from the layout and require that cuttings be prepared for sticking when cut from the plant.

Media Preparation and Storage

Media mixing and potting may be accomplished at one central location where potting media or media components are stored in bulk quantities. Potting media or components are stored either in loose piles or in open bins often constructed of concrete. Media components are usually mixed by commercially available soil mixers, manure spreaders, or front-end loaders that scoop and dump the media several times on a concrete slab. A reinforced, raised slab, 4 inches thick and 3 x 5 yards (2.7 x 4.6 m) will accommodate



Figure 6.

approximately 3 yd³ (2.3 m³) of media. The raised concrete slab prevents incorporation of field soil into the media during mixing, and eliminates contamination from diseases, weed seeds, and nematodes transported by runoff water.

Motorized media mixing and transporting systems, and potting machines should be covered by a structure that houses a permanent potting area for the nursery. The permanent potting area may or may not be sheltered if commercial soil mixers and potting machines are not used, but in this case nurseries usually erect a permanent V-shaped hopper from which media falls onto a potting bench. Advantages and disadvantages of potting machines will depend on the particular operation; however, most nursery operators agree that potting machines pace the workers.

Locating the media mixing area and the potting area adjacent to each other minimizes media handling. A very large nursery may have soil mixing and potting areas located throughout the nursery. This reduces the distance traveled when placing newly potted plants in the field.

Production Areas

Production or plant growing areas will occupy the largest percentage of nursery land and should be adjacent to the potting area to ease the orderly movement and placement of plants in the field. A small part of the production area may be used for evaluating new plant materials with market potential.

Transporting container plants efficiently to and from the field requires a well-designed road system. Roads should be crowned or sloped to one side and surfaced with gravel, seashells, or other materials to support equipment during wet periods. Firm road surfaces also prevent traffic from splashing mud and debris on plants.

Number and size of production areas, roads, and walkways may vary depending upon equipment used and type of production. Road widths will depend on the equipment, but when farm tractors and trailers are used, the perimeter roads should be about 30 ft (9.1 m) wide to allow for turns from the narrower roads between plant beds.

The production area designs in Figure 7, Figure 8, and Figure 9 have walkways that are 2 ft (0.6 m) wide and plant beds that are 8 ft (2.4 m) wide. The designs contain the same amount of area in which to place plants; however, the walkways and length of beds are 50% less for the design in Figure 8 than those in Figure 7, and 50% less for the design in Figure 9 than in Figure 8. The maximum distance a plant must be carried is 100 ft (30.5 m), 50 ft (15.2 m) and 25 ft (7.6 m) for designs in

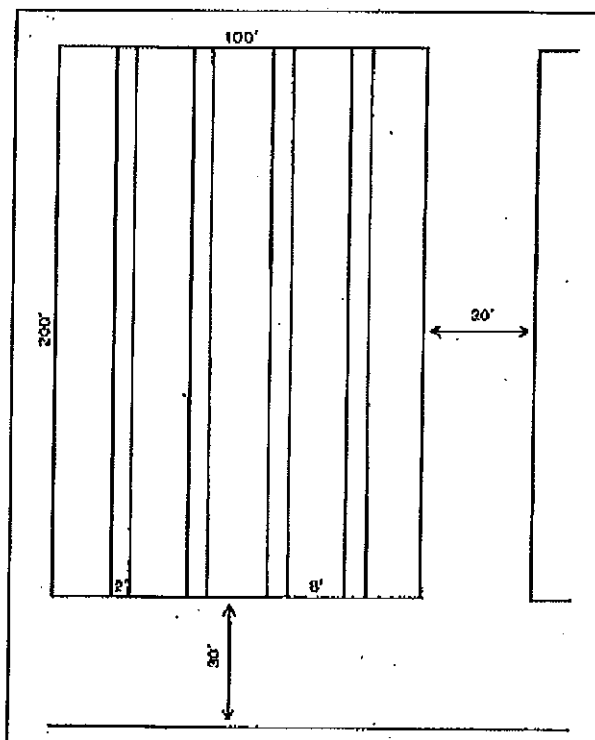


Figure 7.

