

**Application for Special Permit:
LANDSCAPING BUSINESS**

Date: May 18, 2016

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

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

1. Purpose, Property History and Ownership

The Owner/Applicant, Oldfield Family, LLC, Thayer Nursery Corp., Josh Oldfield, and Maggie Oldfield, hereby request the issuance of a Special Permit and Site Plan Approval for the operation of a Landscaping Business as that term is defined under Section III, N of Chapter 10 of the General Bylaws.

The purpose of this application is to permit the ongoing activity of Thayer Nursery's Landscaping Business that was in operation at this site on and before July 2012. As required in the Bylaw, this Application provides information about the state of Thayer Nursery's businesses in 2012/2013. It also includes various required plans and recommended measures to be implemented by Thayer Nursery.

The Applicant, Thayer Nursery, operates as tenant, at 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. The Landscaping Business will operate primarily on a portion of the Property known as 270 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.

The nursery/agricultural business is a protected pre-existing, non-conforming use that pre-dates the writing of the 1938 Milton 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 Beezer 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 Beezer's death in 1812, 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." (Attached Massachusetts Cultural Resource Information)

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 to Charles Thayer for the set-up and rebuild of an old greenhouse located on the Property. (Attached Town of Milton Tax Records and Building Permit)

In 1963, Robert and Margaret Oldfield purchased the home of Roger Thayer's historic farm site at 270 Hillside Street to grow their business and their family. 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. (Attached 1967 Special Permit) In 1976, The Oldfields purchased an additional contiguous lot at 0 Forest Street. In 1987, The Oldfields purchased the property at 24 Forest Street. The Special Permit was amended by the Zoning Board

of Appeals to allow the new lots to be used in conjunction with the nursery and landscaping business, to allow for the erection of a display room and an office, and to authorize the display and sale of accessory items including garden tools and firewood. (Attached 1987 Special Permit)

(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 Zoning Board of Appeals 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. (Attached 2010 ZBA Decision)

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 and from 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.A. in Business Administration from St. Michael's College; both are Accredited Organic Land Care Professionals (AOLCP.)

2. Definition of Landscape Business Use; Permissible Activities

Thayer Nursery Landscaping Business includes the installation and maintenance of lawns, trees, yards, shrubs, gardens, patios, walls, walkways, drainage systems, and other related outdoor areas which are owned by others. (Attached Definition of Landscaping)

(a) Landscaping Business Services: Thayer Nursery Landscaping has been providing services to off-site clients since 1965. (Attached 1968, 1969 and 1984 Milton Record Transcript advertisements.) Modern-day 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 to enhance the quality of their local living.

(b) Snow Management Services: 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. (Attached 1979 Milton Record Transcript advertisement and Invoices.) 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.

In 2012, Thayer Nursery had in its employ (19) nineteen employees. (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. (Attached Vehicle List and Registration)

Finally, Thayer Nursery received and handled an aggregate volume of bulk agricultural/earth materials. (Attached Agricultural Materials Schedule)

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

Applicants have not applied for a Nursery Permit under Subsection N.

“The Nursery” business is a pre-existing, non-conforming agribusiness that pre-dates the writing of the 1938 Milton Bylaws. The Nursery operates as an as-of-right entity under Massachusetts General Law 40A Section 3 and is protected under state statute. (Attached Definition of Nursery)

Milton Zoning Bylaw, Section III-A-4a, allows agricultural uses as a matter of right on parcels of 5 acres or more.

Milton Zoning Bylaw Section IV A. Earth Materials 5(b): The provisions of said Section IV shall be deemed not to prohibit a nursery from the deposit of clean earth materials on its premises on a temporary basis and from selling such clean earth materials in the course of its business. (Attached Milton Zoning Bylaw)

(a) Nursery/Agricultural/Greenhouse

The Nursery is a horticultural nursery, greenhouse and garden shop that grows, nourishes, maintains, manages plant material, landcare products, garden ornamentation and decorations, Christmas trees and related items, bulk earth and agricultural materials including soil, compost, mulch, sand, stone and firewood for the purpose of selling and planting these products in the regular course of business. Thayer Nursery specializes in growing trees, evergreens, deciduous shrubs, perennials, herbs, groundcovers to a usable size. Thayer Nursery is a modern-day nursery and garden shoppe that sells and installs the most current products and trends in the nursery, garden center and landscaping industry for decorating the landscape, the garden and the patio including but not limited to garden ornamentation, furniture, giftware and seasonal decorating items.

