



Select Board

Meeting Packet

September 5, 2023

TOwN OF MILTON

DEPARTMENT OF PUBLIC WORKS

.629 RANDOLPH AVENUE

MILTON, MA 02186 -

WWW.townofmilton.org

CHASE P. BERKELEY, P.E.

Director of Public Works

MARINA FERNANDES, P.E.

Town Engineer

THOMAS MOOARHY

Assistant Director of Public Works

JOHN CALABRO

Manager of Wires and Maintenance

TIMOTHY INACIO

Civil Engineer

ALLAN BISHOP, GISP

Engineering Department/GIS

ERICA DeDONATO

Environmental Coordinator

KATHLEEN MBOWEN

Senior Administrative Clerk - Conservation

June 22, 2021

Re: 25% Design Plan Review
Randolph Avenue and Chickatawbut Road Intersection

To Milton Select Board:

The Public Works Department has reviewed the MassDOT 25% highway design plans for intersection improvements proposed at Randolph Avenue (Route 28) and Chickatawbut Road dated 05/05/2020. The following are general comments to the design:

Jurisdiction

Randolph Avenue (Route 28) and Chickatawbut Road are not under the care and control of the Town of Milton. Randolph Avenue is owned by MassDOT and Chickatawbut Road is owned by the DCR. The Town does own several utilities: Water, Sewer, and Street Lights along the Route 28 corridor as well as numerous intersecting streets in the vicinity. The focus of the DPW's comments on this project will be related to utility coordination.

Traffic Volume

This intersection is historically known for excessive queuing during peak commuting hours. Of particular concern is the queuing that occurs during the evening commute in the southbound direction along Randolph Avenue due to a two-to-one lane merge south of the intersection near the Milton/Quincy boundary. This queue historically extends through and well beyond the project intersection. There is concern about what effect this queuing will have with the new roundabout configuration and its intended operation.

Water Distribution System

The Town's water distribution infrastructure within the project limits was installed in the 1930s. This portion of the Town's system plays a critical role to the High-Pressure Service Area by providing connectivity to the Chickatawbut water tank which is in close proximity. The DPW requests replacement of all of the water main piping within the project limits during the project given its age, criticality, and the potential for disturbance due to the substantial heavy construction associated with the project. The DPW also requests that special contract provision be included to ensure water supply is fully maintained during this project.

Sewer System

The plans call for the removal of the public sewer as it relates to the removal of the single-family house at 1282 Randolph Avenue. The Department requests a coordination meeting with the Design Engineer to review options for maintaining the public sewer in place.

Storm Drainage

The Town does not own or maintain the storm drain collection systems in Randolph Avenue or Chickatawbut Road; however, these systems connect to receiving waters within the Town's jurisdiction. All applicable State and Federal stormwater permit requirements should be met.

Sincerely,
Town of Milton



Chase P. Berkeley, P.
Director of Public Works



COMMONWEALTH OF MASSACHUSETTS
TOWN OF MILTON
OFFICE OF SELECT BOARD
525 CANTON AVENUE, MILTON, MA 02186

NICHOLAS MILANO
TOWN ADMINISTRATOR
TEL 617-898-4845

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SELECT BOARD
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CHAIR
MICHAEL F. ZULLAS
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ERIN G. BRADLEY
MEMBER
ROXANNE MUSTO
MEMBER

November 7, 2022

Jamey L. Tesler
Secretary and Chief Executive Officer
Massachusetts Department of Transportation
10 Park Plaza, Suite 4160
Boston, MA 02116

Dear Secretary Tesler -

On behalf of the Town of Milton, we thank you for the opportunity to submit these comments to the Massachusetts Department of Transportation (“MassDOT”) regarding the Route 28 at Chickatawbut Road Intersections Improvement Project (Project File No. 607342). Thank you for your continued attention to this intersection which is consistently rated as one of the most dangerous in the Commonwealth. We are hopeful that MassDOT will listen and consider the numerous public comments made at the Design Public Hearing on October 27, 2022 regarding concerns about the proposed roundabout design.

After participating in and viewing the presentation made by MassDOT and its design engineer, Howard Stein Hudson, on October 27, 2022 as well as discussing the proposed project at our Select Board meeting on November 1, 2022, we have the following concerns:

- Need for specific responsiveness to community input and concerns;
- Lack of analysis of the potential impact to the Route 28 corridor after the project is completed;
- Lack of an interim solution to improve safety immediately;
- Lack of a detailed analysis of alternative designs, such as a signalized intersection with dedicated left hand turn lanes.

At the Design Public Hearing on October 27, 2022, MassDOT’s presentation noted that the previous public information meeting was held in Summer 2019, but there were subsequently no additional public meetings to solicit further input, provide project updates, or respond to concerns raised by the Milton community. It was at the Design Public Hearing on October 27, three years after the last public meeting, that MassDOT formally presented a design and solicited comments on a pre-determined solution. A public planning process that values community engagement does not go three years between public meetings.

We are requesting that MassDOT engage with the Milton community by scheduling additional public meetings and that MassDOT be responsive to the numerous concerns raised, such as: queueing that prevents residents from entering and exiting side streets and driveways, speeding and unsafe vehicular travel along the Route 28 corridor, impacts to streets such as Hillside Avenue due to increased vehicle volume, as MassDOT anticipates and noted in the Design Public Hearing, and alternative designs for the intersection.

We are grateful for the efforts of the Boston Metropolitan Planning Organization's Central Transportation Planning Staff's Route 28 Priority Corridor Study which identified the numerous challenges residents face daily on Route 28, whether congestion during peak travel times or unsafe vehicular traffic due to speeding. MassDOT's focus on this singular intersection means that the rest of the corridor is being ignored and improvements are further delayed. In addition, by focusing only on this intersection, MassDOT is not fully evaluating impacts of the roundabout design along the entire corridor and those impacts are not fully understood. We are requesting that MassDOT more fully evaluate how the roundabout will impact the Route 28 corridor and compare those impacts to an alternative design of a signalized intersection with dedicated left hand turn lanes.

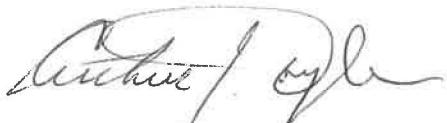
We also note that the Route 28 Priority Corridor Study identified numerous short-term improvements. The study states that the recommended short-term improvements "are usually low cost, relatively uncomplicated and inexpensive to implement, and require minimal design efforts." We request that MassDOT review the Route 28 Priority Corridor Study, as well as the 2016 Road Safety Audit, and provide an update to the Town within 30 days on progress towards implementing the short-term improvements and next steps for long-term improvements, such as the modernization and coordination of traffic signals, for the full corridor. The Town is ready to collaborate on short-term improvements where the Town's right of ways are impacted.

MassDOT's failure to implement short-term improvements as well as make progress towards planning and design for long-term improvements is related to our concern that the roundabout proposal (or an alternative design) does nothing to improve safety in the intersection in the meantime. With 18 to 24 months before a project would start and a long project schedule, MassDOT needs to make immediate improvements to increase safety at the Route 28/Chickatawbut intersection.

Lastly, the Town seeks to better understand alternative designs, such as a signalized intersection with dedicated left hand turn lanes, and how they may compare to the proposed roundabout. While some information was shared at the Design Public Hearing on October 27, it was not clear that MassDOT fully evaluated alternatives. We are requesting that MassDOT share more information about alternatives with the Milton community. We ask that MassDOT more fully evaluate, in a timely basis, how alternative designs might affect traffic congestion, travel times, and safety and conduct additional public meetings to review these potential alternative designs. We also note the concerns raised by residents about whether the roundabout would, in fact, increase safety for pedestrians and bicyclists because of the lack of dedicated signals for safe crossing on foot or by bike.

Thank you for considering the Town's comments and expectations. We agree that the intersection needs to be redesigned to prioritize safety and reduce congestion. We look forward to discussing it with you further. Please do not hesitate to contact Town Administrator Nicholas Milano (nmilano@townofmilton.org) with any questions or for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur J. Doyle".

Arthur J. Doyle, Chair on behalf of the Milton Select Board:

Michael F. Zullas, Vice Chair

Richard G. Wells, Jr., Secretary

Erin G. Bradley, Member

Roxanne Musto, Member

CC:

Senator Walter F. Timilty

Representative William J. Driscoll, Jr.

Representative Brandy Fluker Oakley



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Gina Fiandaca, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



February 6th, 2023

Subject: Milton - Intersection Improvements at Route 28 (Randolph Avenue) & Chickatawbut Road
Project File No. 607342

Nicholas Milano, Town Administrator
Milton Select Board
nmilano@townofmilton.org

Dear Mr. Milano and Milton Select Board,

I am writing to provide you with responses to the comments you submitted following the Design Public Hearing on October 27th, 2022 regarding the Intersection Improvements at Route 28 (Randolph Avenue) & Chickatawbut Road in the Town of Milton. Your comments and specific responses to the comments are provided below.

1. Comment - At the Design Public Hearing on October 27, 2022, MassDOT's presentation noted that the previous public information meeting was held in Summer 2019, but there were subsequently no additional public meetings to solicit further input, provide project updates, or respond to concerns raised by the Milton community. It was at the Design Public Hearing on October 27, three years after the last public meeting, that MassDOT formally presented a design and solicited comments on a pre-determined solution. A public planning process that values community engagement does not go three years between public meetings. We are requesting that MassDOT engage with the Milton community by scheduling additional public meetings and that MassDOT be responsive to the numerous concerns raised, such as: queueing that prevents residents from entering and exiting side streets and driveways, speeding and unsafe vehicular travel along the Route 28 corridor, impacts to streets such as Hillside Avenue due to increased vehicle volume, as MassDOT anticipates and noted in the Design Public Hearing, and alternative designs for the intersection.

Response – The design development, project development process, and agency coordination drove the timeline for public engagement on the project.

MassDOT held initial kick off and coordination meetings with Town of Milton to coordinate the project development and proposed solutions. In March 2019, a meeting was held with MassDOT, Town of Milton, the State Representative, and the Milton Select Board Chair staff to discuss the intersection alternatives under development which presented multiple traffic signal concepts and a roundabout concept design. At this time comments

were made in support of the roundabout with specific comments to certain aspects of the design.

Following this coordination meeting, the Public Information Meeting was held in July 2019 which presented a signalized intersection alternative with left-turn lanes and a roundabout alternative. The presentation presented traffic and safety impacts of both options and walked through why the roundabout was the preferred alternative. Following the significant feedback heard at the initial Public Information Meeting, MassDOT also presented to the Milton Select Board on September 11, 2019, prior to advancing into design of the roundabout. These initial meetings to the public and Select Board presented detailed information regarding the intersection alternatives of the traffic signal with left-turn lanes and the proposed roundabout and presented conceptual designs for each.

Following these meetings, design development with MassDOT and DCR drove the schedule for the design public hearing to ensure that the design was context-sensitive to the critical environmental areas surrounding the intersection. At this time, MassDOT provided the 25% design to the Town of Milton engineering and DPW and received written comments prior to advancing to the Design Public Hearing held in Fall 2022.

MassDOT has listened to the concerns voiced from the public regarding the proposed intersection design and corridor concerns outside of the intersection design project limits. MassDOT has engaged the Town and public in the project development process since the alternative analysis. While there has been significant concern and skepticism voiced from the public regarding the roundabout, it has remained the preferred alternative for design due to the safety benefits it is expected to provide for the intersection. It is understood that there are additional safety concerns beyond these project limits along the Route 28 corridor, however the intersection of Randolph Avenue at Chickatawbut Road has consistently ranked as a Top 10 crash location within the state and is therefore prioritized for safety improvements. The intersection project is funded by the Highway Safety Improvement Program (HSIP) and MassDOT is therefore responsible for prioritizing the intersection design which provides the greatest safety benefits. The proposed roundabout design meets the project goals to improve safety and mobility through the intersection and reducing vehicle speeds.

In response to requests to expand the study area to the full corridor, MassDOT is committed to performing further analysis to evaluate potential for interim corridor improvements, separate from the Randolph Avenue (Route 28) and Chickatawbut Road intersection project.

2. Comment - We are grateful for the efforts of the Boston Metropolitan Planning Organization's Central Transportation Planning Staff's Route 28 Priority Corridor Study which identified the numerous challenges residents face daily on Route 28, whether congestion during peak travel times or unsafe vehicular traffic due to speeding. MassDOT's focus on this singular intersection means that the rest of the corridor is being ignored and improvements are further delayed. In addition, by focusing only on this intersection, MassDOT is not fully evaluating impacts of the roundabout design along the entire corridor and those impacts are not fully understood. We are requesting that MassDOT more fully evaluate how the roundabout will impact the Route 28 corridor and compare those impacts to an alternative design of a signalized intersection with dedicated left hand turn lanes. We also note that the Route 28 Priority Corridor Study identified numerous short-term improvements. The study states that the recommended short-term improvements "are usually low cost, relatively uncomplicated and inexpensive to implement, and require minimal design efforts." We request that MassDOT review the Route 28 Priority Corridor Study, as well as the 2016 Road Safety Audit, and provide an update to the Town within 30 days on progress towards implementing the short-term improvements and next steps for long-term improvements, such as the modernization and coordination of traffic signals, for the full corridor. The Town is ready to collaborate on short-term improvements where the Town's right of ways are impacted.

Response – In response to requests to expand the study area to the full corridor, MassDOT is committed to performing further analysis to evaluate potential for interim corridor improvements, separate from the Randolph Avenue and Chickatawbut Road intersection project. Given the safety impact of this project and the pressing need for safety improvements at the Randolph Avenue at Chickatawbut Road Intersection Improvement Project, the intersection project would not be delayed to implement full corridor improvements. MassDOT will collaborate with the Town of Milton within the larger corridor analysis where Town jurisdiction is involved. The traffic volumes along Randolph Avenue are higher than typically recommended for a full road diet and the Boston MPO CTPS corridor study did not recommend a preferred alternative. Therefore, additional engineering analysis would be required prior to implementing corridor changes along Randolph Avenue.

3. Comment - MassDOT's failure to implement short-term improvements as well as make progress towards planning and design for long-term improvements is related to our concern that the roundabout proposal (or an alternative design) does nothing to improve safety in the intersection in the meantime. With 18 to 24 months before a project would start and a long project schedule, MassDOT needs to make immediate improvements to increase safety at the Route 28/Chickatawbut intersection.

Response – There were number of short-term improvements suggested in the 2016 RSA and 2021 Boston Region MPO study, five of which have been implemented. They were restriping pavement markings, installing advance lane usage signs at Randolph Avenue and Reedsdale Road intersection, providing double left-turn lane at Redesdale Road intersection, installing speed feedback signs, and replacing incandescent stop sign ahead sign with an LED stop sign ahead sign. Currently MassDOT is reviewing additional short-term improvements for implementation.

4. Comment - Lastly, the Town seeks to better understand alternative designs, such as a signalized intersection with dedicated left hand turn lanes, and how they may compare to the proposed roundabout. While some information was shared at the Design Public Hearing on October 27, it was not clear that MassDOT fully evaluated alternatives. We are requesting that MassDOT share more information about alternatives with the Milton community. We ask that MassDOT more fully evaluate, in a timely basis, how alternative designs might affect traffic congestion, travel times, and safety and conduct additional public meetings to review these potential alternative designs. We also note the concerns raised by residents about whether the roundabout would, in fact, increase safety for pedestrians and bicyclists because of the lack of dedicated signals for safe crossing on foot or by bike.

Response – MassDOT evaluated signalized intersection alternatives with left-turn lanes and the roundabout alternative for traffic and safety impacts prior to recommending and proceeding with a preferred alternative. An independent safety analysis was performed at Highway Safety Improvement Program (HSIP) high crash locations throughout the district which provided the predictive safety analysis following methodology within the Highway Safety Manual of the signalized and roundabout alternatives, the results of which were presented at the initial intersection alternatives meetings held for the public and Milton Select Board.

The MassDOT project website, (<https://www.mass.gov/randolph-ave-rt-28chickatawbut-intersection-improvement-project>), provides the presentation made to the public in July 2019 under the “Document & meeting materials” page. Additionally, the Milton Select Board presentation given on September 11, 2019 is also provided with this response.

While we have heard to concerns voiced by the public and residents' that the roundabout will worsen safety for pedestrians and cyclists using the intersection, the safety data presented within the Highway Safety Manual and MassDOT's Safety Alternative Analysis Guide does not support the claim that a roundabout will worsen safety for pedestrians and bicyclists. The project

proposes to provide a shared use path along the intersection approaches with well-marked crosswalks, Rectangular Rapid Flashing Beacons (RRFBs), and splitter islands to provide safe and accessible crossing opportunities at the intersection. The MassDOT crash modification factor for converting a signalized intersection into a modern roundabout shows a crash reduction for fatal and injury and property damage only crashes across travel modes.

Should you have any further questions or comments regarding this project, please feel free to contact the Project Manager, Josh Bartus, at (617) 620-3705 or by email at Joshua.bartus@state.ma.us.

Sincerely,



Michael J. O'Dowd,
Director of Major Projects

MJO/jdb

cc: Erin Kinahan, P.E., District 6 Project Development Engineer
 Chase Berkeley, P.E., Milton DPW Director
 File



TOWN ADMINISTRATOR
NICHOLAS MILANO
TEL 617-898-4845

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SELECT BOARD

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CHAIR

ERIN G. BRADLEY,
VICE CHAIR

ROXANNE MUSTO,
SECRETARY

RICHARD G. WELLS, JR.,
MEMBER

BENJAMIN ZOLL
MEMBER

July 6, 2023

Gina Fiandaca
Secretary and Chief Executive Officer
Massachusetts Department of Transportation
10 Park Plaza, Suite 4160
Boston, MA 02116

Dear Secretary Fiandaca,

On behalf of the Milton Select Board, we thank you for the opportunity to provide further feedback and comments regarding the project at the intersection of Route 28 (Randolph Avenue) and Chickatawbut Road in Milton.

We would like to thank Josh Bartus and Steven Tyler and Jessica Lizza from Howard Stein Hudson ("HSH") for joining the Milton Select Board meeting on June 27, 2023, to provide a project update and answer questions related to the current design. Mr. Bartus informed the Select Board that the Massachusetts Department of Transportation ("MassDOT") has continued progress towards 100% design and is preparing various submittals for permitting and land acquisition.

Based on the information we have received to date, it is not likely that construction on the roundabout would begin within the next year, and perhaps much longer than that. Despite acknowledging the immediate danger this intersection poses as one of the state's top crash locations, and despite our repeated requests, MassDOT has not brought forward material improvements that could be implemented prior to the reconstruction project.

We believe that it is critically important, and we ask again, that MassDOT make immediate material changes to improve safety at this intersection by implementing all available alternatives, including but not limited to changing signal timing, incorporating left-hand turn signals, and leveling the incline of the road approaching the intersection from the south.

Mr. Bartus and the representatives from HSH also informed the Select Board that MassDOT has engaged HSH for a corridor traffic study to determine short-term and medium-term safety and mobility improvements, analyze alternatives in MPO Route 28 Corridor Study, and conduct road safety audits at the intersection of Route 28 at Reedsdale and Route 28 at Hallen Avenue. It will include the development of conceptual sketches and planning level

cost estimates for up to 3 corridor alternatives and alternative control strategies at up to 5 critical study area intersections will be explored at the concept level.

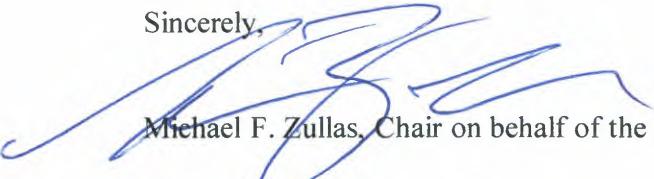
We are grateful that MassDOT is moving forward on a corridor traffic study. The lack of solutions and alternatives for the Route 28 corridor has been one of our main concerns for this project and the Town has requested that MassDOT address both speeding and traffic volume issues on Route 28. However, we believe it is more prudent to complete a corridor study prior to completing design or constructing the roundabout. Such a change in traffic conditions will have impacts throughout the Route 28 Corridor and changes should be looked at holistically rather than as separate, independent projects.

In order for MassDOT to better understand the concerns of local residents and for us to better understand how the project fits with the needs of those who live near and travel on that road, we request that MassDOT schedule a site meeting and that MassDOT provide detailed traffic report information regarding the alternative options for the Route 28 and Chickatawbut Road intersection.

At this time, the Select Board cannot support the final roundabout design and is asking that MassDOT pause its design and permitting work on the proposed roundabout design until additional traffic report information is shared with the Town and until the completion of the Route 28 Corridor Traffic Study.

Again, thank you for your attention to our questions and concerns. If you have any questions or need any additional information, please do not hesitate to contact Town Administrator Nicholas Milano at nmilano@townofmilton.org.

Sincerely,



Michael F. Zullas, Chair on behalf of the Milton Select Board:

Erin G. Bradley, Vice-Chair
Roxanne Musto, Secretary
Richard G. Wells, Jr., Member
Benjamin Zoll, Member

CC:

Senator Walter F. Timilty
Representative William J. Driscoll
Representative Brandy Fluker Oakley



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Gina Fiandaca, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



August 15, 2023

Subject: **Milton** - Intersection Improvements at Route 28 (Randolph Avenue) & Chickatawbut Road
Project File No. 607342

Milton Select Board
nmilano@townofmilton.org

Dear Members of the Board:

Thank you for your letter regarding the design project at Route 28 and Chickatawbut Road in Milton. This project is in the 75% design phase and is programmed to receive construction funding through the 2023 Transportation Improvement Program utilizing Highway Safety Improvement Program funding. This requires that the project be advertised for construction by September 2023. This design project will provide needed safety improvements to the intersection by reducing vehicular accidents, improving pedestrian and bicycle accommodations, and reducing vehicular speeds in the vicinity of the roundabout at a top crash location.

However, as the ongoing design progresses, MassDOT will keep the community informed and involved in the development of the project and the ongoing Corridor Study by the design Team, not limited to active participation in the Roadway Safety Audits (RSAs) as well as sharing or findings and recommendations as they pertain to the project at hand and to the corridor overall.

MassDOT has considered options to provide short-term left-turn signals. However, the options to provide these in the short-term within the existing footprint of the roadway are not feasible based on the existing corridor demand. Additionally, leveling the incline of the roadway approach to the intersection from the south is beyond the scope of this project and would require more significant construction and funding than what can be accomplished within a short-term project. It would also adversely impact the adjacent Department of Conservation and Recreation parkland, which would require Article 97 and regulated habitat impacts.

Although I understand that Former Secretary Tesler participated in a site walk with Milton staff and officials in Fall 2022, I have forwarded your request for an additional site walk to the relevant parties.

I appreciate your interest in this important project. Should you have any further questions or comments, please feel free to contact the Project Manager, Josh Bartus, by email at Joshua.bartus@state.ma.us.

Sincerely,



Michael J. O'Dowd, P.E.
Director of Major Projects

MJO/jdb

cc: Erin Kinahan, P.E., District 6 Project Development Engineer
 Chase Berkeley, P.E., Milton DPW Director
 File

TOWN OF MILTON, MASSACHUSETTS

AMBULANCE SERVICE AGREEMENT

This Agreement ("Agreement") is made effective _____, by and between Coastal EMS, LLC ("Coastal") and the Town of Milton 525 Canton Ave, Milton, Massachusetts, 02186 ("Town"). Ambulance services are to be provided in accordance with the terms and conditions of this contract.

The agreement period is from September _____, 2023 to September 30, 2026, with the option to extend for two (2) additional one-year periods.

A. SERVICE DELIVERY

The service level required is Advanced Life Support. Ambulances and staffing will be as follows:

1. Coastal will staff Ambulances at the ALS (Paramedic/Basic) level and will deploy:
 - a. Two (2) ALS Ambulances, staffed twenty-four (24) hours per day, seven (7) days per week, three hundred sixty five (365) days per year, dedicated to the Town of Milton.
 - b. In addition, Coastal will staff one (1) ALS Ambulance (10) ten hours per day (on a Monday through Friday basis) from the hours of 0900 to 1900, unless otherwise agreed to, in writing, by both parties. This Ambulance shall be used to support Milton and the immediate surrounding communities and the Heath Care institutions within those surrounding communities. When in service and available the daytime ambulance shall be the first unit to be dispatched to any request from Milton Hospital.
2. Coastal and the Town agree to meet Quarterly to allow for an evaluation of the agreed upon ambulance deployment requirements and adjust the EMS system deployment, if mutually agreed upon. Such changes can include staffing requirements of the dedicated ambulances, hours of operation, a regional model, cost associated with utilization of Milton Firefighters driving ambulances and level of service the ambulances are staffed at; to include BLS, Paramedic/Basic, and Paramedic units.
3. Coastal shall maintain a fleet of ambulances that meet Federal Ambulance Specifications with amendments to be available to the Town of Milton. Said Ambulance shall be staffed at a minimum all times with personnel that are licensed to do ambulance work in

accordance with General Laws, Chapter 111C, and the rules and regulations established there under. The vehicle must be operated and maintained with all equipment and supplies required by OEMS in accordance with Chapter 111C, and the rules and regulations established there under. Once any backup ambulance arrives in Milton, this back-up ambulance shall be required to maintain the same response time to the scene as the two primary ambulances. This back-up ambulance shall be maintained by Coastal rather than through a mutual aid agreement. Unless there are extenuating circumstances, as agreed upon by the Town and Coastal, the maximum available response time for the arrival of the back-up ambulance in the Town shall be fifteen (15) minutes. If such extenuating circumstances arise, Coastal must notify the Town in writing within twenty- four (24) hours. Whenever an ALS ambulance is available for backup, Coastal will ensure that said ALS ambulance is dispatched; and if Coastal cannot fulfill said request with one of its ALS units, Coastal will immediately dispatch: one of their BLS ambulances or activate Mutual Aid agreements with surrounding communities, outside ambulance companies or agencies in order to meet all specified response time criteria.

4. All vehicles utilized at the BLS level must have semi-automatic defibrillators on board and be staffed with EMTs at the D-Fib Level. Coastal may use BLS ambulances and staffing for special event coverage with permission of the Town.
5. All vehicles utilized by Coastal must be properly insured and registered and must display a valid motor vehicle inspection sticker and Massachusetts Ambulance Regulations sticker during the life of the Agreement.
6. Coastal shall maintain mutual aid agreements with other ambulance services. Such mutual aid agreements will provide additional back-up response including response to a mass casualty or disaster occurrence. Any changes to these agreements shall be submitted to the Town of Milton for its review to ensure that the same criteria and standards of service for the primary and first back-up vehicles are met by the responding vehicles through mutual aid agreements.
7. Coastal shall respond to any and all calls for service which will be transmitted to Coastal by the Town of Milton's Emergency Communications Center. The terms of this agreement shall extend to only those responses which Coastal makes within the Town of Milton. Coastal will respond to emergency ambulance calls made directly to the company by the public within the Town of Milton. Coastal will make immediate notification to the Milton Emergency Communications Center of any on-site calls for

emergency medical services and/or calls received directly by Coastal for emergency services within the Town of Milton.

8. Coastal will provide, if requested, Emergency Medical Dispatch (EMD) to the Town. Coastal and the Town will follow established protocols for phone transfer and call processing related to 9-1-1 and PSAP cases. Both parties agree to discuss costs prior to implementation.
9. It is agreed that in no case shall Coastal be considered the agent or the employee of the Town of Milton in performing services, as the Town of Milton is not providing said service, and the contract relationship is between Coastal and the recipient of said service.
10. Coastal agrees to hold the Town of Milton harmless from any and all claims, settlements, lawsuits or litigation which may arise from its performance under this Agreement, the operation of its motor vehicles, its contract with its employees, or damage to any motor vehicles caused while operating under Agreement, and Coastal also agrees to indemnify the Town from any liability or expense imposed upon it as a result of this Agreement.
11. Coastal shall be responsible for any and all damage their employees may cause to the Town of Milton. As an example, but not limited to, damage to the Fire Station doors, damage to the Fire Apparatus etc.
12. Coastal agrees to cooperate with, and assist, the Town in exploring and implementing an in-house BLS service, to be operated by the Town's Fire Department. Coastal also agrees to assist in training Fire Department staff in transitioning to in-house BLS service, cost to be determined at time of notification. In the event the Town ultimately determines to implement a BLS service during the term of this Contract, it shall notify Coastal with 180 days written notice prior to implementing BLS service. In the event the Town notifies Coastal that it is implementing in-house BLS service, Coastal shall continue to provide ALS service to the Town. If the Town implements any in-house service, the Town agrees to negotiate an intercept agreement with Coastal. Notwithstanding anything to the contrary, the Town shall not implement any additional in-house ambulance services prior to the second anniversary of the date of this Contract, and the operational and financial extent of Coastal's commitment to assist with the Town's implementation of in-house ambulance services will be commercially reasonable and mutually agreed between the parties.

B. INSURANCE

Coastal shall maintain the following insurance:

1. Workers' Compensation insurance as required by the laws of the Commonwealth of Massachusetts and employer's liability insurance in the amount of \$500,000/\$500,000, \$500,000.
2. Commercial General Liability Insurance- \$1,000,000 each occurrence and \$2,000,000 aggregate limit. Commercial General Liability insurance shall include personal injury liability, broad form property damage liability, products/completed operations liability, and broad form contractual liability.
3. Automobile liability and property damage with a combined single limit of \$1,000,000.
4. Excess Liability Insurance, Umbrella Form - \$5,000,000 each occurrence and \$5,000,00 aggregate, which shall be following form, providing coverage over commercial general liability insurance, automobile liability insurance, and employer's liability under workers' compensation insurance.
5. Ambulance Drivers and Attendants Malpractice. \$3,000,000 for all accidents and incidents resulting in personal injury, death, or property damage to one or more persons; plus additional coverage in the amount of \$250,000 at a minimum which applies exclusively to operations under this agreement, provided, however, Coastal agrees to maintain a coverage amount in the highest amounts that are commercially reasonable in cost to a maximum of \$5,000,000.
6. The Certificates of Insurance shall name the Town as an additional insured party.
7. Certificates of insurance shall be furnished to the Town of Milton for each of the above-listed types of insurance before the contract is signed. Policies and certificates shall be updated annually, and notice shall be given immediately of any revocation or termination of any policy. The Town of Milton shall be named as an additional insured on the automobile and medical malpractice insurance policies as well as under the general liability policy.
8. No vehicle may be used to provide emergency services under this agreement on a regular, substitute or back up basis unless the insurance certificate evidences that said vehicle is covered by the

motor vehicle liability insurance required under this Agreement.

C. TRANSFER SERVICES

1. Coastal vehicles which are dedicated to the Town of Milton shall only be used for transfers that are deemed urgent or emergent and originate at BIDMC-Milton Hospital, in accordance with section A. 1.

D. BILLING

1. All billing for the use of the ambulance service shall be submitted to the patient or their insurance provider. Any balance not covered by third party payer shall be assumed by the patient.
2. Coastal agrees to maintain a financial hardship program that allows for any uninsured or underinsured patient to have their medical bills reviewed and adjusted.

E. AMBULANCE GARAGING

1. Dedicated Ambulances assigned to the town of Milton shall be garaged at 95 Eliot Street, Milton, Ma, unless parties agree to an alternate garage location for either unit assigned to the Town of Milton

F. COMMUNICATIONS

1. Coastal will program all units with the Town of Milton Fire and Police frequencies and appropriate Norfolk County Fire channels.
2. Coastal will provide and maintain a base station radio for use in the Emergency Communications Center to facilitate communications during a Mass Casualty Incident (MCI). Said radio shall include cable and antenna; and be programmed with Coastal, Milton Fire and Milton Police frequencies.
3. Coastal understands and agrees to work with the Town of Milton in regard to training and protocols of our Emergency Communications Center. Milton's Emergency Communications Center will be responsible for dispatching all Fire, Police, and Ambulance responses within the Town of Milton.
4. Coastal shall provide radio equipment in each ambulance serving

the Town of Milton capable of communicating directly with the Police and Fire Departments. For ALS ambulances, Coastal shall deploy mobile and portable radios capable of communicating directly with the Emergency Communications Center. Current Coastal ALS ambulance radio equipment includes UHF mobile and portable radios. These radios will be programmed with radio frequencies as designated by the Chief of the Milton Fire Department and the Town of Milton Emergency Medical Services Director. In addition, each ALS ambulance will carry a portable cellular telephone in case of failure of the Police or Fire Department radio systems and operational charges shall be the responsibility of Coastal. Milton Police and Fire Departments shall have up to date contact info for the Coastal Shift Supervisors.

5. Coastal will provide radio equipment for its ambulance(s) serving the town that permits direct two- way radio communication between the ambulance(s) and hospital emergency departments to which Milton emergency patients would be transported. Such equipment shall be compatible with the C- MED Radio Network currently in use in the Metropolitan Boston area.
6. A dedicated "ring down" direct phone line shall be maintained between Coastal dispatch office and Milton's Emergency Communications Center. The installation and operational charges shall be the responsibility of Coastal.
7. Coastal must assume all costs of its supplies, telephone, gasoline and oil, maintenance, materials, communication system and equipment etc. and all other items required in the proper operation of the service.

G. PERSONNEL

1. All Coastal personnel shall be trained in compliance with MGL, Chapter 111C and shall be retrained periodically as required by MGL, Chapter 111C. Coastal will be required to agree to assign and remunerate personnel to attend training and orientation sessions at the authorized hospital responsible for Medical Direction in the Milton EMS system, quality assurance activities, case reviews, and emergency preparation drills as requested by Town of Milton's Emergency Management Team. The programs for training and orientation of system paramedics will be

prescribed by the standards established by the Medical Director.

2. Coastal shall assign a staff person to be a member of the Town of Milton's LEPC.
3. Coastal shall provide the Town on a quarterly basis with a roaster of all full and part time employees assigned to the dedicated vehicles. At any time, the Town of Milton may request in writing that Coastal reassign any employee currently providing emergency services to the Town. Upon receipt of such a request, the company shall immediately reassign that employee.
4. Coastal shall provide their personnel with uniforms that are distinguishably different from the uniforms of the Milton Fire and Police Departments.
5. Personnel must wear a photo-ID while providing service within the Town of Milton.
6. Coastal shall provide, at all times, a lead supervisory person(s) contact information, so that the Fire or Police can contact to handle all operational issues. Coastal will provide assistance to the Departments' DICO officers through their Director of Risk Management or designee.
7. All Coastal employees and/or supervisors who are regularly assigned to work in any capacity under the terms of this Agreement in the Town of Milton must undergo both a Criminal Offender Records Information ("CORI") and Sexual Offender Records Information ("SORI") check. Coastal shall submit a list of all such employees and the required releases in order that the Town may conduct a Milton- authorized CORI/SORI check.

J. LABOR DISPUTES

1. In the event that Coastal suffers a work stoppage as a result of a strike, job action or other industrial relations dispute or stops performance due to insolvency, Coastal agrees to reimburse the Town of Milton for any and all costs the Town incurs for alternate services the Town must provide during the interruption of service by the ambulance company. If the Town so requests, Coastal shall lease at no cost to the Town the vehicles provided to the Town under this Agreement, until the work stoppage ends, until the original term of this Agreement expires, or until the

Town exercises the option to terminate this Agreement.

K. SUBCONTRACTING

1. Coastal shall not subcontract any services under this agreement and shall not assign the contract without the prior written consent of the Town of Milton.

