



**Select Board**

**Meeting Packet**

**January 23, 2024**



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

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**BY EMAIL**

The Select Board &  
Town Administrator Nicholas Milano  
Office of the Select Board  
525 Canton Avenue  
Milton, MA 02186

Chair Zullas, Select Board Members, Administrator Milano:

I write concerning the Town of Milton's compliance with the MBTA Communities Act, G.L. c. 40, § 3A. We understand that responsible Town officials and employees have taken the steps required of them to bring Milton to the precipice of compliance with state law and that whether those steps will be given effect is now in doubt.

The Attorney General's Office is aware of the recent correspondence between the Town of Milton and the Executive Office of Housing and Livable Communities concerning the status of the Town's compliance. This is an issue we are closely monitoring, and we have received inquiries concerning what steps the Attorney General's Office might take, if necessary, to compel compliance. Because compliance with the MBTA Communities Act impacts Milton and more than one hundred other Massachusetts municipalities, we wish to be straightforward about our responsibility to enforce the law and how we intend to meet that responsibility.

It is beyond question that the Commonwealth faces a housing crisis, which is a key factor in the state's exceptionally high cost of living. Our limited housing supply is also a significant impediment to the economic growth that is needed to keep our communities strong. And it makes Massachusetts all too unaffordable for the next generation of residents, including many who have grown up here, but who, without additional housing development, will be forced to leave their home state.

We all share responsibility for addressing this crisis. The Legislature, acting with broad and bipartisan agreement, took a significant step forward when it voted overwhelmingly to pass the MBTA Communities Act three years ago, in January 2021. The state Senate adopted the law unanimously. The House did so by a vote of 143-4, such that the cumulative legislative vote was 183-4. Then Governor Charles D. Baker signed the Act into law.

The requirements of the Act are plain. An MBTA Community such as Milton "*shall* have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in

which multi-family housing is permitted as of right.” The Act further requires that the multi-family housing district must be “without age restriction” and must be “suitable for families with children.” The Act and guidelines adopted by EOHLIC under the Act afford municipalities considerable local discretion as to *how* to comply with these requirements. But the law is crystal clear as to *whether* municipalities must comply: They must.

The Attorney General’s Office stands ready to work with any municipality that seeks to meet its legal responsibilities. And, indeed, we already serve as a resource in that respect to Milton, as well as other communities throughout the state. We know EOHLIC is doing the same. Our strong preference is for cooperation and collaboration, within the bounds of the law.

We know that the Town of Milton, working with EOHLIC and in consultation with this Office, has taken serious steps toward complying with the requirements of the MBTA Communities Act. Those steps culminated in the December 11, 2023 representative town meeting vote adopting a bylaw intended to comply with the Act. We understand that the question of whether that bylaw will be nullified is the subject of a referendum early next month. As EOHLIC has expressed clearly to the Town, Milton’s eligibility for a wide variety of state funding will be impacted if the Town rejects compliance with the MBTA Communities Act.

The Attorney General’s Office is entrusted with the enforcement of the Commonwealth’s laws, including the MBTA Communities Act. It is essential that government actors—be they statewide or local—adhere to the law, given that we demand no less from all within our respective jurisdictions. Milton, for example, does not hesitate to act when necessary to compel compliance with its bylaws. As a matter of state law, compliance with the Act is not optional, as we have clearly and consistently advised.<sup>1</sup> My Office will not hesitate to compel compliance with the MBTA Communities Act, through legal action if necessary, should a municipality refuse to comply. We are also empowered to enforce state and federal fair housing laws, which prohibit municipalities from maintaining zoning rules that impermissibly restrict housing opportunities for protected groups, including families with children, should the facts indicate a violation of those laws have occurred.

We ask the Town (including its officials, employees, and agents) to preserve all records related to the Town’s consideration of multi-family zoning generally, and the MBTA Communities Act in particular, so that a complete record is available to the Attorney General’s Office and a court if, and to the extent that, an enforcement action is necessary.

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<sup>1</sup> Attorney General’s Office, “[Advisory Concerning Enforcement of the MBTA Communities Zoning Law](#)” (Mar. 15, 2023).

In closing, we are eager to work with the Town to meet its legal obligations. Should the Town chart a course in contravention of state law, however, the Attorney General's Office will carry out its responsibility to enforce the law, without hesitation.

Very truly yours,



Andrea J. Campbell  
Attorney General

cc: Hon. Ed Augustus, Secretary of the Executive Office of Housing and Economic Development

**Peter Mello**  
[pmello@mhtl.com](mailto:pmello@mhtl.com)

January 9, 2024

**VIA EMAIL ONLY**

Town of Milton Select Board  
Attn: Michael Zullas, Chair  
525 Canton Avenue  
Milton, MA 02186

**RE: Application of Two-Year Ban Under G.L. c. 40A, § 5 With Respect to Ballot  
Vote to be Held on February 13, 2024 Pursuant to Section 7 of the Milton Charter**

Dear Mr. Zullas:

As you know, after Milton Town Meeting voted on December 11, 2023 (the “December 11<sup>th</sup> Vote”) to approve an amended version of Article 1 (hereinafter “Article 1” or the “MBTA Bylaw”) of the Warrant for the Special Town Meeting commenced on December 4, 2023, the Select Board received a petition under Section 7 of the Milton Town Charter “asking that the question or questions involved in such vote be submitted to the voters of the town at large.” See Milton Town Charter, Section 7. Following the Town Clerk’s certification of the requisite number of supporting signatures, at its meeting on December 28, 2023 the Select Board voted pursuant to Section 7 to call a Special Town Meeting “for the sole purpose of presenting to the voters at large the question or questions” presented in Article 1 (the “Ballot Vote”). Id. In addition, at such December 28<sup>th</sup> meeting the Select Board asked that I provide an opinion addressing whether a negative Ballot Vote would constitute “unfavorable” action under G.L. c. 40A, §5, so as to preclude Town Meeting from considering the MBTA Bylaw in its present form for two years absent Planning Board approval. For the reasons explained below, in my opinion it *would*.

