



**Select Board**

**Meeting Packet**

**January 9, 2024**

**2024**

**SPECIAL TOWN MEETING**

Commonwealth of Massachusetts  
County of Norfolk, ss.

To any of the constables of the Town of Milton in said County:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Milton, qualified to vote in Elections and Town affairs, to meet at the several designated polling places in their respective Precincts in said Milton, to wit:

In Precinct 1.	Tucker School, Blue Hills Parkway
In Precinct 2.	Milton Senior Center, Walnut Street
In Precinct 3.	Cunningham Park Community Center, Edge Hill Road
In Precinct 4.	Milton Senior Center, Walnut Street
In Precinct 4A.	Milton Senior Center, Walnut Street
In Precinct 5.	Copeland Field House, Milton High School, Gile Road
In Precinct 6.	Cunningham School Gymnasium, Edge Hill Road
In Precinct 7.	Cunningham Park Community Center, Edge Hill Road
In Precinct 8.	Cunningham School Gymnasium, Edge Hill Road
In Precinct 9.	Copeland Field House, Milton High School, Gile Road
In Precinct 10.	Tucker School, Blue Hills Parkway

On Tuesday, February 13, 2024 next beginning at 7:00 a.m., then and there to vote upon the question involved in the vote on Article 1 of the Warrant for the Special Town Meeting commenced on December 4, 2023, which vote was taken at a continued session of such Special Town Meeting held on December 11, 2023 (collectively, the December 4, 2023 and December 11, 2023 sessions of such Special Town Meeting shall be referred to herein as the “December 2023 Special Town Meeting”). Said question when finally presented to the December 2023 Special Town Meeting was stated substantially, in language and form, as follows:

**QUESTION PRESENTED UNDER ARTICLE 1  
OF THE DECEMBER 2023 SPECIAL TOWN MEETING:**

Shall the Town vote to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaw, by adding a new Section 275-3.23 MBTA Communities Multi-family Overlay District and to amend the Zoning Map to include the MBTA Communities Multi-family Overlay District, including the following subdistricts: Eliot Street Corridor Subdistrict, Milton/Central Avenue Station Subdistrict, Mattapan Station Subdistrict, Blue Hills Parkway Corridor Subdistrict, Granite Avenue Subdistrict, and East Milton Square Subdistrict as shown on the MBTA Communities Multi-family Overlay District Boundary Map, as printed in the Warrant for the December 2023 Special Town Meeting, with the following change: on page 19, Section G (Granite Avenue

Subdistrict), subsection 2 (Applicability) shall be changed to "up to 4.5 stories" so it is consistent with page 20, Section G (Granite Avenue Subdistrict), subsection 5 (Table of Dimensional Standards)?

Yes \_\_\_\_\_ No \_\_\_\_\_

Said Article 1, as printed in the Warrant for the December 2023 Special Town Meeting, shall be available for voter review in the Town Clerk's office, on the Town of Milton website at [INSERT URL/ADDRESS AT WHICH IT WILL APPEAR], and at each of the several designated polling places during the hours of the herein noticed February 13, 2024 Special Town Meeting.

For these purposes the polls will be opened at each and all of said precincts on Tuesday, February 13, 2024, at 7:00 a.m. and will be closed at 8:00 p.m. on such date.

And you are directed to warn said inhabitants qualified as aforesaid to meet at the time and places and for the purposes herein mentioned by posting attested copies of the Warrant in each of the Post Offices of said Town fourteen days before the thirteenth day of February.

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

Given under our hands at Milton this 9<sup>th</sup> day of January 2024.

Michael F. Zullas  
Erin G. Bradley  
Roxanne Musto  
Richard G. Wells, Jr.  
Benjamin Zoll

SELECT BOARD

A True Copy: Attest  
William J. Neville

Constable of Milton

## Nicholas Milano

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**From:** Kluchman, Chris (EOHLC) <Chris.Kluchman@mass.gov>  
**Sent:** Tuesday, January 2, 2024 7:21 PM  
**To:** Nicholas Milano  
**Cc:** Mendoza, Nikko (EOHLC); Rubin, Roberta (EOHLC); Hurley, Margaret (AGO); Moore, Pat (AGO)  
**Subject:** MBTA Communities

[External Email- Use Caution]

Dear Select Board Chair Mike Zullas and Town Administrator Nicholas Milano:

As a follow up to our conversation this afternoon, we thank you for the opportunity to clarify the situation about Milton's Section 3A compliance status after the successful adoption of multi-family zoning districts at the December 11, 2023 Special Town Meeting.

Deadline clarification: The Deadline for submittal of materials for Rapid Transit Communities is January 2, 2024 at 11:59:59 p.m. in accordance with MGL c. 4, § 9. *Except as otherwise provided, when the day or the last day for the performance of any act, including the making of any payment or tender of payment, authorized or required by statute or by contract, falls on Sunday or a legal holiday, the act may, unless it is specifically authorized or required to be performed on Sunday or on a legal holiday, be performed on the next succeeding business day.*

We recognize that, among the Rapid Transit Communities, the town is in a unique situation. Its legislative body (Town Meeting) adopted zoning at the December 11, 2023 meeting with the intention to submit by the deadline for Rapid Transit Communities. However, due to a successful petition process in accordance with the town's charter, the town was required to set a referendum vote that could result in the repeal of the newly adopted zoning. We understand that this vote is scheduled for February 13, 2024, several weeks beyond the Rapid Transit Communities deadline, and that town officials do not feel that they are in a position to formally submit an application for a determination of district compliance pending the referendum vote.

The Executive Office of Housing and Livable Communities (EOHLC) recognizes that the town of Milton has taken significant affirmative steps to comply with the MBTA Communities requirements:

- In 2023 Milton sought and received technical assistance from EOHLC and its partner Massachusetts Housing Partnership (MHP) to help the town develop a multi-family zoning district.
- With this technical assistance, town officials produced a proposed amendment to the town's zoning code and zoning map to allow multi-family zoning.
- Milton submitted a "pre-adoption" application so that EOHLC staff could review draft zoning and compliance model results.
- Town staff consulted numerous times with EOHLC staff to develop the final zoning that was presented on the Special Town Meeting warrant.
- The town held a Special Town Meeting in December at which the proposed zoning was adopted.
- The town also completed the Compliance Model exercise as required.

Due to the significant actions taken by the town to comply with the law, and recognizing the bind the town is in relative to the timing of the referendum spelled out in the town's charter, EOHLC will refrain from taking legal action to enforce compliance with the MBTA Communities law if the town takes the following actions:

- Prior to the expiration of the deadline at 11:59 p.m. on January 2, 2024, provide EOHLC with compliance materials including the final zoning text and associated zoning map amendments adopted by Special Town Meeting, the compliance model and the GIS shapefiles, and any other materials that the town has "in hand" and
- Provide a letter from the Select Board by close of business on January 11, 2024 confirming the town's intention to submit a District Compliance application should the ballot vote fail.

We look forward to reviewing these materials and appreciate our continued partnership with the town. Please feel free to contact me with any additional questions.

Chris

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**[Chris Kluchman, FAICP \(she/her\)](#)**

Acting Director, Community Services Division

Executive Office of Housing and Livable Communities (EOHLC), 100 Cambridge Street, Ste 300

Boston, MA 02114

[chris.kluchman@mass.gov](mailto:chris.kluchman@mass.gov)

*EOHLC staff are mostly working remotely. I check email regularly and will get back to you as soon as possible.*

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TOWN ADMINISTRATOR  
NICHOLAS MILANO  
TEL 617-898-4845

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

TEL 617-898-4843  
FAX 617-698-6741

**SELECT BOARD**

**MICHAEL F. ZULLAS,  
CHAIR**

**ERIN G. BRADLEY,  
VICE CHAIR**

**ROXANNE MUSTO,  
SECRETARY**

**RICHARD G. WELLS, JR.,  
MEMBER**

**BENJAMIN ZOLL  
MEMBER**

January 10, 2024

Secretary Ed Augustus  
100 Cambridge Street  
Boston, MA 02114

**Re: Town of Milton Status with respect to MBTA Communities Act Compliance**

Dear Secretary Augustus:

On Tuesday, January 2, 2024, the Town of Milton received a request for information from Chris Kluchman, Acting Director of the Community Services Division at the Executive Office Housing and Livable Communities (“EOHLC”) regarding the Town’s status for MBTA Communities Act Compliance. Please see below a summary of the Town’s actions to comply with the law and the Town’s responses to EOHLC’s requests.

Since the MBTA Communities Act was approved by the Legislature and signed into law by the Governor, the Town has worked to develop and refine zoning that complies with the law. Town departments, boards, and committees have held meetings and conducted other outreach to get resident feedback on the law and the Town’s efforts to develop legally-compliant zoning, including approximately 28 Planning Board meetings, 15 Select Board meetings, 8 public forums, an online survey with nearly 500 responses, numerous neighborhood association meetings and other townwide events, social media and email announcements, and a flyer inserted into property’s water bill. The Town has also applied for and received grant funding for expert analysis and data to help develop the zoning, including for Utile compliance modeling, 30 different compliance scenarios tested and evaluated by independent consultants, Metropolitan Area Planning Council subdistrict testing, and an RKG Fiscal Impact Analysis

A Special Town Meeting was held beginning on December 4, 2023, to seek Town Meeting’s approval of the zoning bylaw changes that would create legally-compliant zoning. Town Meeting approved the zoning in Article 1 on December 11, 2023, by a vote of 158-76. On December 18, 2023, the Select Board received a petition requesting that Article 1 be placed before the voters at large in accordance with Chapter C, Section 7 of the Town’s Charter. On December 27, Town Clerk Susan Galvin informed the Select Board that the petitioners had the requisite number of certified signatures of registered voters per Chapter C, Section 7 of the Town’s Charter. On December 28, 2023, the Select Board voted pursuant to Chapter C, Section 7 to “call a special town meeting . . . for the sole purpose of presenting to the

voters at large” Article 1 on February 13, 2024, at the Town’s regular polling locations and for the hours of voting to be the same as used at the Town’s Annual Election, 7 am to 8 pm. As a result, the Town is unable to submit the certified Town Meeting vote on Article 1 at this time.

**EOHLC Request:** “Prior to the expiration of the deadline at 11:59 p.m. on January 2, 2024, provide EOHLC with compliance materials including the final zoning text and associated zoning map amendments adopted by Special Town Meeting, the compliance model and the GIS shapefiles, and any other materials that the town has ‘in hand.’”

**Town’s Response:** On January 2, 2024, Town Administrator Nicholas Milano provided the requested information and materials. As you know, the Town has not submitted an application to EOHLC for a review of its compliance with the MBTA Communities Act because the Select Board received a petition with the requisite number of signatures to place Article 1 before the voters at large. As a result, the Town is unable to submit an application for District Compliance to EOHLC, as required by EOHLC’s Guidelines, since the zoning has not yet been approved by the Town.

**EOHLC Request:** “Provide a letter from the Select Board by close of business on January 11, 2024 confirming the town’s intention to submit a District Compliance application” if the zoning is approved by voters.

**Town’s Response:** The Milton Select Board confirms that if the voters at large approve Article 1 to amend the Town’s zoning bylaws and map on February 13, 2024, then the Town will submit a completed District Compliance application to EOHLC in accordance with EOHLC’s Guidelines. If the voters at large do not approve Article 1 on February 13, 2024, then the Town will not be able to submit a completed District Compliance application to EOHLC.

If you have any questions or are seeking any additional information, please do not hesitate to contact Town Administrator Nicholas Milano at [nmilano@townofmilton.org](mailto:nmilano@townofmilton.org) or 617-898-4845.