L. PROVISION FOR SEMI-AUTOMATIC DEFIBRILLATORS

1. In order for Coastal to improve the delivery of emergency medical assistance to the Town of Milton, Coastal, at its own expense, shall provide the Fire Department with one defibrillator unit for each active in-service fire company in the Town. Additionally, Coastal shall provide 4 Lucas CPR devices. Three (3) shall be in use on primary fire engines, and one shall serve as back-up.
2. Coastal shall provide nine (9) defibrillators to the Milton Police Department.
3. In the event that Coastal is notified that a defibrillator is out of service, they shall immediately replace the defective defibrillator with a fully operational unit.
4. The defibrillators provided to the departments shall be all of the same make and model, shall be of the most modern design and type, shall be compatible with those units in use by Coastal.
5. As part of this agreement, Coastal shall provide all the necessary training for all designated municipal employees, to become certified in the proper use of the defibrillators. This training shall be given at a location convenient to all parties.
6. Coastal shall provide all semi-annual defibrillator re-certification training to the Milton Fire and Police Departments and other designated municipal employees.
7. Coastal will provide (2) semi-automatic defibrillator's to the town for use by their designated town departments.

M. INCIDENT REHAB UNIT

1. Coastal will provide a fully staffed Fire Emergency Rehab Unit to provide Clinical EMS Services in cooperation with the ALS Ambulance(s) at all major fire scenes or other emergency incidents as necessary.

N. TRAINING

1. Coastal will notify the Milton Fire Department of on-going Continuing Educational Training Units (CEU) opportunities and will make every effort to work with the Milton Fire Department to hold such classes at the Milton Fire Department Training Facility. Coastal also agrees to open said classes to any members of the Milton Fire and Police Departments, as well as other municipal employees.
2. In recognition of the emergency medical assistance the Milton Fire Department provides, Coastal agrees to offer access to a Basic Emergency Medical Technician Course (if sponsored by Coastal) to members of the Milton Fire Department on an annual basis.
3. Coastal shall provide access to their e-Learning Center; for the purposes of completing recertification refresher training and CEUs for Fire and Police Department Emergency Medical Technicians. In addition, Coastal will conduct monthly in-service training, 4 days per month, in the fire department training room. Coastal shall meet with department staff to schedule dates and the subject matter for in-service training, which shall include practical skill refresher sessions and any necessary First Responder/CPR training each year. Coastal shall assist in other Fire and Police Department training as determined by the Town.

0. Quality Assurance /Quality Improvement:

1. Coastal agrees to contract with, at their expense, a Quality Assurance and Quality Improvement (QA/QI) Company . The QA/QI Company shall be credentialed in healthcare compliance or Quality Improvement (QI), and who are familiar with Massachusetts DPH/OEMS regulations to assure that the standards and protocols of patient care are either met or exceeded as per Massachusetts requirements. Coastal shall also agree to maintain said contract with the QA/QI agency for the duration of its contract with the town. Coastal will submit any and all run reports to the QA/QI Company no later than seven (7) calendar days after the 15th of each month and the last day of each month for independent audit and the agency will submit a full report to the Town on a quarterly basis.
2. The Town reserves the right to obtain, at any time, a sampling of the 9-1-1 emergency patient care reports, the amount to be determined by the town that may be audited by an independent QA/QI firm, at the sole expense of the town. Any deficiencies discovered by the town, or the QA/QI agency shall be corrected by Coastal to the satisfaction of the QA/QI agency and the town. A written report of the corrective action by Coastal shall be forwarded to the QA/QI agency and the town within thirty (30) calendar days of notification of

the deficiencies. Coastal shall maintain a satisfactory overall performance rating in each quarter. Coastal shall provide the Town a written plan of correction for all medium risk and high risk protocol deviations within thirty (30) calendar days of the protocol deviation.

3. In the event that there is an unresolved dispute between Coastal and the QA/QI agency over the scoring of any medium risk or high risk protocol deviation. The Fire Chief and a representative from Coastal shall meet and review the unresolved dispute(s). If the dispute(s) remain unresolved, the Fire Chief shall forward the disputed deficiencies to the Town's Medical Director to review them and render an opinion as to whether or not the care was appropriate. Once the Medical Director has made a determination, Coastal and the QA/QI firm shall abide by this ruling as final with the final report being forwarded to the town.

P. DEFAULT

1. If the Town at any time during the term of this Agreement determines that Coastal is not in compliance with any of the provisions of this Agreement, the Town may notify Coastal of this determination in writing. Said written notice shall state the reasons for this determination and shall identify the particular provisions of this Agreement that are at issue and shall be sent within seven (7) business days of violation. Within seven (7) business days of said written notice, Coastal shall come into compliance with the provisions identified in the written notice.
2. The Town shall issue notice of any contract violation(s) in writing to Coastal. The fine for each violation shall be based on the inclusive cumulative total of contract violations, regardless of violation type, during a single town fiscal year (July 1 through June 30). All fines assessed under this section shall be paid within thirty (30) calendar days to the Town of Milton. The amount of each fine for a violation shall be as follows:

1st violation--- Warning

2nd violation--- \$250.00

3rd violation --- \$750.00 and any subsequent violation(s) shall be increased by \$500.00 per violation. (Example: 4th violation \$1,250.00, 5th \$1,750.00 etc.)

3. Coastal may appeal any violation through a written appeal and request for review by the Town or their designee. This request shall be in writing within fourteen (14) calendar days of their receipt of written notice of said violation. The town or their designee shall investigate the violation and present their

findings and recommendations within thirty (30) calendar days to Coastal, at their earliest convenience during a regularly scheduled Select Board's meeting in Executive Session, if allowed by the Open Meeting Law.

Q. QUARTERLY STATISTICAL REPORTS

1. Coastal, at no cost to the Town, will submit statistical Quarterly reports to the Town. In addition to the quarterly reports Coastal and the Town will hold a quarterly EMS Committee meeting, where the data will be presented, and EMS System topics will be discussed. The EMS Committee will be comprised of members of Coastal, and representatives from the Town, to be determined by the Town.
 - A. The statistical information contained in the report shall be provided in an electronic format acceptable to the Town and shall include, but not be limited to:
 - a. Number of calls:
 - i. Daily
 - ii. Weekly
 - iii. Monthly

R. FIRE DEPARTMENT SUPPLY SYSTEM

1. Coastal will establish a resupply system for disposable EMS equipment, Naloxone and EPI pens, utilized by the Milton Fire Department & Police Department emergency response personnel. All disposable equipment will be provided immediately after usage and at no cost to the Town of Milton.

S. REVIEW AND INSPECTION PROCESS

1. Coastal will notify the Town that a state inspection has taken place within 30 days of completion of the inspection. Coastal must forward to the Chief of the Milton Fire Department a full report on the inspections and upon request, a copy of all inspection reports issued by the Department of Public Health, Office of Emergency Medical Services and/or the Ambulance Regulations Program. Any deficiencies noted therein must be corrected immediately.
2. The Town shall have the right to terminate the Agreement at any time if in its sole judgment the ambulance service is not

satisfactory. Should Coastal, at any time during the life of the Agreement, fail to provide ambulance service under the terms and conditions set forth, or continue to default in the performance of the Agreement, then, and in such case the Town of Milton, through its authorized agent, shall have the right to terminate the Agreement between Coastal and the Town of Milton, and secure said services from others, and charge the cost thereof to Coastal , which shall be liable for all costs incidental thereto.

3. Any and all regulations promulgated by any department, agency, or division of the Commonwealth, and any general laws relative to supplying ambulance service, are hereby incorporated in this specification as if fully written out, and Coastal covenants to meet at all times such requirements and laws presented. Should any provision of this Agreement be in conflict with said regulations and laws, then said regulations and laws shall govern except when the agreement calls for a higher standard.

T. SEVRABILITY

1. Unless otherwise provided herein, if any provision of this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

U. NOTICES

1. Any notice or other communication required or which may be given hereunder shall be in writing and shall be delivered personally, sent by facsimile with proof of delivery and a confirming telephone call, or sent by certified, registered or express mail, postage prepaid, and shall be deemed given when so delivered or if sent by certified, registered or express mail, three days after the date of mailing, as follows (or to such successor entity or such new address as a party may notify to the other):

If to Coastal: Coastal EMS, llc
 Attn: COO
 372 Yarmouth Road
 Hyannis, Ma 02601

If to Town: Town of Milton
Attn: _____
525 Canton Ave
Milton, Ma 02186

In WITNESS WHEREOF, persons having been duly authorized and empowered into this Agreement hereunto executed this Agreement effective _____

Coastal EMS, llc

Name: _____

Title: _____

Signature: _____

Town of Milton

Name: _____

Title: _____

Signature: _____

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40A** ZONING**Section 3A** MULTI-FAMILY ZONING AS-OF-RIGHT IN MBTA COMMUNITIES

Section 3A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

[Subsection (c) effective until July 29, 2021. For text effective July 29, 2021, see below.]

(c) The department, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

[Subsection (c) as amended by 2021, 29, Sec. 10 effective July 29, 2021. For text effective until July 29, 2021, see above.]

(c) The department of housing and community development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title VII	CITIES, TOWNS AND DISTRICTS
Chapter 40A	ZONING
Section 5	ADOPTION OR CHANGE OF ZONING ORDINANCES OR BY-LAWS; PROCEDURE

Section 5. Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The department of housing and community development, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this

section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

Prior to the adoption of any zoning ordinance or by-law or amendment thereto which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural and aquacultural practices, the city or town clerk shall, no later than seven days prior to the city council's or town meeting's public hearing relative to the adoption of said new or amended zoning ordinances or by-laws, give notice of the said proposed zoning ordinances or by-laws to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are 2 branches, or by a two-thirds vote of a town meeting; provided, however, that the following shall be adopted by a vote of a simple majority of all members of the town council or of the city council where there is a commission form of government or a single branch or of each branch where there are 2 branches or by a vote of a simple majority of town meeting:

(1) an amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or (c) open-space residential development;

(2) an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-family housing or mixed-use development in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development pursuant to section 9; (c) accessory dwelling units in a detached structure on the same lot; or (d) a diminution in the amount of parking required for residential or mixed-use development pursuant to section 9;

(3) zoning ordinances or by-laws or amendments thereto that: (a) provide for TDR zoning or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality; or (b) modify regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or by-law; and

[Clause (4) of the fifth paragraph effective until July 29, 2021. For text effective July 29, 2021, see below.]

(4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R. Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote. If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

[Clause (4) of the fifth paragraph as amended by 2021, 29, Sec. 11 effective July 29, 2021. For text effective until July 29, 2021, see above.]

(4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R.

[Two paragraphs following the fifth paragraph added by 2021, 29, Sec. 12 effective July 29, 2021.]

Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote.

If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty. If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the attorney general for approval pursuant to section thirty-two of chapter forty, the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within the

time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.



Commonwealth of Massachusetts EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus, Jr., Secretary

Issue Date: August 10, 2022

Revised: October 21, 2022

Revised: August 17, 2023

Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act

1. Overview of Section 3A of the Zoning Act

Section 3A of the Zoning Act provides: *An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.*

The purpose of Section 3A is to encourage the production of multi-family housing by requiring MBTA communities to adopt zoning districts where multi-family housing is allowed as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community DevelopmentExecutive Office of Housing and Livable Communities (EOHLC), in consultation with Executive Office of Economic Development, the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCDEOHL promulgated preliminary guidance on January 29, 2021. DHCDEOHL updated that preliminary guidance on December 15, 2021, and on that same date issued draft guidelines for public comment. These final guidelines supersede all prior guidance and set forth how MBTA communities may achieve compliance with Section 3A.

2. Definitions

“Adjacent community” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) is not an adjacent small town.

“Adjacent small town” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing.

“Affordable unit” means a multi-family housing unit that is subject to a restriction in its chain of title limiting the sale price or rent, or limiting occupancy to an individual or household of a specified income, or both. Affordable units may be, but are not required to be, eligible for inclusion on DHCDEOHLC’s Subsidized Housing Inventory. Nothing in these Guidelines changes the Subsidized Housing Inventory eligibility criteria, and no affordable unit shall be counted on the Subsidized Housing Inventory unless it satisfies the requirements for inclusion under 760 CMR 56.03(2) or any other regulation or guidance issued by DHCDEOHLC.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring a minimum age for some or all occupants.

“As of right” means development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

“Bus station” means a location with a passenger platform and other fixed infrastructure serving as a point of embarkation for the MBTA Silver Line. Upon the request of an MBTA community, DHCDEOHLC, in consultation with the MBTA, may determine that other locations qualify as a bus station if (i) such location has a sheltered platform or other fixed infrastructure serving a point of embarkation for a high-capacity MBTA bus line, and (ii) the area around such fixed infrastructure is highly suitable for multi-family housing.

“Commuter rail community” means an MBTA community that (i) does not meet the criteria for a rapid transit community, and (ii) has within its borders at least 100 acres of developable station area associated with one or more commuter rail stations.

“Commuter rail station” means any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service, including stations under construction and scheduled to be in service before the end of 2023, but not including existing stations at which service will be terminated, or reduced below regular year-round service, before the end of 2023.

“Compliance model” means the model created by DHCDEOHLC to determine compliance with Section 3A’s reasonable size, gross density, and location requirements. The compliance model is described in further detail in Appendix 2.

“Determination of compliance” means a determination made by DHCDEOHLC as to whether an MBTA community has a multi-family zoning district that complies with the requirements of Section 3A. A determination of compliance may be determination of interim compliance or a determination of district compliance, as described in section 9.

“Developable land” means land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: (i) all privately-owned land except lots or portions of lots that meet the definition of excluded land, and (ii) developable public land.

“Developable public land” means any publicly-owned land that (i) is used by a local housing authority; (ii) has been identified as a site for housing development in a housing production plan

approved by ~~DHCDEOHL~~; or (iii) has been designated by the public owner for disposition and redevelopment. Other publicly-owned land may qualify as developable public land if ~~DHCDEOHL~~ determines, at the request of an MBTA community and after consultation with the public owner, that such land is the location of obsolete structures or uses, or otherwise is suitable for conversion to multi-family housing, and will be converted to or made available for multi-family housing within a reasonable period of time.

“Developable station area” means developable land that is within 0.5 miles of a transit station.

“~~DHCDEOHL~~” means the ~~Department Executive Office Executive Office~~ of Housing and ~~Community Development~~Livable Communities.

“~~EOHEDEOED~~” means the Executive Office of ~~Housing and~~ Economic Development.

“Excluded land” means land areas on which it is not possible or practical to construct multi-family housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

- (i) All publicly-owned land, except for lots or portions of lots determined to be developable public land.
- (ii) All rivers, streams, lakes, ponds and other surface waterbodies.
- (iii) All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
- (iv) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
- (v) All public rights-of-way and private rights-of-way.
- (vi) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
- (vii) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

“Ferry terminal” means the location where passengers embark and disembark from regular, year-round MBTA ferry service.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“Listed funding sources” means (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; and (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

“Lot” means an area of land with definite boundaries that is used or available for use as the site of a building or buildings.

“MassGIS data” means the comprehensive, statewide database of geospatial information and mapping functions maintained by the Commonwealth’s Bureau of Geographic Information, within the Executive Office of Technology Services and Security, including the lot boundaries and use codes provided by municipalities.

“MBTA” means the Massachusetts Bay Transportation Authority.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

“Mixed-use development” means development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

“Mixed-use development zoning district” means a zoning district where multiple residential units are allowed as of right if, but only if, combined with non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within a multi-family zoning district, made in accordance with the requirements of section 5.b below.

“Multi-family zoning district” means a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

“One Stop Application” means the single application portal for the Community One Stop for Growth through which (i) the Executive Office of Housing and Economic Development considers requests for funding from the MassWorks infrastructure program; (ii) ~~DHCDEOHLC~~ considers requests for funding from the Housing Choice Initiative, (iii) ~~EOHED EOED~~, ~~DHCDEOHLC~~ and other state agencies consider requests for funding from other discretionary grant programs.

“Private rights-of-way” means land area within which private streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Publicly-owned land” means (i) any land owned by the United States or a federal agency or authority; (ii) any land owned by the Commonwealth of Massachusetts or a state agency or authority; and (iii) any land owned by a municipality or municipal board or authority.

“Public rights-of-way” means land area within which public streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Rapid transit community” means an MBTA community that has within its borders at least 100 acres of developable station area associated with one or more subway stations, or MBTA Silver Line bus rapid transit stations.

“Residential dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Section 3A” means section 3A of the Zoning Act.

“Sensitive land” means developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing. It also includes locations where multi-family housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; DEP-approved wellhead protection areas in which development may be restricted, but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use.

“Site plan review” means a process established by local ordinance or by-law by which a local board reviews, and potentially imposes conditions on, the appearance and layout of a specific project prior to the issuance of a building permit.

“Subway station” means any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line, including any extensions to such lines now under construction and scheduled to begin service before the end of 2023.

“Transit station” means an MBTA subway station, commuter rail station, ferry terminal or bus station.

“Transit station area” means the land area within 0.5 miles of a transit station.

“Zoning Act” means chapter 40A of the Massachusetts General Laws.

3. General Principles of Compliance

These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to allow multi-family housing “as of right.”
- The metrics that determine if a multi-family zoning district is “of reasonable size.”
- How to determine if a multi-family zoning district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code.
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.”
- The extent to which MBTA communities have flexibility to choose the location of a multi-family zoning district.

The following general principles have informed the more specific compliance criteria that follow:

- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries benefit from proximity to transit stations in nearby communities.
- The multi-family zoning districts required by Section 3A should encourage the development of multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses, and minimize impacts to sensitive land.
- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family zoning district that is “reasonable” in one city or town may not be reasonable in another city or town.
- When possible, multi-family zoning districts should be in areas that have safe, accessible, and convenient access to transit stations for pedestrians and bicyclists.

4. Allowing Multi-Family Housing “As of Right”

To comply with Section 3A, a multi-family zoning district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval. **DHCD/EOHLC** will determine whether zoning provisions allow for multi-family housing as of right consistent with the following guidelines.

a. Site plan review

The Zoning Act does not establish nor recognize site plan review as an independent method of regulating land use. However, the Massachusetts courts have recognized site plan review as a permissible regulatory tool, including for uses that are permitted as of right. The court decisions establish that when site plan review is required for a use permitted as of right, site plan review involves the regulation of a use and not its outright prohibition. The scope of review is therefore limited to imposing reasonable terms and conditions on the proposed use, consistent with applicable case law.¹ These guidelines similarly recognize that site plan review may be required for multi-family housing projects that are allowed as of right, within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations.

b. Affordability requirements

Section 3A does not include any express requirement or authorization for an MBTA community to require affordable units in a multi-family housing project that is allowed as of right. It is a common practice in many cities and towns to require affordable units in a multi-family project that requires a special permit, or as a condition for building at greater densities than the zoning otherwise would allow. These inclusionary zoning requirements serve the policy goal of increasing affordable housing production. If affordability requirements are excessive, however, they can make it economically infeasible to construct new multi-family housing.

For purposes of making compliance determinations with Section 3A, DHCDEOHLC will consider an affordability requirement to be consistent with as of right zoning as long as the zoning requires not more than 10 percent of the units in a project to be affordable units, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income. Notwithstanding the foregoing, DHCDEOHLC may, in its discretion, approve a greater percentage of affordable units, or deeper affordability for some or all of the affordable units, in either of the following circumstances:

- (i) The affordability requirements applicable in the multi-family zoning district are reviewed and approved by DHCDEOHLC as part of a smart growth district under chapter 40R, or under another zoning incentive program administered by DHCDEOHLC; or
- (ii) The affordability requirements applicable in the multi-family zoning district are supported by an economic feasibility analysis, prepared for the municipality by a qualified and independent third party acceptable to DHCDEOHLC, and using a methodology and format acceptable to DHCDEOHLC. The analysis must demonstrate

¹ See, e.g., *Y.D. Dugout, Inc. v. Board of Appeals of Canton*, 357 Mass. 25 (1970); *Prudential Insurance Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278 (1986); *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 59 (1997) (Planning Board “may impose reasonable terms and conditions on the proposed use, but it does not have discretionary power to deny the use”).

that a reasonable variety of multi-family housing types can be feasibly developed at the proposed affordability levels, taking into account the densities allowed as of right in the district, the dimensional requirements applicable within the district, and the minimum number of parking spaces required.

In no case will ~~DHCDEOHL~~C approve alternative affordability requirements that require more than 20 percent of the units in a project to be affordable units, except in a smart growth zoning district under chapter 40R with a 25 percent affordability requirement approved and adopted prior to the issuance of these guidelines, including any such existing district that is expanded or amended to comply with these guidelines.

c. *Other requirements that do not apply uniformly in the multi-family zoning district*

Zoning will not be deemed compliant with Section 3A's requirement that multi-family housing be allowed as of right if the zoning imposes requirements on multi-family housing that are not generally applicable to other uses. The following are examples of requirements that would be deemed to be inconsistent with "as of right" use: (i) a requirement that multi-family housing meet higher energy efficiency standards than other uses; (ii) a requirement that a multi-family use achieve a third party certification that is not required for other uses in the district; and (iii) a requirement that multi-family use must be combined with commercial or other uses on the same lot or as part of a single project. Mixed use projects may be allowed as of right in a multi-family zoning district, as long as multi-family housing is separately allowed as of right.

5. Determining "Reasonable Size"

In making determinations of "reasonable size," ~~DHCDEOHL~~C will take into consideration both the land area of the multi-family zoning district, and the multi-family zoning district's multi-family unit capacity.

a. *Minimum land area*

A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. For purposes of compliance with Section 3A, a multi-family zoning district should be a neighborhood-scale district, not a single development site on which the municipality is willing to permit a particular multi-family project.

~~DHCDEOHL~~C will certify compliance with Section 3A only if an MBTA community's multi-family zoning district meets the minimum land area applicable to that MBTA community, if any, as set forth in Appendix 1. The minimum land area for each MBTA community has been determined as follows:

- (i) In rapid transit communities, commuter rail communities, and adjacent communities, the minimum land area of the multi-family zoning district is 50 acres, or 1.5% of the developable land in an MBTA community, whichever is *less*. In certain cases, noted in Appendix 1, a smaller minimum land area applies.
- (ii) In adjacent small towns, there is no minimum land area. In these communities, the multi-family zoning district may comprise as many or as few acres as the community

determines is appropriate, as long as the district meets the applicable minimum multi-family unit capacity and the minimum gross density requirements.

In all cases, at least half of the multi-family zoning district land areas must comprise contiguous lots of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement. If the multi-family unit capacity and gross density requirements can be achieved in a district of fewer than 5 acres, then the district must consist entirely of contiguous lots.

b. *Minimum multi-family unit capacity*

A reasonably sized multi-family zoning district must also be able to accommodate a reasonable number of multi-family housing units as of right. For purposes of determinations of compliance with Section 3A, ~~DHCDEOHLC~~ will consider a reasonable multi-family unit capacity for each MBTA community to be a specified percentage of the total number of housing units within the community, with the applicable percentage based on the type of transit service in the community, as shown on Table 1:

Table 1.

<u>Category</u>	<u>Percentage of total housing units</u>
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

To be deemed in compliance with Section 3A, each MBTA community must have a multi-family zoning district with a multi-family unit capacity equal to or greater than the minimum unit capacity shown for it in Appendix 1. The minimum multi-family unit capacity for each MBTA community has been determined as follows:

- (i) First, by multiplying the number of housing units in that community by 0.25, 0.15, 0.10, or .05 depending on the MBTA community category. For example, a rapid transit community with 7,500 housing units is required to have a multi-family zoning district with a multi-family unit capacity of $7,500 \times 0.25 = 1,875$ multi-family units. For purposes of these guidelines, the number of total housing units in each MBTA community has been established by reference to the most recently published United States Decennial Census of Population and Housing.
- (ii) Second, when there is a minimum land area applicable to an MBTA community, by multiplying that minimum land area (up to 50 acres) by Section 3A's minimum gross density requirement of 15 units per acre. The product of that multiplication creates a floor on multi-family unit capacity. For example, an MBTA community with a minimum land area of 40 acres must have a district with a multi-family unit capacity of at least 600 (40×15) units.
- (iii) The minimum unit capacity applicable to each MBTA community is *the greater of* the numbers resulting from steps (i) and (ii) above, but subject to the following limitation: In no case does the minimum multi-family unit capacity exceed 25% of the total housing

units in that MBTA community.

Example: The minimum multi-family unit capacity for an adjacent community with 1,000 housing units and a minimum land area of 50 acres is determined as follows: (i) first, by multiplying $1,000 \times .1 = 100$ units; (ii) second, by multiplying $50 \times 15 = 750$ units; (iii) by taking the larger number, but adjusting that number down, if necessary, so that unit capacity is no more than 25% of 1,000 = 250 units. In this case, the adjustment in step (iii) results in a minimum unit capacity of 250 units.

c. Reasonable Size – Consideration Given to Unit Capacity in Mixed-Use Development Districts

In making determinations of whether an MBTA Community has a multi-family zoning district of “reasonable size” under this section, EOHLCL shall also take into consideration the existence and impact of mixed-use development zoning districts, subject to the requirements below.

EOHLCL shall take these mixed-use development districts into consideration as reducing the unit capacity needed for a multi-family zoning district to be “reasonable” (as listed in Appendix I) where:

- (i) the mixed-use development zoning district is in an eligible location where existing village-style or downtown development is essential to preserve pedestrian access to amenities;
- (ii) there are no age restrictions or limits on unit size, number of bedrooms, bedroom size or number of occupants and the residential units permitted are suitable for families with children;
- (iii) mixed-used development in the district is allowed “as of right” as that phrase has been interpreted by EOHLCL (for example, in section 4(c) with respect to affordability requirements);
- (iv) the requirement for non-residential uses is limited to the ground floor of buildings, and in no case represents a requirement that more than thirty-three percent of the floor area of a building, lot, or project must be for non-residential uses;
- (v) the requirement for non-residential uses does not preclude a minimum of three residential dwelling units per lot;
- (vi) the requirement for non-residential uses allows a broad mix of non-residential uses as-of-right in keeping with the nature of the area; and
- (vii) there are no minimum parking requirements associated with the non-residential uses allowed as of right.

An MBTA community asking to reduce the unit capacity requirement for its multi-family zoning district(s) based on the unit capacity for one or more mixed-use development districts shall submit to EOHLCL, on a form to be provided by EOHLCL, a request for a determination that the mixed-use development district is in an eligible location meeting the requirements of subparagraph (i). This request must be submitted at least 90 days prior to the vote of the MBTA community’s legislative body.

An MBTA community also may submit a broader inquiry as to Section 3A compliance in accordance with section 9(b). EOHLIC shall respond prior to the vote of the MBTA community's legislative body if the request is timely submitted.

In any community with both a multi-family zoning district and a mixed-use development district that meets these considerations, the unit capacity requirement for the multi-family zoning district listed in Appendix I shall be reduced by the lesser of

- (i) the unit capacity of residential dwelling units in the mixed-use development district or subdistrict (as calculated by EOHLIC using a methodology similar to that in section 5(d) which takes into account the impact of non-residential uses), or
- (ii) twenty five percent of the unit capacity requirement listed in Appendix I. This consideration shall not affect the minimum land area acreage or contiguity requirements for a multi-family zoning district otherwise required by these Guidelines.

ed. *Methodology for determining a multi-family zoning district's multi-family unit capacity*

MBTA communities seeking a determination of compliance must use the DHCDEOHLIC compliance model to provide an estimate of the number of multi-family housing units that can be developed as of right within the multi-family zoning district. The multi-family unit capacity of an existing or proposed district shall be calculated using the unit capacity worksheet described in Appendix 2. This worksheet produces an estimate of a district's multi-family unit capacity using inputs such as the amount of developable land in the district, the dimensional requirements applicable to lots and buildings (including, for example, height limitations, lot coverage limitations, and maximum floor area ratio), and the parking space requirements applicable to multi-family uses.

Minimum unit capacity is a measure of whether a multi-family zoning district is of a reasonable size, not a requirement to produce housing units. Nothing in Section 3A or these guidelines should be interpreted as a mandate to construct a specified number of housing units, nor as a housing production target. Demonstrating compliance with the minimum multi-family unit capacity requires only that an MBTA community show that the zoning allows multi-family housing as of right and that a sufficient number of multi-family housing units could be added to or replace existing uses and structures over time—even though such additions or replacements may be unlikely to occur soon.

If an MBTA community has two or more zoning districts in which multi-family housing is allowed as of right, then two or more districts may be considered cumulatively to meet the minimum land area and minimum multi-family unit capacity requirements, as long as each district independently complies with Section 3A's other requirements.

ed. *Water and wastewater infrastructure within the multi-family zoning district*

MBTA communities are encouraged to consider the availability of water and wastewater infrastructure when selecting the location of a new multi-family zoning district. But compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within

the multi-family zoning district. In most cases, multi-family housing can be created using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, but capacity is limited, private developers may be able to support the cost of necessary water and sewer extensions. While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows.

The multi-family unit capacity analysis does not need to take into consideration limitations on development resulting from existing water or wastewater infrastructure within the multi-family zoning district, or, in areas not served by public sewer, any applicable limitations under title 5 of the state environmental code. For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed for individual projects.

6. Minimum Gross Density

Section 3A expressly requires that a multi-family zoning district—not just the individual lots of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

a. District-wide gross density

To meet the district-wide gross density requirement, the dimensional restrictions and parking requirements for the multi-family zoning district must allow for a gross density of 15 units per acre of land within the district. By way of example, to meet that requirement for a 40-acre multi-family zoning district, the zoning must allow for at least 15 multi-family units per acre, or a total of at least 600 multi-family units.

For purposes of determining compliance with Section 3A’s gross density requirement, the ~~DHCDEOHL~~ compliance model will not count in the denominator any excluded land located within the multi-family zoning district, except public rights-of-way, private rights-of-way, and publicly-owned land used for recreational, civic, commercial, and other nonresidential uses. This method of calculating minimum gross density respects the Zoning Act’s definition of gross density—“a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses”—while making it unnecessary to draw patchwork multi-family zoning districts that carve out wetlands and other types of excluded land that are not developed or developable.

b. Achieving district-wide gross density by sub-districts

Zoning ordinances and by-laws typically limit the unit density on individual lots. To comply with Section 3A’s gross density requirement, an MBTA community may establish reasonable sub-

districts within a multi-family zoning district, with different density limits for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre. ~~DHCDEOHL~~ will review sub-districts to ensure that the density allowed as of right in each sub-district is reasonable and not intended to frustrate the purpose of Section 3A by allowing projects of a such high density that they are not likely to be constructed.

c. *Wetland and septic considerations relating to density*

Section 3A provides that a district of reasonable size shall have a minimum gross density of 15 units per acre, “subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A.” This directive means that even though the zoning district must permit 15 units per acre as of right, any multi-family housing produced within the district is subject to, and must comply with, the state wetlands protection act and title 5 of the state environmental code—even if such compliance means a proposed project will be less dense than 15 units per acre.

7. **Determining Suitability for Families with Children**

Section 3A states that a compliant multi-family zoning district must allow multi-family housing as of right, and that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.” ~~DHCDEOHL~~ will deem a multi-family zoning district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants. Limits, if any, on the size of units or number of bedrooms established by state law or regulation are not relevant to Section 3A or to determinations of compliance made pursuant to these guidelines.

8. **Location of Districts**

a. *General rule for determining the applicability of Section 3A’s location requirement*

Section 3A states that a compliant multi-family zoning district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” When an MBTA community has only a small amount of transit station area within its boundaries, it may not be possible or practical to locate all of the multi-family zoning district within 0.5 miles of a transit station. Transit station area may not be a practical location for a multi-family zoning district if it does not include developable land where multi-family housing can actually be constructed. Therefore, for purposes of determining compliance with Section 3A, ~~DHCDEOHL~~ will consider the statute’s location requirement to be “applicable” to a particular MBTA community only if that community has within its borders at least 100 acres of developable station area. ~~DHCDEOHL~~ will require more or less of the multi-family zoning district to be located within transit station areas depending on how much total developable station area is in that community, as shown on Table 2:

Table 2.

<u>Total developable station area within the MBTA community (acres)</u>	<u>Portion of the multi-family zoning district that must be within a transit station area</u>
0-100	0%
101-250	20%
251-400	40%
401-600	50%
601-800	75%
801+	90%

The percentages specified in this table apply to both the minimum land area and the minimum multi-family unit capacity. For example, in an MBTA community that has a total of 500 acres of transit station area within its boundaries, a multi-family zoning district will comply with Section 3A's location requirement if at least 50 percent of the district's minimum land area is located within the transit station area, *and* at least 50 percent of the district's minimum multi-family unit capacity is located within the transit station area.

A community with transit station areas associated with more than one transit station may locate the multi-family zoning district in any of the transit station areas. For example, a rapid transit community with transit station area around a subway station in one part of town, and transit station area around a commuter rail station in another part of town, may locate its multi-family zoning district in either or both transit station areas.

b. MBTA communities with limited or no transit station area

When an MBTA community has less than 100 acres of developable station area within its boundaries, the MBTA community may locate the multi-family zoning district anywhere within its boundaries. To encourage transit-oriented multi-family housing consistent with the general intent of Section 3A, MBTA communities are encouraged to consider locating the multi-family zoning district in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that qualifies as an “eligible location” as defined in Chapter 40A—for example, near an existing downtown or village center, near a regional transit authority bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

c. General guidance on district location applicable to all MBTA communities

When choosing the location of a new multi-family zoning district, every MBTA community should consider how much of a proposed district is sensitive land on which permitting requirements and other considerations could make it challenging or inadvisable to construct multi-family housing. For example, an MBTA community may want to avoid including in a multi-family zoning district areas that are subject to flooding, or are known habitat for rare or threatened species, or have prime agricultural soils in active agricultural use.

9. Determinations of Compliance

Section 3A provides that any MBTA community that fails to comply with Section 3A's requirements will be ineligible for funding from any of the listed funding sources. ~~DHCDEOHL~~ will make determinations of compliance with Section 3A in accordance with these guidelines to inform state agency decisions on which MBTA communities are eligible to receive funding from the listed funding sources. ~~Determinations of compliance also may inform funding decisions by EOED, DHCD, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs, or making other discretionary funding decisions. The following discretionary grant programs will take compliance with Section 3A into consideration when making grant award recommendations:~~

- i. Community Planning Grants, EOHL,
- ii. Massachusetts Downtown Initiative, EOED,
- iii. Urban Agenda, EOED,
- iv. Rural and Small Town Development Fund, EOED,
- v. Brownfields Redevelopment Fund, MassDevelopment,
- vi. Site Readiness Program, MassDevelopment,
- vii. Underutilized Properties Program, MassDevelopment,
- viii. Collaborative Workspace Program, MassDevelopment,
- ix. Real Estate Services Technical Assistance, MassDevelopment,
- x. Commonwealth Places Programs, MassDevelopment,
- xi. Land Use Planning Grants, EOEEA,
- xii. Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA, and
- xiii. Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

~~Determinations of compliance also may inform other funding decisions by EOED, EOHL, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs or making other discretionary funding decisions.~~

~~DHCDEOHL~~ interprets Section 3A as allowing every MBTA community a reasonable opportunity to enact zoning amendments as needed to come into compliance. Accordingly, ~~DHCDEOHL~~ will recognize both *interim* compliance, which means an MBTA community is taking active steps to enact a multi-family zoning district that complies with Section 3A, and *district* compliance, which is achieved when ~~DHCDEOHL~~ determines that an MBTA community has a multi-family zoning district that complies with Section 3A. The requirements for interim and district compliance are described in more detail below.

Table 3.