G.L. c. 40A, § 5 provides, in pertinent part, that:

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

Michael Zillas, Chair  
January 9, 2024  
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Id. The Supreme Judicial Court has observed that “[t]he purpose of the two-year bar is to give some measure of finality to unfavorable action taken by a municipal legislative body so that ‘members of the public shall be able to ascertain the legislative status of a proposed change at all times, and to rely on unfavorable action … as a complete defeat of the proposal.’” Penn vs. Town of Barnstable, 96 Mass. App. Ct. 205, 210 (2019), quoting Kitty v. Springfield, 343 Mass. 321, 326 (1961). While I have located no reported decision that addresses explicitly whether a negative ballot vote constitutes unfavorable action under G.L. c. 40A, § 5, in my opinion a court is more likely to determine that it *does* than reach a contrary conclusion. For example, as goes without saying, because it would defeat the MBTA Bylaw and prevent it from becoming effective, a negative Ballot Vote would effectuate a final “unfavorable” outcome for Article 1. Nor in my view is a court likely to interpret Section 5 to apply the two-year bar exclusively in instances in which the final unfavorable action on the underlying zoning article results from a town meeting vote, as opposed to a subsequent vote of registered voters pursuant to a local charter referendum process, especially as no meaningful or logical policy basis exists to support such a construction, and conversely the concept of according disparate treatment in this context to ballot and town meeting votes, respectively, seemingly would belie the precedence that the Ballot Vote will enjoy over the December 11<sup>th</sup> Vote. Moreover, even assuming for purposes of argument that the Legislature intended to limit the application of Section 5 exclusively to “town meeting” action, in my opinion such a condition is satisfied in the instant matter insofar as pursuant to Section 7, the Ballot Vote is conducted as part of a “Special Town Meeting.” See Milton Charter, Section 7. Accordingly, in my opinion, a negative Ballot Vote would render the MBTA Bylaw subject to Section 5’s two-year bar.

While in my view a negative Ballot Vote would invoke the application of Section 5’s two-year bar on reconsideration, because the Planning Board’s report on Article 1 recommended its rejection, it remains possible that the MBTA Bylaw would be construed to be *per se* ineligible for reconsideration within two years, even if it is recommended for approval by the Planning Board in a future Planning Board report. In particular, in Penn the SJC posed without resolving the question whether, when as in this matter a planning board has recommended disapproval of a zoning amendment upon its first presentation, such planning board subsequently may approve the amendment so as to render it eligible for renewed consideration within two years. See Penn, supra, 96 Mass. App. Ct. at 210, fn. 9 (“[A]s applied to this case, the judge concluded that, because the planning board voted against recommending adoption of item no. 2016-54, the two-year bar applied even though the planning board later voted in favor of item no. 2016-166. In its reply brief, the town suggests that the judge erred and that the relevant final report is the favorable vote that the planning board recorded on item no. 2016-166. The plaintiffs, for their part, appear to agree with the town’s reading of the “unless” clause, but argue that the town council “considered” item no. 2016-166 before the planning board’s vote on that item. We do not reach these issues, neither of which has been adequately briefed.”). Accordingly, while in my opinion such a ruling would contravene Section 5’s terms, spirit and intent, it is conceivable that a court could determine that the MBTA Bylaw would be barred from reconsideration for two

Michael Zillas, Chair  
January 9, 2024  
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years even assuming that the Planning Board were willing to recommend its approval within such a window.

Further, if by virtue of a negative Ballot Vote the MBTA Bylaw becomes subject to Section 5's two-year bar, and the Planning Board lacks authority or willingness to approve its reconsideration within such timeframe, no further zoning amendment attempting to comply with the MBTA Communities Act would be eligible for consideration unless it differs sufficiently from the MBTA Bylaw to satisfy the test set forth in Penn. Id. at 211 ("[W]e conclude that proposed ordinances or bylaws are the same for purposes of G. L. c. 40A, § 5, sixth par., if they share the same fundamental or essential character, with little substantive difference."). Relatively scant case law exists to precisely define this standard. See, e.g., Id. at 211-212 ("While no reported decision has addressed what it means for proposals to be 'of the same character' for purposes of G. L. c. 40A, § 5, sixth par. . . applying this standard to the facts, we have little trouble concluding that item no. 2016-166 was the same as item no. 2016-54. As discussed, the only differences between the two items were that item no. 2016-166 clarified that the HPOD does not include fully or partially enclosed parking structures, clarified that lot owners could not create more parking spaces by discontinuing other uses on their parcels, and required that lot owners file parking plans with the town. These were amendments that merely facilitated enforcement of item no. 2016-54. They did not change the fundamental and essential character of the item -- to allow for as-of-right operation of commercial parking lots through creation of the HPOD.")<sup>1</sup>. Accordingly, in my opinion, any new proposed amendment would require careful vetting to ensure that it sufficiently differs from Article 1.