Thayer Nursery receives bulk agricultural and earth materials to the Property that is available for nursery sales. Bulk agricultural and earth materials are available for pick-up from the Property or delivery services are available to off-site home owners. Thayer Nursery began receiving, selling and delivering firewood from its property since 1966. Firewood is a common and accepted product customarily found at nurseries. Nursery customers currently purchase and load small quantities of firewood into personal vehicles by hand or may purchase larger quantities to be loaded into the back of vehicles or into small trailers. (Attached MFB letter, DiLuna Memorandum)

Thayer Nursery's Seasonal Farmers and Artisan Markets 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. (Attached MDAR Law Memos and Letters from the Industry)

(b) Christmas Trees and Holiday Season Sales: Thayer Nursery sells 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 that are grown or fabricated elsewhere. These products are seasonally staged in the fields along the left (north) of the main driveway and to the left of the Garden Shoppe and GreenHouse, as shown on the Plan. The wreaths are staged under and around the Shed, the Lath House and in the LandCare Yard. Christmas trees and holiday season sales shall occur in the Garden Shoppe, the Barn, the Shed, the Green House and the Lath House. Because sales shall occur up until 9:00 pm, outdoor lighting is used. Lights are located on the Existing Plan and the Lighting Plan and shall be directed downward and into the Property so as to avoid light spillage onto abutting properties.

(c) Residential: There are four homes on the Property occupied by members of the Oldfield family.

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.

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 known as 270 Hillside Street, is bounded partially by Hillside and Forest Streets and consists of 5.35 acres of land. Properties known as 217 and 237 Hillside Street consist of 3.69 acres. The Property totals more than 8.5 acres. The Site Plans contains the following:

(a) Existing Conditions Plan

This Application contains an Existing Conditions Plan prepared by DeCelle Burke & Associates. Existing conditions, including existing site topography, buildings, structures, utility services, water and sewer lines, wells, drainage infrastructure, driveways, landscape, natural features and areas of use, are shown on the Site Plan.

(b) Deeds and Leases

Land ownership information has been provided. (Attached)

(c) Wetlands Plan

There are no wetlands on the property. (Attached EcoTech, Inc. report)

(d) Drainage Plan

The Drainage Plan is shown on Sheets 2 and 3 of the Site Plan. All drainage infrastructure shall be constructed and installed as shown on the Site Plan, as specified below, as specified in the letter from DeCelle Burke &

Associates, Inc. dated September 21, 2015 and as confirmed by the Engineering Department of the Town of Milton. (Attached)

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 changes to the Property will significantly improve stormwater management of the site:

1. 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.
2. 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. (Attached Decelle-Burke Engineer Report)

(e) Landscape Plan

The Landscape Plan is shown on Sheets 2 and 3 of the Site Plan.

1. LandCare Yard shall be installed as shown on the Site Plan.
 - (a) Material Bins. Bins shall be installed with sprinklers attached to the corners. The bins shall be set back at least forty-five (45') from the southerly property line as shown and shall be built with stone or concrete blocks or similar materials. The bins along the easterly side of the LandCare Yard shall be set against the concrete base wall of the Wood Barn. These bins shall be thirty-two feet (32') deep, fifteen feet (15') wide and six feet (6') in height. The bins along the westerly side of the LandCare Yard shall be thirty-two feet (32') deep, fifteen feet (15') wide and six feet (6') in height. (Attached Photograph)
 - (b) Surface Materials. Three-quarter inch washed stone shall be installed as a surface material in the LandCare Yard and in front of the Wood Barn as shown on the Site Plan. The surface shall be kept dust-free.
2. Grow-Out Area is shown on Sheet 1 of the Site Plan as "Pavement to be Removed" will be created. Approximately ten thousand (10,000) square feet of impervious surface will be removed and replaced with loam/compost mix. Nursery stock will replace the area that formerly served as the main landscaping activity area. This new grow-out area will reduce the impact of landscaping activity 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. The nursery stock will also capture, retain and reduce dust migration to the abutting properties. The Grow-Out Area shall be irrigated with over-head sprinklers supplemented by hand or tank watering as needed.
3. Fence Structures shall be installed.
 - a. Along the southerly property line (Cashman), an eight-foot (8') high tensile steel fence (SolidLock or similar), with twelve-foot (12') long, six-inch (6") square pressure-treated posts shall be installed 15' setback from the property lines.
 - b. Along the northeast property line (Johenning/Rowe) an eight-foot (8') high tensile steel fence (SolidLock or similar), with twelve-foot (12') long, six-inch (6") square pressure-treated posts with attached two (2) overlapping four-and-a-half foot (4.5') sheets of Trademark Soundproofing 1-Pound Reinforced Mass Loaded Vinyl if available, or if not available an equivalent product,

covering the full eight-foot (8') high fence shall be installed 30' setback from the property lines. The fence will be positioned on a rock wall which will be built up to place the bottom of the fence at elevation of at least one hundred eighty-four feet (184')