Transit Category (# of municipalities)	Deadline to Submit Action Plan	Deadline to Submit District Compliance Application
Rapid transit community (12)	January 31, 2023	December 31, 2023
Commuter rail community (71)	January 31, 2023	December 31, 2024

Transit Category (# of municipalities)	Deadline to Submit Action Plan	Deadline to Submit District Compliance Application
Adjacent community (58)	January 31, 2023	December 31, 2024
Adjacent small town (34)	January 31, 2023	December 31, 2025

a. Process to achieve interim compliance

Many MBTA communities do not currently have a multi-family zoning district of reasonable size that complies with the requirements of Section 3A. Prior to achieving district compliance (but no later than the deadlines set forth in Table 3), these MBTA communities can achieve interim compliance by taking the following affirmative steps towards the creation of a compliant multi-family zoning district.

- i. *Creation and submission of an action plan.* An MBTA community seeking to achieve interim compliance must first submit an action plan on a form to be provided by ~~DHCDEOHL~~. An MBTA community action plan must provide information about current zoning, past planning for multi-family housing, if any, and potential locations for a multi-family zoning district. The action plan also will require the MBTA community to establish a timeline for various actions needed to create a compliant multi-family zoning district.
- ii. *~~DHCDEOHL~~ approval of an action plan.* ~~DHCDEOHL~~ will review each submitted action plan for consistency with these guidelines, including but not limited to the timelines in Table 3. If ~~DHCDEOHL~~ determines that the MBTA community's action plan is reasonable and will lead to district compliance in a timely manner, ~~DHCDEOHL~~ will issue a determination of interim compliance. ~~DHCDEOHL~~ may require modifications to a proposed action plan prior to approval.
- iii. *Implementation of the action plan.* After ~~DHCDEOHL~~ approves an action plan and issues a determination of interim compliance, an MBTA community must diligently implement the action plan. ~~DHCDEOHL~~ may revoke a determination of interim compliance if an MBTA community has not made sufficient progress in implementing an approved action plan. ~~DHCDEOHL~~ and ~~EOHED-EOED~~ will review an MBTA community's progress in implementing its action plan prior to making an award of funds under the Housing Choice Initiative and Massworks infrastructure program.
- iv. *Deadlines for submitting action plans.* To achieve interim compliance for grants made through the 2023 One Stop Application, action plans must be submitted by no later than January 31, 2023. An MBTA community that does not submit an action plan by that date may not receive a ~~DHCDEOHL~~ determination of interim compliance in time to receive an award of funds from the listed funding sources in 2023. An MBTA community that does not achieve interim compliance in time for the 2023 One Stop Application may submit an action plan to become eligible for a subsequent round of the One Stop Application, provided that an action plan must be submitted by no later than January 31 of the year in which the MBTA community seeks to establish grant eligibility; and

provided further that no action plan may be submitted or approved after the applicable district compliance application deadline set forth in Table 3.

b. *Assistance for communities implementing an action plan.*

MBTA communities are encouraged to communicate as needed with ~~DHCDEOHL~~ staff throughout the process of implementing an action plan, ~~and may. DHCDEOHL will endeavor to respond to inquiries inquire~~ about whether a proposed multi-family zoning district complies with Section 3A prior to a vote by the municipal legislative body to create or modify such a district. Such requests shall be made on a form to be provided by ~~DHCDEOHL~~. ~~If a request is and should shall be submitted at least 90 days prior to the vote of the legislative body, EOHL shall respond prior to the vote.~~

c. *Requests for determination of district compliance*

When an MBTA community believes it has a multi-family zoning district that complies with Section 3A, it may request a determination of district compliance from ~~DHCDEOHL~~. Such a request may be made for a multi-family zoning district that was in existence on the date that Section 3A became law, or for a multi-family zoning district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on an application form required by ~~DHCDEOHL~~ and shall include, at a minimum, the following information. Municipalities will need to submit:

- (i) A certified copy of the municipal zoning ordinance or by-law and zoning map, including all provisions that relate to uses and structures in the multi-family zoning district.
- (ii) An estimate of multi-family unit capacity using the compliance model.
- (iii) GIS shapefile for the multi-family zoning district.
- (iv) In the case of a by-law enacted by a town, evidence that the clerk has submitted a copy of the adopted multi-family zoning district to the office of the Attorney General for approval as required by state law, or evidence of the Attorney General's approval.

After receipt of a request for determination of district compliance, ~~DHCDEOHL~~ will notify the requesting MBTA community within 30 days if additional information is required to process the request. Upon reviewing a complete application, ~~DHCDEOHL~~ will provide the MBTA community a written determination either stating that the existing multi-family zoning district complies with Section 3A, or identifying the reasons why the multi-family zoning district fails to comply with Section 3A and the steps that must be taken to achieve compliance. An MBTA community that has achieved interim compliance prior to requesting a determination of district compliance shall remain in interim compliance for the period during which a request for determination of district compliance, with all required information, is pending at ~~DHCDEOHL~~.

10. Ongoing Obligations; Rescission of a Determination of Compliance

After receiving a determination of compliance, an MBTA community must notify ~~DHCDEOHL~~ in writing of any zoning amendment or proposed zoning amendment that affects the compliant multi-family zoning district, or any other by-law, ordinance, rule or regulation that limits the development of multi-family housing in the multi-family zoning district. ~~DHCDEOHL~~ may rescind a

determination of district compliance, or require changes to a multi-family zoning district to remain in compliance, if ~~DHCDEOHL~~ determines that:

- (i) The MBTA community submitted inaccurate information in its application for a determination of compliance;
- (ii) The MBTA community failed to notify ~~DHCDEOHL~~ of a zoning amendment that affects the multi-family zoning district;
- (iii) The MBTA community enacts or amends any by-law or ordinance, or other rule or regulation, that materially alters the minimum land area and/or the multi-family unit capacity in the multi-family zoning district;
- (iv) A board, authority or official in the MBTA community does not issue permits, or otherwise acts or fails to act, to allow construction of a multi-family housing project that is allowed as of right in the multi-family zoning district (or any mixed-use zoning development district taken into account in determining the required multi-family unit capacity in the multi-family zoning district);
- (v) The MBTA community takes other action that causes the multi-family zoning district to no longer comply with Section 3A; or
- (vi) An MBTA community with an approved multi-family zoning district has changed transit category as a result of a newly opened or decommissioned transit station, or the establishment of permanent, regular service at a transit station where there was formerly intermittent or event-based service.

11. Changes to MBTA Service

Section 3A applies to the ~~175-177~~ MBTA communities identified in section 1A of the Zoning Act and section 1 of chapter 161A of the General Laws. When MBTA service changes, the list of MBTA communities and/or the transit category assignments of those MBTA communities in Appendix 1 may change as well.

The transit category assignments identified in Appendix 1 of these guidelines reflect certain MBTA service changes that will result from new infrastructure now under construction in connection with the South Coast Rail and Green Line Extension projects. These service changes include the opening of new Green Line stations and commuter rail stations, as well as the elimination of regular commuter rail service at the Lakeville station. These changes are scheduled to take effect in all cases a year or more before any municipal district compliance deadline. Affected MBTA communities are noted in Appendix 1.

Municipalities that are not now identified as MBTA communities and may be identified as such in the future are not addressed in these guidelines or included in Appendix 1. New MBTA communities will be addressed with revisions to Appendix 1, and separate compliance timelines, in the future.

Future changes to Silver Line routes or stations may change district location requirements when expanded high-capacity service combined with new facilities creates a bus station where there was not one before. Changes to other bus routes, including the addition or elimination of bus stops or reductions or expansions of bus service levels, do not affect the transit categories assigned to MBTA communities and will not affect location requirements for multi-family zoning districts. Any future changes to

MBTA transit service, transit routes and transit service levels are determined by the MBTA Board of Directors consistent with the MBTA's Service Delivery Policy.

List of Appendices:

Appendix 1: MBTA Community Categories and Requirements

Appendix 2: Compliance Methodology/Model

Nicholas Milano

From: Tim Czerwinski
Sent: Tuesday, September 5, 2023 2:44 PM
To: Nicholas Milano
Subject: MBTA zoning with dimensional parameter
Attachments: 2023.09.05
_MCMODZoningLanguageNewDimensionalParameters_MBTACommunities.docx

Nick,

Using track changes on the clean version from last week, I added the missing dimensional parameters to the attached document. The caveat here is that all of these are subject to further review and analysis.

Tim Czerwinski, AICP
Director of Planning & Community Development
Town of Milton | 525 Canton Avenue | Milton, Mass. 02186 | 617-898-4847

Section [SectionTK]: MBTA Communities Multi-family Overlay District

A. Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. Meet local housing needs along the full range of incomes, promoting social and economic diversity and the stability of individuals and families living in Milton.
2. Ensure that new multi-family housing creation is harmonious with the existing community.
3. Provide a wide range of housing alternatives to meet Milton's diverse housing needs.
4. Promote smart growth development by siting multi-family housing adjacent to transit or in areas where existing commercial and civic amenities and infrastructure already exist.
5. Increase the municipal tax base through private investment in new residential development.

B. Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately TKTK acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map.

1. **Applicability of MCMOD.** An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this Section [SectionTK].
2. **Underlying Zoning.** The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in Section [SectionTK] are governed by the requirements of the underlying zoning district(s).
3. **Sub-districts.** The MCMOD contains the following sub-districts, all of which are shown on the MCMOD Boundary Map: Transit Area Triplex Subdistrict, Milton/Central Station Subdistrict, Mattapan Station Subdistrict, Granite Avenue Subdistrict, and East Milton Square Subdistrict.

C. Definitions.

For purposes of this Section [SectionTK], the following definitions shall apply.

1. **Affordable unit.** A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.
2. **Affordable housing.** Housing that contains Affordable Units as defined by this Section [SectionTK].
3. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
4. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Milton, as defined by the U.S. Department of Housing and Urban Development (HUD).
5. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
6. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
7. **Compliance Guidelines.** *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.
8. **DHCD.** The Massachusetts Department of Housing and Community Development, or any successor agency.
9. **Development standards.** Provisions of Section [SectionTK] G. General Development Standards made applicable to projects within the MCMOD.
10. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, DHCD's successor agency.
11. **MBTA.** Massachusetts Bay Transportation Authority.
12. **Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses.
13. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
14. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.

15. **Open space.** Contiguous undeveloped land within a parcel boundary.
16. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
17. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
18. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
19. **Section 3A.** Section 3A of the Zoning Act.
20. **Site plan review authority.** The Planning Board is the site plan review authority.
21. **Subdistrict.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.
22. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLIC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.
23. **Transit station.** An MBTA subway station, commuter rail station, or ferry terminal.
 - a. **Commuter rail station.** Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.
 - b. **Ferry terminal.** The location where passengers embark and disembark from regular, year-round MBTA ferry service.
 - c. **Subway station.** Any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line.

D. Transit Area Triplex Subdistrict

1. Purpose

The purpose of the Transit Area Triplex Subdistrict is to provide opportunities for lower density, high quality multi-family housing that helps preserve the existing physical context of the one- and two-unit neighborhoods directly adjacent to the Mattapan Trolley line.

2. Applicability

An applicant may develop buildings with up to three units of housing located within the Transit Area Triplex Subdistrict, located largely within a 1,000 foot distance of Mattapan, Capen Street, Valley Road, Central Avenue, and Milton stations, in accordance with the provisions of this subsection.

3. **Uses Permitted As of Right.** The following uses are permitted as of right within the Transit Area Triplex Subdistrict.
 - a. Multi-family housing of up to three (3) units per lot.
4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section D.3.
 - a. Parking, including surface parking and parking within a structure such as a garage or other building on the same lot as the principal use.
5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Transit Area Triplex Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	5,500
Height	
Stories (Maximum)	3
Feet (Maximum)	TK37
Minimum Open Space	TK33%
Maximum Units per Lot	3

Standard	
Maximum Building Coverage	TK30%

Standard	
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Minimum Frontage (ft)	50
Front Yard Setback	
(ft.)	15
Side Yard Setback	
Corner (ft)	10
Interior (ft)	10
Rear Yard Setback	
(ft.)	30

6. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
7. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] D.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
8. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit

9. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit

E. Milton/Central Station Subdistrict

1. Purpose

The purpose of the Milton/Central Station Subdistrict is to allow for high quality mid-rise multi-family and mixed-use development while preserving the historic character of the Milton Village and Central Avenue business districts.

2. Applicability

An applicant may develop multi-family or mixed-use buildings up to 3.5 stories on larger parcels in portions of the Milton Village and Central Avenue business districts, in accordance with the provisions of this subsection.

3. Uses Permitted As of Right.

The following uses are permitted as of right within the Milton/Central Station Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. Accessory Uses.

The following uses are considered accessory as of right to any of the permitted uses in Section E.3.

- a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

5. Table of Dimensional Standards.

Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Milton/Central Station Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height	
Stories (Maximum)	3.5
Feet (Maximum)	TK45
Minimum Open Space	TK30%
Maximum Units per Acre	30

Standard	
Maximum Building Coverage	TK30%

Standard	
Minimum Frontage (ft)	none
Front Yard Setback ⁽⁷⁾	
(ft.)	5
Side Yard Setback	
Corner (ft)	10
Interior (ft)	10
Rear Yard Setback	
(ft.)	20

6. **Multi-Building Lots.** In the Milton/Central Station Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] E.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The

installations shall not provide additional habitable space within the development.

9. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of 10 units or more, or a mixed- use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).

12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

F. Mattapan Station Subdistrict

1. Purpose

The purpose of the Mattapan Station Subdistrict is to provide high quality mid-rise multi-family housing on large sites in a transit-oriented district.

2. Applicability

An applicant may develop multi-family housing up to 3.5 stories on larger parcels along the Neponset River near Mattapan Square.

3. **Uses Permitted As of Right.** The following uses are permitted as of right within the Mattapan Station Subdistrict.

- Multi-family housing.
- Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor

Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section F.3.

- Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Mattapan Station Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height	
Stories (Maximum)	3.5
Feet (Maximum)	TK45
Minimum Open Space	TK30%
Maximum Units per Acre	30

Standard	
Maximum Building Coverage	TK30%

Standard	
Minimum Frontage (ft)	50
Front Yard Setback (ft.)	30
Side Yard Setback	
Corner (ft)	20
Interior (ft)	20
Rear Yard Setback (ft.)	15

6. **Multi-Building Lots.** In the Mattapan Station Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] F.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
9. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit

Mixed-Use (Non-residential)/ Commercial	1 space per 500 SF of commercial space
--------------------------------------------	----------------------------------------

11. **Bicycle storage.** For a multi-family development of ten (10) units or more, or a mixed-use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).
12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

G. Granite Avenue Subdistrict

1. Purpose

The purpose of the Granite Avenue Subdistrict is to provide high quality, higher density multifamily or mixed-use development on large commercial or underutilized parcels with good access to transit, shared use paths, and Interstate 93.

2. Applicability

An applicant may develop a multifamily or mixed-use project up to five stories on large parcels near the northern border of Milton along Granite Avenue adjacent to the Neponset River, Gulliver's Creek, and Interstate 93.

3. Uses Permitted As of Right.

The following uses are permitted as of right within the Granite Avenue Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space

Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section G.3.
 - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.
5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Granite Avenue Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height	
Stories (Maximum)	5
Feet (Maximum)	TK65
Minimum Open Space	TK30%
Maximum Units per Acre	35

Standard	
Maximum Building Coverage	TK35%

Standard	
Minimum Frontage (ft)	150
Front Yard Setback (ft.)	20
Side Yard Setback	
Corner (ft)	10
Interior (ft)	10
Rear Yard Setback (ft.)	30

6. **Multi-Building Lots.** In the Granite Avenue Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] G.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
9. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of ten (10) units or more, or a mixed- use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).
12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

H. East Milton Square Subdistrict

1. Purpose

The purpose of the East Milton Square Subdistrict is to provide high quality multifamily and mixed-use development that bolsters the Town's largest business district and maintains East Milton Square's historic village downtown character.

2. Applicability

An applicant may develop a multifamily or mixed-use project up to 2.5 stories on parcels largely corresponding with the existing East Milton Square business district, as well as certain adjacent parcels in residential zones.

3. Uses Permitted As of Right.

The following uses are permitted as of right within the East Milton Square Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section H.3.
 - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the East Milton Square Subdistrict

are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height	
Stories (Maximum)	2.5
Feet (Maximum)	TK35
Minimum Open Space	TK10%
Maximum Units per Acre	25

Standard	
Maximum Building Coverage	TK65%

Standard	
Minimum Frontage (ft)	none
Front Yard Setback	
(ft.)	none
Side Yard Setback	
Corner (ft)	none
Interior (ft)	0 (if the wall adjoining such side be either a party wall or a wall with its outer face coincident with the lot side line) or 6
Rear Yard Setback	
(ft.)	20

6. **Multi-Building Lots.** In the East Milton Square Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] H.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and

air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

9. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of ten (ten) units or more, or a mixed- use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).

12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

I. General Development Standards

1. Development standards in the MCMOD are applicable to all multi-family development with more than ten (10) units or mixed-use development of more than 10,000 SF within the MCMOD. These standards are components of the Site Plan Review process in **Section [SectionTK] I. Site Plan Review**.
2. **Site Design.**
 - a. **Connections.** Sidewalks shall provide a direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
 - b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
 - c. **Open Space.** Acceptable activities within the minimum required Open Space include natural areas (including wetlands and surface waters), wildlife and native

plant habitat, landscape plantings, agricultural activities, low-impact design stormwater management, non-motorized trails, and other low-impact activities. Open Space shall not contain habitable structures.

- d. **Screening for Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than [6 (six)] feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
- e. **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- f. **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- g. **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skylight.
- h. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
- i. **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- j. **Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the Milton MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

3. **Buildings: General.**

- a. **Position relative to principal street.** The primary building shall have its principal façade and entrance facing the principal street. See also Section G.7. Buildings: Corner Lots.
- b. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved

pedestrian network that includes the public sidewalk.

4. Buildings: Multiple buildings on a lot.

- a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
- b. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

5. Buildings: Mixed-use development.

- a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
- d. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

6. **Buildings: Shared Outdoor Space.** Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.
7. **Buildings: Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.
 - a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
 - b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
 - c. Fire exits serving more than one story shall not be located on either of the street-facing façades.
8. **Buildings: Infill Lots.** If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of each subdistrict's dimensional standards. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.
9. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.
 - a. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.
 - b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - c. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
10. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this **Section [SectionTK] G. General Development Standards**, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.

J. Affordability Requirements.

1. Purpose.

- a. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
- b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
- c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and
- d. Work to overcome economic segregation allowing Milton to continue to be a community of opportunity in which low and moderate-income households have the opportunity to advance economically.

2. Applicability. This requirement is applicable to all residential and mixed-use developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion. No project may be divided or phased to avoid the requirements of this section.

3. Affordability requirements.

- a. **Subsidized Housing Inventory.** All units affordable to households earning 80% or less of AMI created in the MCMOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.

4. Provision of Affordable Housing. In Applicable Projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

5. Development Standards. Affordable Units shall be:

- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- b. Dispersed throughout the development;
- c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
- e. Distributed proportionately among unit sizes; and
- f. Distributed proportionately across each phase of a phased development.
- g. Occupancy permits may be issued for market-rate units prior to the end of

construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

6. **Administration.** The Zoning Enforcement Officer shall be responsible for administering and enforcing the requirements in this section.

K. Site Plan Review

1. **Applicability.** Site Plan Review is required for a project that proposes ten (10) dwelling units or more. An application for Site Plan Review shall be reviewed by the Permitting Authority for consistency with the purpose and intent of Sections [SectionTK] D through [SectionTK] H.
2. **Submission Requirements.** As part of any application for Site Plan Review for a project within the MCMOD submitted under Sections [SectionTK] D through [SectionTK] H (or, for projects not requiring Site Plan Review, prior to submission of any application for a building permit), the Applicant must submit the following documents to the Town:
 - a. Application and fee for Site Plan Review.
 - b. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by Municipality for Site Plan Review.
 - c. Elevations of the building(s) showing the architectural design of the building.
 - d. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the Permitting Authority.
 - e. Narrative of compliance with the applicable design standards of this Section[SectionTK].
3. **Timeline.** Site Plan Review should be commenced no later than 30 days of the submission of a complete application and should be completed expeditiously. The site plan review authority may, when appropriate, seek the input of other municipal boards or officials. In general, site plan review should be completed no more than 6 months after the submission of the application.
4. **Site Plan Approval.** Site Plan approval for uses listed in the Permitted Uses subsection of Sections [SectionTK] D through H shall be granted upon determination by the Site Plan Review Authority that the following conditions have been satisfied.

The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.

- a. the Applicant has submitted the required fees and information as set forth in Municipality's requirements for a Building Permit and Site Plan Review; and
- b. the project as described in the application meets the development standards set forth in Section [SectionTK] G. General Development Standards.

5. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Section [SectionTK] J. Affordability Requirements.

L. Severability.

If any provision of this Section [SectionTK] is found to be invalid by a court of competent jurisdiction, the remainder of Section [SectionTK] shall not be affected but shall remain in full force. The invalidity of any provision of this Section [SectionTK] shall not affect the validity of the remainder of Milton's Zoning.

Nicholas Milano

From: Tim Czerwinski
Sent: Thursday, August 31, 2023 4:46 PM
To: Nicholas Milano
Subject: MBTA Communities Zoning Articles
Attachments: 2023.08.31_MCMODZoningLanguageClean_MBTACommunities.docx; 2023.08.31_MCMODZoningLanguageRedline_MBTACommunities.docx; 2023.08.31_SubdistrictSnap.jpg

Nick,

Attached are a clean and redline copy of the MBTA Communities Zoning article. The redline reflects changes to the model bylaw, and also includes notes where additional discussion/input is warranted. Some dimensional parameters have a placeholder (TK) pending further input from Utile on test fits and buildout analysis.

Also attached is a screenshot of Utile's current thinking on how to expand the Transit Area Triplex district based on feedback from the Planning Board last week. The purple line reflects the border they'll be analyzing. They'll also be presenting two other variations to the Planning Board: one that captures the previously zoned Brook Road Overlay, and one that attempts to increase the minimum lot size in the Transit Area Triplex subdistrict.

First thing Tuesday, I intend to draft a brief explanatory memo outlining the topics that merit additional deliberation and input from the Planning Board. I'll get that to you as soon as I can.

Please forward this along to the Select Board and to Town Counsel.

Tim Czerwinski, AICP
Director of Planning & Community Development
Town of Milton | 525 Canton Avenue | Milton, Mass. 02186 | 617-898-4847

Section [SectionTK]: MBTA Communities Multi-family Overlay District

A. Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. Meet local housing needs along the full range of incomes, promoting social and economic diversity and the stability of individuals and families living in Milton.
2. Ensure that new multi-family housing creation is harmonious with the existing community.
3. Provide a wide range of housing alternatives to meet Milton's diverse housing needs.
4. Promote smart growth development by siting multi-family housing adjacent to transit or in areas where existing commercial and civic amenities and infrastructure already exist.
5. Increase the municipal tax base through private investment in new residential development.

B. Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately TKTK acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map.

1. **Applicability of MCMOD.** An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this Section [SectionTK].
2. **Underlying Zoning.** The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in Section [SectionTK] are governed by the requirements of the underlying zoning district(s).
3. **Sub-districts.** The MCMOD contains the following sub-districts, all of which are shown on the MCMOD Boundary Map: Transit Area Triplex Subdistrict, Milton/Central Station Subdistrict, Mattapan Station Subdistrict, Granite Avenue Subdistrict, and East Milton Square Subdistrict.

C. Definitions.

For purposes of this Section [SectionTK], the following definitions shall apply.

1. **Affordable unit.** A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.
2. **Affordable housing.** Housing that contains Affordable Units as defined by this Section [SectionTK].
3. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
4. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Milton, as defined by the U.S. Department of Housing and Urban Development (HUD).
5. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
6. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
7. **Compliance Guidelines.** *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.
8. **DHCD.** The Massachusetts Department of Housing and Community Development, or any successor agency.
9. **Development standards.** Provisions of Section [SectionTK] G. General Development Standards made applicable to projects within the MCMOD.
10. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, DHCD's successor agency.
11. **MBTA.** Massachusetts Bay Transportation Authority.
12. **Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses.
13. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
14. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.

15. **Open space.** Contiguous undeveloped land within a parcel boundary.
16. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
17. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
18. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
19. **Section 3A.** Section 3A of the Zoning Act.
20. **Site plan review authority.** The Planning Board is the site plan review authority.
21. **Subdistrict.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.
22. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLIC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.
23. **Transit station.** An MBTA subway station, commuter rail station, or ferry terminal.
 - a. **Commuter rail station.** Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.
 - b. **Ferry terminal.** The location where passengers embark and disembark from regular, year-round MBTA ferry service.
 - c. **Subway station.** Any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line.

D. Transit Area Triplex Subdistrict

1. Purpose

The purpose of the Transit Area Triplex Subdistrict is to provide opportunities for lower density, high quality multi-family housing that helps preserve the existing physical context of the one- and two-unit neighborhoods directly adjacent to the Mattapan Trolley line.

2. Applicability

An applicant may develop buildings with up to three units of housing located within the Transit Area Triplex Subdistrict, located largely within a 1,000 foot distance of Mattapan, Capen Street, Valley Road, Central Avenue, and Milton stations, in accordance with the provisions of this subsection.

3. **Uses Permitted As of Right.** The following uses are permitted as of right within the Transit Area Triplex Subdistrict.
 - a. Multi-family housing of up to three (3) units per lot.
4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section D.3.
 - a. Parking, including surface parking and parking within a structure such as a garage or other building on the same lot as the principal use.
5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Transit Area Triplex Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	5,500
Height	
Stories (Maximum)	3
Feet (Maximum)	TK
Minimum Open Space	TK
Maximum Units per Lot	3

Standard	
Maximum Building Coverage	TK

Standard	
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Minimum Frontage (ft)	50
Front Yard Setback (ft.)	15
Side Yard Setback Corner (ft)	10
Interior (ft)	10
Rear Yard Setback (ft.)	30

6. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
7. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] D.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
8. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit

9. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit

E. Milton/Central Station Subdistrict

1. Purpose

The purpose of the Milton/Central Station Subdistrict is to allow for high quality mid-rise multi-family and mixed-use development while preserving the historic character of the Milton Village and Central Avenue business districts.

2. Applicability

An applicant may develop multi-family or mixed-use buildings up to 3.5 stories on larger parcels in portions of the Milton Village and Central Avenue business districts, in accordance with the provisions of this subsection.

3. Uses Permitted As of Right.

The following uses are permitted as of right within the Milton/Central Station Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. Accessory Uses.

The following uses are considered accessory as of right to any of the permitted uses in Section E.3.

- a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

5. Table of Dimensional Standards.

Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Milton/Central Station Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height	
Stories (Maximum)	3.5
Feet (Maximum)	TK
Minimum Open Space	TK
Maximum Units per Acre	30

Standard	
Maximum Building Coverage	TK

Standard	
Minimum Frontage (ft)	none
Front Yard Setback ⁽⁷⁾	
(ft.)	5
Side Yard Setback	
Corner (ft)	10
Interior (ft)	10
Rear Yard Setback	
(ft.)	20

6. **Multi-Building Lots.** In the Milton/Central Station Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] E.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The

installations shall not provide additional habitable space within the development.

9. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of 10 units or more, or a mixed-use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).

12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

F. Mattapan Station Subdistrict

1. Purpose

The purpose of the Mattapan Station Subdistrict is to provide high quality mid-rise multi-family housing on large sites in a transit-oriented district.

2. Applicability

An applicant may develop multi-family housing up to 3.5 stories on larger parcels along the Neponset River near Mattapan Square.

3. **Uses Permitted As of Right.** The following uses are permitted as of right within the Mattapan Station Subdistrict.

- Multi-family housing.
- Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor

Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section F.3.

- Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Mattapan Station Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height	
Stories (Maximum)	3.5
Feet (Maximum)	TK
Minimum Open Space	TK
Maximum Units per Acre	30

Standard	
Maximum Building Coverage	TK

Standard	
Minimum Frontage (ft)	50
Front Yard Setback (ft.)	30
Side Yard Setback	
Corner (ft)	20
Interior (ft)	20
Rear Yard Setback (ft.)	15

6. **Multi-Building Lots.** In the Mattapan Station Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] F.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
9. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/Commercial	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit

Mixed-Use (Non-residential)/ Commercial	1 space per 500 SF of commercial space
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11. **Bicycle storage.** For a multi-family development of ten (10) units or more, or a mixed-use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).
12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

G. Granite Avenue Subdistrict

1. Purpose

The purpose of the Granite Avenue Subdistrict is to provide high quality, higher density multifamily or mixed-use development on large commercial or underutilized parcels with good access to transit, shared use paths, and Interstate 93.

2. Applicability

An applicant may develop a multifamily or mixed-use project up to five stories on large parcels near the northern border of Milton along Granite Avenue adjacent to the Neponset River, Gulliver's Creek, and Interstate 93.

3. Uses Permitted As of Right.

The following uses are permitted as of right within the Granite Avenue Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space

Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section G.3.
 - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.
5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Granite Avenue Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height	
Stories (Maximum)	5
Feet (Maximum)	TK
Minimum Open Space	TK
Maximum Units per Acre	35

Standard	
Maximum Building Coverage	TK

Standard	
Minimum Frontage (ft)	150
Front Yard Setback (ft.)	20
Side Yard Setback	
Corner (ft)	10
Interior (ft)	10
Rear Yard Setback (ft.)	30

6. **Multi-Building Lots.** In the Granite Avenue Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] G.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
9. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of ten (10) units or more, or a mixed- use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).
12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

H. East Milton Square Subdistrict

1. Purpose

The purpose of the East Milton Square Subdistrict is to provide high quality multifamily and mixed-use development that bolsters the Town's largest business district and maintains East Milton Square's historic village downtown character.

2. Applicability

An applicant may develop a multifamily or mixed-use project up to 2.5 stories on parcels largely corresponding with the existing East Milton Square business district, as well as certain adjacent parcels in residential zones.

3. Uses Permitted As of Right.

The following uses are permitted as of right within the East Milton Square Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section H.3.
 - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the East Milton Square Subdistrict

are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height	
Stories (Maximum)	2.5
Feet (Maximum)	TK
Minimum Open Space	TK
Maximum Units per Acre	25

Standard	
Maximum Building Coverage	TK

Standard	
Minimum Frontage (ft)	none
Front Yard Setback (ft.)	none
Side Yard Setback Corner (ft)	none
Interior (ft)	0 (if the wall adjoining such side be either a party wall or a wall with its outer face coincident with the lot side line) or 6
Rear Yard Setback (ft.)	20

6. **Multi-Building Lots.** In the East Milton Square Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] H.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and

air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

9. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of ten (ten) units or more, or a mixed- use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).

12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

I. General Development Standards

1. Development standards in the MCMOD are applicable to all multi-family development with more than ten (10) units or mixed-use development of more than 10,000 SF within the MCMOD. These standards are components of the Site Plan Review process in **Section [SectionTK] I. Site Plan Review**.
2. **Site Design.**
 - a. **Connections.** Sidewalks shall provide a direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
 - b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
 - c. **Open Space.** Acceptable activities within the minimum required Open Space include natural areas (including wetlands and surface waters), wildlife and native

plant habitat, landscape plantings, agricultural activities, low-impact design stormwater management, non-motorized trails, and other low-impact activities. Open Space shall not contain habitable structures.

- d. **Screening for Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than [6 (six)] feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
- e. **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- f. **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- g. **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.
- h. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
- i. **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- j. **Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the Milton MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

3. **Buildings: General.**

- a. **Position relative to principal street.** The primary building shall have its principal façade and entrance facing the principal street. See also Section G.7. Buildings: Corner Lots.
- b. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved

pedestrian network that includes the public sidewalk.

4. Buildings: Multiple buildings on a lot.

- a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
- b. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

5. Buildings: Mixed-use development.

- a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
- d. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

6. **Buildings: Shared Outdoor Space.** Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.
7. **Buildings: Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.
 - a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
 - b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
 - c. Fire exits serving more than one story shall not be located on either of the street-facing façades.
8. **Buildings: Infill Lots.** If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of each subdistrict's dimensional standards. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.
9. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.
 - a. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.
 - b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - c. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
10. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this **Section [SectionTK] G. General Development Standards**, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.

J. Affordability Requirements.

1. Purpose.

- a. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
- b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
- c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and
- d. Work to overcome economic segregation allowing Milton to continue to be a community of opportunity in which low and moderate-income households have the opportunity to advance economically.

2. Applicability. This requirement is applicable to all residential and mixed-use developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion. No project may be divided or phased to avoid the requirements of this section.

3. Affordability requirements.

- a. **Subsidized Housing Inventory.** All units affordable to households earning 80% or less of AMI created in the MCMOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.

4. Provision of Affordable Housing. In Applicable Projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

5. Development Standards. Affordable Units shall be:

- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- b. Dispersed throughout the development;
- c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
- e. Distributed proportionately among unit sizes; and
- f. Distributed proportionately across each phase of a phased development.
- g. Occupancy permits may be issued for market-rate units prior to the end of

construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

6. **Administration.** The Zoning Enforcement Officer shall be responsible for administering and enforcing the requirements in this section.

K. Site Plan Review

1. **Applicability.** Site Plan Review is required for a project that proposes ten (10) dwelling units or more. An application for Site Plan Review shall be reviewed by the Permitting Authority for consistency with the purpose and intent of Sections [SectionTK] D through [SectionTK] H.
2. **Submission Requirements.** As part of any application for Site Plan Review for a project within the MCMOD submitted under Sections [SectionTK] D through [SectionTK] H (or, for projects not requiring Site Plan Review, prior to submission of any application for a building permit), the Applicant must submit the following documents to the Town:
 - a. Application and fee for Site Plan Review.
 - b. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by Municipality for Site Plan Review.
 - c. Elevations of the building(s) showing the architectural design of the building.
 - d. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the Permitting Authority.
 - e. Narrative of compliance with the applicable design standards of this Section[SectionTK].
3. **Timeline.** Site Plan Review should be commenced no later than 30 days of the submission of a complete application and should be completed expeditiously. The site plan review authority may, when appropriate, seek the input of other municipal boards or officials. In general, site plan review should be completed no more than 6 months after the submission of the application.
4. **Site Plan Approval.** Site Plan approval for uses listed in the Permitted Uses subsection of Sections [SectionTK] D through H shall be granted upon determination by the Site Plan Review Authority that the following conditions have been satisfied.

The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.

- a. the Applicant has submitted the required fees and information as set forth in Municipality's requirements for a Building Permit and Site Plan Review; and
- b. the project as described in the application meets the development standards set forth in Section [SectionTK] G. General Development Standards.

5. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Section [SectionTK] J. Affordability Requirements.

L. Severability.

If any provision of this Section [SectionTK] is found to be invalid by a court of competent jurisdiction, the remainder of Section [SectionTK] shall not be affected but shall remain in full force. The invalidity of any provision of this Section [SectionTK] shall not affect the validity of the remainder of Milton's Zoning.