I hope that you have found this information helpful. As always, please do not hesitate to contact me with any questions regarding this matter.

Very truly yours,  
  
Peter L. Mello

cc: Nick Milano, Town Administrator

<sup>1</sup> See also Id. at 211, fn. 12 ("See Johnson, 354 Mass. at 752 (proposed zoning bylaw authorizing golf clubs and tennis courts not fundamentally changed by provisions omitting tennis courts and prescribing minimum size for golf clubs); Sullivan, 346 Mass. at 784, 196 N.E.2d 185 (extending length of proposed zoning district was not 'fundamental' change); Doliner, 343 Mass. at 13, 175 N.E.2d 925 (changing zoning for some small areas on map 'did not change the substantial character of the [proposed bylaw]'); Dunn, 318 Mass. at 218-219, 61 N.E.2d 243 (similar). Cf. Fish, 322 Mass. at 223, 77 N.E.2d 231 ('identity of the original propos[al] to repeal zoning bylaw was 'utterly changed' by adoption of amendments 'reducing the area requirements in two kinds of districts and transferring certain land from one district to another'").



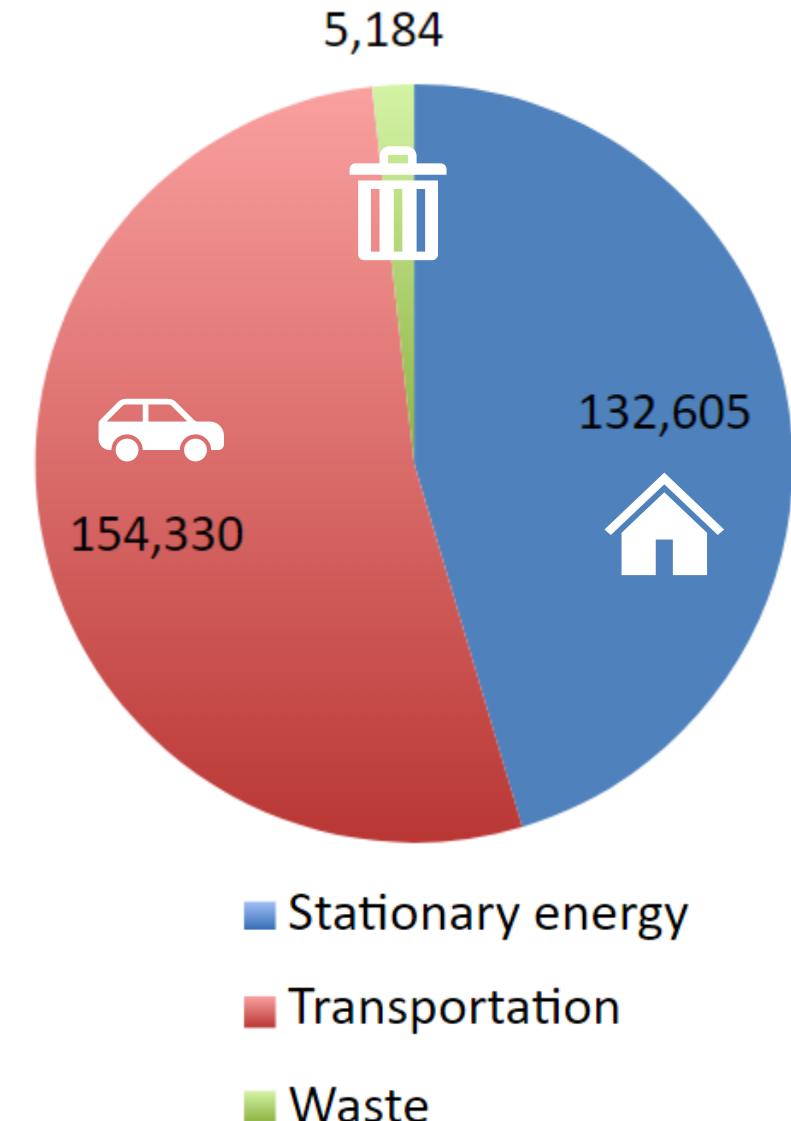
# Municipal Opt-in Specialized Stretch Energy Code

225 CMR 22.00 and 225 CMR 23.00

# Why Adopt the Specialized Code Now?

- Buildings account for about 45% of Milton's emissions. The Town's Climate Action Planning Committee has been charged with developing a plan to achieve Net Zero emissions by 2050, which will require efficiency upgrades and electrification of heating in all residential and commercial buildings
- The Opt-In Specialized energy code will accelerate the transition to clean energy transition and avoid cost premiums to convert these buildings to all-electric in the future
- As MBTA Communities zoning progresses and 40B developments continue, potential for new development will increase and ought to be done at the highest level of energy efficiency.