Sincerely,

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

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



*“We raise awareness, educate and motivate residents, town government, and business owners to reduce waste of all forms and to create a healthy, vibrant future for all.”*

Sustainable Milton, Inc.  
11 Standish Road  
Milton MA 20186

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Select Board Members, Town of Milton

January 5th, 2024

We are writing to request on behalf of Sustainable Milton's board that the Select Board add an article to the warrant for the annual town meeting in May adopting the specialized opt-in building code. Our board voted unanimously to support this request because it is a critical step that the majority of Massachusetts towns need to take in the near future to keep the state on track to meet its goal of achieving net-zero greenhouse gas emissions by 2050.

Massachusetts allows communities to select from a handful of model building codes. Prior to 2022, there were two options: 1) a Base Code that sets a minimum standard and 2) a Stretch code with more stringent energy efficiency standards. Milton currently uses the Stretch Code, which was a prerequisite to becoming a Green Community in 2010. A year ago, a third "Specialized Opt-in" code was added to put Massachusetts on track for net-zero by 2050.

At a high level, the incremental requirements in the updated specialized code are:

1. **Pre-wiring:** new buildings using fossil fuels must pre-wire for future electrification, including EV charging
2. **Solar:** new buildings using fossil fuels must install a certain amount of onsite solar
3. **Exemplary Performance for Large Homes:** New single-family homes greater than 4,000 square feet must be all-electric or certified zero Energy (solar to offset energy usage)



4. **Exemplary Performance for Large Multi-family:** New multi-family homes greater than 12,000 square feet must use Passive House compliance pathways (highly efficient by design).

It is our current understanding that the additional requirements **do not** affect additions and renovations of existing homes.

It's important to understand why these code changes are a critical step in Massachusetts' strategy to reach net-zero emissions by 2050. Broadly speaking, the strategy is to transition the electric grid to clean, renewable energy sources while transitioning end-uses of fossil fuels in vehicles, buildings, and industry to predominantly electric technologies. Aggressively pursuing energy efficiency is necessary to meet the anticipated electricity demand in a cost-effective way.

As a primarily residential community, 98% of Milton's Greenhouse Gas emissions come from transportation and buildings. While 2050 may seem far away, today's new buildings and vehicles will still be in use then. After 2025, fossil fuel equipment needs to be overwhelmingly replaced with electric and low-carbon technologies when it reaches end-of-life. Note, this code **does not** ban fossil fuel from new construction, but encourages all-electric construction and removes obstacles to future electrification through pre-wiring and onsite clean electricity generation.

Building codes are a complex topic, and we know that residents, staff, and other town stakeholders will need time to better understand the content and impact of these code changes. If adopted in May, the code will not come into force until January 2025, giving additional time for any needed training and planning. We look forward to collaborating respectfully with you and residents of all perspectives in the learning process. We are accompanying this letter with a selection of references we hope will be helpful to get started.

Given the long lead time for the code changes to come in force, and the potential for significant new development from 40Bs and the MBTA zoning changes, we believe it is important to have a robust public discussion about code updates now. This town meeting article will ensure that we have a purposeful and engaged discussion over the next four months.



We believe that these code changes will generally deliver net financial benefits to Milton residents through reduced energy costs and removing the need for expensive retrofits.

We also want to remind you why we are passionate about advocating for practical, thoughtful, and aggressive action to reduce Greenhouse gas emissions as quickly as possible. The effects of human-caused climate change are already far-reaching and worsening across every region of the United States and the world.

Here in Massachusetts, climate change will bring unique challenges, including more intense heat waves and droughts, larger and more frequent floods from storm surge and intense precipitation, increases in insect-related diseases and ecosystem damage from invasive species<sup>1</sup>. Climate change also exposes Milton residents to systemic risks by undermining global stability: by contributing to insecurity in the food and water supply, political insecurity, and increased migration from heavily impacted regions. There is broad consensus that rapidly reducing greenhouse gas emissions can limit future warming and also reduce the associated risks, which increase exponentially as warming accelerates<sup>2</sup>. This specialized code update is a win / win for climate and Milton residents, and we hope that you will give the town a chance to make a timely and thoughtful decision by adding it to this year's annual town meeting warrant. The proposed warrant article text is technical legal boilerplate used by all towns that opt in, and is attached to this letter.

Sincerely,  
On behalf of the Sustainable Milton Board:

*Lauren K Borofsky*  
Lauren K Borofsky DVM  
President of Sustainable Milton

*Alex Hasha*  
Alex Hasha  
Board Member

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<sup>1</sup> <https://www.mass.gov/info-details/massachusetts-climate-change-assessment>

<sup>2</sup> <https://nca2023.globalchange.gov>



## Proposed Warrant Article

To see if the Town will vote to enact Chapter \_\_\_\_ of the Town of Milton's General Bylaws, entitled "Specialized Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications thereto, with an effective date of January 1, 2025, a copy of which is on file with the Town Clerk, or take any other action relative thereto.

## Attachments

- Text of specialized code: [225cmr22.pdf](#)
- [DOER webinar presentation](#)
- [Informative presentation](#) from Hopkinton, MA town meeting
- We have created a public [Google Drive Folder](#) containing additional resources



## 2023 Stretch Energy and Municipal Opt-In Specialized Building Code Frequently Asked Questions

### 1. What are the building energy code options for cities and towns in Massachusetts?

Massachusetts cities and towns now have 3 related choices of stringency of building energy code. These are the 'Base code' the 'Stretch code' and the 'Specialized code'. The minimum or 'base' energy code is the latest version of the national model code – the International Energy Conservation Code (IECC) with some amendments for Massachusetts. The base code is part of the building codes governed by the state Board of Building Regulations and Standards (BPRS). In 2023 the base code is being updated from the 2018 IECC to the 2021 IECC, and MA amendments adding wiring for electric vehicles and maintaining solar ready roof requirements.

### 2. What is the Stretch code?

The 'Stretch code' is a more energy efficient alternative to the base code. The 2023 update is the 3<sup>rd</sup> major update to the 2009 original Stretch code. The Stretch code increases the energy efficiency requirements for all new residential and commercial buildings, as well as for additions and renovations that require building permits. Municipalities started adopting the Stretch code in 2009; as of January 2023, 300 out of 351 Massachusetts cities and towns have adopted it. The Stretch code is now published and maintained by the Department of Energy Resources.

### 3. What is the Specialized code?

The Specialized code is required by statute ([MGL 25A Section 6](#)) to help achieve MA GHG emission limits and building sector sub-limits set every five years from 2025 to 2050. As a result, all compliance pathways under the Specialized code are designed to ensure new construction that is consistent with a net-zero Massachusetts economy in 2050, primarily through a combination of energy efficiency, that in turn enables reduced heating loads, and efficient electrification. Use of fossil fuels such as gas and propane or biomass is permitted but comes with additional requirements for on-site solar generation and pre-wiring for future electrification of any fossil fuel using equipment.

### 4. What is the anticipated cost of building under the Stretch energy code?

Designed and constructed in accordance to Stretch code standards, low-rise residential buildings built with all electric heating and cooling (via heat pumps) will typically cost less to build and operate than those built with fossil fuel heating. One reason for this is that heat pumps can be used for both heating and central air conditioning, whereas fossil fuel heated new homes typically require a separate air conditioning system.

DOER has commissioned studies to analyze the change in construction costs related to building to the Stretch code for several sizes and types of residences, and they generally indicate the construction and operating costs are lower under the Stretch code standards with fully electric heating and cooling via heat pumps. These case studies are available on DOER's website here:

<https://www.mass.gov/doc/residential-Stretch-code-costs-and-benefits-case-studies/download>

Analysis of various types of common commercial buildings are also available on the DOER website,

though these don't include an analysis of Mass Save or federal building incentives.

#### **5. How do the base and Stretch codes differ?**

The base energy code is currently based on amendments to the IECC2018 national model code but will update to the IECC2021 model code as part of a larger update to the building code as it moves from the 9<sup>th</sup> edition to the 10<sup>th</sup> edition. The timing is uncertain but expected at some point in 2023. **The base energy code in both the 9<sup>th</sup> and 10<sup>th</sup> editions provides two options** residential builders may use to meet energy efficiency requirements:

- **Prescriptive Method**, installing elements with specific energy efficiency levels (e.g., windows, or wall & roof insulation, furnace, etc.), or
- **Performance-based Method**, building to ensure the home performs to a specific level of efficiency, typically measured through a **HERS** (Home Energy Rating System) **or Passive House** analysis, including both of the design plans and the actual built home once construction is completed. The builder can decide how to design the house to reach the performance target.

The Stretch code requires that builders use the **performance-based method**. Measuring the home in this way brings in a 3<sup>rd</sup> party energy expert who verifies it is designed and built to perform as expected, which is **an important protection for the homeowner and for any future buyer**. Some builders in non-Stretch code communities voluntarily choose to use the performance-based method required by the Stretch code because it can often provide greater flexibility.

#### **6. How is the Specialized code different from the Stretch code?**

The Specialized code has accelerated adoption of more efficient HERS rating thresholds (HERS 42 and 45) and provides three paths for low rise residential compliance, including a zero-energy pathway (with solar PV). It also requires new homes over 4,000 sq ft to follow the all-electric or zero energy pathway. Solar PV is required for any new construction utilizing fossil fuels for heating. The Specialized code for multi-family housing 4 stories and above phases in Passive House standards by January 2024.

#### **7. Where can I find and read more about the Stretch code and Specialized code?**

The Stretch and Specialized codes are new regulations in [225 CMR 22.00](#) and [225 CMR 23.00](#). CMR 22.00 covers Residential low-rise construction and CMR 23.00 covers Commercial and all other construction (including most multi-family).

#### **8. What building types does the Stretch energy code and Specialized code apply to?**

The Stretch code applies to both residential and commercial new construction, as well as certain renovations and additions. The Specialized code applies only to new residential and commercial new construction.

#### **9. What categories do multi-family residential buildings fall into?**

Multi-family building with central heating and cooling are considered commercial buildings. Those that are townhouses and have separate heating and cooling are considered to be low-rise residential buildings.

#### **10. How does the Stretch code apply to historic buildings?**

Historic buildings are exempt from both Stretch codes and the base energy code.

## **11. What is a HERS rating?**

HERS stands for 'Home Energy Rating System,' and is a national standard that uses information on the design of the energy systems in a home to calculate, via computer modeling, the average energy needs of that home and give it a rating score. The HERS Index was developed by the non-profit Residential Energy Services Network (RESNET) for the mortgage industry and is utilized by the Federal Internal Revenue Service (IRS) and the LEED for Homes program. On the HERS 2006 index scale smaller numbers are better, with 0 representing a net zero energy home, and 100 represents a home built according to meet the national model energy code in 2006 (the IECC 2004 with 2005 amendments). A HERS rating of 52 means that the home uses about 48% less energy than the same size home built to the 2004/2005 IECC code requirements.

## **12. Do I have to get a HERS rating?**

New low-rise residential buildings constructed under the Stretch code will have to get a HERS rating. The HERS performance-based approach provides a very good way to ensure that homes are not only well designed but also well built. As part of the HERS rating the home will be tested for air leakage, and under both the base and the Stretch code homes with heating and cooling ducts may also have those tested for leakage. The HERS rater, builder and building inspector can have confidence that the completed homes really are energy efficient.

## **Standards and Training:**

### **13. What training and materials are available on the Stretch and Specialized codes**

The Mass Save program provides training for code officials, builders, and design professionals. Visit their website at <https://www.masssave.com/en/learn/partners/energy-code-training-and-events> for scheduling.

DOER also provides technical experts to perform public outreach in municipalities that are considering a vote on the Stretch and/or the Specialized Stretch code. Those interested in this assistance should reach out to their regional Green Communities Coordinator

## **Process:**

### **14. What is the process for adoption of the Stretch and Specialized energy codes?**

Towns and cities in Massachusetts can choose to remain on the base energy code, adopt the Stretch energy code, or adopt the Specialized energy code as their mandatory energy code requirement. A municipality would remain on the base energy code unless and until it adopts the Stretch code or Specialized code through its appropriate public process.