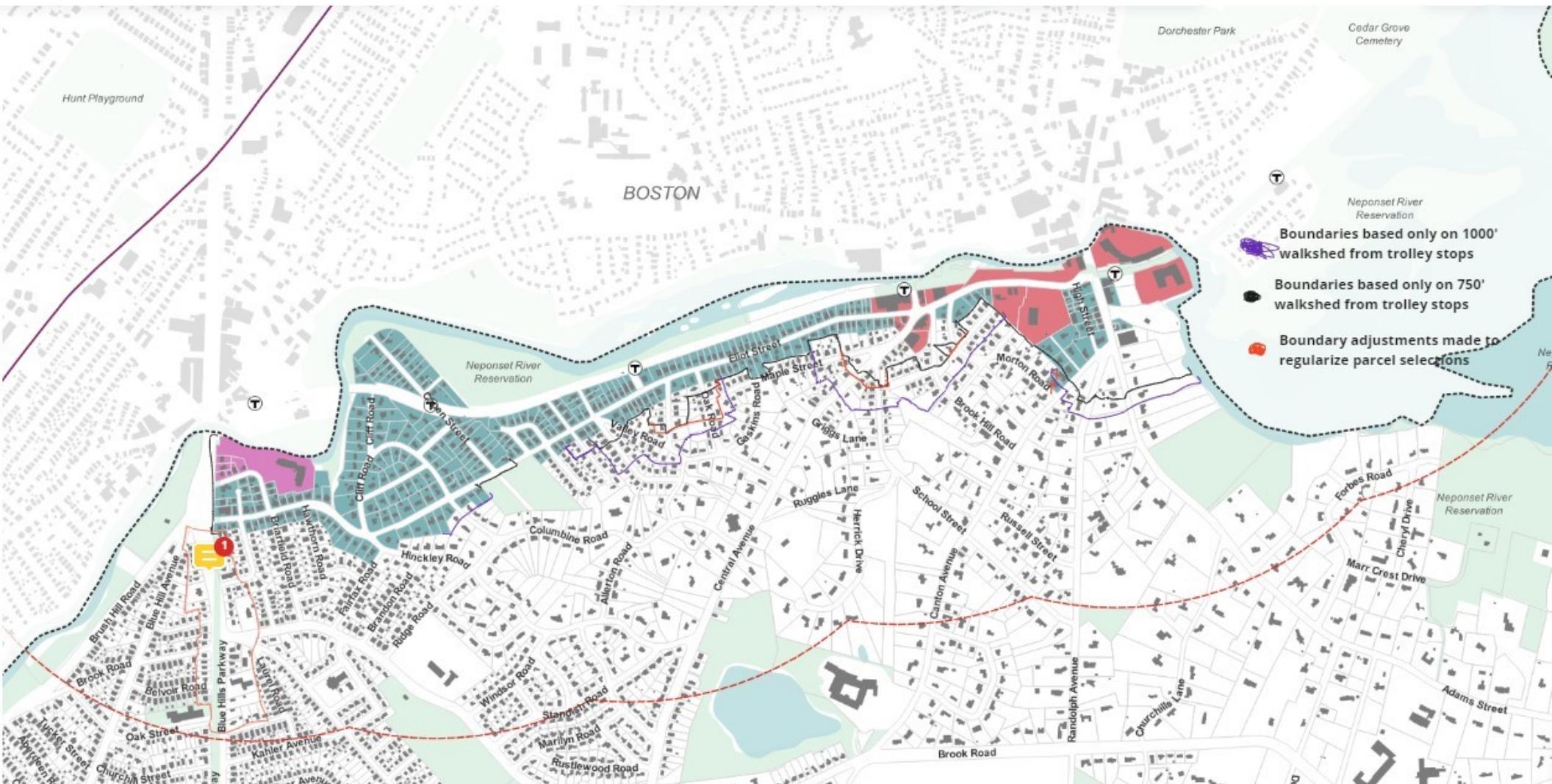




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Introduction

This document contains Sample Zoning for MBTA communities that are working towards compliance with Section 3A of the Zoning Act (Section 3A) and the *Compliance Guidelines for Multi-family Zoning District Under 3A of the Zoning Act*, issued by the Department of Housing and Community Development on August 10, 2022, as revised and/or amended (the Compliance Guidelines) at <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities#section-3a-guidelines>.

This Sample Zoning has three purposes:

1. To provide recommended provisions for an overlay zoning district that allows multi-family as an as of right use, consistent with Section 3A.
2. To help communities evaluate the requirements of existing zoning districts to understand how the existing districts might be modified to address compliance with Section 3A and the Compliance Guidelines.
3. As a companion to the Compliance Model, to help communities test existing or proposed zoning for compliance with Section 3A and the Compliance Guidelines.

This document is broken into three sections.

1. This brief introduction.
2. The Sample Zoning, with commentary in shaded text boxes.
3. Appendices that provide more detail about specific elements of the Sample Zoning. Some appendices contain additional resources.

Sample Zoning and Commentary

The Sample Zoning can be used as a stand-alone bylaw or ordinance that can be added to a community's Zoning. If the community is adopting a new base zoning district, the Sample Zoning can be adopted with appropriate modifications to remove references to it as an overlay district. In addition, if the community is amending an existing zoning district, many of the recommended provisions of the Sample Zoning will be useful for incorporation into the existing zoning.

The Sample Zoning is intended to include all the elements of a compliant zoning district, but *the Sample Zoning should not be adopted without modifications that tailor it to the needs of the community adopting it or without modifications to the community's existing zoning to avoid inconsistencies*. The commentary provides guidance for those modifications and more information about the language within the sections.

The commentary for **Section [x] E. Dimensional Standards** specifically ties this Sample Zoning to the zoning parameters in the checklist portion of the Compliance Model, which may be of assistance to communities as they work towards demonstrating compliance with the Compliance Guidelines.

Optional Text

~~Text between brackets — [sample text] — indicates optional text that may be tailored to a community's specific needs. Often the commentary contains an explanation for the brackets and may provide sample text as an example for a community to consider.~~

Appendices

~~Certain topics require a more detailed level of commentary. The Appendices provide additional context and guidance for certain components of the Sample Zoning. Many of the topics are components of existing zoning but communities will need to evaluate specific components or circumstances related to Section 3A before incorporating them into their new zoning bylaw or ordinance.~~

Review with Counsel

~~Municipalities are strongly encouraged to discuss draft zoning with municipal counsel before submission to EOHLIC for preliminary review and/or before adoption to review for and resolve any potential inconsistencies between the proposed zoning, existing zoning, and Chapter 40A, Sections 1A and 3A.~~

Questions

~~If you have any questions about this Sample Zoning or its commentary, please email EOHLIC at DHC3A@mass.gov. The main webpage is: <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>.~~

Comments on A. PURPOSE

The Executive Office of Housing and Livable Communities (EOHLC) provides information on Section 3A and all the resources to help communities evaluate their districts for compliance at <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>.

Tailoring the Statement of Purpose

The following list is provided as an example of statements that could be included in this section:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
2. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services within a half mile of a transit station;
3. Locate housing within walking distance of public transit [and downtowns or town centers] to promote general public health, reduce the number of vehicular miles travelled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality;
4. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure;
5. Support public investment in public transit and pedestrian- and bike-friendly infrastructure;
6. Increase the municipal tax base through private investment in new residential developments.

The listed purposes are suggestions only. Some may not apply to a specific municipality, for example an adjacent community or adjacent small town with a district that is not within a half mile of a transit station may want to reword example 2 above. Each community should edit this purpose as needed to reflect the intention and location of the specific district under consideration and add additional purposes relevant to its own needs and aspirations for this district.

Comments on A. PURPOSE (continued)

Voting Threshold

~~M.G.L Chapter 40A Section 5 allows a simple majority of the relevant legislative body to adopt an amendment to a zoning ordinance or bylaw to allow multi-family housing as of right in an eligible location.~~

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A/Section5>

~~For information about simple majority voting and other reforms to MGL c. 40A see this site: <https://www.mass.gov/info-details/housing-choice-legislation>.~~

~~If municipalities are considering drafting a zoning amendment that will require a simple majority vote, review the guidance document (last updated May 20, 2021). The first question in the document identifies the types of amendments that can be enacted with a simple majority vote.~~

~~If the municipality has questions about whether an amendment affects an eligible location, EOHED can provide an advisory opinion about the eligible location, and the link to submit a request is on the same webpage noted above. Remember that a proposed amendment cannot combine a change that requires a simple majority vote with a change that requires a two-thirds majority vote.~~

~~Municipalities may also want to review the opinion issued by the Attorney General's Office for case #10614 on November 29, 2022, for the Town of Westwood as it addresses Section 5. The opinion is available on the AGO's Municipal Law Unit Decision Lookup: <https://massago.hylawcloud.com/203publicaccess/mlu.htm>~~

~~Municipalities are also encouraged to review the required quantum of vote with municipal counsel in advance of legislative action as Municipal Counsel may be called upon by the legislative body to render an opinion on this issue during the proceedings of the legislative body.~~

Section [~~SectionTK~~]: MBTA Communities Multi-family Overlay District

A. Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. Meet local housing needs along the full range of incomes, promoting social and economic diversity and the stability of individuals and families living in Milton.
2. Ensure that new multi-family housing creation is harmonious with the existing community.
3. Provide a wide range of housing alternatives to meet Milton's diverse housing needs.
4. Promote smart growth development by siting multi-family housing adjacent to transit or in areas where existing commercial and civic amenities and infrastructure already exist.
5. Increase the municipal tax base through private investment in new residential development.

Commented [TC1]: These are the housing goals pulled directly from the 2020 Housing Production Plan

Comments on B. ESTABLISHMENT AND APPLICABILITY

Establishment

Municipalities adopting this Sample Zoning will need to take two actions:

1. Adopt this Sample Zoning, as amended for the needs of the community, as an amendment to the existing Zoning (bylaw or ordinance, as appropriate).
2. Amend the zoning map to identify the boundaries of the overlay district and any sub-districts within the overlay district. An amendment to the zoning map is required whether the amendment is the creation of a new district or overlay district. If the municipality is amending an existing zoning district and changing the boundaries, the map must be amended to show the amended district boundaries.

The same process and voting threshold apply for both the amendment to the Zoning and the amendment to the zoning map.

Applicability and Other Zoning Districts

Municipalities may have other overlay districts that will overlap with the MCMOD. Such districts may require other approvals for certain actions, such as building within a flood plain or a demolition delay by law or ordinance. These requirements should be evaluated to determine if the criteria for approval are clear and objective in their application to building multi family housing. **Section [x] B.1.** may need to be modified to address those districts. Where the requirements of an overlapping district are not compatible with the purposes of the MCMOD, the boundaries of the overlapping district may need to be modified to eliminate the overlap. Municipalities that are unsure about the implications of the overlap should discuss options with DHCD.

Municipalities should also check other sections of their Zoning and other Town by-laws/ City Ordinances, or permit approval processes for restrictions, including any dwelling unit limitations placed on affordable housing and the application process for building permits. The Zoning may need to be amended to make these restrictions inapplicable in the MCMOD.

Sub-districts

The establishment of sub-districts in an MCMOD is optional. Sub-districts are a way to encourage or require different housing types and densities in different areas of the MCMOD. If the MCMOD contains sub-districts, please add any applicable information here and replace the names of the sample sub-districts with the relevant name(s). See **Appendix A. Sub-districts** for more information about sub-districts.

B. Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately _____TKTK acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map.

1. **Applicability of MCMOD.** An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this Section [SectionTK].
2. **Underlying Zoning.** The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning [Bylaw/Ordinance] governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in Section [SectionTK] are governed by the requirements of the underlying zoning district(s).
3. **{Sub-districts.** The MCMOD contains the following sub-districts, all of which are shown on the MCMOD Boundary Map: [Name of one or more sub-districts] Transit Area Triplex Subdistrict, Milton/Central Station Subdistrict, Mattapan Station Subdistrict, Granite Avenue Subdistrict, and East Milton Square Subdistrict. }

Comments on C. DEFINITIONS

~~Municipalities should review the existing definitions in their Zoning and add or amend as needed to ensure consistency in the use of defined terms. A word or term that has an existing definition in the zoning bylaw or ordinance should not be given a different meaning in the MCMOD. An existing definition may need to be modified to for the MCMOD to be compliance with Section 3A.~~

~~Not every community will need all of the definitions set forth in the Sample Zoning. For example, communities that do not have requirements for structured parking do not need a definition of structured parking.~~

Notes on the Definitions

~~**Affordable unit and Affordable housing.** See **Appendix B. Affordable Housing** for more information. Note that Affordable units may be, but are not required to be, eligible for inclusion on DHCD's Subsidized Housing Inventory. No Affordable Unit shall be counted on the Subsidized Housing Inventory unless it satisfies the requirements for inclusion under 760 CMR 56.03(2) or any other regulation or guidance issued by DHCD.~~

C. Definitions.

For purposes of this Section [*SectionTK], the following definitions shall apply.

1. **Affordable unit.** A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.
2. **Affordable housing.** Housing that contains Affordable Units as defined by this Section [*SectionTK].
3. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
4. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the [City] [Town] of Milton, as defined by the U.S. Department of Housing and Urban Development (HUD).
5. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
6. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
7. **Compliance Guidelines.** *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.
8. **DHCD.** The Massachusetts Department of Housing and Community Development, or any successor agency.
9. **Development standards.** Provisions of **Section [*SectionTK] G. General Development Standards** made applicable to projects within the MCMOD.
10. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, DHCD's successor agency.
11. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
12. **MBTA.** Massachusetts Bay Transportation Authority.
13. **Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses.
14. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
15. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.

46.15. **Open space.** Contiguous undeveloped land within a parcel boundary.

47.16. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured parking does not include surface parking or carports, including solar carports.

48.17. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.

Commented [TC2]: Note if these definitions are eventually needed

49.18. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

50.19. **Section 3A.** Section 3A of the Zoning Act.

51.20. **Site plan review authority.** ~~[Identify the municipal board, council, or committee responsible for Site plan review.]~~ The Planning Board is the site plan review authority.

52. **Special permit granting authority.** The Special Permit Granting Authority shall include the ~~[board of selectmen / select board], city council, board of appeals, planning board, or zoning administrators as designated by the Zoning for the issuance of special permits.~~

53.21. **Sub-district.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

54.22. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLIC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

55.23. **Transit station.** An MBTA subway station, commuter rail station, or ferry terminal.

- a. **Commuter rail station.** Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.
- b. **Ferry terminal.** The location where passengers embark and disembark from regular, year-round MBTA ferry service.
- c. **Subway station.** Any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line.

Comments on D. PERMITTED USES

Uses Permitted As of Right

Multi family Housing

Multi family housing must be allowed as of right in the MCMOD. The MCMOD may encourage or require particular building types or densities in the MCMOD, or sub-districts within the MCMOD, based on the Multi family Building Type definitions a community chooses to add.

The following restrictions on multi family development are not allowed: restrictions on the minimum age of residents and limitations on the size of the units, the number of bedrooms, the size of bedrooms, and the number of occupants. A community may require affordable housing units consistent with the Compliance Guidelines. See **Appendix B. Affordable Housing** for information about affordability restrictions in a MCMOD.

Mixed-use Development

Mixed-use development may be allowed as of right in the MCMOD. Communities should remember that the Zoning Act defines mixed-use development as having a mix of uses with a residential component. **Communities are encouraged to consider allowing mixed-use development** as of right in the MCMOD especially when the MCMOD is located near a transit station or an existing downtown or village center. See **Appendix D. Special Permits** for more information about including mixed-use development and other land uses in the MCMOD.

Non-residential Uses

Uses that are not multi family uses may also be added in this section depending on the other municipal goals for this zoning overlay. Other such uses could include places of employment, neighborhood type retail and services, home occupation, and other uses appropriate for this area. If other uses are considered, see note above under **Section [x] A. Purpose** about the required threshold of vote to adopt the district.

Remember to add the definitions of additional uses to **Section [x] C. Definitions** if those uses are not already defined in the current Zoning.

Uses Permitted by Special Permit

Municipalities may consider allowing additional uses in the MCMOD by special permit. For guidance on which uses could require a special permit, instead of being allowed as of right, see **Appendix D. Special Permit**.

Comments on D. PERMITTED USES (continued)

Accessory Uses

Communities should consider allowing accessory uses appropriate to a multi-family housing setting as of right in the MCMOD. Examples of appropriate as of right accessory uses may include professional office, studio or home occupation with no employees and who do not have regular clients/customers come to the office. Accessory uses with employees/regular clients, or which generate noise (e.g. music lessons) may require a special permit or may be prohibited.

The municipality's review of accessory uses that are necessary to a multi-family use cannot require a higher standard than the principal use in this MCMOD. For example, if the municipality states that parking is an accessory use, that use cannot require a special permit for parking serving a multi-family building which is allowed by right.

D. **Permitted Uses Transit Area Triplex Subdistrict**

1. Purpose

The purpose of the Transit Area Triplex Subdistrict is to provide opportunities for lower density, high quality multi-family housing that helps preserve the existing physical context of the one- and two-unit neighborhoods directly adjacent to the Mattapan Trolley line.

2. Applicability

An applicant may develop buildings with up to three units of housing located within the Transit Area Triplex Subdistrict, located largely within a 1,000 foot distance of Mattapan, Capen Street, Valley Road, Central Avenue, and Milton stations, in accordance with the provisions of this subsection.

4.3. Uses Permitted As of Right. The following uses are permitted as of right within the MCMOD Transit Area Triplex Subdistrict.

a. Multi-family housing of up to three (3) units per lot.

b. Mixed-use development. As of right uses in a mixed-use development are as follows:

<u>Ground Floor</u>
<u>Community space.</u>
<u>Educational uses.</u>
<u>Personal services.</u>
<u>Retail.</u>
<u>Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.</u>
<u>Restaurant, café, and other eating establishments without a drive-through.</u>
<u>Office, professional office, medical and dental offices, and co-working space</u>
<u>Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.</u>
<u>Any Floor</u>
<u>Residential (required component).</u>

2. [Uses Permitted by Special Permit.] The following uses [and accessory uses] require a Special Permit from the [Special Permit Granting Authority].

Commented [TC3]: No special permit uses yet

3.4. Accessory Uses. The following uses are considered accessory as of right to any of the permitted uses in Section D.4.3.

- a. Parking, including surface parking and parking within a structure such as ~~an above ground or underground parking~~ a garage or other building on the same lot as the principal use.
- b. ~~[Identify as of right accessory uses appropriate to the above permitted uses.]~~

Comments on E. DIMENSIONAL STANDARDS

Table of Dimensional Standards

For the purposes of this guidance document, the table in the Sample Zoning regulation is divided into sections that correspond with the key standards in the compliance model. Municipalities may reorganize the order to meet their current zoning layouts or their needs for this district.

Compliance Model Input Tabs and Required Dimensional Standards

In the Compliance Model, the Model Input tabs identify the standards that are included in the calculations of dwelling units per acre and unit capacity and the checks on those calculations. These standards, along with **Section F. Off-Street Parking Spaces**, are required to demonstrate compliance with Section 3A and are inputs into the Compliance Model.

The minimum standards required to determine unit capacity are:

- Minimum Lot Size (in square feet)
- Building Height (in number of stories)
- Minimum Open Space (as a percentage of the lot)
- Parking spaces per dwelling unit (see **Section [x] F. Off-Street Parking**).

In addition to Excluded Land, as defined in the Compliance Guidelines, Open Space and Parking requirements help determine the number of square feet available for the building footprint. Multiplying the building footprint by the building height produces the building volume, which is used to determine the number of units that can be produced per lot. The Compliance Model uses stories to calculate building height. (Feet are provided in the example dimensional standards in **Appendix C. Development Intensity** for those communities who also wish to control height by the number of feet.)

Two other standards, commonly used in communities, are Maximum Lot Coverage (as a percentage of lot and for buildings only, not parking or other impervious surfaces) and Floor Area Ratio. The Compliance Model uses these two standards to check the municipal zoning for limitations on unit capacity.

Comments on E. DIMENSIONAL STANDARDS (continued)

Working with the Compliance Model

Municipalities can use the Compliance Model to check existing zoning districts or geographic areas for compliance. If the existing zoning does not produce the unit capacity required or the minimum standard of 15 dwelling units per acre within the proposed district(s), try testing one or more of the suggested dimensional standards in **Appendix C. Development Intensity** with the existing zoning to see which standard or combination of standards produces the desired result. For example, if the existing zoning has an FAR of 0.30 and the other characteristics of a district are similar to the Lower Intensity District described in the appendix, try increasing the FAR to 2 or 2.5 to see the difference in the calculations.

Optional Standards

These dimensional standards are commonly used by municipalities but are not directly captured in the Compliance Model calculations.

- Minimum Frontage
- Setbacks or Yards (Front, Side, Rear)

Because these are dependent on the size and shape of the lot, they are difficult to model. The numbers used for these standards will affect how a lot can be developed. Municipalities should carefully consider the existing context of parcel sizes and shapes within the MCMOD boundary when setting these standards.

Communities do use other methods of controlling density. These will interact with the standards presented in this Sample Zoning and may decrease two of the measurements used to determine compliance (dwelling units per acre and unit capacity). Communities should proceed with care in adding more requirements to avoid unintentional consequences. If dimensional standards, in combination, effectively prevent as of right development of the unit capacity required or the minimum gross density of 15 dwelling units per acre, the district will not comply with MGL 40A requirements.

Comments on E. DIMENSIONAL STANDARDS (continued)

Notes on the Standards

¹ Minimum Lot Size. If the municipality allows multiple buildings per lot, higher densities on each lot may be achieved.

No Minimum Lot Size: Many established and valued neighborhoods and downtown areas in New England have smaller lot sizes than the current Zoning would allow. To replicate the pattern of those neighborhoods and allow appropriate infill development, strongly consider establishing no minimum lot size or calculating an appropriate average parcel size of the existing built environment. (Make sure to remove outlier parcels from the test calculations. For example, if the majority of the parcels are 5,000 square feet but a single parcel is 4 acres, remove the 4 acre parcel from the calculation of average parcel size.)

Communities with a different development pattern could consider using a low or no minimum lot size in a sub-district that includes an existing town center or small downtown. Such areas may have smaller parcel sizes than the rest of the town as a result of historic development patterns around a crossroads or other historic cluster of uses. Creating a subdistrict for appropriately scaled multi-family in existing town centers may help smaller communities achieve goals for housing and economic development while demonstrating compliance with Section 3A. Communities may also find that reducing lot size minimums to meet existing development patterns may reduce request for variances in these town centers when property owners seek to rehabilitate existing buildings.

² Height. The number of stories is a key component of the Compliance Model. If the municipality also wishes to govern buildings by number of feet, note that the suggested heights in the examples in **Appendix C. Development Intensity** allow for the appropriate number of stories at a floor-to-floor height of 11 feet per story with allowance for a pitched roof or for a higher ground floor to accommodate changing preferences for retail and restaurant heights. If the municipality prefers additional height than the five stories shown, these dimensions can be used to set a maximum height. See note below for **Floor Area Ratio**.

³ Open Space. This measure is a key input into the Compliance Model and is a proxy for the use of setbacks. However, the use of setbacks and open space as dimensional standards in Zoning varies by the community size and intensity of the current development pattern. The Compliance Model will flag, but not reject, high requirements for minimum Open Space. The municipality should consider defining Open Space to include the setbacks, especially in communities with smaller lots in areas of higher development intensity. See notes below on Building Coverage for conflicts.

Comments on E. DIMENSIONAL STANDARDS (continued)

⁴ **Floor Area Ratio.** Floor Area Ratio (FAR), height, and restrictions on the ground plane building envelope (setbacks, building coverage, lot coverage, and open space requirements) can work against each other to unduly restrict development on a lot. In particular, the use of FAR and Building Coverage may set up a conflict.

Higher parking requirements may interact with Building Coverage to provide an incentive for structured parking or to reduce the number of dwelling units that can be built on a lot. See **Appendix E. Parking Considerations.**

⁵ **Building Coverage.** Four sets of dimensions work either together or against each other to restrict the footprint of a building. These dimensions are the setbacks, maximum Building Coverage, Minimum Open Space, and surface parking. Some communities use lot coverage either instead of building coverage or in addition to it; those communities may include parking and other impervious surfaces as part of lot coverage.

⁶ **Frontage:** Many communities also regulate lot size by length of frontage. A minimum frontage can be a deterrent to infill activity in older developed areas. As with lot size, municipalities may wish to consider the average frontage of existing built parcels in the area in question or they may choose to reduce that frontage to allow for more infill development that is sympathetic to the existing built context. Note that the shorter the frontage, the narrower the setbacks need to be, especially on lots of one acre or less.

⁷ **Setbacks.** The use of setbacks can become restrictive on smaller lots but may be appropriate on larger lots or areas with established setbacks based on existing development patterns. See the notes above for Building Coverage, Floor Area Ratio, and Open Space to understand potential conflicts among dimensional standards.

As written, this MCMOD would allow parking within the setbacks; municipalities may wish to establish a minimum setback that does not allow building or parking. See **Section [x] G. General Development Standards** for more information about the front setback and **Appendix C. Development Intensity** for more discussion of dimensional standards.

⁸ **Lots with multiple buildings.** If the municipality is defining standards by Multi-family Building Type, then more than one building type could be allowed per lot. For example, on a large lot, a series of Attached Dwellings (such as Townhouses or Rowhouses) might be appropriate next to the principal street and larger structures to the rear of the property, depending on the existing built context.

5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the MCMOD-Transit Area Triplex Subdistrict are as follows:

Commented [TC4]: Dimensional parameters subject to change based on test fit exercise

4. _____

Standard	
Lot Size	
Minimum ⁽⁴⁾ (SF)	<u>5,500</u>
Height ⁽²⁾	
Stories (Maximum)	<u>3</u>
Feet (Maximum)	<u>TK</u>
Minimum Open Space ⁽³⁾	<u>TK</u>
Maximum Units per Lot	<u>3</u>

2. _____

{Additional standards—see notes}

Standard	
Maximum Building Coverage ⁽⁵⁾	<u>TK</u>

3. _____

{Additional standards—see notes}

Standard	
Minimum Frontage ⁽⁶⁾ (ft)	<u>50</u>
Front Yard Setback ⁽⁷⁾	
Min. to Max.—(ft.)	<u>15</u>
Side Yard Setback	
Corner (ft)	<u>10</u>
Interior (ft)	<u>10</u>
Rear Yard Setback	
Min. to Max.—(ft.)	<u>30</u>

4. **Multi Building Lots.** In the MCMOD, lots may have more than one principal building.⁸
- 5-6. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
6. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [xSectionTK]**.
7. **ED.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

Commented [TC5]: Probably not applicable in Transit Area Triplex subdistrict

Commented [TC6]: Check on existing exceptions to building height.

Commented [TC7]: Check existing solar energy height exceptions. Consult with Josh re: solsmart certification

Comments on F. OFF STREET PARKING

Off-Street Parking

Excessive parking requirements can be a significant deterrent to new housing, especially on smaller lots. For this reason, this Sample Bylaw recommends establishing a parking ~~maximum~~. The number of parking spaces per unit is a factor in calculating the amount of land available for the building footprint in the Compliance Model. A higher number of parking spaces required per dwelling unit means less land available for the calculation of Multi family unit capacity. In Adjacent communities or Adjacent small towns, there may be a greater need for on-site parking. By contrast, in higher density communities (for example, those with Subway stations), a zero parking requirement may be appropriate.

A municipality may add parking requirements for additional uses allowed by right or by special permit within the MCMOD. Parking shall not be the sole threshold for requiring a special permit process for a project application. Where possible, these additional parking requirements should be expressed as parking maximums, especially in areas that are already developed. Municipalities are encouraged to be creative about reducing the area needed for parking to provide more lot area for housing and open space and should consider creating incentives for shared parking across uses and buildings.

Electric vehicle charging stations may be included as a component of accessory parking.

Shared Parking

Acceptable sources for calculating shared parking include those demonstrated in the Urban Land Institute Shared Parking Report or the ITE Shared Parking Guidelines. See <https://perfectfitparking.mapc.org/> for information about how to think about parking ratios.

Bike Storage

In all communities, municipalities should consider requiring bike storage to supplement the required parking spaces, especially within biking distance of a transit station. See Section [x] F.3. for an example. The numbers in brackets are provided as a guide to thresholds; the community may substitute its preference. The increasing use of electric bicycles has expanded the commute range for many people. Municipalities should strongly consider requiring secure, indoor bicycle storage for a wider range of properties, subject to local context and demand. This could also be incorporated into **Section [x] G. General Development Standards**.

See **Appendix E. Parking Considerations** for an additional discussion of parking topics, including EV charging.

F. **Off Street Parking**

These parking requirements are applicable to development in the MCMOD.

4.8. Number of parking spaces. The following maximum-minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces	Minimum Spaces
Multi-family	{# spaces per Residential Dwelling Unit}1 space per Residential Dwelling Unit	
Mixed-Use (Non-residential)/Commercial	{Sum of uses computed separately. (See 3, below.)}	

4.9. Number of bicycle parking spaces. The following minimum numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	{# spaces per Residential Dwelling Unit}1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/Commercial	{# spaces per Gross Square Feet or other measure}

3. **[Bicycle storage.]** For a multi-family development of [25] units or more, or a mixed-use development of [25,000] square feet or more, covered parking bicycle parking spaces shall be integrated into the structure of the building(s).)

Commented [TC8]: Punch this up

[Shared Parking within a Mixed-Use Development.] Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.]

G.E. **Milton/Central Station Subdistrict**

1. **Purpose**

2. The purpose of the Milton/Central Station Subdistrict is to allow for high quality mid-rise multi-family and mixed-use development while preserving the historic character of the Milton Village and Central Avenue business districts.

3.2. **Applicability**

4. An applicant may develop multi-family or mixed-use buildings up to 3.5 stories on larger parcels in portions of the Milton Village and Central Avenue business districts, in accordance with the provisions of this subsection.

5.3. Uses Permitted As of Right. The following uses are permitted as of right within the Milton/Central Station Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

Commented [TC9]: Do we want to use the existing allowed business district uses?

6.4. Accessory Uses. The following uses are considered accessory as of right to any of the permitted uses in Section [DE.13](#).

- a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

7.5. Table of Dimensional Standards. Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the [Transit Area-Triplex](#) Milton/Central Station Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height	
Stories (Maximum)	3.5

Feet (Maximum)	TK
Minimum Open Space ⁽³⁾	TK
Maximum Units per Acre	<u>30</u>

8. [Additional standards—see notes]

Standard	
Floor Area Ratio (FAR) ⁽⁴⁾	
Maximum Building Coverage ⁽⁵⁾	<u>TK</u>

9. [Additional standards—see notes]

Standard	
Minimum Frontage ⁽⁶⁾ (ft)	<u>none</u>
Front Yard Setback ⁽⁷⁾	
Min. to Max. (ft.)	<u>5</u>
Side Yard Setback	
Corner (ft)	<u>10</u>
Interior (ft)	<u>10</u>
Rear Yard Setback	
Min. to Max. (ft.)	<u>20</u>

10.6. Multi-Building Lots. In the ~~MCMOD~~Milton/Central Station Subdistrict, lots may have more than one principal building.⁸

11.7. Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.

Commented [TC10]: Check on existing exceptions to building height.

12.8. Exceptions: Renewable Energy Installations. The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] E.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

Commented [TC11]: Check existing solar energy height exceptions. Consult with Josh re: solsmart certification

13.9. Number of parking spaces. The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/Commercial	[Sum of uses computed separately. (See 3, below.)] 1 space per 1,500 SF of commercial space

14.10. Number of bicycle parking spaces. The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/Commercial	[# spaces per Gross Square Feet or other measure] 1 space per 500 SF of commercial space

15.11. Bicycle storage. For a multi-family development of ~~[25]~~10 units or more, or a mixed-use development of ~~[25,000]~~10,000 square feet or more, covered, secure parking—bicycle parking spaces shall be integrated into the structure of the building(s).}

16.12. Shared Parking within a Mixed-Use Development. Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by

using accepted methodologies.]

17.

H.F. Mattapan Station Subdistrict

1. Purpose

1. The purpose of the Mattapan Station Subdistrict is to provide high quality mid-rise multi-family housing on large sites in a transit-oriented district.

Commented [TC12]: Do we want to allow mixed use here?

2. Applicability

2. An applicant may develop multi-family housing up to 3.5 stories on larger parcels along the Neponset River near Mattapan Square.

3. Uses Permitted As of Right. The following uses are permitted as of right within the MCMOD Mattapan Station Subdistrict.

a. Multi-family housing.

b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. [Uses Permitted by Special Permit.] The following uses [and accessory uses] require a Special Permit from the [Special Permit Granting Authority].]

Commented [TC14]: No special permit uses yet

5.4. Accessory Uses. The following uses are considered accessory as of right to any of the permitted uses in Section D.F.13.

a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot

as the principal use.

6.5. Table of Dimensional Standards. Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the ~~Transit Area Triplex~~Mattapan Station Subdistrict are as follows:

Standard	
Lot Size	
Minimum ⁽¹⁾ (SF)	<u>none</u>
Height ⁽²⁾	
Stories (Maximum)	<u>3.5</u>
Feet (Maximum)	<u>TK</u>
Minimum Open Space ⁽³⁾	<u>TK</u>
Maximum Units per Acre	<u>30</u>

Commented [TC15]: Fix formatting, colors, min to max

7. [Additional standards—see notes]

Standard	
Floor Area Ratio (FAR) ⁽⁴⁾	
Maximum Building Coverage ⁽⁵⁾	<u>TK</u>

8. [Additional standards—see notes]

Standard	
Minimum Frontage ⁽⁶⁾ (ft)	<u>50</u>
Front Yard Setback ⁽⁷⁾	
Min. to Max. (ft.)	<u>30</u>
Side Yard Setback	
Corner (ft)	<u>20</u>
Interior (ft)	<u>20</u>
Rear Yard Setback	
Min. to Max. (ft.)	<u>15</u>

9-6. Multi-Building Lots. In the ~~MCMOD~~^{Mattapan Station Subdistrict}, lots may have more than one principal building.⁸

10-7. Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.

Commented [TC16]: Check on existing exceptions to building height.

11-8. Exceptions: Renewable Energy Installations. The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] FE.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

Commented [TC17]: Check existing solar energy height exceptions. Consult with Josh re: solsmart certification

12-9. Number of parking spaces. The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/Commercial	<u>1 space per 1,500 SF of commercial space</u> <u>[Sum of uses computed separately. (See 3, below.)]</u>

Commented [TC18]: If we choose to do mixed use

13-10. Number of bicycle parking spaces. The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/Commercial	<u>1 space per 500 SF of commercial space</u> <u>[# spaces per Gross Square Feet or other measure]</u>

Commented [TC19]: If we choose to do mixed use

14-11. [Bicycle storage.] For a multi-family development of 25^{ten (10)} units or more, or a mixed- use development of 25,000^{10,000} square feet or more, covered, secure parking bicycle parking spaces shall be integrated into the structure of the building(s).}

15-12. [Shared Parking within a Mixed-Use Development.] Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by

using accepted methodologies.]

4.G. Granite Avenue Subdistrict

1. Purpose

1. The purpose of the Granite Avenue Subdistrict is to provide high quality, higher density multifamily or mixed-use development on large commercial or underutilized parcels with good access to transit, shared use paths, and Interstate 93.

2. Applicability

2. An applicant may develop a multifamily or mixed-use project up to five stories on large parcels near the northern border of Milton along Granite Avenue, adjacent to the Neponset River, Gulliver's Creek, and Interstate 93.

3. Uses Permitted As of Right. The following uses are permitted as of right within the MCMOD Granite Avenue Subdistrict.

a. Multi-family housing.

b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

Commented [TC20]: Do we want to use the existing business district uses?

4. [Uses Permitted by Special Permit.] The following uses [and accessory uses] require a Special Permit from the [Special Permit Granting Authority].]

Commented [TC21]: No special permit uses yet

5.4. Accessory Uses. The following uses are considered accessory as of right to any of

the permitted uses in Section D.G.43.