292120 tCO<sub>2</sub>e



# Energy Code Timeline

## 2008 Green Communities Act

- Base Energy Code: “To adopt and fully integrate the latest International Energy Conservation Code (IECC) and any more stringent amendments thereto as part of the state building code, in consultation with DOER.”
- Created DOER Green Communities Program and Stretch energy code: “minimize, to the extent feasible, the lifecycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies.”
- Milton becomes a Green Community in 2010 and adopts Stretch Energy Code

## 2021 Climate Act

- 50% emission reduction in 2030
- DOER to update the Stretch Code from time to time
- DOER to develop a municipal opt-in specialized stretch energy code that includes:
  - net-zero building performance standards
  - a definition of net-zero building
  - designed to achieve MA GHG emission limits and sub-limits

## Statutory Timeline

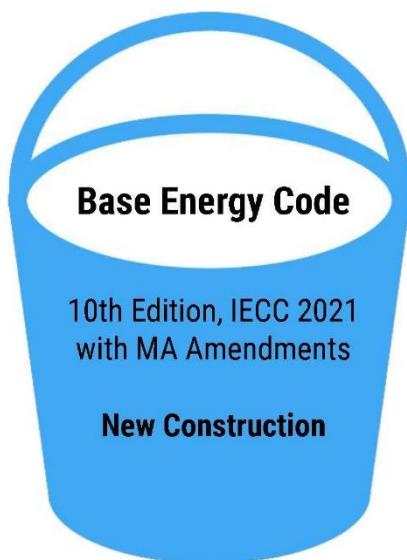
- July 2022: EEA must establish specific 2025 and 2030 emissions reduction targets for the buildings sector
- December 2022: DOER must promulgate new specialized opt-in code
- January 2023: New Base Energy Code goes into effect
- 2030: Massachusetts must achieve at least 50% reduction in GHG emissions
- May 2024: Milton Town Meeting votes on adopting Specialized Code
- January 2025: If adopted, Specialized Code goes into effect

# Energy Code Options

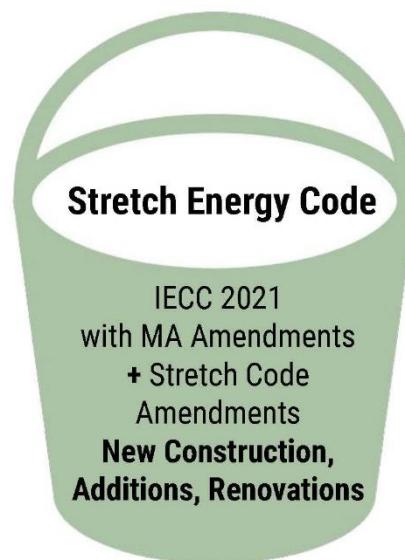
**Base Code:** 60 municipalities

**Stretch Code:** 291 Green Communities

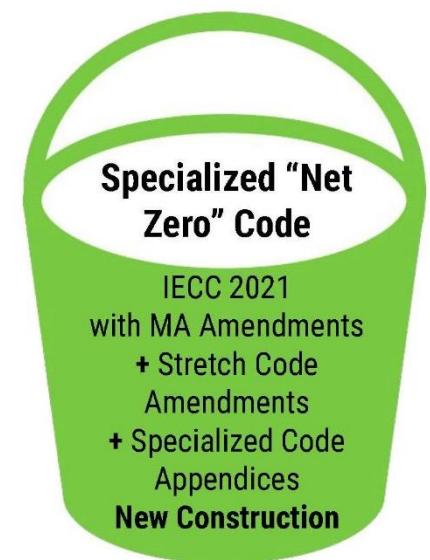
**Specialized Code:** 31 Adopted, 16 currently in effect



OR



OR



BBRS:  
Expected July 2023

Residential: Jan 2023  
Commercial: July 2023

Green Community to "Opt-In"  
Typically 6-11 months after Town/  
City vote

# Application of Codes

- The Stretch Code applies to both residential and commercial new construction, as well as large renovations and additions – generally those above 1,000sf
- The Specialized Code applies only to new residential and commercial construction
- The Specialized Code also applies a Solar PV or a Passive House requirement for all mixed-fuel Municipal or School buildings. Fossil Fuel emergency generators do not trigger mixed-fuel designation.
- Historic Buildings are exempt from the provisions in the Stretch Code

# Specialized Code Low-rise Residential Compliance

1. Zero Energy: Net zero energy consumption over the course of a year via high efficiency and on-site renewables. HERS 0 or Phius ZERO efficiency
2. All-Electric: No on-site combustion of fossil fuels. HERS 45 or Phius CORE efficiency
3. Mixed-Fuel: Pre-wiring to allow for all-electric retrofits, on-site renewable. HERS 42 or Phius CORE or PHI efficiency

Applies to single family buildings and two-family buildings 3 stories or less.