### **15. How would a town or city adopt the Stretch and Specialized energy codes?**

The Stretch code and Specialized code regulations may be adopted by any municipality in the commonwealth, by decision of its governing body. In a city having a Plan D or Plan E charter the governing body shall be the city manager and the city council, and in any other city the mayor and city council. In towns the governing body shall be Town Meeting.

In order to be adopted, the regulations must be considered at an appropriate municipal public hearing, subject to the municipality's existing public notice provisions. Cities are advised to adopt the Stretch and Specialized energy codes by general ordinance and towns are advised to adopt the codes as a general bylaw. Current Stretch code communities wishing to adopt the Specialized code may choose to amend their existing ordinance or bylaw to refer to the new regulations. Municipalities should consult with their counsels on appropriate language.

**Please note, once the Stretch and Specialized code is adopted by a municipality, all future editions, amendments and modifications are automatically adopted unless the municipality rescinds adoption of the code itself.** A community must adopt the Stretch and Specialized code "as is," without applying any amendments or conditions.

**Also note, according to the Attorney General's office:**

*Pursuant to G.L. c.40, S 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law ...*

DOER recommends that the warrant article, the motion and the by-law/ordinance explicitly specifies an effective date so that everyone (building officials, builders, homeowners, voters) is fully aware of when the Stretch and Specialized energy codes take effect. **It is further recommended that municipalities choose either July 1 or January 1 as the effective date.**

### **Enforcement/Requirements:**

#### **16. How would the Stretch code be implemented and enforced?**

Once the Stretch or Specialized energy code is adopted by a town or city, it supplements the previous energy code language and becomes the binding energy code language for building projects in that municipality. Implementation and enforcement of the code is similar to existing code, where the developer is responsible for submitting documentation of compliance to the building inspector for review, and the building inspector conducts a site review.

#### **17. What is the role of a building code official and a HERS rater for residential projects?**

Residential low-rise buildings meeting the Stretch code through a HERS rating require independent certification by a HERS rater. Their work will produce a report detailing the energy systems in the building and will provide a HERS index score. In this way the local inspector retains their oversight role but the additional energy requirements are intended to not place a significant additional burden on their time.

#### **18. How do I find a HERS rater?**

HERS raters work with the residential builder/developer/design team and should be included in the team from the outset. Lists of HERS raters working in Massachusetts are available on the [Mass Save website](#), and from the [Northeast HERS Alliance](#).

#### **19. What training and certification do HERS raters undergo?**

HERS raters are typically experienced building professionals, who in addition take a week or two week long intensive training course in residential energy efficiency. After completing the training, learning how to use HERS rating software, and passing a test, new raters must also complete at least 5 ratings with an experienced HERS rater before being able to independently award ratings. In addition to this initial training and certification, HERS raters must be affiliated with a certified HERS provider which is responsible for ongoing code education and quality assurance oversight of the HERS rater's work. The HERS providers also carry liability insurance and allow builders to request a review from a second HERS rater in the rare case of disputes.

**20. If my community has already adopted Stretch energy code, do we need to vote for it again?**

No

**Residential Building Questions:**

**R1. How do I meet the residential Stretch code for new 1 and 2 family homes and townhouses?**

For new residential homes including multi-family homes of 3 stories or less, builders can choose to either meet Home Energy Rating Scores (HERS) certification or Passive House certification. Starting January 1, 2023, the maximum allowed HERS Index Score for residential low-rise construction ranges from 52 (for residences heated with fossil fuels) to 58 (for all-electric residences with on-site solar PV). HERS Index scores will be reduced to 42 and 45 starting July 1, 2024. Please review to Table 1 below:

**TABLE 1: CHANGES TO MAXIMUM HERS INDEX**

On-site Clean Energy Application	Maximum HERS Index score (before renewable energy credit)		
	New construction		Extensive Alterations, Additions and Change of use
	Updated Stretch Code July 1, 2024	Updated Stretch Code Jan. 1, 2023 <i>(Same as 10<sup>th</sup> edition base code)</i>	Updated Stretch Code (Jan. 1, 2023)
None (Fossil fuels)	42	52	52
Solar		55	55
All-Electric	45	55	55
Solar & All-Electric		58	58

The 2023 Stretch Code maintains differential HERS ratings among new construction heating with fossil fuels, all-electric, and/or including onsite solar; after a phase-in period until July 1, 2024, which will require HERS 45 for all-electric homes and HERS 42 for homes with any use of fossil fuels.

The 2023 Stretch Code also updates HERS requirements for extensive alterations, additions and change of use for existing homes. Additional detail on alterations, additions and change of use can be found in the section below.

Builders wanting to achieve code compliance via Passive House certification will use the most recent Passive House Institute US (Phius) standards.

The updated Stretch code requires at least one space per home and a minimum of 20% of spaces in a new multi-family parking lot be provided with electric wiring to allow for **future EV charging**.

#### **Existing buildings: Alterations, Additions and Changes of use:**

The 2023 Stretch Code clarifies when alterations to existing homes trigger compliance with different requirements. The requirements are as follows:

- **Additions over 1,000 square feet (sf)** must follow the HERS Pathway and meet the HERS requirements for Additions in Table 1 above. Additions under 1,000 square feet will continue to follow Base Energy Code.
- **Additions that exceed 100% of the conditioned floor area of the existing dwelling unit** (ie. more than double the size of the house) must follow the HERS Pathway and meet the HERS requirements for Additions in Table 1 above.
- **Level 3 Alterations** (over 50% of the home is renovated and reconfigured) as defined in the International Existing Building Code (IEBC 2021) or change of use **exceeding 1,000 sf or exceeding 100% of the existing conditioned floor area**, must meet the HERS requirements in Table 1 above. Level 1 and Level 2 alterations will continue to follow the Base Energy Code.

#### **R2. When is a HERS Rating required for an addition?**

A HERS Rating is required where the total added conditioned floor area is greater than 1,000 square feet or the addition exceeds 100% of the existing dwelling unit conditioned floor area.

#### **R3. If multiple additions are made to the same dwelling unit and each is under 1,000 square feet, but the total adds up to more than 1,000 square feet, is a HERS Rating required?**

Yes, the floor area of multiple additions should be treated cumulatively. When two or more additions add up to greater than 1,000 square feet, a HERS Rating is required.

#### **R4. Is the floor area trigger for when a HERS Rating is required for additions based on conditioned floor area?**

Yes, only conditioned floor area is included when determining whether the addition requires a HERS Rating.

#### **R5. Can a HERS Rating be performed on an addition?**

It depends. HERS Ratings may only be performed on dwelling units, so if the addition contains areas for living, sleeping, eating, cooking, and sanitation, a HERS Rating may be performed on the addition. If the addition is not a dwelling unit, the HERS Rating must be performed on the existing home plus the addition.

**R6. Is a blower door test required for additions that trigger the requirement for a HERS Rating?**

Yes. Blower door testing is a required element of a HERS Rating.

**R7. Is a blower door test required for additions that do not trigger the requirement for a HERS Rating and are allowed to follow the prescriptive path?**

In most cases, blower door testing is not required because passing the test would require performing work on the existing building. IECC Chapter 5 states that additions must comply as they relate to new construction “without requiring the unaltered portion of the existing building or building system to comply.” However, where feasible and practical, a code official could require testing of the addition alone.

**R8. If an alteration meets the definition of a Level 3 alteration under the IEBC or an extensive alteration under IRC Appendix AJ, but does not exceed 1,000 square feet or 100% of the existing floor area, is a HERS Rating required? Likewise, if an alteration does not meet the definition of a Level 3 alteration, but exceeds 1,000 square feet or 100% of the existing floor area, is a HERS Rating required?**

No. A HERS Rating is only required for alterations that meet the definition of a Level 3 alteration under the IEBC or an extensive alteration under IRC Appendix AJ **and** exceed 1,000 square feet or 100% of the existing floor area.

**R9. Is the floor area trigger for when a HERS Rating is required for alterations based on conditioned floor area?**

Yes, only conditioned floor area is included when determining whether the alteration requires a HERS Rating.

**R10. Is a blower door test required for alterations that trigger the requirement for a HERS Rating?**  
Yes. Blower door testing is a required element of a HERS Rating.

**R11. Is a blower door test required for alterations that do not trigger the requirement for a HERS Rating and therefore are allowed to follow the prescriptive path?**

In most cases, blower door testing is not required because passing the test would require performing work on the existing building.

**R12 Is EV readiness required for alterations?**

No. EV readiness is only required for new construction.

**R13 Is solar readiness required for alterations?**

No. Solar readiness is not required for alterations. The solar-ready provisions apply only to new construction as Section R503 – Alterations makes no reference to Appendix RB Solar Ready Provisions.

In addition, Appendix RB states that, “these provisions shall be applicable for new construction, except additions under 1,000 sq ft.”

**R14. How much more does it cost to build to the Stretch code, and how does this compare to the energy savings?**

It depends on how the new homes are heated. DOER compared costs for residential construction for four building types: 1) Large single homes (4,000 sq. ft.); 2) Small single family homes (2,100 sq. ft.); 3) 3-bedroom townhouses (2,100 sq. ft.); and 4) six-unit multifamily buildings (1,400 sq. ft per unit). The analysis compared construction costs between base code (HERS 52) and Stretch code (HERS 42) heated with natural gas and electric heat pumps. Including tax credits and Mass Save incentives, it is less expensive to build and operate Stretch code homes heated and cooled with heat pumps than those heated with natural gas built under the base code.

Costs and (savings) for residential construction under Stretch code (42 HERS) vs. base code (52 HERS)				
Size	Gas heat		Electric heat	
	Builder costs (savings)	Resident annual costs (savings)	Builder costs (savings)	Resident annual costs (savings)
4,000 sq. ft.	\$3,184	(\$302)	(\$20,062)	(\$548)
2,100 sq. ft.	\$7,907	\$496	(\$28,597)	(\$1,053)
Townhouse	\$62	(\$11)	(\$11,492)	(\$316)
Multi family	\$2,277	(\$14)	(\$15,690)	(\$683)

For more information on the residential cost studies, visit <https://www.mass.gov/doc/residential-Stretch-code-costs-and-benefits-case-studies/download>

**R15.. What are the Specialized code requirements for new residential construction?**

The Residential low-rise Specialized Code offers 3 pathways to demonstrate energy code compliance with varying sets of additional requirements over and above the updated Stretch code:

- 1. Zero Energy pathway**
- 2. All-Electric pathway**
- 3. Mixed-Fuel pathway**

New homes up to 4,000 sf in size may follow any of the three pathways. **New homes over 4,000 sf in size shall follow either pathway 1 or pathway 2.** Table 2 below summarizes the low-rise residential Specialized Code requirements by home size and fuel use. All buildings are required to install wiring for electric vehicle (EV) charging in a minimum of 20% of new parking spaces, and one space per home in one- and two-family homes. Buildings with any combustion equipment designed for fossil fuel use are termed ‘mixed fuel’ buildings.

**TABLE 2: Residential Specialized code requirements summary by building/dwelling unit size**

<b>Building Size</b>	<b>Fuel Type</b>	<b>Minimum Efficiency</b>	<b>Electrification</b>	<b>Min. EV wiring</b>	<b>Renewable Generation</b>
Dwelling units up to 4,000 sf	All Electric	HERS 45 or Phius CORE or PHI	Full	1 parking space	Optional
Dwelling units up to 4,000 sf	Mixed-fuel	HERS 42 or Phius CORE or PHI	Pre-wiring	1 parking space	Solar PV (except shaded sites)
Dwelling units > 4,000 sf	All Electric	HERS 45 or Phius CORE or PHI	Full	1 parking space	Optional
Dwelling units > 4,000 sf	Mixed-fuel	HERS 0 or Phius ZERO	Pre-wiring	1 parking space	Solar PV or other renewables
Multi-family >12,000 sf	All Electric	Phius CORE or PHI	Full	20% of spaces	Optional
Multi-family >12,000 sf	Mixed-fuel	Phius CORE or PHI	Pre-wiring	20% of spaces	Optional

### **All Electric building performance standard**

All electric buildings are defined in the updated Stretch Code and comply with the 2050 net- zero emissions performance standard by meeting the minimum efficiency standards of either HERS 45 or the Passive house pathway and using either air source or ground source heat pumps for primary space heating and heat pump or solar thermal water heating, as well as all electric appliances. All electric buildings are not required to install on-site solar panels but roofs must be solar-ready in accordance with the base and Stretch code requirements.