- c. Along the northeast property line (Teevens) an eight-foot (8') high tensile steel fence (SolidLock or similar), with twelve-foot (12') long, six-inch (6") square pressure-treated posts with attached two (2) overlapping four-and-a-half foot (4.5') sheets of Trademark Soundproofing 1-Pound Reinforced Mass Loaded Vinyl if available, or if not available an equivalent product, covering the full eight-foot (8') high fence shall be installed approximately 10' setback from the property line as approved by the abutter and the Milton Planning Department.
- d. Three (3) up to ten-foot (10') wide, eight-foot (8') high access gates constructed of high tensile fencing shall be installed. The two gates along the southerly property line will be attached with sound attenuation panels. The gates shall be as shown on the Site Plan. There shall be no gaps between the fence and the gates when closed. Gates shall be kept closed unless access is needed. The fence and sound attenuation materials shall be maintained in good condition and promptly repaired when necessary.

4. Plantings.

Evergreen plants will be sited between the fence and lot lines as shown on the Site Plan. Thirteen (13) Norway Spruces with a height of ten to twelve feet (10'- 12') will be planted approximately sixteen feet (16') feet apart between the lot line with Lot N-12-3A and 3B and the fence and eleven (11) Arborvitae between ten to twelve feet (10' - 12') in height will be planted on the LandCare Yard side of the fence. Eight (8) evergreens will be spot sited and planted along the easterly lot line. These evergreens shall consist of a mix of Arborvitae eight to ten feet (8-10'), White Pine at eight to ten feet (8-10') and Norway Spruce at eight to ten feet (8-10'). Eight (8) additional evergreens of the same size will be spot sited and planted along the property line for Parcel N-12-2 as agreed with the owner of Parcel N-12-2. Supplemental plantings between the lot line for Lot N-12-7 and the fence of rhododendron and/or mountain laurel or other natives will be added to provide denser screening. Plantings shall be maintained in good condition. Insofar as possible plantings shall help mitigate dust and noise as well as present an attractive visual appearance.

(f) Operations

1. Areas for Operations at 270 Hillside Street and 0 and 24 Forest Street are shown on the Site Plan and are described in various paragraphs of this narrative. Operations shall be concentrated in the LandCare Yard, the area in front of the Wood Barn and in the Wood Barn as shown on Sheet 2. Operations at 217-237 Hillside Street are shown on Sheet 4. Composting may be conducted in the area shown. Nursery stock shall be grown in the areas shown, and there shall be deliveries of nursery stock to the site. Pallets of stone and storage of boulders, certain non-hazardous, organic, noncompostable material removed from landscaping sites shall be stored on site.
2. Hours of operation are specified in the Activity Chart. (Attached) If equipment use is needed 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.
3. Rules for on-site vehicular movements, loading, and deliveries at 270 Hillside Street and 0 and 24 Forest Street are specified below in *Paragraph 5(e), On-site Traffic; Loading; Deliveries*. Driveways shall not be located within fifteen feet (15') of the lot lines of abutting owners. The principal loading area is the LandCare Yard, the Wood Barn and the area in front of the Wood Barn. No loading area shall be located within thirty feet (30') of any lot line.

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. 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.

4. A standard set of delivery directions will be provided to all suppliers. 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. (Attached)
5. Bulk Agricultural/Earth Materials: All bulk agricultural/earth materials, including soils, composts, mulch and firewood, shall be properly stored in three-sided bins that will be set back approximately 40' feet from the southerly lot line shown on the Plan or in The Wood Barn. 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. 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. (Attached Bulk Agricultural/Clean Earth Materials Chart)

The delivery rates assume a 40 week long season (excluding firewood – 52 weeks) for the receipt and distribution of these materials and assume 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, 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.

6. 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. (Attached Sprinkler Photograph)
7. The beds of the Landscape Business 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. (Attached)

8. 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. To the extent 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 Plan is shown on the Site 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.