Homes less than 4,000sf may use all three pathways. Homes 4,000sf and greater must be either Zero Energy or All-Electric. If fossil fuel combustion is present, must meet Zero Energy requirements

## Definition of Net-zero Building

“A building which is consistent with achievement of MA 2050 net zero emissions, through a combination of highly energy efficient design together with being an all-electric or Zero Energy Building, or where fossil fuels are utilized, a building fully pre-wired for future electrification and that generates solar power on-site from the available Potential Solar Zone Area”

# Large Multi-Family & Commercial Compliance

- For Multi-Family housing 4+ stories & 12,000sf or larger, Passive House standards (Phius CORE or PHI) are required for both All-Electric and Mixed-Fuel construction
- For Commercial properties, expands requirements for on-site solar energy and wiring for electrification if Mixed-Fuel

Building Type	Fuel Type	Stretch code	Specialized Code
Schools, Offices, Municipal buildings	All Electric	TEDI or Passivehouse	
	Mixed Fuel	TEDI or Passivehouse	TEDI + Solar PV or Passivehouse + wiring for electrification
Other Commercial (over 20,000 sf)	All Electric	ASHRAE or TEDI or Passivehouse	
	Mixed Fuel	ASHRAE or TEDI or Passivehouse	ASHRAE + Solar or TEDI + Solar or Passivehouse + wiring for electrification

# Electric Vehicle Infrastructure

- Single and two-family buildings require 1 parking spot with Level II EV charging per unit
- Multifamily buildings require at least 20% of spots to have EV chargers
- Exception: EV parking requirements do not exceed local parking requirements. E.G. MBTA Communities districts with parking maximums are not required to add any parking, but if they do, that must meet the EV requirements.

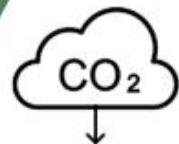


# Cost Estimates

- At HERS 42, both gas and electric heat are cost effective to build and cheaper to operate.
- MassSave incentives and rebates, Federal tax credits, and MA state programs have been designed to financially support these new codes
- The Department of Energy Resources (DOER) states that after incentives home the homeowner would save \$ 20,000 when building for a 2500 square foot home
- 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.

**HERS Index (ERI)****52**  
Base**42**  
StretchElectric  
Heat Pump

2030 Annual Greenhouse  
Gas  
0.75 | 2.56  
Stretch Tons Tons Saved

**Home Details**

- 2,100 sq.ft.
- Small Single Family
- 3 Bedrooms

MA 10th Edition Building Code | 2023

# Small Single Family - Electric

## Costs and Benefits to Meet Stretch Code

	<b>COSTS</b>	<b>BENEFITS</b>	<b>NET</b>
BUILDER	<b>-\$11,597</b> Total Adjustments	<b>\$17,000</b> Rebates & Tax Rebates <sup>1</sup>	<b>-\$28,597</b> Cost Compared to Base Code
HOME BUYER	<b>-\$5,719</b> Change to Downpayment <sup>3</sup>	<b>-\$1,244</b> Change to Annual Mortgage Payment <sup>3</sup>	<b>-\$191</b> Estimated Energy Cost Savings per Year <sup>2</sup> <b>-\$1,053</b> Buyer Annual Net

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



### Home Details

- 2,100 sq.ft.
- Small Single Family
- 3 Bedrooms

MA 10th Edition Building Code | 2023

## Small Single Family - Gas

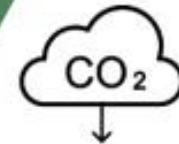
### Costs and Benefits to Meet Stretch Code

	COSTS	BENEFITS	NET
BUILDER	<b>\$14,064</b> Total Adjustments	<b>\$6,157</b> Rebates & Tax Credits <sup>1</sup>	<b>\$7,907</b> Cost Compared to Base Code
HOME BUYER	<b>\$1,581</b> Change to Downpayment <sup>3</sup>	<b>\$344</b> Change to Annual Mortgage Payment <sup>3</sup>	<b>-\$153</b> Estimated Energy Cost Savings per Year <sup>2</sup> <b>\$496</b> Buyer Annual Net

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

**HERS Index****52**  
Base**42**  
StretchElectric  
Heat Pump

2030 Annual Greenhouse  
Gas 1.19 | 4.43  
Stretch Tons Tons Saved

**Home Details**

- 4000 sq.ft.
- Large Single Family
- 5 Bedrooms

MA 10th Edition Building Code | 2023

# Large Single Family - Electric

## Costs and Benefits to Meet Stretch Code

	<b>COSTS</b>	<b>BENEFITS</b>	<b>NET</b>
BUILDER	-\$3,062 Total Adjustments	\$17,000 Rebates & Tax Rebates <sup>1</sup>	-\$20,062 Cost Compared to Base Code
HOME BUYER	-\$4,013 Change to Downpayment <sup>3</sup>	-\$873 Change to Annual Mortgage Payment <sup>3</sup>	-\$325 Estimated Energy Cost Savings per Year <sup>2</sup> -\$548 Buyer Annual Net

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



#### HERS Index

**52**

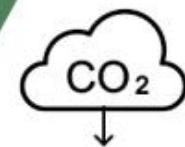
Base

**42**

Stretch



2030 Annual Greenhouse  
Gas **4.13** | **1.49**  
Stretch Tons Tons Saved



#### Home Details

- 4000 sq.ft.
- Large Single Family
- 5 Bedrooms

MA 10th Edition Building Code | 2023

## Large Single Family - Gas

### Costs and Benefits to Meet Stretch Code

	COSTS	BENEFITS	NET
BUILDER	<b>\$10,892</b> Total Adjustments	<b>\$7,708</b> Rebates & Tax Rebates <sup>1</sup>	<b>\$3,184</b> Cost Compared to Base Code
HOME BUYER	<b>\$637</b> Change to Downpayment <sup>3</sup>	<b>\$139</b> Change to Annual Mortgage Payment <sup>3</sup>	<b>\$440</b> Estimated Energy Cost Savings per Year <sup>2</sup> <b>-\$302</b> Buyer Annual Net

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

# 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.*

Additional details are not required to be in the warrant article, but would be expected in the Warrant Committee's recommendation



Search...