### **Mixed Fuel Pathway**

New low-rise buildings **under 4,000 sf** using fossil fuels for any on-site use including space heating, water heating, cooking or drying must meet **minimum efficiency requirements of HER 42 or the Passive House pathway**. In order to demonstrate alignment with the 2050 net-zero emissions mandate, all homes or units using fossil fuels for space heating, water heating, cooking, or drying must install sufficient electrical service, space and wiring to allow for future conversion to all electric buildings.

These mixed-fuel homes and buildings utilizing the HERS pathway are also required to **install solar panels that provide no less than 4kw for single family** and not less than 0.75 W/ft<sup>2</sup> for multi-family, to mitigate these near-term emissions, with an exemption for shaded sites. Homes and buildings utilizing the Passive House pathway are exempt from additional solar install requirements, but must have solar-ready roofs consistent with both the stretch and base code provisions.



#### **R16. Can I include a gas stove in a new home built under the Specialized Code?**

Yes, provided the new home has **under 4,000 square feet** of conditioned space and is designed and built in accordance with the mixed-fuel pathway, which includes pre-wiring for future electrification of all heating, water heating, clothes dryers, and cooking equipment; meets HERS 42; and has onsite solar of not less than 4kW.

New dwelling units with **over 4,000 square feet** of conditioned space may install a gas stove, provided the building is designed using the **zero energy pathway**, meets HERS 0 or PHIUS 0 by including onsite renewables.

#### **R17. How much solar PV would I have to install under the Specialized Code Mixed Fuel Pathway?**

One- and two- family dwellings and townhouses are required to install a minimum of 4kW of onsite solar per dwelling unit, unless the potential solar zone area is less than 300 square feet.

#### **R18. Can a home with a fossil fuel backup generator still qualify as “all-electric” to be eligible for the trade-off for clean energy systems (i.e., 3-point increase in maximum HERS Index)?**

Yes. Fossil fuel powered backup generators are allowed in all-electric homes.

#### **R19. My homesite is in the woods – do I have to cut down trees to meet the onsite solar requirements?**

There are exceptions to the onsite solar requirements:

- Roof area oriented between 110 degrees and 270 degrees of true north of new one-and two-family homes and townhouses is under 600 square feet
- Roof area is in full or partial shade for more than 70 percent of daylight hours annually

#### **R20. Are there additional requirements for extensive renovations or additions under the Specialized code?**

No, extensive renovations and additions follow the requirements under the “regular” Stretch code.

### **Commercial Building Questions:**

#### **C1. What buildings are covered by the commercial Stretch code?**

All non-residential buildings are covered by the commercial Stretch code starting July 1, 2023.

#### **C2. What is required for new commercial buildings to comply with the Stretch code?**

Depending on the building type, the updated Stretch code includes several code pathways for new construction.

1. **TEDI Pathway: Offices, residential, and schools** over 20,000-sf are required to use a new Thermal Energy Demand Intensity (TEDI) Pathway. The updated Stretch Code sets forth specific TEDI limits by

building type. This uses the same energy software tools as the current ASHRAE 90.1 Appendix G pathway but with significantly more focus on heating, cooling and the building envelope. Building uses adjacent to office and residential use, such as post offices, town hall, and other similar buildings are also covered under this pathway.

**2. 10% better than ASHRAE Appendix G:** High ventilation buildings such as labs and hospitals can continue to use a 10% better than ASHRAE appendix G pathway or opt to use the TEDI pathway. Multi-family buildings may follow the ASHRAE appendix G pathway until July 1, 2024. The updated Base Code and updated Stretch Code change the underlying ASHRAE standard 90.1 to the more recent 2019 edition.

**3. Prescriptive pathway: Small commercial buildings** (any building use except multi-family) under 20,000-sf will be able to continue to comply through an updated prescriptive pathway, or can opt to use the TEDI pathway. The prescriptive pathway is being updated in the Base Energy Code, and the updated Stretch Code includes additional amendments to improve efficiency beyond Base Energy Code for small buildings.

**4. HERS and Passive House: Multi-family buildings** larger than those covered by the residential low-rise code can choose between HERS and Passive House pathways that contain the same energy efficiency requirements as the updated Residential low-rise Stretch Code. The Passive House certification options remain available as an option for all building types.

	<b>Updated Stretch Code July 1, 2023 through June 30, 2024</b>	<b>Updated Stretch Code Beginning July 1, 2024</b>
Targeted Performance	Optional	Optional
HERS	Optional HERS 52/55	Optional HERS 42/45
Passive House	Optional	Optional
Relative Performance	Optional	Not allowed

Mixed-use buildings can use a combination of code pathways as appropriate for different portions of the building or choose a whole-building approach through the TEDI or Passive House pathways.

### **C3. How are commercial renovations and/or additions handled by the Stretch code?**

The updated Stretch Code allows building additions which are less than 20,000-sf to continue to follow Base Energy Code. Additions greater than 20,000-sf will be required to meet applicable Stretch Code requirements for that building type and size. It will also require that any altered walls be brought up to prescriptive Stretch code, although historic buildings remain exempt from these provisions.

In addition, the updated Stretch Code will require buildings of any size which undergo **change of use or occupancy** to follow the new Stretch Code prescriptive pathway but allows for a 10% reduced envelope requirement for change of use compared to true new construction.

#### **C4. What is TEDI?**

Thermal Energy Demand Intensity (TEDI) measures the heating and cooling demand of a building in kBtu/sf-yr. **Heating TEDI** is the total annual energy **delivered** to the building for space conditioning and conditioning of ventilation air. **Cooling TEDI** is the total annual energy **removed** from the building for space conditioning and conditioning of ventilation air.

#### **C5. Are there EV parking space requirements?**

Yes. The updated Stretch Code raises the minimum number of spaces requiring EV wiring to 20% for business and residential space (from 10% required in the base code), with 10% for all other occupancies.

#### **C6. What are the Specialized code requirements for commercial buildings?**

The Specialized Code maintains the **same energy efficiency requirements as the Updated Stretch Code for all building types except multi-family**, including adoption of the ASHRAE 90.1-2019 pathway for high ventilation buildings, TEDI requirements for offices and schools, and a new prescriptive path for small buildings.

Multi-family buildings built to the Commercial Specialized Code must achieve precertification to **Passive House standards** (either from PHI or Phius). These requirements are phased-in for buildings up to 5 stories required to meet Passive House requirements if applying for permits after January 2023, and taller buildings 6 stories and above required to meet Passive House for permit applications beginning in January 2024.

There are three pathways for commercial Specialized code compliance:

##### **1. All Electric Building Performance Standard**

This is the simplest compliance pathway under the Specialized Code, requiring the energy efficiency requirements of the Stretch code, and requiring that all space heating, water heating, cooking equipment and drying equipment is powered by electricity and meets minimum efficiency standards.

##### **2. Mixed-Fuel Building Performance Standard**

This pathway establishes minimum requirements for new buildings designed with any space heating systems, water heating systems or appliances capable of using fossil fuels such as natural gas, heating oil or propane fuel. While allowing these fossil-fired systems, the Specialized Code requires mitigation of these emissions with the following requirements:

- a) Minimum efficiency requirements for space and water heating, including both fossil fuel and clean biomass boilers and furnaces systems.
- b) Solar development of the available on-site solar potential, specifically through one of 2

options:

- i. *Not less than 1.5W/ft<sup>2</sup> for each sq foot of the 3 largest floors* (the threshold proposed in solar requirements in the forthcoming IECC2024), or
- ii. *not less than 75% of the Potential Solar Zone Area* – which includes parking areas and additional roof space.

c) Pre-wiring and electrical service provision to the building to allow for future electrification of space and water heating and cooking and drying equipment.

**Note:** Off-site renewable generation or the purchase of Renewable Energy Credits (RECs), are not an option for compliance with the on-site renewable energy requirements in the Specialized Code.

### 3. Zero Energy Building Performance Standard

This is the most stringent of the 3 pathways in that it requires net zero energy on an annual basis from the 1<sup>st</sup> year of construction. The Specialized Code amends the IECC commercial appendix CC: Zero Energy Commercial Building Provisions by simplifying the allowable renewable options. As a result, zero energy may be demonstrated only with on-site generation (typically solar PV), and all buildings must meet minimum energy efficiency requirements prior to renewable offsets.

The option to show compliance using HERS 0 or Phius ZERO certification as used in the low- rise residential Specialized Code is also eligible under the Zero Energy pathway for multi-family residential buildings. solar PV), and all buildings must meet minimum energy efficiency requirements prior to renewable offsets.

The option to show compliance using HERS 0 or Phius ZERO certification as used in the low- rise residential Specialized Code is also eligible under the Zero Energy pathway for multi-family residential buildings.

## Electric Vehicle Readiness Provisions

### EV1. Under the Massachusetts Stretch Code, what does it mean for a parking space to be electric vehicle (EV) ready?

For a parking space to meet the EV Ready Spaces requirement, the space must be equipped with a dedicated electrical circuit. This means there needs to be adequate electric service capacity and wiring with a termination within 6 feet of the space. The dedicated branch circuit must be identified in the electrical panel or subpanel directory as "EV READY." The circuit must terminate in either a NEMA receptacle (standard outlet) or a Society of Automotive Engineers (SAE) Standard SAE J1772 electrical connector for servicing electric vehicles. The termination must also be marked as "EV READY".

### EV2. What if the house does not have a garage, where is the circuit supposed to terminate?

The code requires the circuit to terminate within 6 feet of the parking space, regardless of whether there is a garage. The code does not contain termination requirements beyond the types of allowable termination. If a house does not have a garage, the electrician might consider terminating the circuit with

a weatherproof outdoor receptacle on the side of the home, embedded in parking area pavement, or on a post near the space.

**EV3. Does EV readiness apply to buildings that have no onsite parking?**

In the absence of onsite parking, EV readiness is not required. Exception 1 of R404.4 states that, “In no case shall the number of required EV Ready Spaces be greater than the number of parking spaces installed.” Further, exception 2 states that, “This requirement will be considered met if all spaces which are not EV Ready are separated from the premises by a public right-of-way.”

**EV4. Many lake houses have parking spaces located across the street from the main structure. Is electric vehicle readiness required in these cases?**

This requirement will be considered met if all spaces which are not EV Ready are separated from the premises by a public right of way.

## **Solar Readiness Provisions**

**S1. If the building design does not allow for the required solar-ready zone area due to obstacles such as vents, chimneys, and roof-mounted equipment, does the project still need to comply with the solar-ready provisions?**

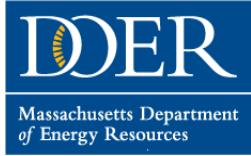
Yes. The stretch code adopts the IECC 2021 Appendix RB without amendments, and the appendix states that solar-ready zones shall be free from obstructions. In addition, a section on shading requires that the solar-ready zone is set back by a certain distance from any object on the building or site that will shade the zone. The code does not provide exceptions for rooftops with obstructions that interfere with the free area required for a solar-ready zone, so in these cases, a redesign is required. Designers should consider this requirement early in the design process.