The customer requirement for the Landscape Business 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. 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. (Attached ITE Parking Report)

(h) Building Plans

The Building Plan is shown on the Site Plan. The closest building to any lot line is Dry Storage 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 a flex space used as needed to display seasonally appropriate and

accessory garden products customarily sold at nurseries including fertilizers, insect and fungus controls, peat moss and other bagged products or additional office space.

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. The bins shall be made of concrete block. The 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 bins along the Oldfield property shall be 30' deep and 15' wide and will 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 of Thayer Nursery. Thayer Nursery seeks a Special Permit to reintroduce its Landscaping Business, the Delivery of Firewood, and Snow Management Services from the Property.

1. **Nursery:** Nursery activities consist of a retail nursery and garden shoppe that sells to the general public, to other nurseries, to commercial gardeners and landscapers, and to institutions. Thayer Nursery activities include the growing, nourishing, maintaining and managing of plant material, the sale of composts, soils, mulches, stone, masonry products, tools and equipment that are needed for tending after a garden or landscape, as well as other provisions needed for decorating the garden and landscape such as garden

ornamentation, furniture, giftware and holiday decorating items. Mulch, soil, compost, stone are common and accepted products customarily sold at nurseries for pick-up and delivery. Nursery customers shall purchase and load small quantities of bulk material into personal vehicles by hand or may purchase larger quantities to be loaded into the back of their truck or small trailer. In addition, Thayer Nursery shall deliver the agricultural/clean earthen materials at the homes of their off-site clients so as to be installed by the client or by their representative. An agricultural use is defined in and shall be conducted in accordance with Massachusetts General Law 128 S1(a), and 40A S3. The Nursery operates year-round with the primary months being April thru December. Nursery Sales typically occur in the Garden Shoppe, the Barn, the Shed, the Wood Barn and the growing fields.

2. Christmas Trees and Holiday Season Sales: In accordance with Milton Bylaw Section III A 7d, Thayer Nursery sells Christmas and Holiday items that include trees, wreaths, greenery, flowers, giftware and other seasonally appropriate holiday decorating items. These holiday materials are typically loaded into clients personal vehicles by hand. The sale of Christmas and Holiday traditionally occur from the last Friday before Thanksgiving Day to the following January 1. These sales are staged around the Shed, under the Lath House and around the Garden Shoppe. Christmas and Holiday Season is typically Thanksgiving thru December.
3. Firewood Sales: Firewood is a common and accepted product customarily sold at nurseries for pick-up, delivery. Nursery customers shall purchase and load small quantities of firewood into personal vehicles by hand or may purchase larger quantities to be loaded into the back of their truck or small trailer. In addition, Thayer Nursery shall deliver and dump firewood at the homes of their off-site clients. Firewood is loaded into Thayer Nursery trucks and is brought to the client's offsite location. Firewood is sold primarily September thru March. Firewood is shall be stored in the Wood Barn. Firewood sales shall occur year-round with concentrated activity in September thru February.
4. Landscaping Business Services: Landscaping Business Services include the designing, installation, construction and maintenance of trees, shrubs, sod, seed, loam, mulch and related materials such as stone, stone dust, gravel, pavers, landscape ornamentation, timbers and related materials that are needed to implement a full and complete landscape design for off-site properties owned by others to enhance the quality of their local living. These services occur off the Property at the clients homes. Typically, LandCare professionals prepare for their day in the morning by loading up any necessary plant material, bulk agricultural products and machinery needed for the project of the day. They then head offsite to design and install the project. At the end of the day, the LandCare professionals return to the Property, off-load any unused materials, unload and clean up tools and equipment. If time allows, preparation for the next day is started. These services are customarily provided seasonally from March through December and will be staged within in the LandCare Yard. The landscaping season is typically March thru November.
5. Snow Management Service Plan: Thayer Nursery provides snow and ice services off-site, for municipal, institutional, business and residential customers. Snow services shall operate seasonally and as necessary to meet the snow and ice conditions. Typically, the snow service season is from December thru February. As much as possible, the equipment in use for snow plow services will be prepared, equipped and stored in the Wood Barn prior to and after use.

(j) Mitigation Plan

Thayer Nursery proposes the following measures to mitigate the impact of its Landscaping Business:

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: Along the Southeast Property Line (Cashman) a 8' tall high-tensile steel fence with twelve foot long 5" round pressure treated posts shall be installed and setback 15' from the property line. It will start approximately 25' in from Forest Street (after the rock out-cropping) and it will run approximately 425 lineal feet to the northeast corner of the Property (corner of Cashman and Teevens properties.)