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## RESILIENCE AND SUSTAINABILITY

# Departmental Support

- Departments of Planning, Engineering, and Inspectional Services have committed to hosting a public information session on the importance and impacts of the Specialized Code
- Collaboration with Sustainable Milton
- Dedicated Energy Code webpage on [TownOfMilton.org](http://TownOfMilton.org)





*“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.

## **Select Board Milton Landing Committee**

### **Charge**

To advise the Select Board on the implementation of the Metropolitan Area Planning Council (MAPC) Waterfront Recreational Access Study at Milton Landing final summary report (2018), to advise the Select Board on and collaborate with the Planning Board on implementation of the Milton Village Mixed-use Planned Unit Development Overlay Zoning (2020); to identify and review opportunities for the augmentation of and expansion of active and passive open space connections to Milton Landing and the Neponset River waterfront area; to identify and review opportunities to enhance water access and quality of water for water-dependent uses and the activation of the blue economy.



## **Town of Milton Master Plan Implementation Waterfront Recreational Access Study at Milton Landing**

### **FINAL SUMMARY REPORT**

**June 1, 2018**



**Town of Milton Master Plan Implementation  
Waterfront Recreational Access Study at Milton Landing**

**Acknowledgments**



**Town of Milton  
Master Plan Implementation Committee**

Cheryl Toulias, Chair

Richard Burke

Kathleen Conlon

Elizabeth Miller

Taber Keally

**Planning & Community Development Department**

William Clark, Director

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Study funded by the Town of Milton and MAPC with a Barr Foundation grant



Document Prepared by the  
**Metropolitan Area Planning Council**

## **FINAL SUMMARY REPORT**

June 1, 2018

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## **INTRODUCTION**

### **Purpose of Study**

This study is focused on the implementation of recommendations that were put forward as part of the Town of Milton Master Plan process. The Executive Summary of the Master Plan states the purpose of this follow up implementation effort clearly as one of the “Top 20 Key Recommendations” to increase access to the Neponset River and enhance the sense of “being on the water.” Encourage more kayaking and canoeing.

### **Scope of the Study**

In the spring of 2017, the Town of Milton commissioned a study of the Milton Village/Milton Landing area with the Metropolitan Area Planning Council (MAPC). The study has been coordinated by the Town’s Planning Department and overseen by the Master Plan Implementation Committee. The study has explored improving recreational access to the Neponset River waterfront at Milton Landing. This study is part of the Town of Milton’s Master Plan Implementation efforts. The scope of the study was outlined to include:

- *Preparation of a base map of the Milton Landing waterfront area* – a consistent base map was prepared for the Milton Landing area and is drawn to scale based on the information provided by the Town’s Geographic Information Systems (GIS) and a recent land survey commissioned by the Town. The base map was used to illustrate existing conditions, patterns of use, and potential future improvements on the waterfront. Base maps of the waterfront area are included in this summary report and illustrate current stakeholder use of the waterfront, parking configuration, property ownership, topography, and other physical features of the Landing.
- *A site visit with the Planner/Planning Board, and follow-up discussions with the Planner/Planning Board throughout the study* – as part of the study process, MAPC has visited Milton Landing area on two occasions, met with stakeholders and toured facilities. MAPC continued discussions with the Planning Department and Master Plan Implementation Committee throughout the study.
- *Outreach and discussions with focus group(s) consisting of existing users, abutters, Conservation Commission, etc.* – as part of the study process, MAPC conducted interviews with (16) individuals, that are representative of the variety of stakeholders at Milton Landing, a full listing of the stakeholders and representatives interviews is provided in the appendix of this summary report. Many stakeholders were engaged through publicly held meetings throughout this study process. Additionally, several stakeholders provided written letters of comment as part of the feedback received through this process.
- *Coordination and discussion with DEP and CZM regarding permits* – through the stakeholder interviews and discussions the current Massachusetts Department of Environmental Protection permits (Chapter 91 licenses) and Coastal Zone Management permits have been explored.
- *Development of a program/design brief of potential building program and site improvements* – this information is outlined in detail in the Findings and Recommendations of this report. The program/design brief provided a consistent set of improvements or

considerations that were to have been taken into account in consideration of alternative approaches.

- *Preparation of sketches to illustrate the program and management options* – this information is illustrated in detail in the Findings and Recommendations section of this summary report.
- *Preparation of a brief summary report with figures* – this brief report summarizes the context for this study, the community vision for the Town Landing, the findings and recommendations of this study, and the process used to arrive at the recommendations.

## **Master Plan Summary**

This study is part of the implementation efforts of the comprehensive town-wide Milton Master Plan. The Master Plan process concluded in 2015. Implementation of Master Plan recommendations has been guided by the Town's Master Plan Implementation Committee (MPIC). The MPIC has members appointed by the Board of Selectmen/Planning Board and includes Cheryl Tougas (Chair), Richard Burke, Kathleen Conlon, Elizabeth Miller, and Taber Keally. As part of the Master Plan implementation, this study has been closely coordinated with the MPIC.