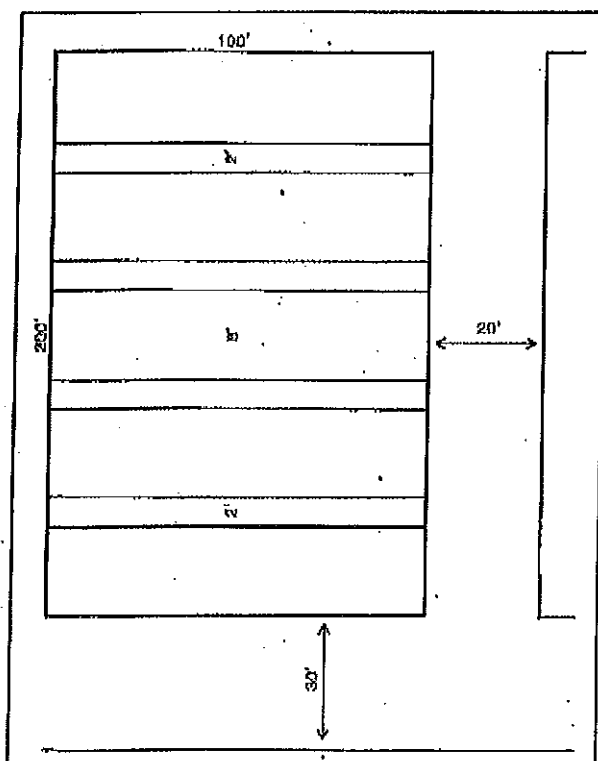


Figure 8.

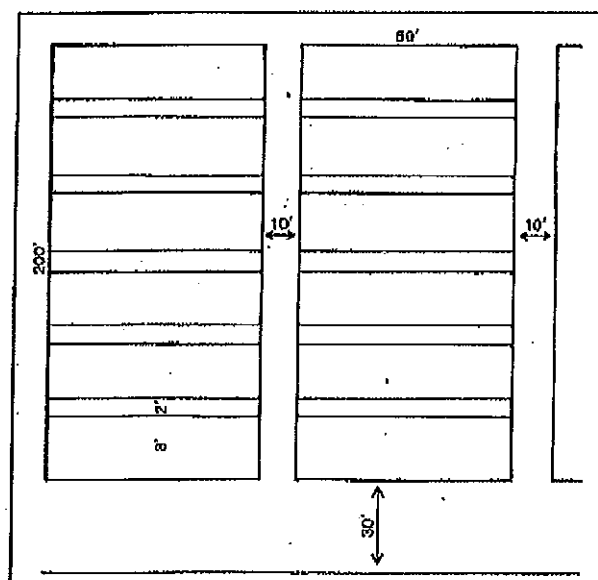


Figure 9.

Figure 7, Figure 8 ; and Figure 9 , respectively, with average

walking distances of 50 ft (15.2 m), 25 ft (7.6 m) and 12.5 ft (3.8 m), respectively. Thus, moving plants in or out of the production beds can be done more efficiently with a design such as Figure 9 .

Another advantage of the Figure 9 design is that roads perpendicular to walk-ways are not flanked by drainage ditches that must be crossed by personnel and graded periodically for rapid drainage of water. When growing plants in 5 gallon or larger containers, design efficiency becomes more significant. Production beds in Figure 9 should slope approximately 3% to 4% from the edge of the 10-ft (3.0 m) wide road to the center of the 50-ft (15.2 m) wide production area that slopes toward one end. Runoff water flows on the surface material down the center of the 50-ft (15.2 m) wide production area into a drainage ditch located parallel and beside the 30-ft (9.1 m) wide road. This design may be modified by crowning the 50-ft (15.2 m) wide production area in the center and placing a drainage ditch down the center of the 10-ft (3.0 m) wide road for runoff. Severe washing of the road may result if precautions are not taken.