Evergreen plant material will be planted on both sides to soften the appearance of the fence and to create a noise, dust and odor buffer at heights above 9'. (13) 10-12' Norway Spruces will be planted approximately (16') sixteen feet apart on the abutter's property, (11) 10-12' Arborvitae will be planted on the LandCare Yard side of the fence. The average height of Thayer Nursery's equipment is (9'.) This new natural evergreen buffer will be taller than the proposed fence. Loading and unloading of trucks shall take place (30') forty feet setback from the property line.

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: 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.

Along the Northeast Property Line of the Teevens an (8') tall high-tensile steel fence with twelve foot long (5") round pressure treated posts with attached 6' high x 30' wide sound attenuation panels setback approximately 10' from the property line shall run approximately 64 lineal feet to the property line of Johenning/Rowe.

Along the Northeast Property Line of Johenning/Rowe an (8') tall high-tensile steel fence with twelve foot long (5") round pressure treated posts with attached 6' high x 30' wide sound attenuation panels setback approximately 30' from the property line shall run approximately 140 lineal feet to the existing fence post. The fence will sit above a rock wall so that it 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.

There will be two 10' wide access gates constructed of high tensile fencing with attached sound attenuation panels. One shall be located on the rear of the southeast property line approximate to the left of the existing willow tree. The second one shall be located on the northeast property line approximate to the Johenning/Rowe and Teevens property line. (Attached Sound Attenuation Information and Stone Wall Construction Detail)

4. Easterly Lot Line - Approximately (8) eight evergreens shall be spot sited and planted along the easterly lot line (Cole) to increase the density of the existing established berm. These evergreens shall consist of a mix of Arborvitae (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.

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. 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. (Attached Photos of Light Fixtures)

The Photometric Lighting Plan demonstrates that foot candle effect of each dissipates substantially before the light leaves the premises. (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.

(1) Street Improvement Plan

Any damage to the portions of Forest and Hillside Streets abutting or opposite the Property and/or their shoulders by Thayer Nursery vehicles or by trucks making deliveries to or from the Property will be repaired and restored in a timely manner. In particular, Thayer Nursery 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. 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. (Photos Attached)

(n) List of Vehicles

The equipment owned by Thayer Nursery 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 trucks will be in compliance with Mass General Law Chapter 90 Section 16A.

(o) Rules

1. Landscape Business 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

Thayer Nursery has sold firewood from the premises since 1966. 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. In particular, some states restrict trucks from leaving the supplier's yard before 7:00 am. 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. (Attached Delivery Schedule)

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. 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. 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.

Firewood is sold in two main ways; for pick-up by drive-in clients or delivered to off-site clients. Pick-up clients pull into the Wood Barn and their vehicles are either loaded by hand or machine. Most amounts sold are small and fit in personal vehicles. The second is by delivery. Thayer Nursery delivers in its own dump trucks. Thayer Nursery proposes to mitigate the loading noise by installing $\frac{3}{4}$ ” thick, tough rubber matting in its delivery truck beds, similar to that found in weight rooms, hockey rinks, etc.

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

(q) Snow Management Services Plan

Thayer Nursery operates snow and ice management services to residential, commercial and municipal clients. 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

Hours of Operation. The hours of the sales office shall be 7:00 am-6:00 pm Monday through Saturday and 9:00 am-6:00 pm on Sunday.

Record-keeping. Thayer Nursery shall maintain records supporting the requirements in this Special Permit which limit various activities to the 2012 levels, and shall make such records available for review. The landscaping season is typically March thru November.

(s) Christmas Trees and Holiday Materials Plan

Not applicable – Applicants have not applied to sell Christmas Trees and Holiday Materials under Subsection N.

5. Requirements for a Landscaping Business

(a) Storage, Loading and Unloading of Materials

All bulk agricultural/earth materials (except those at 217 and 237 Hillside) 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. 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 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 Permit and State Fire Marshall Letter)

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

Maggie Oldfield of 237 Hillside Street, Milton 774-259-5554

(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.

(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. Thayer Nursery trucks will be in compliance with Mass General Law Chapter 90 Section 16A. Loading of the Landscape Business 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. Incoming deliveries shall be scheduled to occur Monday – Friday between the hours of 9:00 am and 2:00 pm. 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. (Attached Delivery Schedule)

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. Thayer Nursery receives deliveries of materials on a seasonal basis, as described on the attached Delivery Schedule. 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 evergreen buffer 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 cleaned and changed out at regular intervals to ensure that there will be minimal emission of dust or odors.