**S2. Is there a minimum solar electric system size for a home to meet the solar-ready provisions?**

No. Appendix RB Solar-ready Provisions does not contain any requirements related to solar equipment, and as such, does not specify a minimum solar system capacity in kilowatts. The only size-related requirement is the area in square feet of the designated solar-ready zone. For homes with at least 600 square feet of roof area oriented between 110 and 270 degrees of true north, the solar ready zone must be at least 300 square feet. For townhomes with a total floor area of 2,000 square feet or less, the solar ready zone must be at least 150 square feet. The solar-ready zone may be split into multiple zones, but individual zone areas must be at least 80 square feet in area and at least 5 feet wide.

However, there are on-site renewable energy requirements for mixed-fuel new construction under the Specialized code.

**S3. Do the Solar-ready Provisions require conduit or wiring to be installed from the solar-ready zone to the electrical panel?**



Massachusetts Department  
of Energy Resources

No. The Solar-ready Provisions require the construction documents to indicate pathways for routing conduit or plumbing from the solar-ready zone to the electrical panel or service hot water system, but no conduit, wiring, or plumbing are required to be installed. In addition, reserved space in the electrical panel labeled as "for future solar electric" is required, and for flat roofs, a capped roof penetration must be installed.

**PROCLAMATION  
HONORING  
DR. MARTIN LUTHER KING, JR.  
NO PLACE FOR HATE**

Whereas, Milton, Massachusetts is a community that benefits immeasurably from the diversity of its citizenry; and

Whereas, all acts of subtle and overt racism, and bigotry of any kind substantially undermine our community, schools, and the promise of equity and justice for all people; and

Whereas, the Civil Rights movement of the 1960's has profoundly impacted the course of American history and continues to shape the direction and debate of our society; and

Whereas, even with the gains of the Civil Rights movement over the years, there are many goals and needs that must be pursued to continue our commitment to achieve justice in our society; and

Whereas, one of the great leaders of that 20<sup>th</sup> century movement is Dr. Martin Luther King, Jr., whose message of unity and universal respect in the face of discrimination, overt racism, and bigotry is essential to healing the divisions, strife and inequities of our time so that future generations may live free and fulfilling lives of their shaping; and

Whereas, the Select Board created the Equity and Justice for All Advisory Committee to advise the Town in its efforts to promote diversity, inclusion, care for all, and equitable opportunity and treatment; and

Whereas, each person's thoughts and actions have the power to make Dr. King's dream a reality by building bridges to different communities, listening deeply with open hearts and minds, changing our actions, and promoting a sense of welcome and inclusion; and

Now, therefore, we, the Select Board and on behalf of the Town of Milton, do hereby proclaim that Milton will maintain a policy of zero tolerance for hate crimes and will do our best to interrupt prejudice and those who, because of hate, would hurt, harass, or violate the civil rights of anyone. We encourage residents of Milton to participate fittingly in the observance of this proclamation and give solemn thanks for the life and works of Dr. Martin Luther King, Jr. on this 15<sup>th</sup> day of January, 2024 and all days.

By: \_\_\_\_\_  
Michael F. Zullas, Chair

By: \_\_\_\_\_  
Erin G. Bradley, Vice-Chair

By: \_\_\_\_\_  
Roxanne Musto, Secretary

By: \_\_\_\_\_  
Richard G. Wells, Jr., Member

By: \_\_\_\_\_  
Benjamin Zoll, Member

**Meeting Date:** 11/3/2023

**Members in Attendance:** Michael Zullas, Chair; Erin Bradley, Vice Chair (REMOTE) Roxanne Secretary; Nicholas Milano, Town Administrator and Lynne DeNapoli, Ex. Administrative Assistant to the Select Board

**Members Absent:** Benjamin Zoll

**Late Arrival:** Richard G. Wells, Jr., Member (3PM -REMOTE)

**Guests:** Attorney Peter Mello, Office of Town Counsel

**Meeting Location:** Carol Blute Conference Room-Hybrid

**Called to Order:** 248PM

**Adjourned:** 3:21PM

## **1. Call to Order**

Chair Zullas called the Select Board meeting to order at 2:48PM. On behalf of the Members, Chair Zullas expressed their appreciation to Senator Walter Timilty, Secretary Monica Tibbits-Nutt and her team at MassDOT for joining the Board Members for a site visit at the intersection project at Randolph Ave. (Rte. 28) and Chickatawbut Road and attend a meeting to discuss the proposed project. Chair Zullas also thanked the many residents who participated in the site visit.

Chair Zullas invited the representatives from MassDOT to introduce themselves.

Carrie Lavallee, Deputy Administrator and Chief Engineer at MassDOT

John McInerney, District 6 Highway Director

Neil Boudreau, Assistant Administrator for Traffic Safety

Michael O'Dowd, Director of Major Projects

Owen Kane, Deputy General Counsel for MassDOT

## **2. Discussion/Update/ Approval – Proposed Intersection project at Randolph Ave. (Rte. 28) and Chickatawbut Road with representatives from the Massachusetts Department of Transportation**

The Board Members, Ms. Lavallee and her colleagues discussed short -term improvements and MassDOT's plan moving forward.

Highlights include:

- The proposed roundabout at Randolph Avenue and Chickatawbut Road is currently paused and not advertised for construction.
- MassDOT and its subcontractor, Howard Stein Hudson, are currently performing a Route 28 corridor study that will examine 15 intersections between the Randolph Town Line and Reedsdale Road. A draft report is expected in Spring 2024. The

Corridor Study is underway. Traffic counts were taken this fall, and a Road Safety Audit is scheduled for November 8, 2023.

- MassDOT will study the usage of left hand turn only signals and striping of left hand turn lanes.

- MassDOT will analyze the signal timing and patterns at Randolph/Chickatawbut, Randolph/Reed, and Randolph/Hillside to review if signal timing changes may improve safety.
- The Select Board did request that MassDOT provide all data associated with the traffic study or traffic studies performed during the study and design of the proposed project at Randolph Avenue/Chickatawbut Road.

Chair Zullas invited Mr. Driscoll, a Milton resident, to speak. Mr. Driscoll requested that MassDOT include the businesses located along Randolph Ave. into their corridor study and report. Ms. Lavallee did inform him that businesses, especially those with seasonal operations will be calculated into the report.

The Members thanked the representatives from MassDOT for their time and consideration.

### **3. Adjourn**

At 3:21PM, Ms. Musto moved to adjourn. The motion was seconded by Chair Zullas. The Board voted by roll call (4-0) to adjourn.

**MUSTO: YES**

**WELLS: YES**

**BRADLEY: YES**

**ZULLAS: YES**

Respectfully submitted by Lynne DeNapoli, Executive Administrative Assistant to the Select Board

**DRAFT****Select Board Meeting Minutes**

**Meeting Date:** 11/9/2023

**Members in Attendance:** Michael Zullas, Chair; Erin G. Bradley, Vice Chair ; Roxanne Musto, Secretary; Richard G. Wells, Member; Benjamin Zoll, Member; Nicholas Milano, Town Administrator and Lynne DeNapoli, Executive Administrative Assistant to the Select Board

**Meeting Location:** REMOTE

**Time Meeting called to Order:** 11:04AM

**Time Meeting Adjourned:** 11:06AM

**1. Call to Order**

Chair Zullas called the meeting of the Select Board to order at 11:04AM

**2. Discussion/Update/Approval - Special Town Meeting: December 4, 2023 Warrant Articles**

Mr. Milano informed the Board Members that there were no new updates regarding the Special Town Meeting Warrant Articles.

**3. Discussion/Approval – Warrant for the December 4, 2023 Special Town Meeting**

Mr. Milano informed the Board Members that the Warrant for the Special Town Meeting was at the Printer.

**4. Executive Session: Pursuant to M.G.L. c. 30A, § 21(a)(3) - Discussion/Strategy with respect to threatened litigation against the Town by a Town Employee**

At 11:05AM, Mr. Zullas moved to enter into Executive Session to discuss strategy with respect to threatened litigation against the Town by a Town Employee based on my belief that discussion of this matter in open session may have a detrimental effect on the litigating position of the Select Board. The motion was seconded by Mr. Wells. The Board voted by roll call (5-0) to enter Executive Session.

**BRADLEY: YES**

**MUSTO: YES**

**WELLS: YES**

**ZOLL: YES**

**ZULLAS: YES**

Mr. Zullas clarified his motion and requested the Board vote again.. He did not specify that the Board would adjourn from Open Session and would not return.

At 11:06AM, Mr. Zullas moved to adjourn from the Open Session and enter into Executive Session to discuss strategy with respect to threatened litigation against the Town by a Town Employee based on my belief that discussion of this matter in open session may have a detrimental effect on the litigating position of the Select Board. The Board will not return to Open Session. The motion was seconded by Ms. Bradley. The Board voted by roll call (5-0) to adjourn from Open Session and enter Executive Session.

**BRADLEY: YES**

**MUSTO: YES**

**WELLS: YES**

**ZOLL: YES**

**ZULLAS: YES**

### **5. Adjourn**

The Board adjourned from Open Session at 11:06AM.

Respectfully submitted by Lynne DeNapoli, Executive Administrative Assistant to the Select Board.

**DRAFT****Select Board Meeting Minutes**

**Meeting Date:** 11/14/2023

**Members in Attendance:** Michael Zullas, Chair; Erin G. Bradley, Vice Chair; Roxanne Musto, Secretary; Richard G. Wells, Member; Benjamin Zoll, Member; Nicholas Milano, Town Administrator and Lynne DeNapoli, Executive Administrative Assistant to the Select Board (REMOTE)

**Meeting Location:** Council on Aging - Hybrid

**Time Meeting called to Order:** 7:03PM

**Time Meeting Adjourned:** 9:47PM

**1. Call to Order**

**2. Pledge of Allegiance**

Chair Zullas called the meeting of the Select Board to order at 7:03 PM and led the Pledge of Allegiance.

Chair Zullas requested a Moment of Silence in honor of Frank J. Stout. Mr. Stout, a proud U.S. Army Veteran was a lifelong resident of Milton and an active member of the community.

**3. Public Comment**

Nawar Muhsin -19 Loew Circle

Ms. Muhsin expressed her appreciation to the Select Board for their support of Israel in the wake of the terrorist attacks. Ms. Mushim requested that the Palestinian Flag be raised in solidarity of the innocent Palestinians who have lost their lives for crimes that they did not commit. By displaying both flags in the gazebo, Milton can re-affirm that coexistence in peace, dignity and love is indeed possible.

Marianne Kinsella – REMOTE- Address not provided

Ms. Kinsella, a Jewish Resident supports displaying only the U.S. Flag on municipal property. She does not feel that displaying flags of other nations will strengthen our community. Ms. Kinsella stated that we are all Americans and are in this together.

Akex Rosenberg- Address not provided

Mr. Roseberg read a statement by Rabbi. Alfred Benjamin of Congregation Beth Shalom of the Blue Hills.

Rabbi Benjamin expressed his appreciation to the Select Board for their support of Israel in the wake of the terrorist attacks by Hamas. Rabbi Benjamin asked the Select Board to consider demonstrating the same empathy for the Palestinian civilians in Gaza who are now suffering from the effects of the war. Rabbi Benjamin stated that he would support the Board if they

decided to display the Palestinian flag. It would be a symbolic act that encourages all of us to look forward to a hoped for future.

Ms. V. Donndett Address not provided

Ms. Donnett shared her concerns regarding the statement the Select Board made on Israel's behalf following the attacks. She was perplexed that the Board did not include a nod to the Palestinian civilians who are also suffering. She asked that the Board be more mindful and inclusive going forward.

John Hajjar – ZOOM - Address not provided

Mr. Hajjar supports displaying only the U.S. Flag on municipal property. He stated that there is no moral equivalent between the State of Israel and Hamas. Mr. Hajjar shared some family history. His Grandparents came from Lebanon and experienced the same Islamist violence that is being perpetrated now against the Israelis, continues to be perpetrated against minorities in the Middle East especially Christians and Muslims who want to live in peace. Mr. Hajjar noted that we can stand behind the State of Israel, IDF and western civilization, but displaying flags of other nations is not needed.