Production areas in Figure 7 and Figure 8 should be crowned 3% to 4% to the center along the 200-ft (61.0 m) length so that runoff flows toward a 20-ft (6.1 m) wide road on either side of the production area. Ditches between the roads and production areas drain the runoff.

An alternative to crowning the production area is to slope the area to one side. The slope begins at the left side and progresses to the right so the runoff flows into the ditch on the right side of the production area. The road on the right side of a production area slopes toward the ditch on the left side of the road. The ditch may slope to either end of the production area. Production areas are commonly surfaced with gravel, seashells, porous polypropylene, or black plastic. Gravel consisting of a particle mixture of 0.25 to 0.75 inches (0.6 to 2.0 cm) makes an excellent surface to place plants, but is expensive since 100 tons of gravel will only cover about one half acre. Smaller gravels wash away easily, and 1-gallon containers do not set level on larger gravel. Polypropylene and black plastic must be secured around the edges to prevent wind displacement, and equipment driven on these materials may result in tears. Despite precautions, black plastic usually does not last more than 2 years in Florida.

Natural shade areas on the nursery site may be used as production space. Shade may also be provided by shade structures. Roads and drainage ditches for production areas where shade houses are constructed are usually

similar to those of nonshaded areas. Natural shade areas cannot be graded because of possible damage to existing tree roots, so care must be taken to select areas with a 1% to 2% slope. Avoid areas subject to flooding.

Shade structures should accommodate tall pieces of equipment and provide adequate turning space. This aspect is often overlooked. Limbs and/or trees should be removed in natural shade areas to aid accessibility.

The layout and dimension of production areas must be known when designing the irrigation system. Production areas and roads may be modified to maximize irrigation efficiency. Most irrigation systems used in nurseries are permanent overhead delivery systems with impulse nozzles which deliver water in a circular pattern. It may be desirable to locate roads where water distribution patterns meet to ensure elimination of dry spots. Aluminum irrigation pipes placed on the production area surface are occasionally used. These pipes should be placed parallel with roads for minimal interference with equipment.

The use of drip irrigation systems for container production has increased in the last few years due to water shortages. Drip systems efficiently deliver a specified amount of water to each container. A drip system must be properly designed to ensure adequate delivery rates and may require a specific production area design. Details of drip irrigation design are available in OH Commercial Fact Sheet 5, and irrigation design plans are available from the Extension Agriculture Engineer's office. The irrigation design of your nursery should be filed for future reference should irrigation system repairs be necessary.

Provisions for winter protection should be considered when designing container production areas. Winter protection may be provided by pushing containers together during cold periods and placing a

protective wrap of paper or polyethylene around the perimeter of the crowded containers (Figure 10). Plants from 1 or 2 beds are usually crowded together with the long axis of the group oriented in a north-south direction for minimum plant exposure to northerly winter winds. Placing groups north and south is simplified if plant beds are oriented in a north-south direction.



Figure 10.

Location in the production area of quonset houses constructed for cold protection should be based on house capacity and size of container plants. For example, approximately 400 one-gallon plants are placed on an 8 x 50-ft (2.4 x 15.2 m) production bed (spaced 1 ft (0.3 m) on center) and could be crowded together inside a quonset 8 x 12.5-ft (2.4 x 3.8 m). Therefore, an 8 x 25-ft quonset frame is erected for two 8 x 50-ft beds of plants. The use of wider quonset structures, which remain in place throughout the year, could interfere with aisle traffic or equipment designed to pass over the tops of plants. Small portable quonset houses, usually 6 to 8 ft (1.8 to 2.4 m) wide, with variable lengths and constructed of light-weight materials, can be moved to aid in traffic flow.

Sprinkling for cold protection does not require a special size production area. However, many nurseries plan for only a portion of the production area to receive sprinkling for cold protection. Width and length of production areas might be adjusted to ensure proper irrigation delivery rates and adequate coverage when sprinkling.