- a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

6-5. Table of Dimensional Standards. Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Transit Area TriplexGranite Avenue Subdistrict are as follows:

Standard	
Lot Size	
Minimum ⁽⁴⁾ (SF)	<u>none</u>
Height ⁽²⁾	
Stories (Maximum)	<u>5</u>
Feet (Maximum)	<u>TK</u>
Minimum Open Space ⁽³⁾	<u>TK</u>
Maximum Units per Acre	<u>35</u>

7. [Additional standards – see notes]

Standard	
Floor Area Ratio (FAR) ⁽⁴⁾	
Maximum Building Coverage ⁽⁵⁾	<u>TK</u>

8. [Additional standards – see notes]

Standard	
Minimum Frontage ⁽⁶⁾ (ft)	<u>150</u>
Front Yard Setback ⁽⁷⁾	
Min. to Max. (ft.)	<u>20</u>
Side Yard Setback	
Corner (ft)	<u>10</u>
Interior (ft)	<u>10</u>
Rear Yard Setback	
Min. to Max. (ft.)	<u>30</u>

9.6. Multi-Building Lots. In the ~~MACMOD~~ Granite Avenue Subdistrict, lots may have more than one principal building.⁸

10.7. Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.

Commented [TC22]: Check on existing exceptions to building height.

11.8. Exceptions: Renewable Energy Installations. The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] EG.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

Commented [TC23]: Check existing solar energy height exceptions. Consult with Josh re: solsmart certification

12.9. Number of parking spaces. The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/Commercial	{Sum of uses computed separately. (See 3, below.)}1 space per 1,500 SF of commercial space

13.10. Number of bicycle parking spaces. The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/Commercial	{# spaces per Gross Square Feet or other measure}1 space per 500 SF of commercial space

14.11. Bicycle storage. For a multi-family development of ~~{25}~~ten (10) units or more, or a mixed- use development of ~~{25,000}~~10,000 square feet or more, covered, secure parking bicycle parking spaces shall be integrated into the structure of the building(s).}

15.12. Shared Parking within a Mixed-Use Development. Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.]

J.H. East Milton Square Subdistrict

1. Purpose

1. The purpose of the East Milton Square Subdistrict is to provide high quality multifamily and mixed-use development that bolsters the Town's largest business district and maintains East Milton Square's historic village downtown character.

2. Applicability

2. An applicant may develop a multifamily or mixed-use project up to 2.5 stories on parcels largely corresponding with the existing East Milton Square business district, as well as certain adjacent parcels in residential zones.

3. Uses Permitted As of Right. The following uses are permitted as of right within the MCMODEast Milton Square Subdistrict.

a. Multi-family housing.

b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

Commented [TC24]: Do we want to use the existing business district uses?

4. [Uses Permitted by Special Permit.] The following uses [and accessory uses] require a Special Permit from the [Special Permit Granting Authority].

Commented [TC25]: No special permit uses yet

5.4. Accessory Uses. The following uses are considered accessory as of right to any of

the permitted uses in Section DH.43.

- a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

6-5. Table of Dimensional Standards. Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Transit Area Triplex East Milton Square Subdistrict are as follows:

Standard	
Lot Size	
Minimum ⁽⁴⁾ (SF)	<u>none</u>
Height ⁽²⁾	
Stories (Maximum)	<u>2.5</u>
Feet (Maximum)	<u>TK</u>
Minimum Open Space	<u>TK</u>
Maximum Units per Acre	<u>25</u>

7. [Additional standards – see notes]

Standard	
Floor Area Ratio (FAR) ⁽⁴⁾	
Maximum Building Coverage ⁽⁵⁾	<u>TK</u>

8. [Additional standards – see notes]

Standard	
Minimum Frontage ⁽⁶⁾ (ft)	<u>none</u>
Front Yard Setback ⁽⁷⁾	
Min. to Max. (ft.)	<u>none</u>
Side Yard Setback	
Corner (ft)	<u>none</u>
Interior (ft)	0 (if the wall adjoining such side be either a party wall or a wall with its outer face coincident with the lot side line) or 6
Rear Yard Setback	
Min. to Max. (ft.)	<u>20</u>

M

9-6. Multi-Building Lots. In the ~~MCMD~~ East Milton Square Subdistrict, lots may have more than one principal building.⁸

10-7. Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.

Commented [TC26]: Check on existing exceptions to building height.

11-8. Exceptions: Renewable Energy Installations. The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [SectionTK] E-H.5 Table of Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

Commented [TC27]: Check existing solar energy height exceptions. Consult with Josh re: solsmart certification

12-9. Number of parking spaces. The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/Commercial	<u>[Sum of uses computed separately. (See 3, below.)]</u> 1 space per 1,500 SF of commercial space

13-10. Number of bicycle parking spaces. The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Mixed-Use (Non-residential)/Commercial	<u>[# spaces per Gross Square Feet or other measure]</u> 1 space per 500 SF of commercial space

14-11. [Bicycle storage.] For a multi-family development of [25]ten (ten) units or more, or a mixed- use development of [25,000]10,000 square feet or more, covered, secure parking bicycle parking spaces shall be integrated into the structure of the building(s).}

15-12. [Shared Parking within a Mixed-Use Development.] Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by

| using accepted methodologies.}

16.

Comments on G. GENERAL DEVELOPMENT STANDARDS

~~This entire section is optional~~, as indicated by the brackets surrounding the section. Communities often use Development Standards to provide control of certain elements of the design of the building(s) and site of a development.

~~If retained, development standards must be applied to all projects within the MCMOD. Multi family Development cannot be singled out for special standards~~ as stated in the Compliance Guidelines. The appropriate section in the Compliance Guidelines is 4.c.

Development Standards for multi family should be limited to the topics under site plan review and be clear and quantifiable. See the commentary for **Section [x] I. Site Plan Review** and **Appendices F and G**.

~~The standards provided are for guidance and may be amended or deleted based on the municipality's needs and the context within the MCMOD boundary. For example, some of the buffer requirements, open space requirements, and restrictions on parking locations may be less applicable (or inapplicable) to an urbanized environment where buildings abut each other or share party walls, or for projects that will occupy most or all of a lot's land area. Other circumstances that may vary include, but are not limited to, the following:~~

- ~~• **Buildings.** This section provides options for different building conditions, not all of which may be applicable to a single district. For example, the standards for multiple buildings on a lot may differ depending on whether the area is urbanized with deep lots and narrow frontages or less urbanized with building organized as a campus or in other configurations. Municipalities should consider the standards that are most relevant for their development pattern.~~
- ~~• **Open Space and the Compliance Model.** Upper level and ground level open space may contribute to the municipality's minimum open space requirement, but such space will not have an impact on the Compliance Model as it uses the zoning requirements, not development proposals, to evaluate compliance with the guidelines.~~

See **Appendix F. Development Standards and Design Guidelines** for additional information about controls on site and building design.

K.I. [General Development Standards]

Commented [TC28]: Highlight for PB

1. Development standards in the MCMOD are applicable to all multi-family development with more than [25]ten (10) units or mixed-use development of more than [25,000]10,000 SF within the MCMOD. These standards are components of the Site Plan Review process in **Section [xSectionTK] I. Site Plan Review**.
2. **Site Design.**
 - a. **Connections.** Sidewalks shall provide a direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
 - b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
 - c. **Open Space.** Acceptable activities within the minimum required Open Space include natural areas (including wetlands and surface waters), wildlife and native plant habitat, landscape plantings, agricultural activities, low-impact design stormwater management, non-motorized trails, and other low-impact activities. Open Space shall not contain habitable structures.
 - d. **Screening for Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than [6 (six)] feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
 - e. **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
 - f. **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
 - g. **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skylight.
 - h. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
 - i.—**Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
 - j.

|—————**Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable,

j. additional requirements under the [Municipality]Milton MS4 Permit for projects that disturb more than one acre and discharge to the [City's/Town's] municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

3. Buildings: General.

- a. **Position relative to principal street.** The primary building shall have its principal façade and entrance facing the principal street. See also Section G.7. **Buildings: Corner Lots.**
- b. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

Commented [TC29]: Make sure this nomenclature, numbering is consistent

4. Buildings: Multiple buildings on a lot.

- a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
- b. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

5. Buildings: Mixed-use development.

- a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
- d. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

6. **Buildings: Shared Outdoor Space.** Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.
7. **Buildings: Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.
 - a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
 - b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
 - c. Fire exits serving more than one story shall not be located on either of the street-facing façades.
8. **Buildings: Infill Lots.** If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of Section [x] E. Dimensional Standards, each subdistrict's dimensional standards. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.
9. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.
 - a. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.
 - b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - c. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
10. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this Section [xSectionTK] G. General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.]

Commented [TC30]: Check for consistency with existing parking/front setback paving standards

Comments on H. AFFORDABILITY REQUIREMENTS

Requiring Affordable Housing in 3A Compliant Zoning Districts

~~MBTA communities may require Affordable Housing Units in development projects within 3A-compliant zoning districts, subject to the limitations described in Section 4.b. of the Compliance Guidelines. Therefore, this section is optional, and may be used by MBTA communities that want to include an affordability requirement. Such affordability requirements are often called “Inclusionary Zoning.” Communities with existing Inclusionary Zoning districts should carefully review definitions and other provisions of their existing zoning to reconcile them with affordability requirements or, if different, to clearly distinguish between the MCMOD district requirements and requirements in other zoning districts.~~

~~There are several methods a municipality may use to require affordable units in a 3A compliant district:~~

- ~~1. In all MBTA communities, the zoning may require 10% (or less) of units in a development project be restricted as affordable, with a cap on income of families or individuals who are eligible to occupy the units of 80% (or more) of the Area Median Income (AMI). Municipalities that want to restrict more units or provide the units with deeper affordability should refer to the options described below, and found in Section 4.b. of the Guidelines.~~
- ~~2. Communities may require up to 20% of units to be affordable and/or require affordability for households earning less than 80% AMI when that zoning is approved by DHCD through a zoning incentive program such as chapter 40R. Communities that are amending an existing 40R district (adopted prior to August 10, 2022) to comply with Section 3A may retain a pre-existing requirement for up to 25% of units to be affordable.~~
- ~~3. Communities may require up to 20% of units in a project to be affordable, and/or to require that units are affordable to households earning income less than 80% of the AMI, without approval through another DHCD zoning incentive program, if those MBTA communities submit, and have approved, an economic feasibility analysis.~~
- ~~4. Communities may choose to require affordable units for households with incomes over 80% of AMI to preserve Workforce Housing. See notes on SHI eligibility below and **Appendix B. Affordable Housing**.~~

~~For complete details about requiring affordable units, please carefully read Section 4.b. of the Compliance Guidelines and Appendix B of this Sample Zoning document.~~

Comments on H. AFFORDABILITY REQUIREMENTS (continued)

Key Considerations for Affordability Requirements

Existing Inclusionary Zoning

Communities with existing Inclusionary Zoning should compare their current zoning to Section 4.b as noted above. If the current Zoning is non-compliant, the community can choose to exempt the MCMOD from the existing Inclusionary Zoning and add specific affordability provisions to the MCMOD that are consistent with the Compliance Guidelines.

When creating Inclusionary Zoning standards there are two key metrics to consider that may be tailored to specific requirements.

- 1. What size project should trigger Affordability Requirements?** The sample bylaw starts with 10 units as a threshold. Thus, a project with 10 units would require 1 unit to be affordable and 9 units could be market rate.
- 2. Percentage of units required to be affordable.** As noted above, 10% is allowed in all situations, up to 20% and/or less than 80% AMI is allowed with an approved economic feasibility analysis.

Municipalities should carefully consider the interplay of the unit thresholds and the percent of units so as not to create a situation where the affordability requirements do not comply with Section 4.b. of the Compliance Guidelines. Careful consideration of the local market is important consideration when determining these standards.

Making sure that Affordable Housing projects qualify for the Subsidized Housing Inventory

MBTA communities may want Affordable Housing Units that are developed in Section 3A-compliant zoning districts to be eligible for and included on the Subsidized Housing Inventory (SHI), which measures a municipality's stock of SHI-eligible housing units for purposes of Massachusetts General Laws Chapter 40B.

Municipalities that adopt Inclusionary Zoning provisions need to understand how these units may qualify for inclusion on the SHI when a multi family or mixed-use development project is submitted under inclusionary zoning provisions. Units that arise from Inclusionary Zoning provisions may qualify for the SHI through DHCD's Local Initiative Program (LIP) as LIP Local Action Units (LAUs). Because many of these units may be permitted "as of right," municipalities must carefully communicate requirements to project proponents and take an active role in submitting an application for these LAUs, which must be approved under LIP to establish SHI eligibility under this program.

Comments on H. AFFORDABILITY REQUIREMENTS (continued)

Communities should consult with DHCD LIP program staff about how to develop zoning and projects that comply with LAU program requirements for units arising from as of right multi-family zoning and are strongly encouraged to do so early in the process to ensure LIP LAU program requirements, including with respect to development standards, will be met.

LIP LAU program information is available at this webpage:

<https://www.mass.gov/service-details/local-initiative-program>

See also the G.L. c. 40B guidelines, available at:

<https://www.mass.gov/files/documents/2017/10/10/guide-comprehensive-permit.pdf>

The AFHMP guidelines are also found as stand alone guidelines at

<https://www.mass.gov/files/documents/2016/07/01/afhmp.pdf>

SHI eligibility is not to be taken for granted. For units to be eligible to count on the SHI, they must comply with all applicable requirements under 760 CMR 56.00 et seq., including without limitation (a) income limitations no higher than 80% AMI, (b) receipt of a Subsidy through an eligible Subsidy program (in most cases through a state Subsidizing Agency), which may take the form of technical assistance under DHCD's Local Initiative Program/Local Action Unit Program, and (c) recording of an affordability restriction that meets the requirements of DHCD guidelines and the applicable Subsidy program at the Registry of Deeds. The project proponent must follow applicable rules about conducting a lottery and resident selection, affirmative fair housing marketing and monitoring income levels over time, as well as other requirements in accordance with DHCD guidelines and the applicable affordability restriction and approved Affirmative Fair Housing Marketing and Resident Selection Plan. See **Appendix B, Affordable Housing** for more information about the process and requirements and sample language. Notably, **affordability requirements for units available to households earning income above 80% of the AMI do not meet SHI affordability requirements.**

4. **Affordability Requirements.**

1. **Purpose.**

- a. {Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;}
- b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
- c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and
- d. Work to overcome economic segregation allowing [Municipality], Milton to continue to be a community of opportunity in which low and moderate-income households have the opportunity to advance economically.}

2. **Applicability.** This requirement is applicable to all residential and mixed-use developments with {ten (10)} or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion-(Applicable Projects). No project may be divided or phased to avoid the requirements of this section.

3. **Affordability requirements. [Either a or b, not both.]**

- a. **Subsidized Housing Inventory.** {All} units affordable to households earning 80% or less of AMI created in the MCMOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.}
- b. **Non-SHI Affordable Units.** Affordable Units do not have to qualify for listing on EOHLC's Subsidized Housing Inventory but must be restricted in accordance with the metrics below.}

4. **Provision of Affordable Housing.** In Applicable Projects, not fewer than {ten percent (10%)} of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to {eighty percent (80%)} of the AMI.

5. **[Fee in Lieu.]**

- a. As an alternative to the requirements of paragraph (3) of this section, and at the sole discretion and majority vote of [the Executive Body of the municipality] upon a recommendation of the [Zoning Enforcement Officer/Planning Director/Building Inspector/Housing Coordinator], the developer or property owner shall contribute a fee to the Municipality's Affordable Housing Trust Fund in lieu of providing all or a portion of the required Affordable Housing Units within the proposed development.

Commented [TC31]: Consider getting rid of this

- ~~b. The fee in lieu of providing one or more Affordable Housing Units shall be a minimum of [\$400,000.00] per required Affordable Housing Units not provided within the development. This fee may be adjusted upward by a majority vote of [the Executive Body of the municipality].~~
- ~~c. Any payment to the Affordable Housing Trust Fund as an in lieu contribution for Affordable Housing Units shall be made as follows: at least 50 percent of the total owed prior to the issuance of a building permit; and the remaining total owed prior to the issuance of an occupancy permit.~~

6.5. Development Standards. Affordable Units shall be:

- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- b. Dispersed throughout the development;
- c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- d. Located such that the units have equal avoidance of any potential nuisances as ~~{market-rate units}~~ within the development;
- e. Distributed proportionately among unit sizes; and
- f. Distributed proportionately across each phase of a phased development.
- g. ~~{Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.}~~

7. Administration.

6. The [Zoning Enforcement Officer/Planning Director/Building Inspector/Housing Coordinator] shall be responsible for administering and enforcing the requirements in this section.]

a. |

Comments on I. SITE PLAN REVIEW

~~This entire section is optional~~, as indicated by the brackets surrounding the section. ~~Site plan review is not required for the MCMOD~~. Some municipalities already have a Site Plan Review process in their Zoning.

~~Only as of right Site Plan Review is permitted under Section 3A. If the community's existing zoning provides for Site Plan review by Special Permit, such provisions may not be applied to multi family zoning adopted pursuant to Section 3A. The existing Site Plan Review must be amended to as of right Site Plan Review, or the MCMOD (or other compliant zoning district) must include as of right Site Plan Review.~~

See [Appendix G. Site Plan Review](#) for resources and references to relevant Site Plan Review case law.

Communities may choose to apply the Site Plan Review process to all projects within the MCMOD, to projects that meet a certain threshold, or not at all. For more specific information about the applicability of Site Plan Review, please see section 4.a. of the Compliance Guidelines. Such Site Plan Review process shall be construed as an as of right review and approval process as required by and in accordance with the Compliance Guidelines.

~~To reduce the number of projects that come before the Planning Board, municipalities may consider an Administrative Site Plan review process that would apply to projects below a certain threshold and/or to modifications of approved Site Plans (as defined by the community).~~

~~Site Plan Review is limited to the regulation of the use and a Site Plan Review Authority may impose reasonable conditions when considering site plan approval. Site Plan Review may not be denied except for very limited reasons to the extent permitted by applicable Massachusetts law.~~

If the municipality does not already have standards for Site Plan Review, then consider adding the following to the Zoning.

~~[Administration. The provisions of this Section [x] shall be administered by the Zoning Enforcement Officer, except as otherwise provided herein.]~~

M-K. Site Plan Review

1. **Applicability.** Site Plan Review is required for a project that proposes ~~25~~ten (10) dwelling units or more. An application for Site Plan Review shall be reviewed by the Permitting Authority for consistency with the purpose and intent of Sections ~~[*SectionTK]~~ D through ~~[*SectionTK]~~ H.
2. **Submission Requirements.** As part of any application for Site Plan Review for a project within the MCMOD submitted under Sections ~~[SectionTK]~~ E-D through ~~[SectionTK]~~ +H (or, for projects not requiring Site Plan Review, prior to submission of any application for a building permit), the Applicant must submit the following documents to the ~~Municipality~~Town:
 - a. Application and fee for Site Plan Review.
 - b. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by ~~Municipality~~ for Site Plan Review.
 - c. Elevations of the building(s) showing the architectural design of the building.
 - d. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of {one inch equals forty feet (1"=40')} or larger}, or at a scale as approved in advance by the Permitting Authority.
 - e. Narrative of compliance with the applicable design standards of this Section~~[*SectionTK]~~.
3. **Timeline.** Site Plan Review should be commenced no later than 30 days of the submission of a complete application and should be completed expeditiously. The site plan review authority may, when appropriate, seek the input of other municipal boards or officials. In general, site plan review should be completed no more than 6 months after the submission of the application.
4. **Site Plan Approval.** Site Plan approval for uses listed in the Permitted Uses subsection of Sections ~~[SectionTK]~~ D through H Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the following conditions have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
 - a. the Applicant has submitted the required fees and information as set forth in ~~Municipality~~'s requirements for a Building Permit and Site Plan Review; and

Commented [TC32]: Site Plan Review is triggered at 10 units, so not applicable in Transit Area Triplex Subdistrict

b. **[Use only if there are no development standards within the local zoning or included in this MCMOD district.]** Any new building construction or other site-alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage that demonstrates compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the [Municipality] MS4 Permit for projects that disturb more than one acre and discharge to the [City's/Town's] municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post construction maintenance and reporting requirements.

OR

b. **[Use if the municipality used Section G, above]** the project as described in the application meets the development standards set forth in Section [SectionTK*] G. General Development Standards.]

5. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Section [SectionTK*] H. Affordability Requirements.]

A.1. Severability.

If any provision of this Section [SectionTK] is found to be invalid by a court of competent jurisdiction, the remainder of Section [SectionTK] shall not be affected but shall remain in full force. The invalidity of any provision of this Section [SectionTK] shall not affect the validity of the remainder of the [Municipality's] Milton's Zoning.



Appendix A. Sub-districts

The use of sub-districts within a larger overlay or base zoning district may be appropriate for some MBTA Communities. Sub-districts may appear complicated, but they provide the opportunity to address more specific local conditions within a community, especially those whose development patterns shift significantly throughout the built environment. For example, a community may wish to create a single MCMOD that includes one level of development intensity next to a transit station, a second level in the downtown area, and a third level on a large parcel that is likely to be redeveloped for multi-family housing. Three sub-districts would allow that community to address area specific goals within a single overlay dedicated to multi-family use.

The requirements for sub-districts may vary by purpose, use, dimensional standards, and development standards. If a community is considering creating sub-districts with this Sample Zoning, the following sections may need to be modified.

- * **Section [x] A. Purpose.** Information about the purpose of each sub-district, if the MCMOD has more than one district, may also be added.
- * **Section [x] B. Applicability.** Add a description of each sub-district. Consider describing each district by the building typologies allowed in that district or the dimensional standard that changes the most in each district.
- * **Section [x] C. Definitions.** Add any definitions specific to the sub-district(s).
- * **Section [x] D. Permitted Uses.** The community can define uses permitted as of right for each sub-district. The community may consider basing some of these on housing typologies. In the example above, the area next to the transit station could include mid-rise multi-family of three to five stories, the downtown area could include three to eight family buildings tucked behind the main street, and the large parcel could include clusters of town houses with protected open space.
- * **Section [x] E. Dimensional Standards.** Dimensional standards may be used to define specific sub-districts. See [Appendix C. Development Intensity](#) for a broader discussion.
- * **Section [x] F. Parking Standards.** Requirements for parking (and other components, such as bicycle spaces, storage, and EV stations) may also vary by sub-district. Considerations include distance from transit and density of other uses, among others. Sub-districts with a higher mix of uses that provide jobs, goods, and services within walking or biking distance of housing may need lower parking requirements.
- * **Section [x] G. General Development Standards.** Sub-districts within the MCMOD may have separate development standards which can be added to [Section \[x\] G. General Development Standards](#). The community can define a consistent design approach for buildings and sites in each sub-district. Note that development standards should be limited to those that fall under the criteria for Site Plan Review. See [Appendix F. Development Standards and Design Guidelines](#) for additional discussion of this topic.

Commented [TC33]: New section for each subdistrict, or include subdistrict information under each applicable heading?



Appendix B. Affordable Housing Section 3A and Affordable Housing

Section 3A does not address affordable housing. Section 4.b. of the Compliance Guidelines addresses affordable housing as noted in the comments for **Section [x] H. Affordability**.

Requirements. Municipalities have an option to include deeper affordability requirements with EOHLC approval of an Economic Feasibility Analysis (EFA). Guidance related to submission of an EFA can be found on the mass.gov/mbtacommunities web pages.

A community may impose affordability restrictions as permitted by the Compliance Guidelines without such restrictions being inconsistent with the as of right multi-family use required by Section 3A. The community's requirements also need not be tied to the use of the Site Plan-Review process. (See **Appendix G. Site Plan Review**.)

Affordability requirements can be tied to the as of right use or as part of a special permit process with development incentives—an option for a special permit is discussed in **Appendix D. Special Permits**. Affordability under the Compliance Guidelines is restricted; the use of special permits may provide greater flexibility for specific local initiatives for affordable housing above the requirements allowed by the Compliance Guidelines.

Workforce Housing: Affordability Requirements for units over 80% of AMI

Communities may choose to work towards including their units on the Subsidized Housing Inventory (SHI) which must be restricted to be affordable to households making not more than 80% of the AMI and meet other SHI eligibility requirements. However, some communities are addressing local needs for Workforce Housing that has affordability requirements for households making over 80% of AMI—typically between 81% and 120% of AMI. Affordable units that are restricted to households in that income range will not qualify for the SHI because of the higher income levels. Such affordable workforce units must have recorded deed restrictions and must be monitored for compliance with income restrictions.

MassHousing provides information about their Workforce Housing Fund and the program guidelines here: <https://www.masshousing.com/developers/workforce-housing>
Subsidized Housing Inventory

In **Section [x] H. Affordability Requirements**, optional language in the Sample Zoning ties the creation of Affordable Units to the SHI. For units to count on the SHI, they must comply with all applicable requirements under 760 CMR 56.00 *et seq.*, including without limitation (a) income limitations no higher than 80% AMI, (b) receipt of a state subsidy, which may take the form of technical assistance under EOHLC's Local Initiative Program/Local Action Unit Program, and (c) recordation of an affordability restriction with the records of the Registry of Deeds.

Note that any development standards for SHI units must comply with the requirements of an eligible subsidy program. (This may apply to both **Section [x] H. Affordability Requirements** and **Section [x] G. General Development Standards**.)

SHI eligible units may be subject to a recorded regulatory agreement with the relevant subsidizing agency. In the case of Local Action Units created through EOHLC's LIP program, such regulatory agreement shall be executed by the developer/project sponsor, the municipality, and EOHLC in accordance with Local Initiative Program regulations and guidelines.

Communities using the Local Initiative Program/Local Action Unit Program should coordinate with EOHLC early in development process to ensure compliance with program and development requirements (e.g., unit size, number of bedrooms required, or long term use restriction/ regulatory agreement to be executed with EOHLC).

Resources

For detailed information about SHI eligibility and a list of Eligible Subsidy Programs, please review EOHLC's G.L. c. 40B Guidelines:

<https://www.mass.gov/doc/guidelines-gl-c40b-comprehensive-permit-projects-subsidized-housing-inventory/download>

For more information about the LAU Program, visit the LIP/LAU Program website:

<https://www.mass.gov/service-details/local-initiative-program>

Other resources to review include MHP's Local Action Units Guidelines:

<https://www.housingtoolbox.org/resources/local-action-units-laus-guide>

and EOHLC's 40R program if the community does not already have a 40R district.

<https://www.mass.gov/service-details/chapter-40r>



Appendix C. Development Intensity

Development intensity refers to the relative intensity of the built environment with respect to the location from a transit station. The measurement of distance from a transit station is based on the distance from the closest edge of the parcel containing the transit station to the parcel being measured. Communities can use the area types described below as guides to define either a MCMOD based on the current development patterns in their community or sub-districts within their proposed MCMOD. Please note – these are only suggestions for a variety of approaches that may be taken to comply with Section 3A. Many communities will craft their own scale of development intensity or even multiple sub-districts in order to demonstrate compliance.

- * **Lower Intensity.** Larger lot sizes, lower building heights, higher requirements for minimum Open Space, and higher maximum parking ratios. Lower Intensity areas are more likely to be beyond a ½ mile from a transit station.
- * **Medium Intensity.** Mid height buildings, medium requirements for minimum Open Space, medium maximum parking ratios. Lot sizes may vary depending on the location within the community. Medium intensity areas may be transitions from Medium-High Intensity areas to Lower Intensity areas within a ½ mile to a mile of a transit station. Medium Intensity areas could also be community defined town or village centers.
- * **Medium-High Intensity.** Transition from High Intensity to Medium Intensity areas in terms of height and open space requirements and generally within a ½ mile of a transit station or within larger community defined town centers or downtowns.
- * **High Intensity.** Smaller lots and taller buildings or block-size buildings, no requirements for minimum Open Space, lower maximum parking ratios or structured parking. High intensity areas are more likely to be located within a ¼ mile of a Transit Station.

Dimensional Standards and Development Intensity

These sample dimensional standards are split into a menu of four different area types based on the relative intensity of development. These suggested dimensional standards can be set by Multi-family Building Type, sub-district, or throughout the MCMOD. The area could be an entire district, for example, an Adjacent Community may have a development pattern that is lower in intensity of use and built environment than the community next door with a commuter rail station. That Adjacent Community may wish to use the suggested Lower Intensity dimensions below.

However, the Adjacent Community may have a town center with a more intense development pattern and decide that its MCMOD should have two sub-districts. The first sub-district may apply the Medium Intensity or Medium-High Intensity standards below to the town center and the Medium Intensity or Lower Intensity standards to the second sub-district within the same MCMOD (See [Appendix A. Sub-districts](#) for more discussion on this topic).

The minimum lot sizes in the table below for the Lower Intensity and Medium Intensity areas assume a single building per lot. See **Section [x] E. Dimensional Standards** for the notes that match the organization of these tables and the superscripted numbers below. The purpose of these tables is to show how the different dimensional types can work together to produce the four development intensity examples.

For communities wishing to test their existing zoning or a proposed zoning district with the Compliance Model, the dimensional standards below provide a starting point for that assessment. These tables may be particularly useful if the first iteration with the Compliance Model indicates a potential problem with compliance.

1. Lot Sizes, Height, and Open Space.

Standard	Lower- Intensity	Medium- Intensity	Medium- High- Intensity	High- Intensity
Lot Size				
Minimum ⁽⁴⁾ (SF)	20,000	5,000	2,500	0
Height ⁽²⁾				
Stories (Maximum)	3	4	5	6
Feet (Maximum)	45	55	65	75
Minimum Open Space ⁽³⁾				
Within $\frac{1}{4}$ mile of a Transit Station	20%	10%	10%	5%
Within $\frac{1}{2}$ mile of a Transit Station	20%	10%	10%	5%
Over $\frac{1}{2}$ mile from a Transit Station	30%	20%	10%	5%

2. FAR and Building Coverage.

Standard	Lower- Intensity	Medium- Intensity	Medium- High- Intensity	High- Intensity
Floor Area Ratio (FAR)(4)	2.5	3.5	4.5	5 or higher
Maximum Building Coverage(5)				
Within $\frac{1}{4}$ mile of a Transit Station	80%	90%	90%	95%
Within $\frac{1}{2}$ mile of a Transit Station	80%	90%	90%	95%
Over $\frac{1}{2}$ mile from a Transit Station	70%	80%	90%	95%

3. **Frontage and Yards.**

Standard	Lower- Intensity	Medium- Intensity	Medium- High- Intensity	High- Intensity
Minimum Frontage(6) (ft)	50	25	25	0
Front Yard Setback(7)				
Min. to Max. (ft.)	10-40	10-20	0-20	0-15
Side Yard Setback				
Corner (ft)	10-40	10-20	0-10	0-10
Interior (ft)	10-40	10-20	0-10	0-10
Rear Yard Setback				
Min. to Max. (ft.)	10-40	10-20	5-10	5-10



Appendix D. Special Permits

Multi-family must be allowed as of right and may be subject to Site Plan review. However, a community may choose to add other uses, either as of right or with a special permit. The use of the special permit approval process in the MCMOD will depend on the following:

- Other uses that are permitted in the underlying zoning.
- Specific types of multi-family as long as the multi-family that is allowed as of right is sufficient to be compliant with Section 3A. For example, the community may require a special permit process to allow a density or height bonus in exchange for additional affordable units above the level set in the Compliance Guidelines. (see example Section[x].D.2.a, below) However, failure to obtain the special permit would not eliminate the ability to develop multi-family under as of right zoning.
- Uses that are compatible in nature but not by location. For example, office use in a mixed-use building may be allowed by right, but a special permit is required for office use on the second floor. (See sample Section[x].D.2.b, below) Note that residential use is a required component of mixed-use development in the MCMOD.
- Any uses that the community considers to be compatible with multi-family zoning in this particular area or sub-district but may require additional review. For example, a light industrial use may be combined with a multi-family use, but the community requires a special permit for the industrial use to set appropriate requirements for pedestrian and vehicular circulation and the mitigation of potentially noxious impacts such as noise, light, odor, or storage. The accompanying multi-family is allowed as of right; site plan review can be used to check that site and building components are compatible with the special permit conditions for the industrial use. However, the special permit for the industrial use cannot be denied in an attempt to prevent the multi-family use; the two uses are separate components of the development. (See sample Section[x].D.2.c, below)
- Standards that the community wants to promote, such as the use or generation of renewable energy, mitigation of heat island effect, or other specific community benefits. Such standards could be paired with a height or density bonus. (See sample Section[x].D.2.d, below)
- Whether the community is using this zoning as a base district rather than as an overlay and wishes to permit additional use types with more stringent standards.
- Whether the community is using sub-districts with different levels of development intensity.

Remember to add the definitions of additional uses to **Section [x] C. Definitions** if those uses are not already defined in the community's current Zoning.

Section[x].D.2.a-d below are provided as examples for communities to consider and are not required by the Compliance Guidelines. Communities have many options to define uses that

require special permits, but the options below address some situations that may be common to the MBTA Communities. The sample language below is provided as a guide to developing community appropriate special permit uses.

D. Permitted Uses:

1. Uses Permitted by Special Permit. The following uses require a Special Permit from the Permitting Authority:

a. **Affordable Housing.** The provision of Affordable Housing for either (a) at least [25%] of the total units in a proposed multi family housing or mixed use development which are affordable to households making no more than [80%] of the Area Median Income or (b) at least [10%] of the total units in the proposed multi family housing or mixed use development which are affordable to households making no more than [50%] of the Area Median Income. In exchange for either (a) or (b), the proposed multi family housing or mixed use development shall have one additional story of height above the requirements set forth in **Section [x] E.**

Dimensional Standards. All other provisions of **Section**

[x] H. Affordability Requirements apply to the Affordable Housing Units developed in accordance with this section.

Why Might a Community Add This Special Permit?

Some communities seek higher requirements for the provision of affordable housing units than the Compliance Guidelines allow. (See **Appendix B. Affordable Housing** for more discussion of this topic.) Higher affordability requirements help to address community needs, but for smaller projects, the provision of such units may increase the cost of development beyond the level of feasibility. One way to address this situation is to provide a bonus that adds additional value to the development to support the higher requirement for affordable units. In this example, an extra story of height acts as that incentive.

b. **Second floor Office Use in Mixed Use Developments.** Office use on the second floor of a mixed use development.

Why Might a Community Add This Special Permit?

Residential is a required component of mixed use developments in a MCMOD. As suggested in **Section [x] D. Permitted Uses**, the non-residential uses would be limited to the ground floor. However, certain situations may call for a non-residential use on an upper floor – for example, the adaptive reuse of an older building or a site with significant topographical change. A Special Permit could provide flexibility in the location of non-residential uses within the building (in this example, office). The key is that denial of the special permit for this purpose may not be used to deny the residential component of the project.

c. **Light Industrial Use in Mixed-Use Developments.** The [Permitting Authority] may grant a special permit for light industrial use in combination with multi-family housing or mixed-use development. The special permit shall be limited to conditions on the integration of the circulation of pedestrians and vehicles with the circulation for other uses on the site, location of industrial loading docks with respect to residential uses, and the mitigation of noise, dust, odors, and storage of hazardous and/or bulk materials, including trash and waste products, related to the operations of the industrial use. The [Site Plan Review Authority] may require appropriate internal landscaped buffers between uses to promote safety and mitigate visual or auditory impacts. Denial of a special permit for industrial use is not an automatic denial of the multi-family housing or residential components of a mixed-use development.

Why Might a Community Add This Special Permit?