Michael Kennefick, Attorney

Law office of Moriarty, Belan and Malloy, LLC

Attorney Kennefick is representing the residents of Woodlot Drive, Governor Stoughton Lane and Quisset Brook regarding the Request for Proposal for the use of affordable housing at the Town Farm located at 165 Governor Stoughton Lane. Attorney Kennefick shared concerns raised by the abutting residents regarding site development and the effects it will have on the Town.

Attorney Kennefick will forward a copy of his remarks/comments to Mr. Milano.

Mr. Peter Jackson – 14 Capen Street

Mr. Jackson was pleased to learn that MassDOT has agreed to conduct a Corridor Study of Route 28 and address concerns raised by residents and business owners. Mr. Jackson suggested that the Select Board collaborate with MassDOT to establish a school zone (with reduced speeds, sidewalks, signaled pedestrian crossings) on Route 28 would be a valuable asset.

Dr. Shamrin Mako – 40 St. Mary's Road

Dr. Mako elaborated on comments made by Mr. Hajjar regarding the plight of middle eastern Christians. Dr. Mako, an indigenous Syrian immigrated to the U.S. from Iraq following a United States intervention in 2003.

She reviewed Section 31 of the Town Bylaws and inquired about what steps were taken to display the Israeli flag.

Chair Zullas suggested that the Board take the agenda out of order and address public comment response, agenda item #23. The Board did not object.

**(23)  
Public Comment Response**

Mr. Zoll suggested that the Board host a special meeting to discuss a Palestinian flag display and noted that the Palestinian Flag does not represent Hamas. Mr. Zoll will share his prepared remarks later this evening.

Mr. Wells stated that as a community we need to stand together and support the innocent lives of all those affected by terrorism.

Ms. Musto had concerns regarding the undercurrent in the correspondence the Board Members received following Israel's response to the terrorist attacks. She noted that there were very few letters received following the attacks on Israel on October 7<sup>th</sup>. Ms. Musto expressed empathy for her Jewish and Muslim neighbors. She suggested that the best course maybe to remove the Israeli flag from the gazebo and display the U.S. Flag and amend the Select Board's statement.

Mr. Zoll read his prepared statement.

Mr. Zoll expressed his support for the Jewish and Muslim neighbors and offered a message of hope, peace and unity. Mr. Zoll noted that there can be no stronger statement to the residents of Milton than to raise two flags together for the remainder of November as a reminder that we cherish all members of our community.

Chair Zullas shared his perspective.

Procedurally, the Chairman noted that it would be in the Board's best interest to schedule a meeting to discuss the request to display the Palestinian flag. This matter was not included on tonight's meeting agenda and the Members need to follow the requirements of the Open Meeting Law.

The Chair went on to state that, to him, the primary purpose of our town government, is to respond to the needs of our residents and neighbors. The Board has a new opportunity to do just that, help our Jewish and Muslim neighbors demonstrate a message of unity and peace.

The Board Members agreed to meet on Friday, November 17<sup>th</sup> to discuss this matter.

#### **4. Discussion/Approval – Grant Agreement with the Copeland Foundation for the Animal Shelter Project**

Mr. Milano, the Town Administrator, noted that Attorney Peter Mello from the Office of Town Counsel is working with the Attorney for the Copeland Foundation. The agreement is in draft form.

Mr. Zoll moved to approve the grant agreement with the Copeland foundation for the animal shelter building project subject to Town Counsel's review and authorize the Town Administrator to sign on the board's behalf. The motion was seconded by Ms. Bradley. The Board voted, 4-1, to approve. Mr. Wells did not vote favorably.

Chair Zullas asked the Members if they would object to taking the agenda out of order and addressing item 17: Chamber of Commerce -Holiday Stroll, December 2, 2023 from 4PM-6PM. The Members had no objection.

**(17)**

#### **Discussion/Approval – Chamber of Commerce -Holiday Stroll – Saturday, December 2, 2023 from 3PM-6PM**

- a. Application to Use Manning Park**
- b. One Day Liquor License**

Joe Parlavecchio, President of the Chamber of Commerce joined the meeting to share the itinerary for the Holiday Stroll.

The Holiday Stroll is scheduled for Saturday, December 2<sup>nd</sup> from 3PM-5PM at Manning Park in East Milton Square. Make your own s'mores at Steel and Rye from 3:30-430PM, Tree Lighting, Caroling and a visit from Santa and Mrs. Claus at 5PM.

Mr. Parlavecchio expressed his appreciation to the following entities for their generosity and support in securing this year's tree: Hunt Tree Company, Driscoll Landscaping, Thayer Nursery and Anthony Musto. He also thanked the DPW Team for their help and support.

Mr. Wells moved to approve the application from the Chamber of Commerce to use Manning Park for the Holiday Stroll and the Chamber's application for a One-Day Liquor License on December 2<sup>nd</sup>. The motion was seconded by Ms. Musto. The Board voted unanimously, all in favor to approve the Chamber's application to Use Manning Park and an application for a One-Day Liquor License.

At 755PM, Mr. Wells moved to recess to the meeting of the Governor Stoughton Trustees. The motion was seconded by Ms. Musto. The Board voted unanimously, all in favor to recess to the meeting of the Governor Stoughton Trustees.

At 8:39PM, the Select Board Meeting resumed.

## **5. Discussion/Approval – Letter to MassDOT re: proposed project at the intersection of Randolph Avenue and Chickatawbut Road**

Mr. Berkeley, the DPW Director joined the Board for this discussion.

Mr. Milano, the Town Administrator provided a summary of the draft letter to MassDOT.

The Members offered their feedback and made some revisions. Following the discussion, Mr. Zoll moved to approve, as amended, the letter to MassDOT re: proposed project at the intersection of Randolph Avenue and Chickatawbut Road. The motion was seconded by Mr. Wells. The Board voted unanimously, all in favor to approve.

## **6. Discussion/Approval – Petition to the Massachusetts Department of Transportation to modify the speed limit on Route 28 (Randolph Avenue) in accordance with M.G.L. Chapter 90, Section 18**

Mr. Berkeley, the DPW Director joined the Board for this discussion.

Mr. Wells moved to approve submitting a Petition to the Massachusetts Department of Transportation to modify the speed limit on Route 28 (Randolph Avenue), in accordance with M.G.L. Chapter 90, Section 18. The motion was seconded by Ms. Musto.

The Board Members, Mr. Milano and Mr. Berkeley discussed the merits of the petition. Before moving forward, the Members agreed to seek feedback from John King, Chief of Police. The Members also suggested that Route 138 should be included in the petition.

Mr. Wells withdrew his motion.

Ms. Bradley congratulated Monica Tibbits Nutt on her recent appointment as Secretary of MassDOT.

Chair Zullas asked the Members if they could take the agenda out of order and address item #8. The Members did not object.

**(8)**

## **Discussion/Approval – FY2024 Stormwater Fees**

Chase Berkeley, Director of the DPW joined the meeting to discuss the FY'24 storm water rates. A summary of rates for single family residential homes is provided below.

Rate Code	(IS) Area sq/ft	\$ SW Fee \$	Rate Fee sq/ft	\$ SW Fee \$	Rate Fee sq/ft
			2023	2023	2024
Tier 1	0 – 2,075	41	0.0238	44	0.0249
Tier 2	2,076 – 2,675	55	0.0238	59	0.0249
Tier 3	2,676 – 4,225	77	0.0238	81	0.0249

Tier 4.1	4,226 – 8,365	137	0.0238	145	0.0249
Tier 4.2	8,366 – 15,895	257	0.0238	273	0.0249
Tier 4.3	15,896 +	528	0.0238	572	0.0249

Mr. Wells moved to approve the FY'2024 stormwater rates. The motion was seconded by Ms. Musto. The Board voted unanimously (5-0) to approve the stormwater rates for FY'2024.

The Board returned to item #7.

**(7)**

**Discussion/Approval – Contract with PMA Consultants as the Owner’s Project Manager for the new school project**

Mr. Wells moved to approve the Contract with PMA Consultants as the Owner’s Project Manager for the new school project and authorize the Town Administrator to sign on the Board’s behalf. The motion was seconded by Mr. Zoll. The Board voted unanimously, all in favor to approve the Contract with PMA Consultants as the Owner’s Project Manager for the new school project and authorize the Town Administrator to sign on the Board’s behalf.

**9. Discussion/Update/Approval - Special Town Meeting: December 4, 2023 Warrant Articles**

Mr. Milano, the Town Administrator stated that the Special Town Meeting Warrant is available on-line. Town Meeting Members should be receiving their copies within the next day or so.

**10. Discussion/Approval – Select Board Finance Committee Report**

Ms. Bradley, Chair of the Finance Committee provided an update on the funds available from ARPA. Monies from the County have been dispersed. There is currently \$420,000 in the Treasury fund that has not yet been allocated. The Finance Committee has received two funding requests:

*Municipal Broadband Committee - Fiber to the Home Master Plan*

*Milton Public Schools - Additional School Bus for School 2023/2024*

Ms. Bradley moved to approve the recommendation of the Finance Committee to allocate \$48,000 from ARPA funding to the Fiber to the Home Master Plan. The motion was seconded by Mr. Wells. The Board voted unanimously, all in favor to approve.

Mr. Wells moved to approve the recommendation of the Finance Committee to allocate \$55,000 from ARPA funding for additional School Bus for School Year 2023/2024. The motion was seconded by Ms. Musto. The Board voted unanimously, all in favor to approve.

## **11. Discussion/Approval – OPEB Policy Second Reading**

Mr. Wells moved to approve the revised OPEB Policy. The motion was seconded by Ms. Musto. The Board voted unanimously, all in favor to approve.

## **12. Discussion/Approval – Letter to the Environmental Protection Agency and Mass. Department of Environmental Protection re: Comments on Draft Permit No. MA0103284**

Mr. Milano, the Town Administrator provided an update. The MWRA Advisory Board has raised concerns regarding the EPA and MA DEP's recommendation to designate MWRA communities as co-permittees and pose liability risks to one another for certain actions taken by a municipality or the MWRA. The MWRA Advisory Board is scheduled to meet again this week and will circulate an updated comment letter based on their discussion.

## **13. Discussion/Update/Approval - Milton Landing Committee**

- a. Select Board Landing Committee Initiatives**
- b. Charge/Composition of the Select Board Landing Committee**
- c. Winter Boat Storage**
- d. Harbor Master**

Mr. Milano, the Town Administrator provided an update on the grant application to the Economic Seaport Council to improve the sea wall along the Neponset River. The Office of Planning and Community Development are overseeing this application process with the support of Tighe & Bond. If approved, the grant will also support closing of the Captain's Landing ramp and a replacement of the existing boat ramp.

Mr. Wells and Ms. Bradley provided an update on the status of the Winter Boat Storage for Lot B. A meeting was held earlier today with representatives from Milton Yacht Club. All parties agreed to allow for winter storage for the 2024 winter season for \$450.00 a month. MYC offered to remove the docks/ramps.

Representatives from the Milton Yacht Club are aware that an RFP has been issued for Lot B and will continue to collaborate with the Town to welcome future tenants.

Chair Zullas moved to approve agreement for \$450.00 a month rental fee in exchange for dock/ramp removal. The motion was seconded by Mr. Zoll. The Board voted unanimously to approve the agreement.

Mr. Wells asked that the Board defer discussions on items b. and d.

#### **14. Discussion/Approval – Adoption of Written Procedures for Designer Selection, in accordance with M.G.L. c. 7C, §§ 44-58**

Mr. Milano, the Town Administrator explained that the Written Procedures for Designer Selection are the template recommended by the Office of the Inspector General. The procedures have been refreshed/tweaked for Milton in anticipation of the architect selection process for the new school.