Service Area

Equipment storage and repair facilities, along with pesticide, petroleum, and fertilizer storage facilities, comprise the nursery service area (Figure 1). They are usually located close to the nursery office yet accessible to supply trucks servicing these facilities. The type of equipment and supplies needing shelter or storage determines the size and type of facilities. Enclosed metal buildings are excellent for repair and maintenance shops, and may be used for storage of small pieces of equipment such as hand sprayers, chain saws and lawn mowers. Equipment repairs by commercial businesses may be less expensive, and an equipment repair facility in the nursery would be unnecessary. Storage facilities for large pieces of equipment, i.e., tractors, forklifts and sprayers, are often open sided "pole barn" type structures.

Pesticide storage facilities should be located in the service area and have a water source which can deliver 20 to 50 gallons per minute to permit rapid filling of pesticide tanks. This capacity may not be available directly from a pressurized water source but can be achieved by a raised storage tank from which water flows through a 2-to 3-inch (5 to 7.5 cm) opening into the spray tank. A pesticide storage building must be properly designed and identified as containing poisons. Pesticide storage building plans are available from the Extension Agriculture Engineer's office.

Employee Facilities

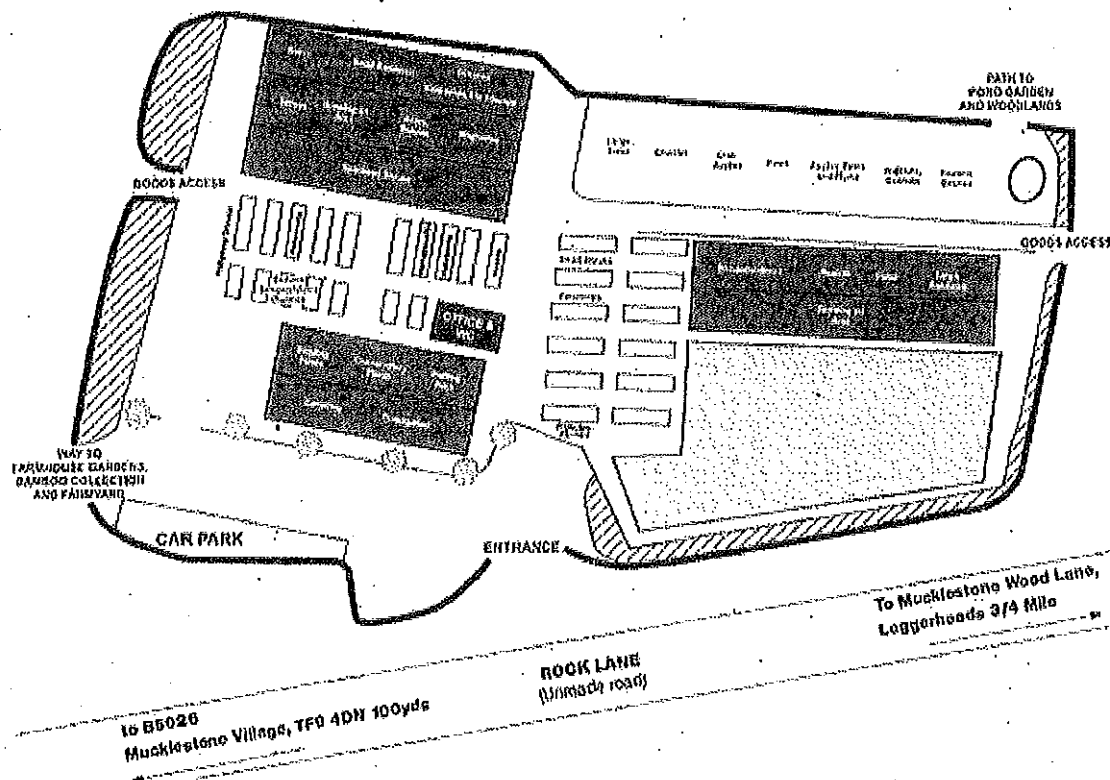
Employee facilities are usually located adjacent to the service area but should be positioned as far as possible from the pesticide storage area (Figure 1). Restrooms, showers, personal lockers, refrigerators and dining tables are usually provided for employees. Employee parking between the service area and the employee facilities is a convenient arrangement.