Milton Landing and its surrounding commercial district, Milton Village, were highlighted in the Milton Master Plan recommendations. The Master Plan states that for each commercial district a vision should be created. The following statements are from the Milton Master Plan and frame a vision for Milton Landing:

- The *Concept Map: Milton Village & Central Avenue District* figure highlights the following items relevant to Milton Landing: provide more outdoor seating/places for gathering; improve access to River; encourage canoe/bike rental; build on existing Farmer's Market; preserve, restore and find appropriate reuse for Swift Hat Factory Building; and address parking issues
- The *Executive Summary* states one of the *Top 20 Key Recommendations* as: Increase Access to the Neponset River and enhance the sense of "being on the water." Encourage more kayaking and canoeing.
- The *Implementation Plan* states one of the *Top 20 Recommendations* as: Increase access to the Neponset River.
- As part of the *Implementation Plan* "Goal 1: Preserve Town's Physical Character" it was stated to form a Task Force to increase awareness regarding the Neponset River. Also, launching and continuing efforts to protect the natural environment, including cleaning up the Neponset River and surface waters within Town.
- As part of the *Implementation Plan* "Goal 2: To Promote a Healthy Milton" it was stated to increase enjoyment of and access to the Neponset River and expand the Farmer's Market with more convenient hours, i.e. weekends. Actions listed under increase enjoyment of and access to the Neponset River include improve kayak, canoe and rowing offerings at Milton Wharf with partners listed as the Neponset River Watershed Association, Parks and Recreation Department, Milton Yacht Club, and DCR/Blue Hills Reservation
- As part of *Implementation Plan* "Goal 4: Promote Economic Development" it was stated to improve access to the Neponset River, for pedestrians, bicyclists, and water; users would provide expanded recreation opportunities and potential to support additional commercial development.

## **Milton Landing Stakeholders and Engagement Process**

Milton Landing is a town-owned resource including open space and access to the Neponset River. While the residents of Milton are a primary stakeholder of the area, the Landing also hosts, or is abutted by several primary stakeholders. These more direct primary stakeholders include property owners, residents, and businesses. Specifically, the Milton Yacht Club, Milton Landing Residences (88 Wharf Street), Milton Crew, and Milton Farmer's Market directly engage with this area. The location of the activity of each of the primary stakeholders was mapped and is included in the Existing Conditions Analysis of this Summary Report beginning on page 21. As part of the study process, the primary stakeholders at Milton Landing were engaged by MAPC through telephone or in-person interviews to better understand how each stakeholder uses the Landing. The interviews occurred at the start of this planning process in August and September of 2017. Milton Landing was visited by MAPC staff on several occasions and included touring the former Police Headquarters facility that is leased by the Town to the Milton Yacht Club.

This study has been pursued transparently and with a robust schedule of posted public meetings with the MPIC to involve the stakeholders and community throughout the process. MAPC presented information relative to the study at MPIC meetings on 9/18/17, 10/2/17, 11/20/17, 12/19/17, 1/16/18, and 2/12/18. Each of these meetings was well attended by community members and included a period for public questions and comments. Additionally, a joint meeting of the Planning Board, Board of Selectmen, and MPIC was held on 10/16/17 and attended by over 40 community members. A Community Forum was held on 12/6/17 with engagement exercises facilitated by MAPC to solicit feedback on criteria and alternative approaches presented for the Landing. Lastly, an online survey was prepared to invite broader public feedback on the engagement exercises and resulted in responses from 138 individuals.

An appendix to this report outlines the agenda for each MAPC presentation for these meetings. The meeting presentations and MPIC meeting notes are available through the Town of Milton website. Three of the primary stakeholders submitted letters to the Town as part of the process of engagement and discussion of the future of Milton Landing. The letters were specifically related to the Alternatives Approaches Analysis of this Summary Report beginning on page 31. Letters were received from the Milton Yacht Club, Milton Crew, and Milton Landing Residences and are included in the Appendix to this Summary Report.

In order to facilitate a discussion about future improvements at the Town Landing, the following sequential process was undertaken:

- First, an analysis of the existing conditions and patterns of use at Landing was performed;
- Second, an understanding of the operations and needs of primary stakeholders was discussed with the stakeholders;
- Third, a set of principles and criteria were developed to measure the advantages and disadvantages of alternative approaches to improvements;
- Fourth, alternative approaches to improvements were developed and refined through discussion with the MPIC and presented to the community for feedback
- Fifth, a recommended approach to improvements accounted for feedback received throughout the process and sets a path forward to subsequent decisions and actions

The results of each of the steps in this process are presented in this Summary Report. They are presented in an order deemed effective to frame the most useful information needed to advance improvements and provide context for that information. It should be noted the presentation of the information in the Summary Report is out of sequence in terms of how the process was undertaken.

The aerial photograph below shows the Milton Landing area looking south. The Neponset River is on the left side of the image, Adams Street and Milton Village are just outside of the right side of the image frame, 88 Wharf Street is in the central foreground of the image, and Governor Hutchinson's Field can be seen near the center of the top of the image.



## COMMUNITY VISION

The following **Vision Statement** was articulated as part of the process to add more detail to the recommendations in the Milton Master Plan and to add more specific language regarding increasing access to the Neponset River.