Mr. Wells moved to approve the Adoption of Written Procedures for Designer Selection, in accordance with M.G.L. c. 7C, §§ 44-58. The motion was seconded by Mr. Zoll. The Board voted unanimously, all in favor to approve.

#### **15. Discussion/Update/Approval – Town Meeting Member Communications**

Mr. Milano, Town Administrator, provided the Board with an update on Communications with the Town Meeting Members.

Mr. Milano has been working with Ms. Galvin, the Town Clerk and Mr. Hiss, the Town Moderator to review communication models from other municipalities and discuss how Milton can implement a similar program. Mr. Milano has created templates that mimic the Town of Needham's Town Meeting Members.

#### **16. Discussion – Town Forum regarding impact of Middle East Violence on Milton residents**

Mr. Zoll provided the Members with an update. He has reached out to Revered Ward of Milton Interfaith Clergy, (MICA) and Rabbi Benjamin of Congregation Beth Shalom of the Blue Hills about the possibility of hosting a community forum event to address the impact the violence in the Middle East has had on Town. Mr. Zoll shared the two requests he asked of Rev. Ward and Rabbi Benjamin: representatives from the Jewish and Muslim communities are allowed to offer remarks and that the event does not become a forum to discuss foreign policy.

Mr. Zoll will follow-up when more details become available.

#### **17. Discussion/Approval – Chamber of Commerce -Holiday Stroll – Saturday, December 2, 2023 from 3PM-6PM**

- a. Application to Use Manning Park**
- b. One Day Liquor License**

The Select Board addressed this item earlier this evening.

**18. Discussion/Approval – One Day Liquor License – Milton Art Center - 334 Edge Hill Road: Saturday, November 25, 2023 - Homecoming Comedy Event from 6PM-10:30PM**

Mr. Wells moved to approve the Milton Art Center's application for a One Day Liquor License for the Homecoming Holiday Even on November 25, 2023. The motion was seconded by Ms. Musto. The Board voted unanimously, all in favor to approve the One-Day Liquor License for the Milton Art Center.

**19. Discussion/Approval – Thank you letter to Driscoll Landscaping**

Mr. Wells moved to approve the Thank you letter to Driscoll Landscaping. The motion was seconded by Ms. Musto. The Board voted unanimously, all in favor to approve the letter.

**20. Discussion Approval - Meeting Minutes – September 19, 2023, September 26, 2023**

Ms. Musto requested clarification of her comments regarding item #3 in the minutes dated Sept. 19<sup>th</sup>.

Chair Zullas requested clarification on his comments regarding item #4 in the minutes dated Sept. 19<sup>th</sup>.

Mr. Zoll moved to approve the amended meeting minutes dated September 19, 2023 and September 26, 2023. The motion was seconded by Mr. Wells. The Board voted unanimously, all in favor of approving the meeting minutes.

**21. Town Administrator's Report**

Mr. Milano, the Town Administrator provided an update on the goings-on in Milton.

He thanked the Milton Chamber of Commerce and the local business district for hosting the Halloween Stroll. A great time was had by all.

Ms. Carla Fede has been promoted to the Director of Human Resources for the Town of Milton. She currently serves as the Payroll Clerk.

The Office of Planning and Community Development will be hosting a final forum on MBTA Communities on November 30<sup>th</sup> on Zoom. Ther Town will be contacting Town Meeting Members to invite them to participate.

The Special Town Meeting Warrant is now available on-line.

The Milton High School Theater Department will be performing “Suessical, the Musical” on November 16, 18<sup>th</sup> and 19<sup>th</sup>.

## **22. Chair's Report**

Chair Zullas expressed his appreciation to Kevin Cook, Milton's Veterans Agent for coordinating a memorable Veterans Day Remembrance Ceremony on Saturday, November 11<sup>th</sup>.

Chair Zullas thanked High School Tennis Players: Kyle Denny and John Dinkin for being such great ambassadors for the Town of Milton and the Milton Public Schools. Mr. Denny and Mr. Dinkin participated in the Sportsmen's 2023 Tennis Ball hosted by the Sportsmen Tennis and Enrichment Center.

Ms. Bradley encouraged residents to volunteer to serve on Milton's Boards and Committees. The volunteer application is available on the Town's website.

Mr. Zoll congratulated the Milton High School Football Team on making it to the Final Four. He also congratulated the Milton High School Boys Swim Team on their Division Two-South Sectional Title and the Division Two Fall State Title.

Mr. Wells congratulated Dave Wahlgren, the General Manager of Cunningham Park on his retirement after 50 years of dedicated service. Mr. Wells extended a warm welcome to Gary Kelly, the new Park Manager. Mr. Wells hopes the Board will invite these gentlemen to a future meeting.

Ms. Musto expressed her appreciation to Mr. Kevin Cook for overseeing the Veterans Day Service.

## **23. Public Comment Response**

The Board addressed Public Comment Response earlier this evening.

## **24. Future Meeting Dates**

The Board is scheduled to meet on Friday, November 17<sup>th</sup>, Tuesday, November 28, 2023, Monday, December 4, 2023, Monday, December 11, 2023, Tuesday, December 12, 2023, Tuesday, December 19, 2023.

## **25. Future Agenda Items**

Chair Zullas encouraged the Members to reach out to him with topics for discussion.

**26. Executive Session: Pursuant to M.G.L. c. 30A, § 21(a)(3) – Discussion/Approval – Release of Executive Session Minutes dated 6/29/2022, 10/5/2022, 12/6/2022, 1/18/2023, 3/7/2023, and 9/5/2023 related to the Town’s litigation against the FAA and Executive Session Minutes dated 2/7/2023 related to an Open Meeting Law Complaint filed by Philip Johenning on January 18, 2023 against the Milton Select Board**

At 9:45PM, Chair Zullas moved to adjourn from Open Session and enter Executive Session to approve and release Executive Session Meeting Minutes dated 6/29/2022, 10/5/2022, 12/6/2022, 1/18/2023, 3/7/2023, and 9/5/2023 related to the Town’s litigation against the FAA and Executive Session Minutes dated 2/7/2023 related to an Open Meeting Law Complaint filed by Philip Johenning on January 18, 2023 against the Milton Select Board. The Board will not return to Open Session. The motion was seconded by Ms. Musto. The Board voted unanimously by roll call (5-0) to adjourn from Open Session and enter Executive Session.

**BRADLEY: YES**

**MUSTO: YES**

**WELLS: YES**

**ZOLL: YES**

**ZULLAS: YES**

**27. Executive Session: Pursuant to M.G.L. c. 30A, § 21(a)(3) – Discussion/Strategy with respect to litigation (Risa King et al. v. Patricia Lio, Town of Milton, Milton Police Department, John E. King)**

Chair Zullas moved to adjourn from the Open Session and enter into Executive Session to discuss strategy with respect to litigation based on my belief that discussion of this matter in open session may have a detrimental effect on the litigating position of the Select Board. The Select Board will not return to Open Session. The motion was seconded by Mr. Zoll. The Board voted unanimously by roll call (5-0) to adjourn from Open Session and enter Executive Session.

**BRADLEY: YES**

**MUSTO: YES**

**WELLS: YES**

**ZOLL: YES**

**ZULLAS: YES**

**28. Executive Session: Pursuant to M.G.L. c. 30A, § 21(a)(3) - Discussion/Strategy with respect to threatened litigation against the Town by a Town Employee**

Chair Zullas moved to adjourn from the Open Session and enter into Executive Session to discuss strategy with respect to threatened litigation based on my belief that discussion of this matter in open session may have a detrimental effect on the litigating position of the Select Board. The Select Board will not return to Open Session. The motion was seconded by Mr. Zoll. The Board voted unanimously by roll call (5-0) to adjourn from Open Session and enter Executive Session.

**BRADLEY: YES**

**MUSTO: YES**  
**WELLS: YES**  
**ZOLL: YES**  
**ZULLAS: YES**

Respectfully submitted by Lynne DeNapoli, Executive Administrative Assistant to the Select Board.

Documents

Letter from Michael Kennefick, Attorney-Law office of Moriarty, Belan and Malloy, LLC  
Contract for the Provision of Owner's Project Manager Services for the Design and Construction of a New School in Milton, MA

Letter to Monica Tibbits-Nuit, Secretary and Chief Executive Officer, MassDOT re: site visit – Intersection of Route 28 and Chickatawbut Road

Summary of recommendation for Stormwater Utility FY 2024

December 4, 2023 Special Town Meeting Warrant

Request of the Municipal Broadband Committee to the Select Board Finance Committee for the Consultant for the Broadband Master Plan

Revised OPEB Policy

Written Procedures for Designer Selection, in accordance with M.G.L. c. 7C, §§ 44-58

Thank you letter to John Driscoll, Driscoll Landscaping

Application to Use Manning Park - Milton Chamber of Commerce: Holiday Stroll – December 2,2023 from 3PM-6PM

One Day Liquor License – Milton Chamber of Commerce: Holiday Stroll – December 2,2023 from 3PM-6PM

One-Day Liquor License – Milton Art Center: Homecoming Comedy Event- November 25, 2023 from 6PM-10:30PM

Meeting Minutes- September 19, 2023 and September 26, 2023

**Meeting Date:** 11/28/2023

**Members in Attendance:** Michael Zullas, Chair; Erin G. Bradley, Vice Chair, Roxanne Musto, Secretary; Richard G. Wells, Jr., Member; Benjamin Zoll, Member; Nicholas Milano, Town Administrator and Lynne DeNapoli, Executive Administrative Assistant to the Select Board, (REMOTE)

**Meeting Location:** Council on Aging - Hybrid

**Time Meeting called to Order:** 7:02PM

**Time Meeting Adjourned:** 8:21PM

- 1. Call to Order**
- 2. Pledge of Allegiance**

Chair Zullas called the meeting of the Select Board to order at 7:03 PM and led the Pledge of Allegiance.

- 3. Public Comment**

There were no requests for public comment.

- 4. Discussion/Approval – Increase the cap on the Senior Property Tax Volunteer Program from \$1,500 per participant to \$2,000**

Ms. Christine Stanton, the Director of the Milton Council on Aging joined the Select Board Members to request support of an increase in the cap on the Senior Property Tax Volunteer Program from \$1,500 per participant to \$2,000 per Governor Healy's recent tax benefits for older citizens.

The Program allows residents 60 years and older to work for the Town and earn a property tax credit to help minimize the financial impact of their property taxes.

The Select Board has previously approved 25 volunteer slots. Milton currently has 12 participants in the program so the associated cost is \$18,000. An increase to a \$2,000 credit would be \$24,000. If all 25 positions were filled it would be \$50,000.

Participants in the program are allowed a maximum income of \$45,000 for a single household and \$60,000 a year for a couple. These guidelines are in line with the current requirements of Low-Income Home Energy Assistance Program, IHEAP. Ms. Stanton spoke with Chief Appraiser, Charlie O'Shea regarding the program. Mr. O'Shea will be applying a cost of living adjustment of 6.5% to the income levels.

If Milton applied the same 6.5% Cola adjustment to the income levels for the senior tax work-off, the one-person household income would increase to \$47,925 and a two-person household would increase to \$63,900. The calculation is based on the minimum wage Massachusetts: it is currently \$15 an hour and on January 1, 2024 it is going up to \$16.25 so participants will need to work 123 hours rather than 100.

Mr. Wells moved to increase the cap on the Senior Property Tax Volunteer Program from \$1,500 per participant to \$2,000. The motion was seconded by Ms. Musto.

Chair Zullas offered a friendly amendment to increase the cost-of-living increase to 6.5%. The friendly amendment was supported by Mr. Wells and Ms. Musto. The Board voted unanimously in favor of increasing the cap on the Senior Property Tax Volunteer Program from \$1,500 per participant to \$2,000 and increasing the cost of living to 6.5%.

Mr. Wells inquired if Members of the Fire Auxiliary Team could be included in this Program. The Board Members agreed to investigate eligibility.