In some communities, industrial land is under pressure from residential development, which may have a higher market value. Those communities do not want to lose the ability to keep the land available for industrial use when the market shifts. In other communities, land value for industrial uses is insufficient to spur investment in those uses. Residential as a component of light industrial may help preserve a portion of the land for industrial use, support existing industrial uses with a higher value land use, and locate housing near jobs. The key to this example is to define light industrial to be consistent with residential uses on the same site. Light industrial uses will have circulation requirements for loading and unloading and uses that may be considered noxious by residents, including outdoor storage, longer hours of operation, odors from processing and manufacturing, and other impacts. Again, the key is to create development standards that mitigate the negative impacts and provide safe circulation for pedestrians, bicyclists, and drivers.

As with the example above, denial of the special permit cannot be used solely as a means of denying the residential use. For this to be successful, interested communities should carefully define the purpose of such co-location of uses to support both light industrial and residential and not use one to supplant the other.

d. **Stormwater Management and Heat Island Impact.** The Permitting Authority may grant a special permit to allow one additional story of height above the requirements set forth in **Section [x] E. Dimensional Standards** in exchange for retaining 100% of the stormwater on site and for including one of the following additional components:

- i. Install a vegetated or green roof over 50% of the roof area.
- ii. Use diffuse, highly reflective materials on 75% of the roof area.
- iii. Provide solar PV and/or solar thermal on a minimum of 50 percent of the roof area.
- iv. Provide 100% highly reflective concrete topping.
- v. Install a blue roof over 50% of the roof area to provide initial temporary water storage and then gradual release of stored water.

Why Might a Community Add This Special Permit?

This example is one of several throughout this document that encourages communities to consider addressing other local needs through the MCMOD, with a reminder that the resulting zoning must still comply with Section 3A and the Compliance Guidelines. In this example, a height bonus is provided to encourage strategies that will help mitigate the negative impacts from an increase in precipitation (number and intensity of events) and the heat island effect. The example bonus is not limited to a single story of height; communities may mix and match the suggestions above to meet their local need. For example, the first story could be for retaining 100% of stormwater on site and an additional story could be offered for each of the accompanying criteria. The list above addresses a more urbanized environment; a different list might be more suitable for a lower intensity district.



Appendix E. Parking Considerations

Parking requirements are a factor in how much land is available for development and the required spaces per residential dwelling unit is part of the calculations in the Compliance Model. (See commentary for [Section \[x\] E. Dimensional Standards](#).) The need for parking for residential use is partly a function of the distance between the housing and jobs, goods, and services. The presence of public transit helps reduce that need by providing an alternative method of access. However, in some markets, the demand for parking is higher: housing may be further away from other uses, public transit is not available, or the location of other needs, particularly jobs, is not in alignment with the available transit.

Parking Maximums

This Sample Zoning suggests establishing a parking maximum, rather than a minimum. Most communities have parking minimums; this may encourage some developers to over park the site. Over time, parking maximums may reduce the amount of land devoted to parking, thus freeing up more land for housing and open space. As with other guidance in this document, communities should evaluate what is appropriate for their community. For example, lots in Lower Intensity areas outside walking or biking distance to transit stations may need a higher parking ratio for surface lots; smaller lots in High Intensity areas may either not need parking or may have structured parking as an option. (See [Appendix C. Development Intensity](#) for a discussion of these area types.)

The suggested ratios in the table below are maximums based on the distance of the use from a Transit Station and are provided as a starting point. Communities using the Compliance Model to test the other zoning parameters in [Appendix C. Development Intensity](#) may also want to test the ratios below as parking is one of the factors in the Compliance Model.

1. Number of parking spaces. The following **maximum** numbers of off street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use/Location	Maximum Spaces per Residential Dwelling Unit
Multi-family	
Within ¼ mile of a Transit Station	1.00
Within ½ mile of a Transit Station	1.25
Over ½ mile from a Transit Station	2.00
Mixed use, non-residential	Sum of uses computed separately. (See 3, below.)

Bicycle Parking and Storage

As bicycle use becomes more common as a form of both regular transit and recreation, providing bicycle spaces in each development is increasing in importance. Equally important for multi-family housing is the ability to store bicycles in covered storage. The table below is a starting point for the **minimum** number of bicycle spaces per use, by geography. Bicycle parking and storage is not part of the Compliance Model and is not a required component of compliance with Section 3A and the Compliance Guidelines. Communities should consider the existing and projected local bicycle infrastructure when establishing their regulations. For example, a community with a multi use rail trail may want to establish higher minimum requirements for spaces and storage.

2. Number of bicycle parking spaces. The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Location	Multi-family	Mixed Use (Non-residential)/Commercial
Within 1 mile of a Transit Station	1 per dwelling unit	1 per every [five (5)] parking spaces
Over 2 miles from a Transit Station	1 per every [two (2)] dwelling units	1 per every [ten (10)] parking spaces

Parking Relief for Historic Buildings

Another option for meeting local needs is to consider incentives for the adaptive reuse of historic buildings. One way to do that is to provide parking relief. For example, removing parking requirements for the residential uses in an historic building creates an incentive to reuse the upper floors for residential uses. This is important, because the requirements to bring older buildings up to code for upper story residential use can be expensive. Reductions in parking requirements help offset that cost and reduce the need for a variance for a smaller downtown lot with an existing building. This option may be more important for a community retaining parking minimums in its Zoning. Sample language is below:

Waiver of Parking Requirements for Historic Buildings. The adaptive reuse of buildings listed on the National or State Registers of Historic Places, or eligible for such listing, is not required to provide parking for the residential uses within the historic building. Parking shall be provided for additions to the historic building or for

Commented [TC34]: Consider adding this in Milton/Central Station and East Milton areas

new additional buildings on the same lot in accordance with the requirements of this section.

Electric Vehicles

Communities may consider requiring EV charging stations or the infrastructure for later addition of such charging stations as recognition of increasing demand for electric vehicles. Communities who choose this option may not apply this solely to multi-family uses within the MCMOD or create such a high requirement that the multi-family use is rendered infeasible.

Sample language for requiring EV charging stations is below. This could be modified to require the underlying infrastructure instead:

Number of electric vehicle (EV) charging stations. For all uses within the MCMOD, electric charging stations are required with one EV space required for every [twenty (20)] parking spaces, rounded up to the next highest number of EV stations.

Commented [TC35]: Add this to everywhere but Transit Triplex



Appendix F. Development Standards and Design Guidelines Development Standards Development Standards, examples of which are provided in **Section [x] G. General Development Standards** and **Section [x] H. Affordability Requirements** must be clear, objective, and quantifiable—in other words, anyone reading the standard must be able to say with certainty whether or not the standard has been met. An example might be a requirement for a roof pitch of 9:12 or a prohibition on parking in the front yard setback. Either can be verified by reviewing the plans from the Applicant either as part of a building permit application or in the Site Plan Review process.

Development standards in a MCMOD must be tied to either Administrative review for an as-of-right use or the criteria for Site Plan Review for projects for which that process is applicable. The development standards must reflect reasonable terms and conditions on the use.

Additional Options for Development Standards

The following sample Development Standards apply to specific development conditions that are less universal than the options provided in **Section [x] G. General Development Standards** are provided here as additional examples to consider.

*— **Open Space.** Communities that may have larger lots with significant open space (perhaps as part of a multi family cluster development), may consider development standards for the use of that open space. One option is as follows:

Open Space. Acceptable activities within the minimum required Open Space include natural areas (including wetlands and surface waters), wildlife and native plant habitat, landscape plantings, agricultural activities, low impact design stormwater management, non-motorized trails, and other low impact activities. Open Space shall not contain habitable structures.

*— **Location of Parking.** Parking, either surface or structured, is not allowed between a building and the front yard lot line. On a corner lot, parking is not allowed between the building and the front and side yard lot lines.

*— **Multiple buildings on a lot/campus style development.** Buildings may be oriented around an internal street network or, in a campus-like environment, to create community courtyards serving to define space for public and private activities.

Commented [TC36]: Add these to development standards

Design Guidelines

Some communities have a design guidelines document that is separate from its Zoning and contains text and illustrations of the standards to be followed. If communities wish to use such a document for their MCMODs, then care must be taken to limit the design guidelines to the criteria for Site Plan Review. Language that is subjective—for example, “materials must be of high quality” or “landscaping must be attractive”—is not appropriate for design guidelines in a MCMOD. The document must be readily available to the Applicant prior to submission for a building permit. Communities should also carefully consider how such design guidelines are incorporated into the Site Plan Review process; any use of the design guidelines should not cause an undue delay in the review of the application or be used to deny the as of right multi family use. See [Appendix G, Site Plan Review](#) for more information.

Sample language to link to an outside document to the zoning is below:

Design Guidelines. The Site Plan Review Authority may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction within the MCMOD. Such Design Guidelines must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

Commented [TC37]: Add this to development standards



Appendix G. Site Plan Review

For more specific information about the applicability of Site Plan Review to the MCMOD, please see section 4.a. of the Compliance Guidelines.

Communities should also review recent case law and opinions from the Attorney General's Office (AGO). The AGO released an opinion for Case #10555 on November 21, 2022, that would be useful to review. This case revolved around a recent warrant article in the Town of Mansfield that established two levels of site plan review: Administrative Plan Approval and Major Plan Approval. The opinion also provides specific guidance for communities who are considering applying Site Plan Review to uses covered under Section 3 of the Zoning Act (commonly referred to as Dover Amendment uses) and the as of right multi family use under Section 3A.

Key components of Site Plan Review for MBTA Communities to consider as they modify Section [x] I. Site Plan Review include the following:

- Site Plan Review is limited to the regulation of the use: the Permitting Authority may "impose reasonable terms and conditions" on the as of right use.
- The Permitting Authority does not have "discretionary power" to deny the as of right use; in other words, it may not prohibit the use.

Communities should review the opinion, which is available on the AGO's Municipal Law Unit Decision Lookup: <https://massago.hylandcloud.com/203publicaccess/mlu.htm>. This opinion includes references to other case law relating to the use of the Site Plan Review process and how the courts have viewed procedures and criteria for review.

Resources for municipal staff and elected officials include the *Handbook of Massachusetts Land Use and Planning Law* (Mark Bobrowski, Wolters Kluwer, currently in the fifth edition) and, for members of the Massachusetts Chapter of the American Planning Association, the *Guidebook to Massachusetts Land Use* (Robert P. Mitchell, FAICP and Robert W. Ritchie, Esq., American Planning Association Massachusetts Chapter, 2021). Both have chapters on Site Plan Review, including applicable case law.

Article To see if the Town will vote to amend the Town of Milton bylaws by inserting the following new section:

Chapter 12, Article VIII Recordings

Section 12-33 Applicability

The public meetings of all elected public bodies shall be audio and/or video recorded.

The following elected public bodies are subject to this bylaw: Board of Assessors, Board of Health, Board of Park Commissioners, Library Board of Trustees, Planning Board, School Committee, Trustees of the Cemetery, and the Select Board.

Section 12-34 Exceptions

Public meetings that are not required to be recorded are:

- Meetings of subcommittees of the elected public bodies in section 12-33
- Site visits and meetings not located in a facility owned by the Town of Milton
- Executive sessions
- Emergency meetings, held in accordance with M.G.L. c. 30A §20, are exempt from this bylaw, but elected public bodies shall make every effort to record emergency meetings.

In the event of technology failure or power disruption, a public body subject to this bylaw shall make every effort to record its meeting, but the public body shall not be required to cancel or adjourn its meeting.

Section 12-35 Posting of Recordings

All recordings shall be made publicly available within one week of the meeting date. For the purposes of this section, publicly available shall be defined as: available on the Town of Milton website, the Milton Access TV website, or through an audio/video website, such as, but not limited to YouTube.

Submitted by the Select Board

Recommended that the Town

COMMENT:

Article To see if the Town will vote to transfer to the care, custody, management and control of the Conservation Commission, and to be subject to the provisions of Article 97, the following parcels of land:

- (1) Approximately 1.82 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 57 Lot 3
- (2) Approximately 0.41 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 56 Lot 7
- (3) Approximately 2.95 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 56 Lot 8
- (4) Approximately 20.06 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 56 Lot 9
- (5) Approximately 1.81 acres of land, shown on the Town of Milton Assessor's Map as Map G Block 56 Lot 10; and

to authorize the Select Board to obtain all necessary Governmental approvals necessary to accomplish the purpose of this article;

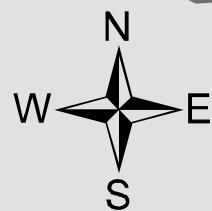
Submitted by the Select Board

Recommended that the Town

COMMENT:

Conservation Land Transfer Requests

MILTON, MASSACHUSETTS

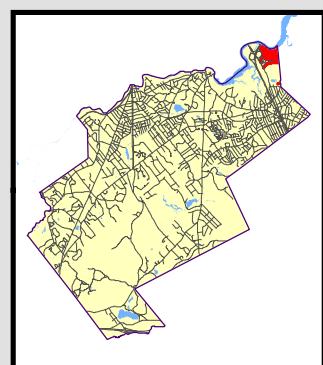


QUINCY

Legend

Parcels Transfer by Group

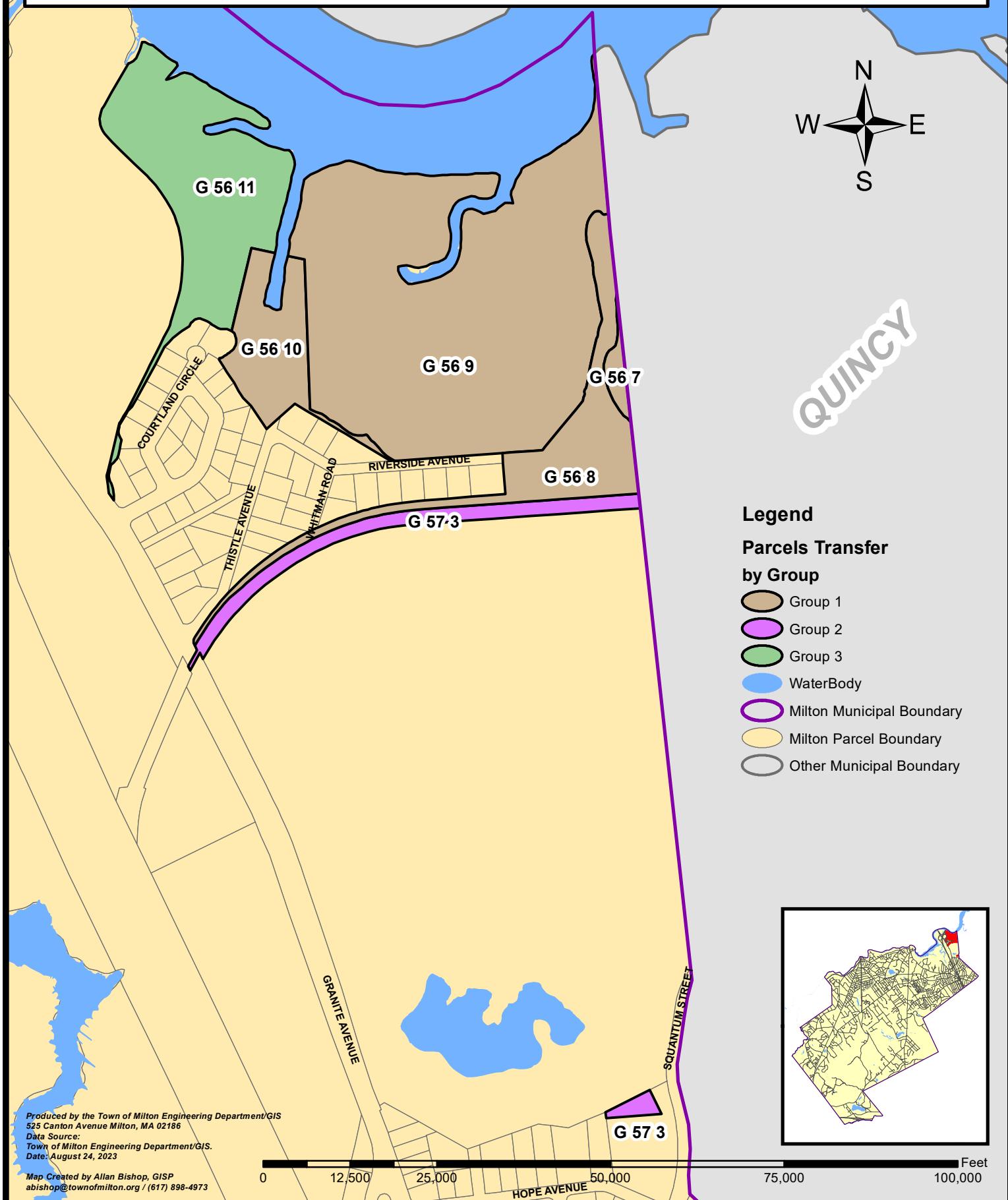
- Group 1 (Brown)
- Group 2 (Purple)
- Group 3 (Green)
- WaterBody (Blue)
- Milton Municipal Boundary (Purple line)
- Milton Parcel Boundary (Yellow line)
- Other Municipal Boundary (Grey line)



Produced by the Town of Milton Engineering Department/GIS
525 Canton Avenue Milton, MA 02186
Data Source:
Town of Milton Engineering Department/GIS.
Date: August 24, 2023

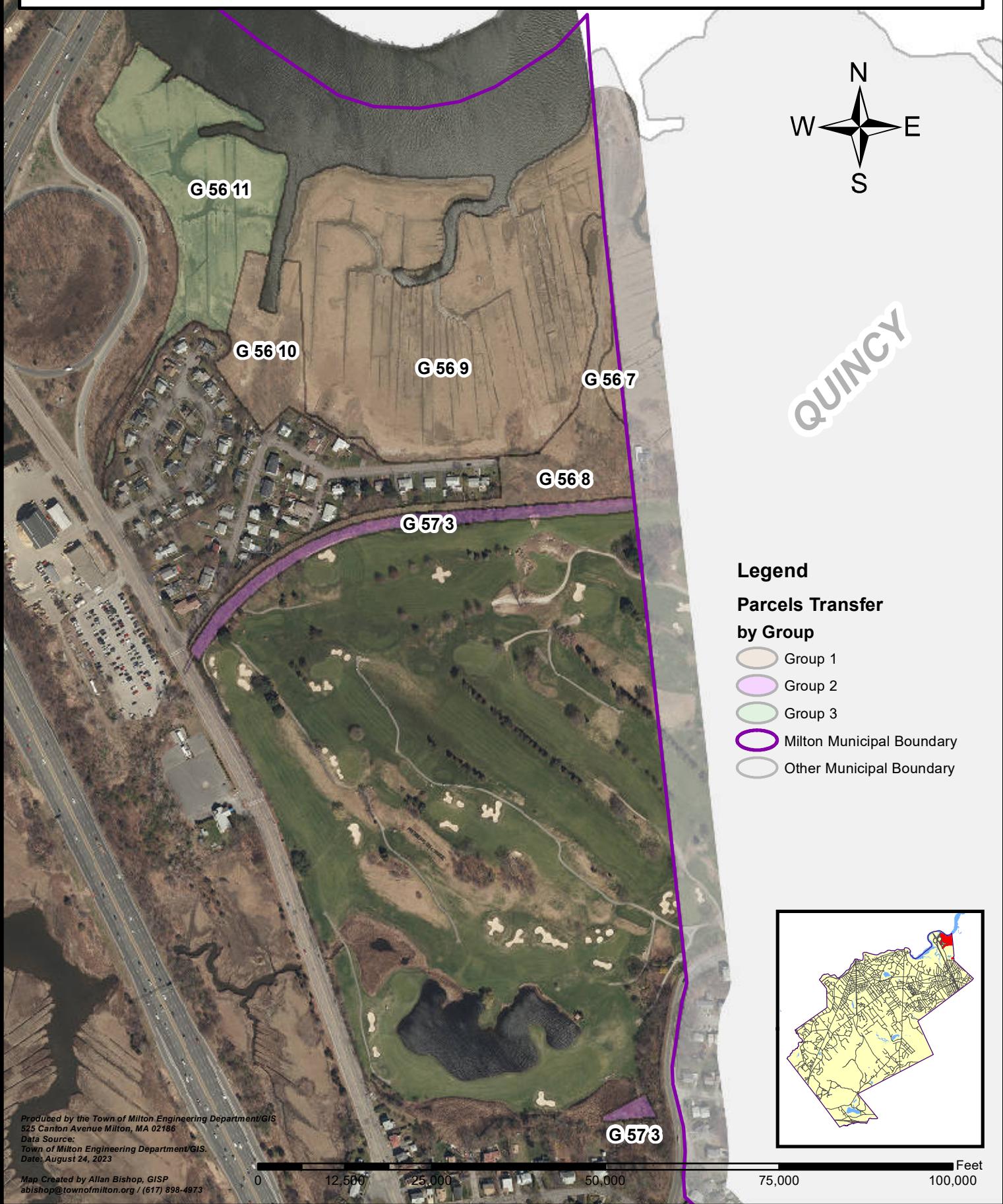
Map Created by Allan Bishop, GISP
abishop@townofmilton.org / (617) 898-4973

0 12,500 25,000 50,000 75,000 100,000 Feet



Conservation Land Transfer Requests

MILTON, MASSACHUSETTS



Produced by the Town of Milton Engineering Department/GIS
525 Canton Avenue Milton, MA 02186
Data Source:
Town of Milton Engineering Department/GIS.
Date: August 24, 2023

Map Created by Allan Bishop, GISP
abishop@townofmilton.org / (617) 898-4973

0 12,500 25,000 50,000 75,000 100,000 Feet

MARCH MEETING

abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon;" and to act on anything relating thereto.

Voted: That the Town do NOT so vote.

ARTICLE 65. To see if the Town will vote to amend Chapter 10 of the General Bylaws of the Town (having to do with zoning) by striking out Section XII in its entirety and inserting in place thereof the following new Section:

"SECTION XII. AMENDMENTS.

The Planning Board, upon petition of not less than ten citizens of the Town, or upon its own initiative, shall from time to time hold public hearings for the consideration of proposed amendments to the Zoning Map or to this bylaw and report to a regular or special Town Meeting its recommendations as to what action should be taken. Notice of the time and place of such public hearings and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the Town in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing."

and to act on anything relating thereto.

Voted: That the Town so vote.

Unanimous Vote

Boston, Massachusetts, June 10, 1965

The foregoing amendment to zoning bylaws is hereby approved.

EDWARD W. BROOKE, Attorney General

Advertised in Milton Record Transcript June 25, July 2 and 9, 1965.

SECTION 66. To see if the Town will vote to amend the Bylaws, Chapter 6, Police Regulations, by adding Section 30 to read as follows:

"SECTION 30. Whoever, owners or others, having the charge or custody of any horse or grazing beast, swine or fowl, allows them to run at large in the Town, or to feed in any public or private way, either with or without a keeper, and whoever shall drive any such animal upon any sidewalk, or permits them to enter or remain on, or pass over, any orchard, lawn or garden of the land of another individual, shall be liable for damages levied by the courts."

and to act on anything relating thereto.

Voted: That the Town do NOT so vote.

ARTICLE 67. To see if the Town will vote to authorize the Board of Selectmen to purchase or take by eminent domain for the promotion and development of natural resources and for the preservation of open space, a certain parcel of land between Granite Avenue and the Milton-Quincy Town line in the vicinity of Thistle Avenue and Riverside Avenue, bounded and described as follows:

MARCH MEETING

Beginning at a point at the intersection of the east sideline of Granite Avenue and the south sideline of Thistle Avenue;

Thence running northeasterly and easterly on a curve having a radius of 933.12 feet, 889.17 feet in part by the south sideline of Thistle Avenue, and by land now or formerly of Daniel J. and Genevieve M. Byron, Fred P. Carlson, Bernadette A. Chippendale, Allen C. and Alice E. Devine, Jr., the south end of Whitman Road, Joseph and Elizabeth L. Mosesso, Daniel and Anna M. McDonald, Dominick J. and Catherine J. Kaveney, and Austin J. and Mary P. Corrigan.

Thence turning and running easterly 737.19 feet in part by land now or formerly of said Corrigan, Nicholas R. and Ioleta G. Perella, William C. and Wilma G. Bayer, Ethel Hayden Blenkhorn, and Michael J. and Joseph N. Verrochi and Rose N. Cooper, Trustees, to the Milton-Quincy Town line;

Thence turning and running southerly 49.51 feet by the Milton-Quincy Town line;

Thence turning and running westerly 738.40 feet by land of the Wollaston Golf Club;

Thence turning and running westerly and southwesterly on a curve having a radius of 883.62 feet, 873.86 feet by land of said Golf Club;

Thence turning and running northwesterly 62.67 feet by the easterly sideline of Granite Avenue to the point of beginning.

Containing 1,824 ~~4~~ acres as shown on a plan of land entitled "Plan of land — Milton, Massachusetts — October 1964 — Scale 1 in. = 80 feet, A. Herbert Bruce, Town Engineer" and on file in the office of the Town Engineer;

to appropriate money to acquire the same; and to act on anything relating thereto.

Voted: That the Town so vote and that the sum of \$3,800.00 be appropriated.

Unanimous Vote

ARTICLE 68. To see if the Town will vote to authorize the Board of Selectmen to purchase or take by eminent domain for the promotion and development of natural resources and for the preservation of open space, a certain parcel of land on the southerly side of the Neponset River in the vicinity of Riverside Avenue and the Milton-Quincy Town Line, and bounded and described as follows:

Beginning at a point on the Milton-Quincy Town Line, said point being on the northerly side of land now or formerly of Theodore C., Frederick T. and Kenneth D. Gardiner, Trustees, and said point being 21.0 ± feet southerly from a Town Line bound;

Thence running westerly 444.48 feet by land of said Gardiners;

Thence turning and running northerly 136.23 feet by land now or formerly of Ethel H. Blenkhorn and by east end of Riverside Avenue;

Thence turning and running westerly 363.89 feet by the northerly sideline of Riverside Avenue;

MARCH MEETING

Thence turning and running northwesterly 361.55 feet by land now or formerly of John J. and Sally A. Sullivan, Anna V. Keith, and Dorothea C. Smith to a stone bound;

Thence turning and running southwesterly in two courses, a total distance of 125.75 feet by land now or formerly of said Smith and by the northerly end of Thistle Avenue;

Thence turning and running northwesterly, northeasterly, northerly, and northwesterly 398.92 feet by land now or formerly of Edward F. and Barbara T. Cook, Francis C. and Margaret M. McGerity, Michael E. and Gladys M. Ruest, Oscar T. and Ena W. Tunberg, Francis E. and Esther D. Donnelly, and Alan and Anne Linehan;

Thence turning and running northerly 277.00 feet by land of the Town of Milton;

Thence turning and running easterly 75.00 feet by land of said Town;

Thence turning and running southerly $161.0 \pm$ feet by Mount Hope Canal;

Thence turning and running easterly $72.0 \pm$ feet by said Canal;

Thence turning and running northerly in two courses a total distance of $568.0 \pm$ feet by said Canal;

Thence turning and running easterly $500.0 \pm$ feet by the Neponset River;

Thence turning and running in a general southerly, westerly, southerly, westerly, and northwesterly direction in two courses a total distance of $850.0 \pm$ feet by said river;

Thence turning and running in a general southeasterly, southerly, and southwesterly direction $200.0 \pm$ feet by said river;

Thence turning and running in a general southeasterly direction in two courses a total distance of $500.0 \pm$ feet by said river;

Thence turning and running in a general easterly direction $40.0 \pm$ feet by said river;

Thence turning and running in a general northwesterly, northerly, easterly, and northeasterly direction in three courses a total distance of $1100.0 \pm$ feet by said river to the Milton-Quincy Line;

Thence turning and running southerly $1264.0 \pm$ feet by the Milton-Quincy Town Line to the point of beginning.

Containing **25.934 \pm acres** as shown on a plan of land entitled "Plan of Land — Milton, Massachusetts — October 1964 — Scale 1 inch = 100 feet; A. Herbert Bruce, Town Engineer" and on file in the office of the Town Engineer;

to appropriate money to acquire the same; and to act on anything relating thereto.
Voted: That the Town so vote and that the sum of \$17,500.00 be appropriated.

Unanimous Vote

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COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

TOWN OF MILTON
ORDER OF TAKING

October 7, 1965

In the Board of Selectmen:

WHEREAS this Board was duly authorized by a two-thirds vote passed at Town Meeting held by adjournment on March 13, 1965 under Article 67 of the warrant for said town meeting to purchase or take by eminent domain for the promotion and development of natural resources and for the preservation of open spaces the area of land hereinafter described, and said two-thirds vote appropriated the sum of three thousand eight hundred dollars (\$3,800.00) for the purpose of acquiring the same:

IT IS NOW ORDERED that there be and hereby is taken by eminent domain under the provisions of Chapter 40, Section 14 and Chapter 79 of the General Laws and of any and every other power and authority us hereto enabling in behalf of the said Town of Milton in fee simple for the promotion and development of natural resources and for the preservation of open space an area of land located in said Milton between Granite Avenue and the Milton-Quincy Town line in the vicinity of Thistle Avenue and Riverside Avenue bounded and described as follows:

Beginning at a point at the intersection of the east sideline of Granite Avenue and the south sideline of Thistle Avenue;

Thence running northeasterly and easterly on a curve having a radius of 933.12 feet, 889.17 feet in part by the south sideline of Thistle Avenue, and by land now or formerly of Daniel J. and Genevieve M. Byron, Fred P. Carlson, Bernadette A. Chippendale, Allen C. and Alice E. Devins, Jr., the south end of Whitman Road, Joseph and Elizabeth L. Masseaso,

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Daniel and Anna M. McDonald, Dominick J. and Catherine J. Kavanay, and Austin J. and Mary P. Corrigan;

Thence turning and running westerly 737.19 feet in part by land now or formerly of said Corrigan, Nicholas A. and Isolatta G. Parolla, William C. and Wilma G. Bayer, Ethel Hayden Blankhorn, and Michael J. and Joseph N. Varrachio and Rose N. Cooper, Trustees, to the Milton-Quincy Town line;

Thence turning and running southerly 49.51 feet by the Milton-Quincy Town line;

Thence turning and running westerly 738.40 feet by land of the Wollaston Golf Club;

Thence turning and running westerly and southwesterly on a curve having a radius of 883.62 feet, 873.86 feet by land of said Golf Club;

Thence turning and running northwesterly 62.67 feet by the westerly sideline of Granite Avenue to the point of beginning.

Containing 1.825 $\frac{1}{2}$ acres as shown on a plan of land entitled "Plan of Land -- Milton, Massachusetts -- October 1964 -- Scale 1 in. = 80 feet, A. Herbert Bruce, Town Engineer" to be filed herewith.

Trees upon the land taken and all structures affixed to the land are included in the taking.

The owner of all of said land is believed to be THEODORE C. GARDINER, FREDERICK T. GARDINER AND KENNETH D. GARDINER, TRUSTEES OF THE GARDINER TRUST UNDER A WRITTEN DECLARATION OF TRUST DATED JANUARY 21, 1954 and filed in Norfolk Registry District of the Land Court as Document No. 160093, and it is believed that no other persons have any interest in said land but the right, title and interest of every person in said land is included in this taking.

The Board of Selectmen does hereby assess and award as the damages sustained by said Gardiner Trust the sum of \$3,800.00.

IN WITNESS WHEREOF we the Board of Selectmen of the Town of Milton, acting in the name and behalf of the Town, hereunto set our hands this seventh day of October, 1965.

Francis Burke

William H. White
BOARD OF SELECTMEN OF THE TOWN OF
MILTON

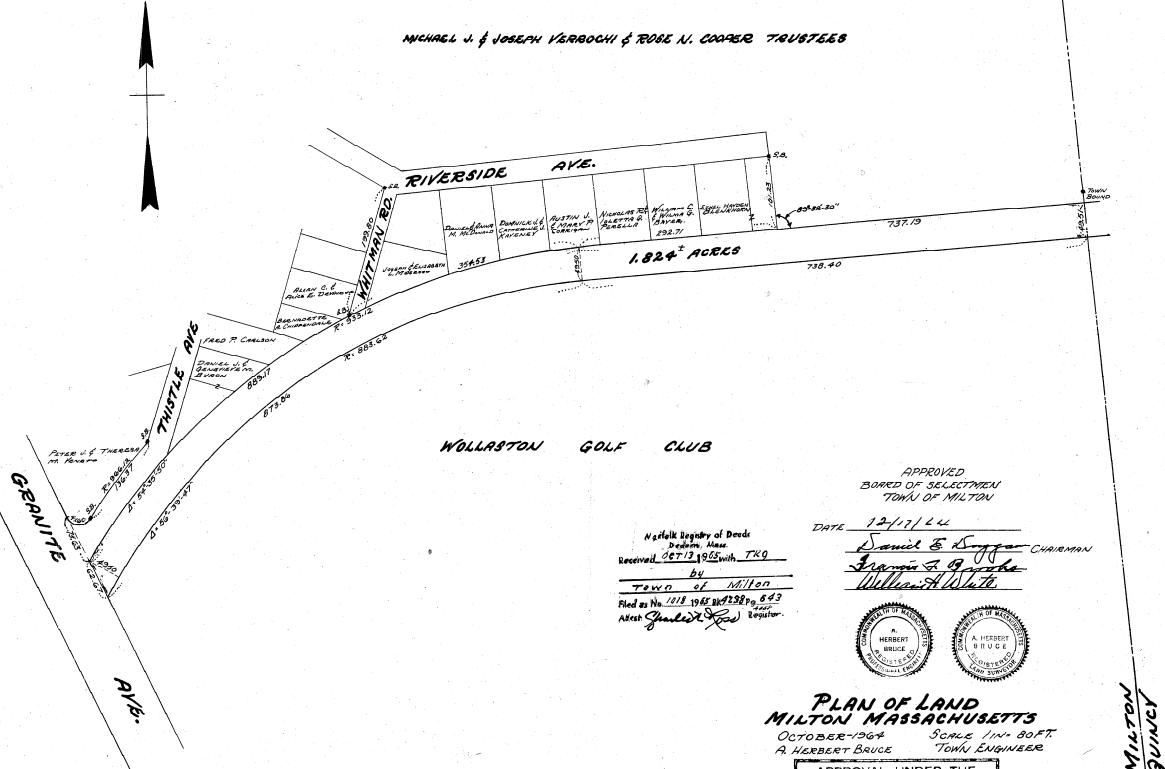
MAJORITY OF

Recorded Oct. 13, 1965 at 3h.45m.P.M.

OFFICE OF COPYRIGHT

OFFICE OF THE NATIONAL SECURITY ADVISOR

MICHAEL J. & JOSEPH VERRBOCHI & ROSE N. COOPER TRUSTEES



**PLAN OF LAND
MILTON MASSACHUSETTS**

1. **What is the primary purpose of the study?**

APPROVAL UNDER THE

SUBDIVISION CONTROL LAW

**SUPERVISION CONTROL LAW
NOT REQUIRED**

NOT REQUIRED:

DATE April 16, 1965

3.2.1.2. *U* and *U*'

FOR THE MILETON HUNTING WEARS

Digitized by srujanika@gmail.com

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126 4305 R E F I C I A L
S U P P Y M i t u s o u r hands and seal this 1st day of November 1965.

Nicholas Lally
Nicholas Lally
Laura F. Lally
Laura F. LALLY

The Commonwealth of Massachusetts

SUFFOLK

November 1, 1965

Then personally appeared the above named NICHOLAS LALLY and LAURA F. LALLY

and acknowledged the foregoing instrument to be their free act and deed, before me
Peter W. Princi
Peter W. Princi Notary Public
My Commission Expires May 18, 1968

Recorded Nov. 3, 1965 at 10h.54m.A.M.