Shipping Area

Some nurseries load plants directly from production areas while other operations have designated loading areas within the nursery where plants are placed prior to shipment. Shipping areas within the nursery require access roads 20-to 25-ft

(6.1 to 7.6 m) wide with firm surface material and turning space to accommodate 30-ft (9.1 m) long trucks. Placing plants in this area before customer arrival reduces loading time, but irrigation and shade must be provided. Another loading alternative is to build a loading dock. A covered loading dock is preferable since it would permit loading trucks during inclement weather. Most loading docks are 4 ft (1.2 m) high and constructed of concrete. The docks should be large enough to accommodate tractors, conveyors, plant racks and other equipment used in the loading process. Loading docks should be accessible from the public highway and adjacent to the office (Figure 1) due to the interaction between the shipping foreman and sales personnel.

Once the nursery layout design has been implemented, adjustments in the system that would expedite certain production processes is not uncommon. Alterations of the system should only be done after careful examination of the available options, since corrections in the existing layout design are often difficult to accomplish without interrupting existing production practices. Examine the cost-benefit relationship of the alteration before taking action, and if alterations are not feasible at the time, make written notes of the suggested changes and incorporate them at a later date in the existing operation or in the next phase of nursery expansion.



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BOBCAT of BOSTON, INC.

20 Concord Street
N. Reading, MA 01864
978-664-3727 (FAX) 978-664-5800
1-800-287-8590
Parts Direct Line: 978-664-7895



BOBCAT of WORCESTER

6 Westec Drive
Auburn, MA 01501
508-752-8844 (FAX) 508-752-2595

July 8, 2015

Thayer Nursery Corp.
270 Hillside Street
Milton, MA 02186

Re.: external sound reduction

Dear: Mr. Josh Oldfield,

In response of your question concerning the external sound reduction of a Bobcat Loader, We, Bobcat of Boston, Inc. would like to formally state that at this time there is no option or accessory available to reduce or eliminate external noise from the Bobcat Loader.

We apologize for any problems that this may cause and look forward to doing business with you in the future.

Sincerely,

Steven J. Arsenaault
Bobcat of Boston, Inc.
President

Activity Schedule

Activity	Location	Time of Day	Days of Week	Month of Year
Bulk Agricultural Product	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, Green House	7 am - 9 pm	Mon - Sun	November-December
Landscaping	LandCare Yard	7 am - 6 pm 8 am - 5 pm	Mon - Fri Saturday	March-December
Snow Management	LandCare Yard/Wood Ba	as needed	Mon - Sun	as needed

Landscaping Schedule

Day of Week	Start Time @ Nursery	Return to Nursery	Close
Monday - Friday	7:00	5:00	6:00
Saturday	8:00	4:00	5:00
Sunday Bulk Ag Deliveries	10:00	3:00	
Load Trucks for Job	7:00 - 8/9:00		
On Job	8/9:00 - 5:00		
Unload Trucks	5:00 - 6:00		

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
Less:			1940
Rain/Weather Days, Sick Days, Vacation Days, Personal Days, Holidays			-230
Total Hours/Year			1710
NOTE: A standard work year is 2,000 hours (50 weeks x 40 hours per week)			

Glossary of Terms:

Nursery: A nursery is a place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners and landscapers, and private nurseries which supply the needs of institutions or private estates. Some retail and wholesale nurseries sell by mail. Although the popular image of a nursery is that of a supplier of garden plants, the range of nursery functions is far wider, and is of vital importance to many branches of agriculture, forestry and conservation biology. Some nurseries specialize in one phase of the process: propagation, growing out, or retail sale; or in one type of plant: e.g., groundcovers, shade plants, or rock garden plants. Some produce bulk stock, whether seedlings or grafted, of particular varieties for purposes such as fruit trees for orchards, or timber trees for forestry. Some produce stock seasonally, ready in springtime for export to colder regions where propagation could not have been started so early, or to regions where seasonal pests prevent profitable growing early in the season.