#### **5. Discussion/Update – Claudia Green, Milton Welcoming Haitian Neighbors, to discuss their work in the community**

Ms. Claudia Green, the Executive Director for English for New Bostonians, (ENB) joined the Select Board Members to provide background regarding the influx of Haitian refugees to Boston and the Milton community. These individuals are fleeing their homeland due to violence and a weak government infrastructure to find a new way of life. ENB is collaborating with non-profit organizations such as Immigrant Family Servies Institute and the International Institute of New England to provide resources and support to our new Haitian neighbors. To learn more about how to help, please visit: [International Institute of New England | Home \(iine.org\)](http://International Institute of New England | Home (iine.org)).

Ms. Green, a Milton resident was joined by community advocates and neighbors: Tracy Robinson, Carline Deisre, the Ex. Director of the Association of Haitian Women in Boston, Patrick Gallivan and Chris Navin.

Ms. Green and her Associates responded to questions from the Board Members.

Mr. Zoll offered to draft a statement of support from the Select Board. The Members agreed by consensus.

#### **6. Discussion/Approval – Comment Letter related to the Expanded Environmental Notification Form (EENF) for the proposed intersection improvements project at Route 28 (Randolph Avenue) and Chickatawbut Road in Milton, MA. (Public Comment Deadline: December 12, 2023)**

Mr. Milano, the Town Administrator provided the Members with a brief update on the proposed intersection improvements project at Route 28 (Randolph Avenue) and Chickatawbut Road in Milton by the Massachusetts Department of Transportation, (MassDOT). MassDOT has submitted their Expanded Environmental Notification Form (EENF) with the Massachusetts Environmental Policy Act, (MEPA). The Town is welcome and encouraged to submit a comment letter. Mr. Milano will prepare a draft and have it ready for review on December 4<sup>th</sup>. The deadline to submit is December 12<sup>th</sup>.

## **7. Discussion/Update/Approval - Special Town Meeting: December 4, 2023 Warrant Articles**

Per Chair Zullas' request, Mr. Milano, the Town Administrator provided updates on the Warrant Articles.

### **Article 1: Zoning Bylaw Amendment for compliance with M.G.L. c. 40A, Section 3A Multi-family zoning as-of-right in MBTA communities**

Mr. Milano reviewed the proposed adjustments to the Granite Ave. sub-district noted in Article 1. The proposal is in response to feedback that the Planning Department has received regarding the impact to Granite Ave., southbound. The comments were shared with the Technical Assistant Consultants at Utile for their input.

#### **Adjustment Summary:**

Reduce the height on Granite Ave South in exchange for raising the height on Granite Ave. North.

Granite Ave South: 4 stories to 3.5 stores reduction of 118 units

Granite Ave. North: 6 stories to 10 stories increase of 100 to 114 units

Mr. Milano fielded questions from the Members. The Board discussed the proposed changes and did not have any objections. The Members agreed by consensus to offer the proposal as an Amendment at Town Meeting.

### **Article 7: Bylaw to Establish a Local Historic District Commission and the Milton Village Local Historic District**

Mr. Milano confirmed with Mr. Lawfer, the Chair of the Local Historic District Study Committee that the Members of HDSC are not looking for formal action at this Town Meeting. The Committee will wait until the Annual Town Meeting in the Spring.

The Warrant Committee recommended that the Article be referred back.

## **8. Discussion/Approval – PFAS Settlements with 3M and DuPont**

Mr. Milano provided the Members with an overview of the PFAS settlements from 3M and Dupont. Milton is a member of the MWRA and the MWRA is currently at a level of non-detect or only Trace Detect of perfluoroalkyl and polyfluoroalkyl substances in their water systems. It is not currently experiencing the same issues as other water suppliers and districts. The MWRA is intending to opt out of this settlement. Some communities within the MWRA will also opt out, some will remain in. As a retail customer, if Milton were allotted money from the settlement, it could only be used to show that the Town is using it for PFAS treatments. At this time, Town Counsel recommends that Milton stay in. As conversations with other community leaders and the MWRA continue, Town Counsel's recommendation may change.

Following a brief discussion, Mr. Wells moved to authorize the Town Administrator to opt out or stay and based on the advice of Town Counsel with respect to the DuPont Settlement. The motion was seconded by Ms. Musto. The Board voted unanimously all in favor to authorize the Town Administrator to address this matter.

The Members will decide how to proceed on the 3M Settlement at their next meeting on December 4<sup>th</sup>.

**9. Discussion/Approval – Letter to the Environmental Protection Agency and Mass. Department of Environmental Protection re: Comments on Draft Permit No. MA0103284**

Following a summary by Mr. Milano, the Town Administrator, Mr. Wells moved to approve the Letter to the Environmental Protection Agency and Mass. Department of Environmental Protection re: Comments on Draft Permit No. MA0103284. The motion was seconded by Ms. Musto. The Board voted unanimously, all in favor.

**10. Discussion/Approval - Request for Services for an Architect for the new school building project**

This matter has been deferred.

**11. Discussion/Approval – Requirement that Select Board subcommittees and Select Board appointed boards and committees allow a minimum of 10 minutes of public comment at meetings**

In an effort to improve transparency. Ms. Musto recommended that a public comment period be included in Board and Committee meetings. In doing so, it will provide residents with the opportunity to share their points of view on issues that are important to them.

The Board Members were receptive. Ms. Bradley suggested that Ms. Musto's recommendation be referred to the Policy Committee for further review. The Members agreed by consensus.

**12. Discussion/Approval – Use of the Baron Hugo Gazebo on the Town Green**

- a. Sunday, December 3, 2023 - Annual Marine Toys for Tots Toy Drive sponsored by Francine Jeffers of Kelley & Rege Properties
- b. Friday, December 8, 2023 – Holiday Memorial Tree Program and Lighting Ceremony sponsored by the Rotary Club of Milton

Mr. Wells moved to approve the use of the Baron Hugo Gazebo on Sunday, December 3, 2023 for the Annual Marine Toys for Tots Toy Drive sponsored by Francine Jeffers of Kelley & Rege Properties and on Friday, December 8<sup>th</sup> for the Memorial Tree Program and Lighting Ceremony sponsored by the Rotary Club of Milton. The motion was seconded by Ms. Musto. The Board voted unanimously all in favor to approve the use of the Baron Hugo Gazebo.

### **13. Discussion/ Approval - One-Day Liquor Licenses – Historic New England -Eustis Estate: 1424 Canton Ave.**

Mr. Wells moved to approve the following one-day liquor licenses to Historic New England-Eustis Estate for the following dates:

Christmas Tea with Champagne Toast– Sunday, December 3, 2023 from 3PM-5PM  
Christmas Cheers – Thursday, December 7, 2023 from 7PM -9PM  
Christmas Cheers – Thursday, December 14, 2023 from 7PM-9PM  
Christmas Tea with Champagne Toast–Sunday, December 17, 2023 from 3PM-5PM  
Christmas Tea with Champagne Toast -Monday, December 18, 2023 from 3PM-5PM  
Christmas Tea with Champagne Toast– Tuesday, December 19, 2023 from 3PM-5PM

The motion was seconded by Ms. Musto. The Board voted unanimously all in favor to approve the one-day liquor licenses.

### **14. Discussion Approval - Meeting Minutes – October 10, 2023, October 24, 2023**

Ms. Bradley requested separate motions for the meeting minutes. She was not in attendance for the meeting on October 10<sup>th</sup> and will abstain from that vote.

Ms. Musto moved to approve the meeting minutes for October 10, 2023. The motion was seconded by Mr. Wells. The Board voted (4-0-1) to approve the meeting minutes for October 10, 2023. Ms. Bradley abstained from the vote.

Mr. Wells moved to approve the meeting minutes for October 24, 2023. The motion was seconded by Ms. Musto. The Board voted unanimously all in favor to approve the meeting minutes for October 24<sup>th</sup>.

### **15. Town Administrator's Report**

Mr. Milano provided an update on the goings-on at Town Hall and in the Community.

The Department of Planning and Community Development will be hosting their final forum on MBTA Communities on Thursday, November 30<sup>th</sup> at 7PM on Zoom. Town Meeting Members were contacted and invited to participate. The goal is to answer questions and concerns from Town Meeting Members prior to Town Meeting.

An initiative to improve Communications with Town Meeting Members is in the final stages. Residents will be able to contact their Town Meeting Members via e-mail before the Annual Town Meeting in the Spring.

The Holiday Stroll is scheduled for Saturday, December 2<sup>nd</sup> from 3PM-5PM at Manning Park in East Milton Square. Make your own s'mores at Steel and Rye from 3:30-4:30PM, Tree Lighting, Caroling and a visit from Santa and Mrs. Claus at 5PM.

Mr. Milano expressed appreciation to the following entities for their generosity and support in securing this year's tree: Hunt Tree Company, Driscoll Landscaping, Thayer Nursery and Anthony Musto. He also thanked the DPW Team for their hard work!

Water Bottle Filling stations have recently been installed at Town Hall.

### **16. Chair's Report**

Mr. Zullas invited residents to attend the Community Pep Rally on Thursday, November 30<sup>th</sup> at 5PM at Milton High School for a Superbowl Send-off. The MHS Football Team is heading to Gillette Stadium to face Walpole High School in the Division Three Championship Game. On behalf of the Town, Chair Zullas wished the Wildcats well!

Chair Zullas encouraged residents to join the Planning Dept. for the MBTA Communities Forum at 7PM after the Pep Rally.

The funding agreement with the Copeland Foundation for the animal shelter building project is now complete. Chair Zullas expressed his appreciation to the Copeland family for their generosity and support.

Mr. Zoll announced that the City of Quincy will be hosting a Menorah Lighting on Thursday, December 7<sup>th</sup> at 4:45PM on the Hancock-Adams Common.

### **17. Public Comment Response**

No Public Comment Response.

### **18. Future Meeting Dates**

The Select Board is scheduled to meet prior to the Special Town Meeting on the following dates: Monday, December 4, 2023 at 6:30PM; Monday, December 11, 2023 and Tuesday, December 12, 2023. (Future meeting times to be determined). The Board Members will meet at Milton High School in Room 201.

If Town Meeting should conclude on December 11<sup>th</sup>, the Board will not meet on December 12<sup>th</sup>. The Board will meet again on Tuesday, December 19, 2023 at 7PM at the Council on Aging.

### **19. Future Agenda Items**

Chair Zullas encouraged his fellow Board Members to reach out to him if they had any topics that they would like added to a future agenda.

**20. Executive Session- Pursuant to M.G.L. c. 30A, § 21(a)(3) – To discuss strategy with respect to collective bargaining**

- a. Milton Professional Management Association
- b. Milton Firefighters, Local 1116

**21. Adjourn**

At 8:21PM, Chair Zullas moved to adjourn from the Open Session and enter into Executive Session to discuss strategy with respect to collective bargaining: (Milton Professional Management Association and Milton Firefighters, Local 1116), based on my belief that discussion of this matter in open session may have a detrimental effect on the litigating position of the Select Board. The Select Board will not return to Open Session. The motion was seconded by Ms. Bradley. The Board voted unanimously by roll call vote to adjourn from Open Session and enter Executive Session.

**BRADLEY: YES**

**MUSTO: YES**

**WELLS: YES**

**ZOLL: YES**

**ZULLAS: YES**

Respectfully submitted by Lynne DeNapoli, Executive Administrative Assistant to the Select Board.

Documents

Senior Tax Work-off Program Guidelines and Application

Letter to the Environmental Protection Agency and Mass. Department of Environmental Protection re: Comments on Draft Permit No. MA0103284

Letter from the MWRA Advisory Board regarding- PFAS Settlements with 3M and DuPont

E-Mail from Matthew Romero, Ex. Director of MWRA Advisory Board to Mr. Milano - PFAS Water Settlement Update