COMMONWEALTH OF MASSACHUSETTS

TOWN OF MILTON

Norfolk, ss.

ORDER OF TAKING

October 28, 1965

In the Board of Selectmen:

WHEREAS this Board was duly authorized by a two-thirds vote passed at Town Meeting held by adjournment on March 13, 1965 under Article 68 of the warrant for said town meeting to purchase or take by eminent domain for the promotion and development of natural resources and for the preservation of open spaces the area of land hereinafter described, and said two-thirds vote appropriated the sum of seventeen thousand five hundred dollars (\$17,500.00) for the purpose of acquiring the same:

IT IS NOW ORDERED that there be and hereby is taken by eminent domain under the provisions of Chapter 40, Section 14 and Chapter 79 of the General Laws and of any and every other power and authority us hereto enabling in behalf of the said Town of Milton in fee simple for the promotion and development of natural resources and for the preservation of open space an area of land located in said Milton on the Southerly side of the Neponset River in the vicinity of Riverside Avenue and the Milton-Quincy Town Line, and bounded and described as follows:

Beginning at a point on the Milton-Quincy Town Line, said point being on the northerly side of land now or formerly of Theodore C., Frederick T., and Kenneth D. Gardiner, Trustees, and said point being 21.04 feet southerly from a Town Line bound;

Thence running westerly 444.48 feet by land of said Gardiners;

Thence turning and running northerly 136.23 feet by land now or formerly of Ethel H. Klenkorn and by east end of Riverside Avenue;

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Thence turning and running westerly 363.89 feet by
the northerly sideline of Riverside Avenue;

Thence turning and running northwesterly 361.55
feet by land now or formerly of John J. and Sally A.
Sullivan, Anna V. Keith, and Dorothea C. Smith to a
stone bound;

Thence turning and running southwesterly in two
courses, a total distance of 125.75 feet by land now or
formerly of said Smith and by the northerly end of
Thistle Avenue;

Thence turning and running northwesterly, north-
easterly, northerly, and northwesterly 398.92 feet by
land now or formerly of Edward F. and Barbara T.
Cook, Francis C. and Margaret M. McGerity, Michael E.
and Gladys M. Russt, Oscar T. and Ena W. Tunberg,
Francis E. and Esther D. Donnelly, and Alan and Anne
Linehan;

Thence turning and running northerly 277.00 feet
by land of the Town of Milton;

Thence turning and running easterly 75.00 feet by
land of said Town;

Thence turning and running southerly 161.0~~t~~
feet by Mount Hope Canal;

Thence turning and running easterly 72.0~~t~~ feet
by said Canal;

Thence turning and running northerly in two courses
a total distance of 568.0~~t~~ feet by said Canal;

Thence turning and running easterly 500.00~~t~~ feet
by the Neponset River;

Thence turning and running in a general southerly,
westerly, southerly, westerly, and northwesterly direc-
tion in two courses a total distance of 850.0~~t~~ feet
by said river;

Thence turning and running in a general southeasterly,
southerly, and southwesterly direction 200.0~~t~~ feet by said
river;

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Thence turning and running in a general southeasterly direction in two courses a total distance of 500.0 $\frac{1}{2}$ feet by said river;

Thence turning and running in a general easterly direction 40.0 $\frac{1}{2}$ feet by said river;

Thence turning and running in a general northwesterly, northerly, easterly, and northeasterly direction in three courses a total distance of 1100.0 $\frac{1}{2}$ feet by said river to the Milton-Quincy Line;

Thence turning and running southerly 1264.0 $\frac{1}{2}$ feet by the Milton-Quincy Town Line to the point of beginning.

Containing 25.934 $\frac{1}{2}$ acres as shown on a plan of land entitled "Plan of Land - Milton, Massachusetts - October 1964 - Scale 1 inch = 100 feet; A. Herbert Bruce, Town Engineer" to be filed herewith.

Trees upon the land taken and all structures affixed to the land are included in the taking.

The owner of all of said land is believed to be JOSEPH N. VERRUCHI OF KINGHAM AND ROSE N. COOPER OF BOSTON, SURVIVING TRUSTEES OF THE VERRUCHI REALTY TRUST UNDER A DECLARATION OF TRUST DATED DECEMBER 22, 1952 AND REGISTERED IN NORFOLK REGISTRY DISTRICT OF THE LAND COURT AS DOCUMENT NO. 214408; the mortgagee of all of said land is believed to be FRANK A. DAY, EXECUTOR UNDER THE WILL OF MARY E. DAY, late of Newton, Middlesex Probate No. 369899; and it is believed that no other persons have any interest in said land but the right, title and interest of every person in said land is included in this taking.

The Board of Selectmen does hereby assess and award as the damages sustained for the taking of said land the sum of \$17,500.00.

IN WITNESS WHEREOF we the Board of Selectmen of the Town of Milton, acting in the name and behalf of the Town, hereunto set our hands this twenty-eighth day of October, 1965.

James F. O'Neil
William H. Ulrich

Being a Majority of the
Board of Selectmen of the
Town of Milton

Recorded Nov. 3, 1965 at 11h.07m. A.M.

Establishment of a Local Historic District Commission

ARTICLE XX: To see if the Town will vote to establish a Local Historic District Commission for the purpose of aiding in the preservation and protection of the distinctive history, characteristics, and architecture of buildings and places significant in the history of the Town of Milton, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture [,as outlined in the

Aug 21, 2023 report of the Local Historic District Study Committee to the Massachusetts Historical Commission and the Milton Select Board;

to authorize the Select Board to appoint seven members to serve on the commission for a period of three years, one member nominated by the Milton Historical Commission, one member nominated by the local AIA chapter (American Institute of Architects), one member nominated by the Greater Boston Association of Realtors, one member shall be an “at large” resident of Milton living outside local historic district boundaries;

The Town of Milton hereby establishes a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended.

1. PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive history, characteristics, and architecture of buildings and places significant in the history of the Town of Milton, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

ALTERATION, TO ALTER – The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING – A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE – A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

COMMISSION – The Historic District Commission as established in this Bylaw.

CONSTRUCTION, TO CONSTRUCT – The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DISPLAY AREA – The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

DISTRICT – The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.

EXTERIOR ARCHITECTURAL FEATURE – Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED – The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

SIGNS – Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE – A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, historic stone wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING – A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

3. DISTRICT

The DISTRICT shall consist of one or more DISTRICT areas as established through this Bylaw and as listed in Section 13 (Appendices) as may be amended from time to time through this Bylaw.

4. COMMISSION

4.1 The DISTRICT shall be overseen by a COMMISSION consisting of seven (7) members who are residents of the town, to be appointed by the Board of Selectmen, two members initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.

4.2 The COMMISSION shall include, one member from two nominees solicited from the Milton Historical Commission, one member from two nominees solicited from the chapter of the American Institute of Architects covering Milton; one member from two nominees of the Greater Boston Association of Realtors covering Milton; one property owner from within each of the DISTRICT areas; and one at-large town resident living outside any of the DISTRICT areas. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

4.3 The Select Board may appoint up to four alternate members to the COMMISSION in a like manner. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two or three years, and for three year terms thereafter.

4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

4.5 Vacancies shall be filled in the same manner as the original appointment for an unexpired term.

4.6 Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.

4.7 Four members of the COMMISSION shall constitute a quorum.

4.8 All members shall serve without compensation.

5. COMMISSION POWERS AND DUTIES

5.1 The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

5.2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

5.3 The COMMISSION, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.

5.5 The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

6.1 Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public way, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.

6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

7. PROCEDURES FOR REVIEW OF APPLICATIONS

7.1 Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION an application for a CERTIFICATE of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations,

specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the COMMISSION to enable it to make a determination on the application.

7.2 The COMMISSION shall determine within fourteen (14) business days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.

7.3 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.

7.4 If the COMMISSION determines that such application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Milton. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.

7.4.1 A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

7.5 Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION.

7.6 The concurring vote of a majority of the members shall be required to issue a CERTIFICATE.

7.7 In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.

7.8 If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.

7.9 If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.

7.10 The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.

7.11 If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship Due to Failure to Act.

7.12 Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.

7.13 A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the regional planning agency. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the COMMISSION, unless a further appeal is sought in the Superior Court as provided in Chapter 4OC, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

8. CRITERIA FOR DETERMINATIONS

8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR

ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.

8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section IA of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view from a public way.

9. EXCLUSIONS

9.1 The COMMISSION shall exclude from its purview the following:

9.1.1 Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify.

9.1.2 Storm windows and doors, screen windows and doors, and window air conditioners.

9.1.3 The color of paint.

9.1.4 The color of materials used on roofs.

9.1.5 The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

10. CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Milton, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.

11. ENFORCEMENT AND PENALTIES

11.1 The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

11.2 The COMMISSION, upon a written complaint of any resident of Milton, or owner of property within Milton, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Milton to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty one (21) days of receipt of such request.

11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$500.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

11.4 The COMMISSION may designate the Building Commissioner of the Town of Milton to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

12. VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

13. APPENDICES

Appendix 1:

Milton Village District

The Milton Village District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Milton Village District are defined and shown on the Local Historic District Map of the Town of Milton, Sheet 1-2023 which is a part of this Bylaw. Sheet 1 is based on the 2023 town GIS map and was created with the help of the Town of Milton Engineering Department / GIS. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein. to see what sum of money the Town will vote to appropriate for the commission's purposes, including without limitation for the retention of architectural or other consultation services and historical research; to determine how said appropriation shall be raised, whether by borrowing or otherwise; and to act on anything relating thereto.

Submitted by the Select Board on behalf of the Local Historic District Study Committee

**Local Historic Study Committee Report
for the Milton Village Historic District
Milton, Massachusetts 02186**



**Local Historic District Study Committee
Milton, MA 02186 August 21, 2023**

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On our cover is the corner of Eliot St. and Adams St. – 2 Adams St., the Old Ware Mill in Milton Village, built in 1882; first photograph from 1885 and second photograph from 2023

Summary Sheet

Contact Information

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Study Committee Members

1. Bill Mullen (Milton Historic Commission Member and Liaison)
2. Ryan, McClain (Committee Secretary)
3. Mallory Walsh
4. Doug Scibeck
5. Andrew Hoffman

Anticipated Public Hearing Date:

Date of Public Hearing is November 6, 2023

Date for Town Meeting: December 4, 2023

Expected Date of the Town Meeting vote: December 4, 2023

Number of Properties in the Proposed District:

Milton Village is comprised of forty structures, both residential and commercial type.

Study Committee Conclusion:

The Local Historic District Study Committee of Milton, MA 02186 has selected Milton Village as its first proposed designated historic district.

Introduction

Under M.G.L. Chap. 40C, the Milton Select Board created a Local Historic District Study Committee (LHDSC hereafter) in 2021. The 2015 Milton Master Plan calls for both preservation of Milton's historic characteristics and guiding new development in keeping with the town's physical character. Designated Local Historic Districts provide enhanced protection for our most significant concentrations of historic resources. The town's people expressed a strong plea to preserve important historical and cultural aspects of our community in the Master Plan.

Historic preservation planning has a long history in the Bay State. In 1955, Local Historic Districts on Beacon Hill and Nantucket were established as the first local historic districts in Massachusetts. Shortly thereafter, in 1960 the Commonwealth of Massachusetts adopted M.G.L. Chapter 40C, which authorizes cities and towns to create Local Historic Districts ("LHD" hereafter).

The express purpose of Chapter 40C is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of buildings and places significant in the history of the Commonwealth, its cities and towns, or their architecture. It also provides for the maintenance and improvement of settings for such buildings and places, as well as the encouragement of designs compatible with the surrounding environment.

With this proposal our committee joins the Milton Planning Board to focus on Milton Village.

National and Local Historic Districts: There's a Difference

A National Register District is part of the National Register of Historic Places. The National Register of Historic Places is the list of individual buildings, sites, structures, objects and districts, deemed important in American history, culture, architecture or archeology. It is a federal designation and is administered by the Secretary of the Interior through the Massachusetts Historical Commission at the State Historic Preservation office.

A listing in the National Register recognizes that the area is important to the history of the community, state or nation; allows the owners of income-producing properties certain federal tax incentives for rehabilitation; and provides limited protection from adverse effects by federal or state involved projects. If there is no state or federal involvement in a project, then listing on the National Register of Historic Places does not in any way limit an owner's handling of the property. There are over 900 National Register Districts in Massachusetts.

Currently, there are six National Historic Register Districts in Milton. See [There's A Difference](#) for clarity on National Historic Register and Local Historic District Designation.

The National designations are honorary; the national register provides recognition that the area is historically important to the community, state, or nation. The additional establishment of these areas under the protective local historic districts bylaw would signify a major alignment in recognition of the value of the area, as well as the importance of protection for these vulnerable historic assets. Without the establishment of LHD's, the town has no way of preventing the demolition of a historic building or maligned renovation.

An LHD is an effective and popular planning tool to effectively guide localized preservation efforts. There are over 200 such districts across the Commonwealth, including neighboring towns of Dedham, Boston, and Quincy.

Because a historic preservation bylaw imposes certain restrictions on what property owners can or cannot do, the initial adoption of such a bylaw requires action by the Select Board, a study committee consisting of local stakeholders, consultation with residents, approval by the Massachusetts Historical Commission, and final approval by a two-thirds vote of the Town Meeting.

The intent of the committee is to:

- minimize complexity
- avoid imposing unnecessary burdens on homeowners
- keep any filing fees low
- offer punctual processing time for each application.

In 1743 Thomas Hutchinson (1711-1780), a wealthy Boston merchant, who became the last Governor of the Province of Massachusetts Bay from 1771-1774, established a 48-acre summer estate on the northwestern side of Milton Hill. He traveled to his estate from his Boston townhouse in the North End by the 1654 Plymouth Road, today's Adams Street, the major regional road from Boston to Plymouth that went through Milton Village, across the Neponset River bridge from Dorchester. Hutchinson built his mansion house (demolished c.1870) on Adams Street at the crest of Milton Hill, which overlooked Milton Village. Political turmoil in Boston forced Hutchinson to leave Milton for exile in England in June 1774. Between 1743 and 1768 Hutchinson laid out the Back Lane, renamed High Street in the mid-19th century, a 550-foot private passageway on his land to parallel Adams Street from Milton Village to the beginning of Milton Hill. At the time Adams Street from the Neponset River bridge through Milton Village was barely sufficient to allow carriages to pass each other. Back Lane ran from Short Street, which connected Adams Street to Back Lane, and in the 19th century was improved as Eliot Street, to the intersection of Adams Street with the 1660 Taunton Road, today's Canton Avenue. From his own land, Hutchinson also widened Adams Street in Milton Village by twenty-five feet. There was left a 100-foot wide tract of his land between Adams Street and the eastern side of Back Lane, which was subdivided into small lots between 1768-1774. Remaining from that period are the c.1765 Joseph Fenno (MLT #33) at 65-71 Adams Street and the c.1793 Capt. Lewis Vose House (MLT #23) on the eastern side of Back Lane, at today's 30 High Street. The focus of the current survey is on the 7 buildings that remain from the development of the western side of Back Lane during the 19th century: 7, 11, 13, 15-15A, 17, 19-21 and 21A High Street. According to Edmund Baker's 1826 map of Milton Village, there were four buildings on the western side of Back Lane, the E. Curtis House, J. Campbell Shop and C. Dunmore House and Stable. The Edward Curtis House was demolished by 1951 for the present 1951 single-family house and 1972 office building at 33 High Street and 25 High Street, respectively. The James Campbell Carpentry Shop and Charles Dunmore-Thomas Lynes House remain at 17 and 11 High Street, respectively. Between 1840

and 1881 the two properties were developed with 7, 13, 15-15A, 19-21 and 21A High Street. Their history is documented below.

Methodology

The charge of the LHDSC is to investigate the desirability of establishing historic districts within the town. Local Historic Districts are areas of historic and architectural value in which historic buildings and their settings are subject to public review to protect their distinctive characteristics. If the outcome of the study is affirmative, the committee will develop a proposal, including proposed districts, a draft bylaw, and draft regulations. If approved, the established historic district commission will review applications according to locally developed standards. The district overlay does not interfere with existing zoning regulations.

The LHDSC first met November 15, 2021, and members began to familiarize themselves with the applicable statute and guideline documents created by the MHC, as well as historical resources unique to Milton. The LHDSC has met monthly since the first meeting, and its agendas, minutes, and other informational material can be found on the town website:

<https://www.townofmilton.org/local-historic-district-study-committee>

The committee hosted numerous guests of various Town and State positions, as a means for better understanding the role and responsibility of the LHDSC. These included Melinda Collins, from the Select Board; Tim Czerwienski, Milton Director of Planning and Community Development; Pat Lattimore, chair of the Diversity Committee; Arthur Doyle, chair of the Select Board; Rob Mallett, from Milton's Information and Technology department; Cheryl Toulias, from the Planning Board; Jennifer Doherty, from the Massachusetts Historical Commission; Meredith Hall, chair of the Planning Commission.

After considering the six National Register Districts, the LHDSC focused on the five residential areas deemed most vulnerable to changes. Milton is a town that faces contemporary issues while not abandoning its historical past. Due to the vast scope of work each district requires, future property considerations will be left open for research and recommendation at a future date.

Early on in our due diligence process each member on the committee wrote a report of the National Register districts.

- [Milton Centre](#)
- [Scotts Woods](#)
- [Brush Hill](#)
- [Milton Hill](#)
- [Railway Village](#)

In May 2022, the LHDSC attended a public forum with the Scotts Woods neighborhood association. Scotts Woods was not deemed to be as high a priority from a Town Planning perspective as Milton Village is. In September 2022, it posted a survey on its website, garnering 200 responses. Support for the concept of a local historic district was overwhelming with the Scotts Woods group. Our chairman, after this meeting, spoke to various other town groups focused on their specific area, and found that what the Scotts Woods group felt was echoed by the other town groups. The conclusion is that the committee had the opportunity to put forward the best overall choice for historical designation after a great deal of work and study. Milton Village was the area that the Planning Commission for the town is also focused on with its next 5 year plan.

The LHDSC completed an exhaustive study of the six national historic sites for financial and practical reasons, as those had already been vetted. After much deliberation, it selected Milton Village as the initial district. Several other districts received serious consideration, each with its own reasons for and against. Ultimately, the encouragement and support of the Planning Board for the selection of Milton Village convinced the Committee. The Town has adopted a mixed-use zoning overlay district there that provides incentives for implementing historic preservation. The choice of Milton Village will allow LMHDC to work collaboratively with the Planning Board on this initiative.

The date for public hearing on this proposal is November 6, 2023. The anticipated date of the Town Meeting vote is December 4, 2023.

The Community benefits of Local Historic Districts Local historic districts are many. Chapter 40C outlines three major purposes:

- to preserve and protect the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns
- to maintain and improve the settings of those buildings and places
- to encourage new designs compatible with existing buildings in the district

The establishment of Local Historic Districts do not prevent all changes from occurring, nor do they prevent all demolition, new construction or development. The intent is to make changes and additions harmonious and prevent the intrusion of incongruous elements that might detract from the aesthetic and historic values of the district. Historic district commissions are only allowed to review changes to exterior architectural features visible from a public way.

- It does not prevent owners from making changes to their properties, but stipulates restraint on parts of the property that are visible from the public street.
- It does not require owners to restore their properties.
- It allows for maintenance and repairs, within the guidelines.
- Studies around the country suggest that property values stay the same or increase faster in local historic districts compared to similar, non-designated areas.

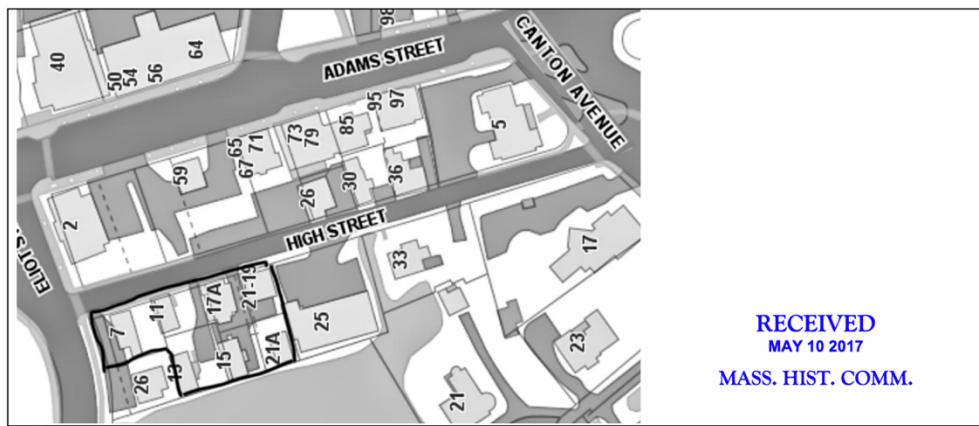
Milton Village Overview

Milton Village has been a thriving and historic area in the town of Milton since its beginning in 1650. Milton's major commercial center developed along Adams Street where it crossed the Neponset River. This is Milton Village. The c. 1720-1830 period is represented by two colonial structures, clad with clapboard, at 85 and 98 Adams Street. The period of 1880-1930 saw brick structures, designed by prominent Boston architects, dominate the Village. The Associates Building (1881-Rotch and Tilden), the Webb Mill (1882-BradleeAinslow/Wetherall), the Ware Mill (1902-Winslow/Wetherell/Bigelow), and the Blue Hill Bank and Trust Co. (1930- Arthur W. Nice) document the evolution of architectural design in the village from the Queen Anne and Romanesque Revival styles of the late 19th century to the 20th century concern for symmetrical facades and classical detail of the Georgian Revival style.

Milton Village has been one of the most historic commercial and industrial sites since the 1800's. While Milton Hill grew as a vacation area for wealthy and influential Bostonians during this time, all roads led through Milton Village.

Milton Village Residential Information

Locus Map



Residential Properties in Milton Village. High Street.

Photograph



Town/City: MILTON

Place (neighborhood or village):
Milton Village

Name of Area: HIGH STREET AREA

Present Use: Residential and commercial

Construction Dates or Period: 1819-1881

Overall Condition: Fair

Major Intrusions and Alterations:
Vinyl-siding, additions, and window alterations

Acreage: .36

Recorded by: Edith Clifford

Organization: Milton Historical Commission

Date (month/year): May 2017

JAMES CAMPBELL PROPERTY 15-15A, 17, 19-21, 21A High Street

In January 1819 James Campbell, housewright, bought a c.15-acre lot on the Back Lane, (Norfolk County Deeds 59-198) where he built his Carpentry Shop, today 17 High Street. In 1816 Campbell had bought the 1765 Joseph Fenno House (MLT #33, 65-71 Adams St) (NCD 52-113) and in 1824 the adjacent lot to the north (NCD 73-277) where he built his family home, today the site of the Citizens Bank drive-up window, 59 Adams Street. His carpentry shop was located across High Street from the rear of his home. James Campbell (1781-1856) was born in Framingham in 1781, the son of Daniel (1760-1838) and Beulah (1758-1824) Campbell. In 1804 he married Fanny Babcock (1787-1864), daughter of Ebenezer (b.1753-1790) and Betsey (1765-1835) Babcock of Milton. The following of their children were born in Milton: Jane (b.1813); Susanna (b.1815); Elizabeth (b.1818); Anne (b.1820); Ebenezer (b.1824); Emily (b.1826); Fanny (1827-1901); Mary (1829-1904); and possibly James (b.1836). Campbell's will (NC Probate Vol. 96, 1856) sets up a trust for his son James, but no further specific information was found on James. Additionally, it does not appear that James Campbell and Francis H. Campbell (1810-1889), another Milton housewright, were related. Campbell built three two-family houses beside and behind his carpentry shop for rental by the time of his death in 1856, per Teele's 1885 map and ownership legend: the James Campbell two-Family House #1, #2 and #3 at 15-15A; 19-21 and 21A High Street, respectively. Assessors date 15-15A High Street at 1858, 19-21 High Street at 1840 and 21A High Street at 1870. Thus, on the district data sheet 15-15A and 21A High Street are dated at c.1856 and 19-21 High Street at 1840. No further information on Campbell's building activity was found, with the exception of two Norfolk County deed contracts. In 1832 he was contracted by Oliver Pierce of Dedham to build a house

(NCD 166-194) and in 1832 by William Sumner to build a block of four two-story houses near the paper mills in Dorchester Lower Mills (NCD 96-307). In 1853 Mary Campbell (1829-1904) married Rufus L. Chapman (1829-1897) and the couple lived with James and Fanny at their Adams Street home until James' and Fanny's deaths in 1856 and 1864, respectively. Mary and Rufus continued to live in the house until their own deaths in 1897 and 1904, respectively. Here they raised their children, Emma (b.1858), William (b.1864), Fannie (b.1866), and Lillian (b.1869). Rufus L. Chapman was a house painter with a prominent ad in the 1885 Milton directory for house painting, graining and glazing. Mary (Campbell) Chapman also inherited her father's property on High Street, which she and her husband continued to rent. According to Teele's 1885 map owner/occupant legend, 15-15A High Street was occupied by John Callahan and Cornelius Callahan, laborers. 17 High Street was converted from Campbell's carpentry workshop to a two-family residence with laborers Patrick Connors and James Flanagan as the occupants. 19-21 High Street was occupied by T. McDermott, laborer, and an unnamed resident and 21A High Street by James Bennett, laborer, and an unnamed resident. After Mary Chapman's death in 1904, the four above duplexes were sold by the family and continued to be used as two-family residences as they are today with the exception of 21A High Street, now vacant and slated for demolition. A review of the Milton directories found that most apartments turned over fairly quickly with families of laborers, teamsters, watchmen, chauffeurs, clerks and painters, etc. The longest tenant was Albert Temple, Baker Chocolate Mills employee, at 19 High Street from 1926 to 1957.

CHARLES DUNMORE PROPERTY 7, 11 and 13 High Street, Charles Dunmore-Thomas Lynes House, 11 High Street, Cornelius Lynes House, 13 High Street

In March 1825 Jesse Sumner (1768-1828) deeded to his daughter Maria (Sumner) Dunmore (1796-1862) a c. 0.29-acre lot from his property on the western side of Back Lane (NCD 75-210). There she and her husband Charles Dunmore (1796-1847), married in 1822, built their home and a stable at 11 High Street as labeled on Edmund Baker's 1826 map of Milton Village. Maria grew up on Adams Street in Milton Village, next door to James Campbell and his family. Her father, Jesse, was a waggoner and his barn at the rear of his house faced onto the Back Lane opposite the lot he deeded to Maria. The Sumner House was eventually demolished for the Crossman Stables (see below), today the site of the Bank of America parking lot. Charles Dunmore was a stage driver, offering the only public conveyance from Milton Village to Boston in those days. The couple had three children: Lucy (b.1823); Hannah (1826-1900) and Charles (b.1828). In c.1840 Charles and Maria retired to Dorchester to live with their daughter Hannah (Dunmore) Cunningham where they died in 1847 and 1862, respectively. In August 1854 Maria Dunmore had sold her home at 11 High Street on a .165-acre lot to Thomas Lynes of Dorchester (NCD 229- 133). As documented below, in 1842 Charles Dunmore had already sold the stable on a .125-acre lot to Howard Gill, on which Gill built the house at 7 High Street. Thomas Lynes (1806-1865) was born in Ireland and by 1842 had emigrated to Quincy with wife Ellen (1805-1863) and three children, Mary (b. bef. 1834), Cornelius (1834-1898) and John (b.1836). The couple would have three more children: Thomas Jr. (1842-1910), Ellen

(1845-1903) and James (1849-1867). Thomas was a laborer. When Thomas died in 1865, then a widower, his son Thomas Jr. inherited the house. Thomas Jr. was born in Quincy and as a small boy came to Milton with his family. He was employed for forty years by Samuel Gannett's grain store in Milton Village, only retiring two years before his death in 1910. Unmarried, he lived with his sister Ellen and his niece Rose, daughter of brother Cornelius. In 1881 Thomas Lynes Jr. deeded to his brother Cornelius Lynes, of Boston, the back .09-acre lot of his property at 13 High Street, keeping the front .075-acre lot for his own house, 11 High Street. (NCD 532-605). Cornelius Lynes (1834-1898) was married in Boston in 1855 to Margaret Conley (1837-1913). The couple lived in Boston with their four children: Rose (1861-1944); John (b.1868); James T. (1871-1934); and Annie Louise (b.1874). In 1881 Cornelius built a home for his family on the lot his brother had deeded him at 13 High Street. Cornelius worked for thirty years for Samuel Gannett's grain store in Milton Village. Cornelius and Margaret died at 13 High Street in 1898 and 1913, respectively. In the 1908 will of Thomas Lynes Jr., a bachelor, (NC Probate 45566), 11 High Street was left to his nephew James T. Lynes (1871-1934), the eldest son of Cornelius, and then to James' eldest son, Francis J. With the death of Thomas Jr. in 1910, James T. Lynes moved to 11 High Street with his wife Margaret Finneran (1872-1943), whom he married in 1895, and their six children: Francis J. (1897-1948), Thomas J. (1897-1972), Cornelius (b.1899), James (b.1901), Gertrude (b.1904), and Ruth (b.1906). He was an employee at the Baker Chocolate mills in Dorchester/Milton Lower Mills for thirty years. When he died in 1934, his wife moved to Dorchester to live with her daughter Gertrude Lynes Jones where she died in 1943. A review of the street lists indicate that after 1934 11 High Street was rented as a residence until 1978 when Francis J. Lynes, Jr. sold it (NCD 5435-333) to Bernard Lynch (NCD 5435- 333) for conversion to its present use as office space. While Francis J. Lynes (1897-1948) owned and rented 11 High Street after his father's death, he lived at and owned 13 High Street. In 1925 after returning from the armed services he married Eva Marie Garrity (1897-1978) and moved to 13 High Street. The couple had three children: Francis J. Jr. (1926-1990), Robert (1928-2007) and Edward (b.1931). Francis J. was a Milton policeman, as was his brother Robert J. who lived next door at 7 High Street. Here Francis J. and Eva died in 1948 and 1978, respectively, as did their unmarried son Francis J. Jr. in 1990. Thereafter the house was converted to its present use as a two-family dwelling and rented by a trust of which Francis J. Lynes, Jr. was a trustee until his death in 1990.

Howard Gill House 7 High Street

In September 1842 Charles Dunmore, then of Dorchester, sold to Howard Gill, of Milton, his stable on a .125-acre section (NCD 75- 210). Gill demolished the stable and built the present single-family house at 7 High Street. Howard Gill (1806-1893) was born in 1806 in Canton, son of John and Mary Withington Gill. He was a hatter by trade. In 1864 Gill sold his High Street property and moved to Dedham. Here in 1871 he married Mira Harriet Withington (1832-1892) of Canton and died in 1891. The couple is buried in Brookdale Cemetery in Dedham. By the time Gill had sold his property in February 1864 to Lemuel Crossman (NCD 320-269), Back Lane had been renamed High Street. Gill had built an additional single-family dwelling to the

rear of his house. This building at 7A High Street was demolished in 1970 for the present Hayward Photography Studio at 26 Eliot Street. Lemuel Crossman (1825-1906) was born in Milton in 1825, the son of Alfred and Sarah Crossman, who had a homestead on Randolph Avenue. After graduating from high school, he went to Weston to train as a blacksmith. Here he met and married his wife Mary Morse (1825-1919) in 1849. When he returned to Milton in 1850, he took over the blacksmith shop of Arthur Monroe on Adams Street in Milton Village.

Crossman's business evolved into a livery service with entrances on Adams Street as well as from High Street, across from his home at 7 High Street. In the 1885 Milton directory, Lemuel Crossman and Son, established in 1850, has a prominent ad offering livery services for weddings, funerals and parties and pickup at the Milton Village train depot. Blacksmith and carriage services included horse shoeing and carriage painting and wheel repair. The Crossman building was eventually converted to commercial use and renamed the Copley Building. It was demolished by spectacular fire in November 1953. The site is a parking lot for and behind the Bank of America building, 2 Eliot Street. It is presently unknown where Crossman was living when he returned from Weston but in February 1864 he and his family moved to High Street, opposite his livery stable. The 1865 Massachusetts State Census would indicate the Crossman family was living at 7 High Street and Willard Johnson, a teamster, possibly working for Crossman, was living in the now-demolished house at the rear. The Crossmans with their three children, Sarah (b.1851), Josephine (b.1855), Alfred (b. 1858) and Mary b.1861), lived on High Street until January 1877 when they sold the property to Philip Finnegan (NCD 492-5) and moved to the 1790 Capt. John Swift House on Adams Street in Milton Village, today the site of the Verizon Building (114 Adams Street). Here Lemuel and Mary died in 1906 and 1917, respectively and were buried in Milton Cemetery. Philip Finnegan (1814-1901) was born in County Monaghan, Ireland in 1814 and emigrated to Boston in 1850 and by the 1855 Massachusetts State census was living in Milton with his wife Margaret (1816-1892) and three children, Bridget (b.1847), Michael (1851-1932), and Katherine (b.1853). Philip worked as a laborer. The 1870 Federal census lists him as employed at a wool store, possibly William Davis' wool business on Canton Avenue at Turner's Pond (MLT #920). His obituary states that he worked for the Town of Milton. The 1870 Federal census lists Bridget working as a domestic on the Joseph Angell Milton Hill estate. Michael was being apprenticed as a wheelwright, possibly at Crossman's stables. In 1877 the family moved to High Street. Information in the censuses, Teele's 1885 map and directories indicate that they lived in the rear, demolished house (7A High Street), while renting out 7 High Street. Teele's 1885 map lists Philip Finnegan as the owner of 7 High Street, but Timothy Melley as the occupant, moving in in 1885. Timothy Ward Melley (1856-1940) was born in 1856 in Massachusetts, the son of J.P. and Anne (b.1835) McDermott Melley. After her first husband's death, Anne married Dennis Ward (1840-1877) in Milton in 1866. Dennis worked on the Milton Hill estate of Joseph Angell as a gardener. When he died in 1877, Anne and Timothy went to live on Thacher Street and then to 7 High Street. Anne was living at 7 High Street in 1897 but was gone in 1902 and no further trace was found for her.

After graduating from Milton High School in 1871, Melley went into cabinet making but by 1881 had opened up his first barber shop. In 1891 he bought the 1765 Joseph Fenno House (MLT #33, 65-71 Adams Street) in Milton Village and remodeled it for his barber shop and home. In 1892 he married Catherine A. Walsh (1873-1937) of Dorchester and the couple had two children, William (b.1893) and Helen (b.1898). Melley was a prominent figure in Milton Village and the town. He was on the Warrant Committee and a trustee of the Milton Savings Bank. Here Melley and his wife died in 1940 and 1937, respectively. After Philip Finnegan's death in 1901, his daughter Bridget (Finnegan) Quillan (1849-1922), widow of Matthew Quillan, and her daughter Mary Quillan (b.1885) lived in the family home at 7A High Street until 1922, when Bridget died. James Walsh, a driver for Godfrey Coal Company in Milton Village, was the main occupant for 7 High Street from 1910-c.1920. In 1922 Philip J. Finnegan of Salem, son of Michael Finnegan, and Mary Quillan of Boston subdivided their grandfather's father's property into two separate lots, 7 and 7A High Street (1585-99) and sold the lots separately. Below is the continuing history of 7 High Street. As mentioned above, 7A was demolished in 1970 for the present Hayward Photography Studio at 26 Eliot Street.