LandCare Yard: Area located on the southerly side of the Property where bulk agricultural material will be sold from, area where landscaping trucks will be loaded and unloaded, area where incoming deliveries will be unloaded.

Green House: Rigid plastic house for growing plant material.

Lath House: Structure attached to the Green House that houses plants and gets them adjusted to the weather before planting them out in the garden.

Grow Out Field: Plant growing and propagation areas that may contain various structures (steel or fiberglass A-frames to PVC quonset style) or soil/compost base where bare root or containerized plant material are managed, nourished and maintained.

Compost Pile: Compostables originated on-site that includes soil, grass and plant clippings, brush, limbs and discarded plant material. This is a temporary pile that will be removed weekly to 217 Hillside Street.

NutriMulch: 2/3 aged bark mulch combined with 1/3 aged compost.

OrganiGro: Certified organic compost from a local Massachusetts farm.

Loam: Finely screened soil.

NutriSoil: OrganiGro and Loam mixed together.

Kiln-Dried Firewood: Cut and split firewood that had been dried in a kiln.

3/4" Stone: Crushed rocks which have all passed through a 3/4" square screen.

Stone Dust: Mixture of stone dust which has passed through a 1/2" square screen. This material will range in size from 1/2" down to the smallest sand particle and every size in between.

Dense Grade: Mix of crushed stone and stone dust.



July 8, 2015

Milton Planning Board
William Clark, Planning Director
525 Canton Avenue
Milton, MA 02186

Dear Mr. Clark,

Thayer Nursery has been a long standing member of the Massachusetts Nursery and Landscape Association, Inc. (MNLA). MNLA, established in 1910 is dedicated to the success of our members and to the promotion of environmental awareness and the highest standards of the Massachusetts nursery and landscape industry.

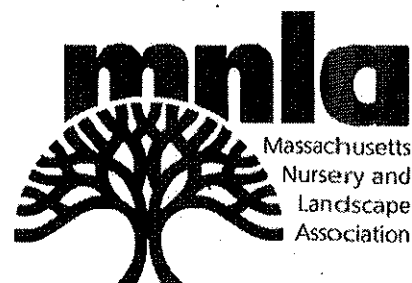
MNLA was asked to share with you the typical activities of a successful family owned business in the green industry. Without a doubt, the town of Milton is very fortunate to have such a well established nursery/garden center/landscape company within your town lines and it is my pleasure and honor to assist them with this request.

The entire retail industry is in a transition mode as the world experiences the ever-expanding reign of mass merchandisers. The family owned/independent nursery/garden & landscape business now must compete with Home Depot, Wal-Mart, and Lowe's, among others, for the home gardeners demand for plants and related accessories. Many of these plants are not grown in Massachusetts but brought in ready for sale from southern states as well as the west coast and Canada with little regard to Massachusetts soils and conditions.

The products sold and services provided from local nursery to local nursery will vary but the core to be successful will always include a wide selection of locally grown quality plant material plus all the amendments like soil, compost, mulch in all its forms either bagged or in bulk form for pick-up or delivery from the nursery site.

Today's nurseries must incorporate display and grow out gardens into their site plan to provide inspiration as well as park like settings for the consumer to see plants in various stages of growth. This has become a critical tool for the nursery grower to ensure proper plant material for every job size.

Consumers want to be able to complete their projects with one stop and nurseries need to be able to offer tools to complete and/or enhance the project including, pottery, trellises, fire pits, lawn and patio furniture, tools, giftware, bird supplies like houses and food.