By 1926 Thomas J. Lynes (1897-1972) moved into 7 High Street, renting it until he was able to buy it in 1933 (NCD 2067-468). He was the son of James T. Lynes (1871-1934). His brother Francis J. Lynes (1897-1948) lived next door at 13 High Street. In 1921 he had married Mary Ellen Muldoon (b.1897). The couple had four children, Mary R. (b.1922), Thomas J. (1924-2016), John E. (b.1926) and Virginia (b.1928). Thomas J. Lynes was a Milton policeman. After his death in 1972, his heirs sold the house in 1983 (NCD 6312-692).

CONCLUSION While the seven buildings are in fair condition with vinyl-siding, additions, window alterations and replaced porches, their history as well as their scale and form offer a valuable insight into 19th century Milton Village. **BIBLIOGRAPHY and/or REFERENCES**
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65-71 Adams Street

Although remodeled, this is the oldest structure still standing in Milton Village. Around 1750-60 Thomas Hutchinson laid out High Street, then a passage-way known as the Back Lane, gave a strip of his land for the widening of Adams Street and divided the land between these two public ways into lots for sale. Joseph Fenno bought lot #7 and built this colonial vernacular structure, probably as his dwelling. A photograph taken before 1896 suggests the structure was originally a two-story building with a gable roof. In 1891 the structure was bought and remodeled by Mr. Melley. He made room for two stores, indicated on an 1896 street atlas by two front entrance porches, and expanded the rear section. Possibly he also added the third floor since he both lived and worked in the building until his death, in 1940. In 1958 the building was again remodeled for office buildings for doctors.

How the building relates to the development of the community

In 1760 Joseph Fenno formed a partnership with his cousin, Daniel Vose, and started a trading company. Unfortunately, Joseph drowned in 1765 while getting a vessel up the river. His widow continued to occupy the house even when she married Mr. Melius, until her death in 1814. Her daughter and son-in-law, Benjamin Crehore, the pioneering pianoforte manufacturer, lived next door. Her son, Capt. Melius, sold the building in 1824 to James Campbell, a housewright, who in turn sold it to Jesse Pierce, the father of Edward L. and Henry L. Pierce, in 1828. The building stayed in the Pierce family until 1891 when it was sold to Mr. Timothy W. Melley who set up a barber shop. He was well-known to several generations of Milton Academy students. Mr. Melley was also known as the dean of the businessmen in the Village. He served on the Town's Warrant Committee and was a trustee of the Milton Savings Bank.

Eliot Street

The streetscape represents the styles used by builders for moderate income housing in Milton during the early decades of the 20th century. The walls are shingled and the garages are separate. As the 1930's progressed the center entrance colonial revival with clapboards would dominate. The particular houses under review were identified by one resident as "Crosby" houses. Thomas Crosby was a well-known builder in Milton. The houses are located along Eliot Street, a street along which the evolution of builder's styles can be traced from the late 1880's to the 1930's.

Other significant buildings in Milton Village

INSTITUTIONAL

Milton Girls Club/Office space

Lock-Up/Milton Yacht Club

Adams St. Bridge

Milton Funeral Home/office space

The Milton Village District houses many properties of lengthy historical distinction. As one of the town's commercial districts Milton Village hosts several structures of a commercial/institutional nature. For the purposes of this application, below are brief histories of four examples of institutional properties in Milton Village. The histories are taken from the MACRIS database of the Massachusetts Historical Commission.

Milton Girls Clubhouse - 26 High St

In 1895 builder Arthur H. Tucker bought a 0.12-acre, rectangular parcel in Milton Village that was bounded by Adams Street in the east and High Street in the west. It came with the late 18th century house and shop of Benjamin Crehore (1765-1832), pioneering piano-forte maker. Tucker demolished the house that fronted on to Adams Street by 1896 and replaced it with two buildings, the Milton Girls' Clubhouse at 26 High Street and the Milton Water Department Building at 73-79 Adams. Arthur H. Tucker (1865-1931) was president of Milton's most prominent early 20th century building firm, Arthur H. Tucker and Son. The firm was begun in the mid-19th century by his father John A. Tucker (1830-1916). Tucker was a descendant of Robert Tucker (1605-1683), one of Milton's founding fathers. He was actively involved in community affairs, serving as selectman and library trustee.

The Milton directories begin the documentation of 26 High Street in 1904 as a girls' clubhouse until 1914 when it was converted to a single-family dwelling. The archives of Saint Michael's Episcopal Church also state that it was used for meetings of the Women's Guild, which was begun in October 1902. After its conversion to residential use in 1914 the house was rented to single men on a yearly basis for several years. Then in 1920 Bartholomew King (1890-1954) and his wife Delia (1888-1974) and newborn daughter Catherine (1919-2009) moved in. Bartholomew worked at the nearby Walter Baker Chocolate mills as a janitor. He was born in 1890 in Ireland and emigrated in 1913. He married Delia Byrnes, born in 1888 in Ireland, in 1917. In 1946 Fred Preston's heirs sold the house to the Kings, who continued to live here until Bartholomew's and Delia's deaths in 1954 and 1974, respectively.

In 1975 Catherine (King) Saunders, the daughter of Bartholomew and Delia, sold the property to Dr. James Ferrucci, (1925-2017), a Milton surgeon, who had an office at 65-71 Adams Street, a building he also bought along with 73-79 Adams Street. Ferrucci converted the building to offices, at first doctor offices from 1977 to 1994 and then the business office of the Milton Record-Transcript from 1995 to c. 2004. The building continues to be owned by the Ferrucci family as an office building.

The Lock-Up/Milton Yacht Club Office - 25 Wharf St.

As Milton became an increasingly wealthy suburb of Boston after the Civil War, the first need for an organized police force arose. In 1865 the first patrol was organized, and three men were employed occasionally as night police. These men were issued badges as early as 1870. In 1872 night police patrols were made for twenty-eight weeks and also on some Sundays. These men were primarily occupied by the activities of boisterous quarrymen, vagrants and excursionists from Boston. The first full-time policeman, Samuel C. Hebard, was hired in 1874 and was joined by four part-time officers in 1876. By 1880 there were three policemen on duty at Milton Village, two at East Milton, and four elsewhere. Most patrolling was done at night, but

by 1883 a policeman was patrolling Adams Street by day. To that time Milton had shared a small "lockup" with Dorchester, at the rear of the Baker Chocolate factory office building. In 1884 the Milton "Lockup" was built at the Town Landing on Wharf Street. The lockup consisted of a superintendent's office and five jail cells. This facility was soon linked to police telephone call boxes. In 1890 the police department was reorganized with Maurice Pierce as superintendent, one deputy, nine uniformed night patrolmen and a "lockup" keeper. The patrol buggy and horses were kept in a stable (no longer extant) across Wharf Street from the Lockup. In 1906 the Milton police moved to a new building (no longer extant) on Central Avenue.

The Lockup was adapted and reused; and by 1908 it was part of the Strangman Manufacturing Company, a maker of carriages and harnesses. By 1930 the Lockup was being used by the Milton Yacht Club as a clubhouse, and several small wood frame equipment locker sheds were located immediately east of the building. The Lockup building is still used by the Milton Yacht Club, and is owned by the Town of Milton.

NATIONAL REGISTER OF HISTORIC PLACES CRITERIA STATEMENT

The Milton Lockup retains sufficient historic integrity to be eligible individually, or as part of a district, for listing in the National Register of Historic Places at the local level under Criteria A in the areas of community planning and development and law.

Adams Street Bridge

The Adams Street Bridge is wholly within the Dorchester/Milton Lower Mills Industrial District. Despite the alterations to its deck, for its association with the development of Lower Mills, and as the oldest known bridge in Boston, the structure is a contributing element to the historic district.

Tidewater reaches inland along the Neponset as far as Lower Mills, and its position at the head of tidewater made it an important trading post, a position it retained for two centuries until the construction of the Granite Bridge downstream made a new settlement at Port Norfolk (now Neponset) at the mouth of the river more accessible. It was also the first major water power on the river, where one of the colony's earliest grist mills was established in 1633 by Israel Stoughton. The following year Stoughton constructed the first bridge (probably a footbridge) across the river, though there were also fords and ferries in the vicinity. The bridge has been closely associated with much of the development of Lower Mills.

In the late 18th and 19th centuries, the village straddling the river became a major commercial and industrial center. The bridge was rebuilt as a cart bridge about 1656. With partial rebuilding and frequent repairs, this bridge stood until 1765, when the towns of Dorchester and Milton constructed the earliest portion of the present bridge. Stone piers, and three clapper spans supported a wooden superstructure.

The rebuilding of the Adams Street Bridge in 1847 was made necessary by the appearance of the Dorchester & Milton Branch Railroad (part of whose route is now picked up by the MBTA's Ashmont line), chartered in 1846. The route of the railroad along the Neponset River made some changes to the Adams Street bridge necessary, and at a special town meeting in April

1847, Milton residents voted to appropriate \$1,000 to make whatever adjustments were needed to the bridge. In the same month, the state legislature authorized the county commissioners to alter the location of the bridge if necessary, by not more than 60 feet (Chapter 179 of the Laws of 1847). In the end, however, it was only necessary to add four and a half feet to the road grade at the bridge. The bridge was widened slightly at the same time, as was "Milton Road," and a plan of the road widening in the Norfolk County Engineer's Office identifies S.D. Eaton (1823-1899) as the surveyor. Eaton was a railroad engineer, responsible for laying out the Dorchester & Milton Branch, as well as its main line, the Old Colony Railroad of 1845. Eaton may also have been involved in the redesign of the Adams Street Bridge. The total cost for the two towns of Dorchester and Milton was \$1,346.30.

By the 1870s, Walter Baker & Company dominated both sides of the river at Lower Mills. In 1868, under the direction of Henry Pierce, the company began a major expansion, constructing the first steam powered mill, and in 1872, the Pierce Mill. The widening of the Milton Bridge in 1871 with its long approach span extending to the Pierce Mill site was probably part of the redevelopment of what came to be called Pierce Square.

Milton Funeral Home/Office Space (Cole and Gleason Funeral Home) - 5 Canton Ave.

In 1954 Charles P. Chapman bought a .3-acre parcel in Milton Village on Canton Avenue (corner of Adams and High Streets.) Here he built the first funeral home in Milton. The property came with three buildings: the c.1769 commercial building, popularly known as the Rising Sun Tavern, with attached mid-nineteenth century dwelling (3 Canton Ave), and a two-family dwelling (38-40 High St) and garage (High St). In 1955 these buildings were demolished and on their site the Cole and Gleason Funeral Home was built by William Zins.

The Rising Sun Tavern building was built in c.1769 by Samuel Vose, innkeeper. After the American Revolution the tavern was operated by Dr. Samuel Kinsley Glover and then in 1806 sold to Moses Whitney (1775-1859), tanner and lumber merchant in Milton Village. Glover and Whitney were Milton's first postmasters and operated the post office from the tavern. In 1863 Robert Gordon, (b.1832), an Irish immigrant and Walter Baker Chocolate company employee, bought the property. His family lived in the attached house until his wife's estate sold it in 1953. At various times, until its demolition, the Rising Sun Tavern building housed a meeting hall, lawyer office, tailor shop, country store and various other businesses.

The first J. B. Cole Funeral home was built in 1862 in Dorchester. At the turn of the century, Harry Phillips bought the business from Jabius Cole. Upon Phillips death in 1938 his nephew Charles P. Chapman took charge of the firm. In 1950 Chapman bought the R. and E. F. Gleason Funeral home and merged the two businesses. In 1955 Chapman built the J. B. Cole and Gleason Funeral Home, the first funeral home in Milton, where the Chapman family lived. While the Chapman family has continued to expand its funeral home business, it sold the Milton funeral home in 2008 to Dolan Funeral Home of Milton and Dorchester. The business is now known as Dolan and Chapman Funeral and Cremation Home.

Commercial Milton Village

This mill was once used by the Walter Baker Chocolate Company and is included as part of the Dorchester/Milton Lower Mills Industrial District which was listed on the National Register in

1980. Located on the Neponset River, old sluiceways still exist beneath the mill. The mill was built on the site of the former Daniel Vose paper mill which was torn down by Dr. Jonathan Ware in 1839. Dr. Ware erected his own mill which he used as a grist mill and chocolate mill, operated by Webb and Twombly during the 1840's. Eventually, the mill was bought by the Walter Baker Chocolate Company and used by them until 1901 when it was destroyed by fire. The following year the present brick structure was erected. Of interest is the two story, pitched roof building in the rear of the mill. This wood frame building is only briefly mentioned in the National Register nomination papers which state that it "appears to date from the mid-nineteenth century and may have been part of the earlier Ware Mill complex on that site." This building deserves more research. Ebenezer Clapp's History of Dorchester mentions a mill built by Mr. Sanderson as a paper mill and later abandoned as a mill, but used as a storehouse and a stable. Could this possibly be the current structure? The Ware mill is one of only two brick mills listed in the National Register District that is located in Milton. **BIBLIOGRAPHY** and/or **REFERENCES** National Register of Historic Places Inventory.

1 Eliot Webb Mill (Seen on cover of this Proposal)

This brick, 3-4 story mill was designed by Bradlee, Winslow and Wetherell in 1882 in the Romanesque Revival style. This style is characterized by broad entrance arches. One dominates the Adams Street facade and two smaller ones are on the Eliot Street facade. Rough-faced brownstone is used for the details which include the following: a beveled southeastern corner with a carved capital, extrados-archivolt moldings around the entrance arches and around the arched window. The flat roof boasts a cupola. Attached to the Adams Street facade's right corner is a small, single-story office.

This mill was built on the site of the old Webb Mill used by Josiah Webb and Josiah Twombly from 1850 to 1881 to manufacture chocolate. When Mr. Webb retired, the mill was acquired by the Walter Baker Chocolate Company and replaced by the present structure to continue the manufacture of chocolate. A 1892 plan of the Walter Baker Company indicates that three adjoining structures, arranged in a single line, existed behind the Mill. Adjoining the mill directly was a wooden building whose outline can be seen on the rear wall of the current mill. Next was a bridge structure which still exists. The National Register Nomination papers state that it was "part of an earlier brick mill which possibly dates from the mid-nineteenth century." Finally, there was a wooden structure, now gone. It would be interesting to know who used the smaller brick structure. Was it part of Webb and Twomblys mill or was it used by Samuel Gannett for his grist mill, or was he located in the now gone last wooden building? The Webb Mill has been included in the Dorchester/Milton Lower Mills Industrial District listed on the National Register in 1980. It is one of only two mills of this District that is located in Milton.

Significance

Before the English settled in what is now Milton, the area was inhabited by the Neponset tribe of the Massachusetts, an Algonquian people who had inhabited the area as far back as at least 8000 BCE. Milton was settled in 1640 by Puritans who began the settlement of Massachusetts Bay Colony in 1630. It was called Unquity from a Native American name, Unquity-Quisset, which meant where the head-waters of the Neponset River met the tidewaters of the bay.

Some of the earliest mills in New England were built along the river here. Ship building and farming were among the other major occupations of the early settlers. In 1662 the inhabitants of Unquity received permission from the Massachusetts General Court to separate from Dorchester and Milton was incorporated as a Town on June 11 of that year.

For well over two centuries after its founding, Milton remained a primarily agrarian community with farms and open lands, as well as industrial activity along the Neponset River at Milton Village; it included a gristmill, a gunpowder mill, a paper mill, and a chocolate mill - all thought to be among the first of their kind in New England. After the Civil War, however, Milton's population began to rapidly increase due to the convenience of the Milton and Dorchester branch of the Old Colony Railroad, which provided railway access to Boston with a depot at Mattapan Square and passenger stations at Central Avenue and Milton Village.

The Baker Chocolate Company was an extremely important force in Milton Village and in the Lower Mills section of Dorchester and the buildings they constructed are all still in use and well-maintained by their current owners. Several of the buildings in Lower Mills have been converted to residential use. 1 Eliot Street is currently occupied by a fitness club but other uses and/or expansion have been recently discussed.

Today, the former railroad line is perpetuated by the surface trolley connecting Ashmont Station and Mattapan Square and has stations on both the Dorchester and Milton sides of the river. A horse-drawn streetcar began running in 1856 from the Lower Mills to downtown Boston via Dorchester Avenue, so the ease of transportation allowed people of all walks of life to live in Milton but to commute to the city for employment. (Paragraph from Anthony Mitchell Sammarco's book *Then & Now Milton*) Milton still retains many 19th century country houses and estates and early 19th century workers' housing, including the Forbes House and the Suffolk Resolves House, and field stone walls forming property boundaries are not uncommon.

Milton Village, our proposed designated area, is significant both locally and nationally. The waterfall of the Neponset River that flows directly through this area was instrumental in helping the local mills use this natural asset to power its work. As a result, roads were built to connect it to other areas of the nearby city and beyond. In 1675 a gunpowder mill was built on the Milton end of the grist mill dam. It is reputedly the first gunpowder mill in the US. This river and the power it created spawned growth and materials for the growing population. The direct ocean access was instrumental in the importance of this location. The Walter Baker Company built their first mill building in 1869 and continued to produce chocolate there until 1965. The Walter Baker Company was the major employer in the area for an entire century.

Justification of the Boundaries

Prior to selecting Milton Village for our proposed local historic district, the committee considered the six existing Federal historic districts in town. All of the federal districts were studied and discussed and at first the Scott Woods district seemed to be a potential choice. After several meetings the consensus evolved that in order to ensure at least one Local District would be accepted by the Town, rather than propose several districts the committee

decided to recognize a single district. Milton Village was seen to be the most visible and perhaps the most historically significant. The committee believes that each of the federal districts warrants further study and hopes that all may become Local Historic Districts in the future.

As a primary gateway into town, Milton Village is a prominent, high traffic, and very visible part of our community - as such this committee supports the effort in protecting its defining characteristics. The unique character, scale, and architectural features of Milton Village are unrepeated in the town and represent important historical developments in the region - namely the representation of architectural styles through the 18th and 19th centuries, the development of local industry and mills, and the progression from waterpower to steam and finally electricity in manufacturing.

Two structures in the proposed district - 1 Eliot St and 6 Adams St - are currently recognized by the National Register of Historic Places as part of the Dorchester/Milton Lower Mills Industrial District. This designation bestows validation in the neighboring Dorchester community. Given the extensive historical attributes of this Milton Lower Mills Industrial District, the committee supports the logical extension of local historic designation to neighboring properties on the Milton side of this district line as proposed.

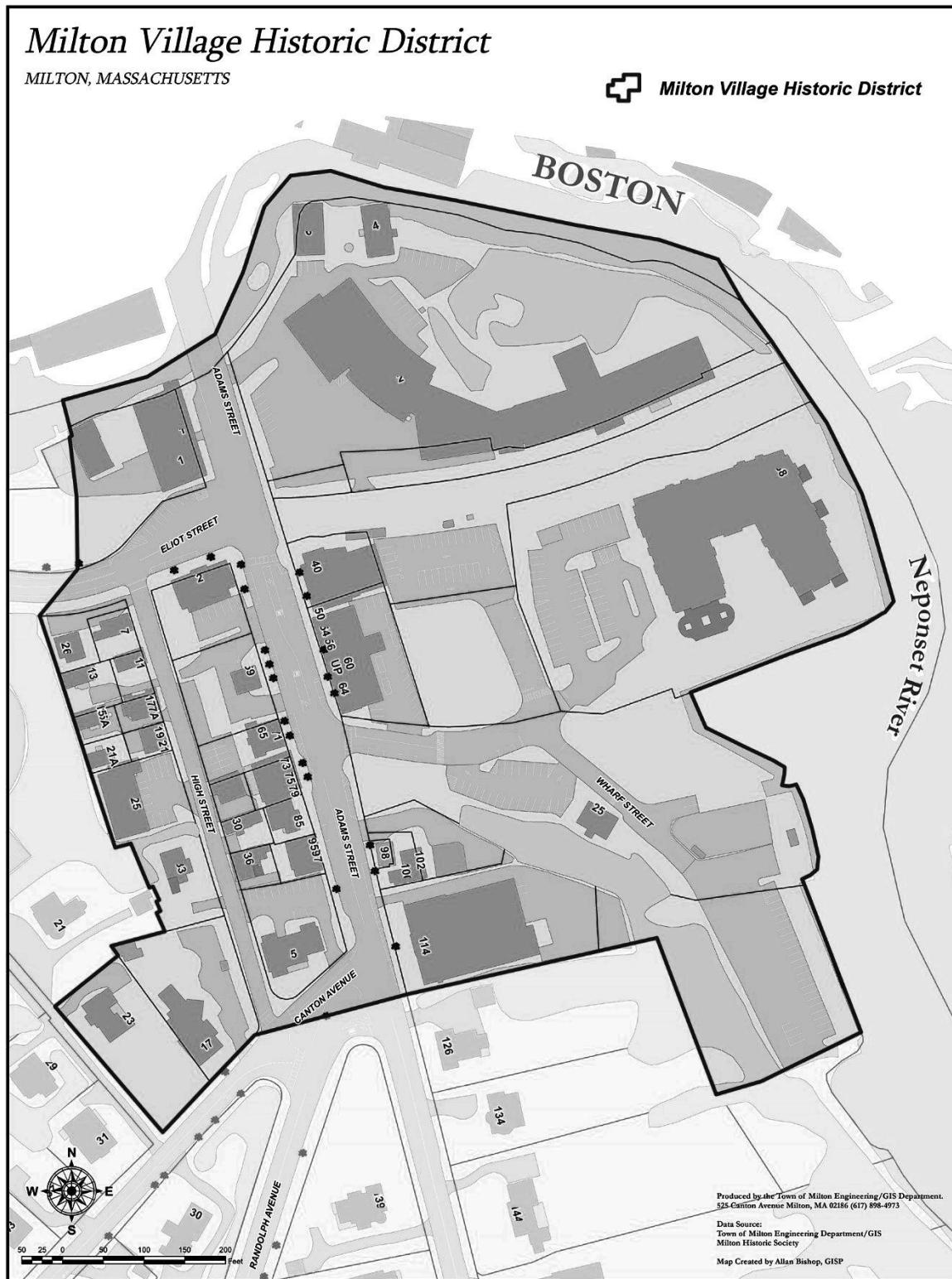
The final boundaries were chosen to coincide with the Milton Village Mixed-Use Planned Unit Development recently designated by the Planning Board. The board considered expanding the district to include some of the nearby single-family residential properties in the Milton Hill area but felt that the chosen district with mostly commercial property was a more appropriate choice as a sort of a “pilot” district that would introduce the concept of a local historic district to the town.

Milton Village Commercial Buildings.

STATEMENT OF SIGNIFICANCE The Dorchester/Milton Lower Mills Industrial District possesses integrity of setting, design, location, materials and associations and has significance in at least three distinct areas. It is an intact 19th and early 20th century industrial complex associated with an internationally known product, which represents the final stage of three centuries of continuous industrial development. It is the work of noted Boston architectural firm and it is a distinctive natural environment used to its utmost. The importance of the Lower Mills area as a major industrial site was initially determined by its topography. Near the area which developed into Lower Mills, the Neponset River provided the only rapids in the Dorchester/Milton area and was immediately recognized by the Puritan settlers as an excellent source of water power for mill operation. The Neponset was deep enough to be navigable to a point near the rapids and yet sufficiently narrow to eliminate the need for excessive damming. Prior to the industrialization of the river, the area around the rapids was a favorite place of habitation and fishing of the Neponset Indians, the native inhabitants of the Dorchester, Milton, Dedham and Quincy area. Mill development along the Neponset began soon after the initial settlement of Dorchester. Although the town of Milton was set off from Dorchester in 1662, with the town line running down the middle of the Neponset, this demarcation remained an

abstraction to the generations of mill owners who built along sites on either or both sides of the river. The first known industrial activity on the Neponset in this area was Israel Stoughton's grist mill which was built in 1634 on the northern (Dorchester) side of the river upon leave of the General Court and the town of Dorchester. Stoughton's mill is one of the earliest documented grist mills in the English colonies and probably was preceded in New England only by the Roxbury Mill of 1633. Although physically isolated, Stoughton's mill was linked to the developing settlement in northern Dorchester by a roadway now known as Adams Street. By 1654, the mill was accessible to Roxbury by a road now called Washington Street. Because the first Baker Building was constructed directly over this site, there is little chance of finding remnants of the mill. In 1674, the first documented gunpowder mill in the colonies was built on the Milton side of the river. A fulling (wool sizing) mill was set up on an adjacent site in 1683. During the first half of the eighteenth century, mill activity increased in the district, and a small settlement then called Neponset Village began to develop. By mid-century, industrial sites along the river at Neponset Village included a grist mill, a fulling mill, a powder mill, a paper mill, a snuff mill, and a saw mill, none of which remain.

District Map



Property Index

Below are the public records available for all properties and entities existing within the Milton Village area.

ADDRESS	YEAR	HISTORIC NAME	ARCHITECTURAL STYLE	PARCEL ID	MHC ID
2-6 Adams St	1902	Walter Baker Chocolate Company - Ware Mill	Georgian Revival	F 12 7	MLT.28
40 Adams St	1954	N/A	N/A	F 11 4	
50-64 Adams St	1881	The Associates Building	Queen Anne	F 11 3	MLT.32
59 Adams St	1982	N/A	N/A	E 1 3	
65-71 Adams St	1765	Joseph Fenno House	Colonial Revival	E 1 4	MLT.33
73-79 Adams St	1926	Preston, George Grocery Store		E 1 5A	MLT.289 9
85 Adams St	1795	Edmund J. Baker Building	Colonial	E 1 6A	MLT.34
90 Adams St	1964	King, F. A. and Sons Plumbing Shop Building		F 10 2	MLT.291 0
98 Adams St	1815	Swift Hat Shop	Colonial	F 10 1B	MLT.8
99 Adams St	1950	Chapman - Strangman Building		E 1 8	MLT.290 2
100-102 Adams St	1905			F 10 1A	
114 Adams St	1922	New England Telephone Co / Verizon Building	Georgian Revival	F 10 3	MLT.191
5 Canton Ave	1953	Cole and Gleason Funeral Home		E 1 9	MLT.290 3
17 Canton Ave	1831	John Durrell House	Federal	E 3 18	

21 Canton Ave	1896			E 3 17	
23 Canton Ave	1974			E 3 19	
1 Eliot St	1882	Walter Baker Chocolate Company - Webb Mill	Romanesque Revival	G 49 5A	MLT.31
2 Eliot St	1929		Georgian Revival	E 1 1	MLT.189
26 Eliot St	1970	Gill, Howard House #2		E 3 6	MLT.290 5
7 High St	1828		Federal Era	E 3 8	
11 High St	1800	Dunmore, Charles - Lynes, Thomas House	Federal Era	E 3 10	MLT.36
13 High St	1870		Federal Era	E 3 9	
15-15A High St	1858		Federal Era	E 3 11	
17 High St	1860		Federal Era	E 3 12	
19-21 High St	1840		Federal Era	E 3 14	
21A High St				E 3 13 (A, B)	
25 High St	1972	Lynch - Fugazzotto Office Building		E 3 15	MLT.290 1
26 High St	1904	Milton Girls' Clubhouse		E 1 5B	MLT.291 1
30 High St	1795	Vose, Capt. Lewis House	Colonial Era	E 1 6B	MLT.23
33 High St	1951	Saunders, William G. and Catherine King House		E 3 16	MLT.291 3
36 High St		Vose, Daniel T. II House		E 1 7	MLT.24
25 Wharf St	1884	The Lock Up / Yacht Club	Greek Revival	F 11 1	MLT.35
88 Wharf St	2003			F 10 1A	

Options and Recommendations for the Ordinance or Bylaw

The LHDSC recommends that the Historic District Commission consist of seven (7) town residents appointed to three year terms in the following manner:

The COMMISSION shall include, one member from two nominees solicited from the Milton Historical Commission, one member from two nominees solicited from the chapter of the American Institute of Architects covering Milton; one member from two nominees of the Board of Realtors covering Milton; one property owner from within each of the DISTRICT areas; and one at-large town resident living outside any of the DISTRICT areas.

Each historic district should be represented by a minimum of one member of the commission. Four alternates should be appointed in a like manner by the Select Board, to vote in the event of an absence or conflict of interest. A designated liaison from the Select Board should be selected.

The LHDSC recommends that the following features be excluded from the proposed bylaw:

- paint color
- roof color
- storm windows and doors
- temporary buildings and signs
- the reconstruction (substantially similar in design) of a building completely damaged and/or destroyed by fire, storm, or other disaster.

Bylaw Text

The Town of Milton hereby establishes a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended.

1. PURPOSE

The purpose of this bylaw is to aid in the preservation and protection of the distinctive history, characteristics, and architecture of buildings and places significant in the history of the Town of Milton, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

ALTERATION, TO ALTER – The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

BUILDING – A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE – A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

COMMISSION – The Historic District Commission as established in this Bylaw.

CONSTRUCTION, TO CONSTRUCT – The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

DISPLAY AREA – The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

DISTRICT – The Local Historic District as established in this Bylaw consisting of one or more DISTRICT areas.

EXTERIOR ARCHITECTURAL FEATURE – Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED – The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area; an owner of property within 100 feet of said DISTRICT area; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, BUILDINGS or districts.

SIGNS – Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE – A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, historic stone wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING – A BUILDING not to be in existence for a period of more than two years. A STRUCTURE not to be in existence for a period of more than one year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

3. DISTRICT

The DISTRICT shall consist of one or more DISTRICT areas as established through this Bylaw and as listed in Section 13 (Appendices) as may be amended from time to time through this Bylaw.

4. COMMISSION

4.1 The DISTRICT shall be overseen by a COMMISSION consisting of seven (7) members who are residents of the town, to be appointed by the Select Board, two members initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.

4.2 The COMMISSION shall include, one member from two nominees solicited from the Milton Historical Commission, one member from two nominees solicited from the chapter of the American Institute of Architects covering Milton; one member from two nominees of the Board of Realtors covering Milton; one property owner from within each of the DISTRICT areas; and one at-large town resident living outside any of the DISTRICT areas. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

4.3 The Board of Selectmen may appoint up to four alternate members to the COMMISSION in a like manner. Each alternate member shall have the right to act and vote in the place of one regular member should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two or three years, and for three year terms thereafter.

4.4 Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

4.5 Vacancies shall be filled in the same manner as the original appointment for an unexpired term.

4.6 Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.

4.7 Four members of the COMMISSION shall constitute a quorum.

4.8 All members shall serve without compensation.

5. COMMISSION POWERS AND DUTIES

5.1 The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

5.2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

5.3 The COMMISSION, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.

5.5 The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

6.1 Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public way, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.

6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

7. PROCEDURES FOR REVIEW OF APPLICATIONS

7.1 Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION an application for a CERTIFICATE of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the COMMISSION to enable it to make a determination on the application.

7.2 The COMMISSION shall determine within fourteen (14) business days of the filing of an application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.

7.3 If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.

7.4 If the COMMISSION determines that such application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Milton. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties and of other properties deemed by the COMMISSION to be materially affected thereby, all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the COMMISSION shall deem entitled to notice.

7.4.1 A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing. If the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all

adjoining property and of other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

7.5 Within sixty (60) days after the filing of an application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION.

7.6 The concurring vote of a majority of the members shall be required to issue a CERTIFICATE.

7.7 In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw.

7.8 If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.

7.9 If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.

7.10 The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.

7.11 If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the application for a CERTIFICATE, or within such further time as the

applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship Due to Failure to Act.

7.12 Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.

7.13 A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the regional planning agency. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the COMMISSION, unless a further appeal is sought in the Superior Court as provided in Chapter 4OC, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

8. CRITERIA FOR DETERMINATIONS

8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, and material of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area.

8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the scale, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity. The COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section IA of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view from a public way.

9. EXCLUSIONS

9.1 The COMMISSION shall exclude from its purview the following:

9.1.1 Temporary BUILDINGS, STRUCTURES or SIGNS subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify.

9.1.2 Storm windows and doors, screen windows and doors, and window air conditioners.

9.1.3 The color of paint.

9.1.4 The color of materials used on roofs.

9.1.5 The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

10. CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Milton, that certain categories of EXTERIOR ARCHITECTURAL FEATURES, STRUCTURES or BUILDINGS under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purpose of this Bylaw.

11. ENFORCEMENT AND PENALTIES

11.1 The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

11.2 The COMMISSION, upon a written complaint of any resident of Milton, or owner of property within Milton, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Milton to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty one (21) days of receipt of such request.

11.3 Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to \$500.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense.

11.4 The COMMISSION may designate the Building Commissioner of the Town of Milton to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

12. VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

13. APPENDICES

Appendix 1:

Milton Village District

The Milton Village District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Milton Village District are defined and shown on the Local Historic District Map of the Town of Milton, Sheet 1-2023 which is a part of this Bylaw. Sheet 1 is based on the 2023 town GIS map and was created with the help of the Town of Milton Engineering Department / GIS. The delineation of the DISTRICT area boundaries is based on the parcel boundaries then in existence and shown therein, except as otherwise apparent on Sheet 1.

Works Cited

1. https://www.town.duxbury.ma.us/sites/g/files/vyhlif3056/f/pages/lhd_report - decembe_r_7_2010.pdf
2. <https://www.townofmilton.org/about/pages/history>
3. <http://www.milton350thanniversary.org/history.html>
4. https://en.wikipedia.org/wiki/Milton,_Massachusetts#cite_note-3 Bragdon, Native People of Southern New England, pp. 66, 72, 104, 112.
5. <https://www.amherstma.gov/DocumentCenter/View/6107/Town-of-Amherst-Preliminary-Study-Report021720?bidId=>
6. <https://www.amherstma.gov/DocumentCenter/View/6107/Town-of-Amherst-Preliminary-Study-Report021720?bidId=>
7. <https://www.nps.gov/subjects/nationalregister/index.htm>
8. The Growth of Milton Village by Col. Edward P Hamilton Sept 1954 Milton Record

Digital Images



1 Eliot Street - Webb Mill, 1882
Romanesque Revival



6 Adams Street - Ware Mill, 1902
Georgian Revival



4 Adams Street, 1902



2 Adams Street, built 1902

Romanesque Revival



Adams Street - Milton Village Trolley Station, 1929



2 Eliot Street, 1930
Georgian Revival



40 Adams Street, recently renovated



50-64 Adams Street - The Associates Building, 1881
Queen Anne



65-71 Adams Street - Joseph Fenno House, 1765
Colonial Revival



85 Adams Street - Edmund J. Baker Building, 1795
Colonial



99 Adams Street, 1950



88 Wharf Street, 2003



25 Wharf Street - Milton Yacht Club (previously “Milton Lock Up” / Jail), 1884
Greek Revival



98 Adams Street - Swift Hat House, 1815 Colonial (left)
100-102 Adams Street (right)



114 Adams Street - New England Telephone Co / Verizon Building, 1924
Georgian Revival



5 Canton Ave, 1953



17 Canton Ave - John Durrell House, 1831



36 High Street - Daniel T. Vose II House, 1770



30 High Street - Capt. Lewis Vose House, 1793



26 High Street - Milton Girls' Clubhouse, 1904



25 High Street, 1972



17 High Street, 1860 Federal Style
19 & 21 High Street, 1840 Federal Style



13 High Street, 1800



11 High Street - Dunmore, Charles - Lynes, Thomas House, 1870



26 Eliot Street - Gill, Howard House #2, 1842



Eliot Street looking towards Adams Street



Adams Street looking south



Neponset River in foreground, 2-6 Adams Street



Intersection of Eliot Street and Adams Street



East side of Adams Street, looking south



West side of Adams Street, looking north



East side of Adams Street, looking north



Wharf Street looking west



Wharf Street facing “The Lock-Up” and the yacht club facilities.



Northern end of High Street, looking west