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Diversity is the key in today's local market and this includes agri-tourism activities like corn mazes, farmers markets, educational talks & hands on sessions, as well as seasonal events like scarecrow making contests, Easter egg hunts, and holiday wreathes and memorial box building.

Because of the seasonal nature of the green industry, a typical "*successful*" Massachusetts nursery owner needs to not only be educated, diversified and cutting edge they need to have their products and services accessible to the consumer every day, especially weekends. Hours of operation need to meet the needs of the consumer, who expect stores to be open first thing in the morning and into the evening. Nursery retailers depend on every customer, every day to be successful

I do hope that his information is beneficial. Please do not hesitate to contact me at 413-369-4731 for more information.

Sincerely,

Rena M. Sumner
Executive Director

"About Us"

The Massachusetts Nursery & Landscape Association, Inc. (MNLA) is a statewide association dedicated to advancing the interests of "green industry" professionals. MNLA is a nonprofit organization whose members are businesses and individuals committed to promoting awareness of environmental horticulture and upholding the highest standards of the nursery and landscape industry. MNLA is the largest green industry business development vehicle in Massachusetts, providing its members with educational opportunities, industry news, legislative representation, and business development resources. For more information visit: www.mnla.com.



P. O. Box 186
Hopkinton, MA 01748
508-435-3414

160 Pine Hill Road (1/4 mile off Rte. 110)
Chelmsford, MA 01824
978-349-0055

www.WestonNurseries.com

93 East Main Street (Rte. 135),

July 8, 2015

Dear Mr. Clark,

Maggie Oldfield at Thayer Nursery has asked me to send you information regarding the distinction between a nursery business and a landscape operation, both considered elements of the nursery industry. Our family nursery was established in 1923, we're now in our 4th generation, and over the years we have been involved with both of these segments of the nursery business. It is critical to differentiate between these two aspects because their approaches to customers, staffing needs, hours of operation, equipment types and uses, and seasonality needs differ considerably in how they contribute to running a successful business.

Nursery/garden center businesses are among the most seasonal of any industry, with the majority of sales typically concentrated in a few heavily-compressed weeks: spring (mid-April to mid-June) and fall (mid-September to Christmas). Weather is the primary factor that determines whether a year is successful or not, for both sales and profitability. Retail customers tend to stay away and postpone shopping at nurseries when the weather is inclement. And most importantly, it has been clearly documented that a sale "lost" in early spring is never "made-up" later in the year. Nurseries must take advantage of every opportunity to satisfy their customers' demands when those customers want to be served, so it's critical that extended hours are offered during those times.

Nurseries sell mostly to walk-in retail clients. They generally offer all types of plants, trees, shrubs, annuals, vegetables, etc., plus a wide range of horticultural accessories like soil, compost, mulch in all its forms either bagged or in bulk form for pick-up or delivery from the nursery site. Many also sell pottery, trellises, fire pits, lawn and patio furniture, tools, giftware, bird and pet supplies like houses and food, Christmas trees and wreaths. In attempts to appeal to a larger market and spread-out their seasonality, many nurseries are diversifying their offerings to include agri-tourism activities, corn maze, farmers markets, talks, scarecrow making contest, Easter egg hunt and many other innovative undertakings.

Landscape operations are also relatively seasonal, but landscape maintenance, design and installation businesses are not so weather-dependent. Landscaping activities can be successfully accomplished during any time of year the ground is not frozen; customers want their landscaping to be done at times convenient for them, not necessarily limited to spring or fall. Also, a lot more equipment/machinery is typically employed by landscape operations to achieve customer-desired results. Landscaping-employee skills are less demanding than a nursery serving retail walk-in customers who expect higher horticultural expertise from nursery staff.

There is a clear distinction between these two types of businesses. A "one-size-fits-all" business definition for Thayer will be onerous and seriously detrimental to their operation of a successful retail nursery.

R. Wayne Mezitt, Chairman, Weston Nurseries