### **Vision Statement:**

*Milton Landing on the Neponset River provides a friendly, open place for residents to enjoy Town-owned riverfront land and use public access to waterfront recreation opportunities.*

The **Waterfront Principles** were developed to articulate the fundamental objectives for improvements and to provide statements that could be used to consistently evaluate alternative approaches and proposals for improvements at the Landing. The principles have been subject of MPIC discussion, community feedback, and are prioritized based on the responses received at the Community Forum and through the online community survey in December of 2017.

### **Waterfront Principles:**

- Maximize **access for multiple water-dependent uses**
- Promote **public access** to the riverfront through signage, river walk, biking, and waterfront amenities
- Optimize organization for **non-water dependent support uses**
- Provide **dedicated areas with clearly defined relationships** and conditions for current and future users that desire a permanent presence on the waterfront
- Support **vitality of Milton Village** and functions through **shared parking** and use of open spaces for events

The **Waterfront Criteria** were developed to provide a set of measurable and objective standards by which alternative improvements could be evaluated. The criteria were a useful tool in evaluating and comparing the alternatives that were prepared as part of this study. The advantages and disadvantages of each alternative could be measured relative to the criteria and ranked. The criteria have been subject of MPIC discussion, community feedback, and are prioritized based on the responses received at the Community Forum and through the online community survey in December of 2017. During the study process, the criteria consisted only of the simple statements, the additional explanations after the dash have been added for clarity in this report.

### **Waterfront Criteria:**

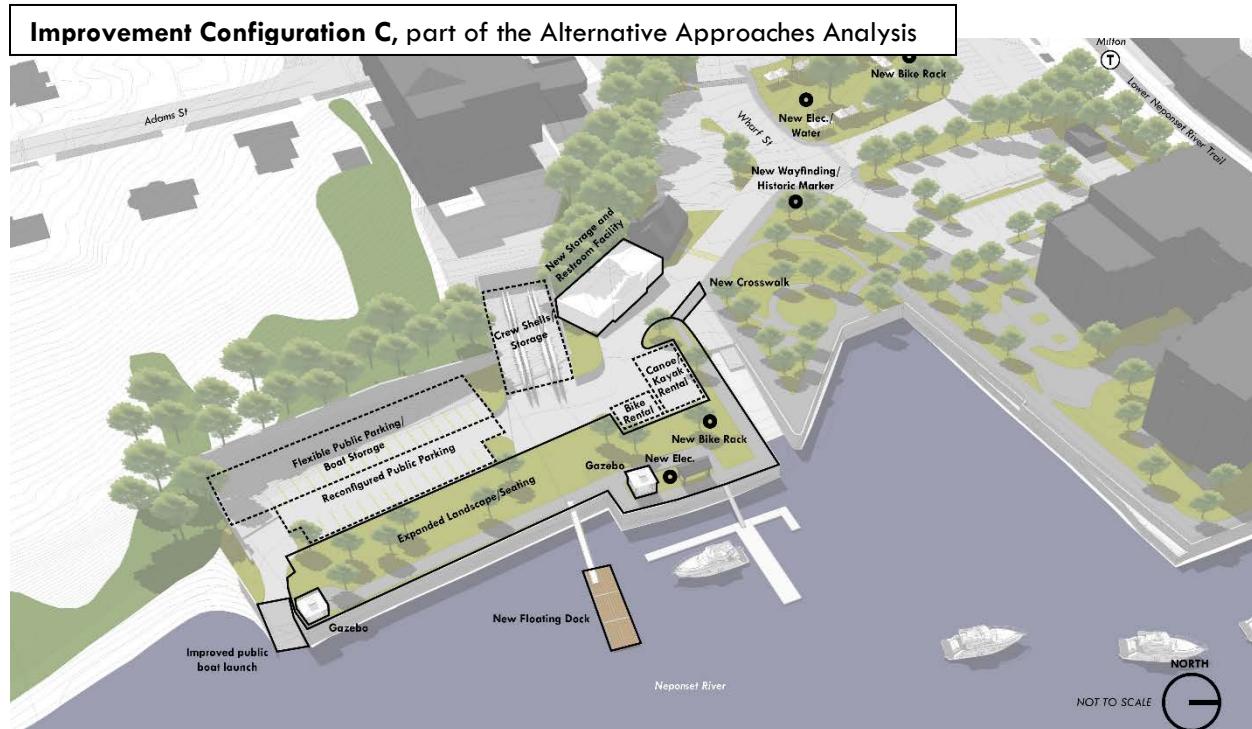
1. **Preserve existing trees along hillside** – to the west of the Landing parking area is a hillside with a number of large deciduous trees that provide a buffer between the landing and homes with frontage on Adams Street. Preservation of these trees was considered a top priority from community feedback.
2. **Expand Neponset Riverwalk/connection to Hutchinson's Field** – one of the long term ideas for an improvement would be a connection between the Landing and Hutchinson's Field along the west bank of the Neponset River. This connection was considered a top priority from community feedback.
3. **Improve attractiveness of views of the river** – improving attractiveness of the views of the river is focused in this study on views from Milton including views from Wharf Street, the Landing Park, 88 Wharf Street, and the Neponset Riverwalk. The views were considered a top priority from the community feedback.

4. *Retain (or expand) space for Milton Farmer's Market* – the Milton Farmer's Market is located in the public park on Wharf Street near the MBTA stop. The community feedback considered retaining and supporting the farmers market a high priority and would not want an improvement that compromised their ability to operate in Milton Village at their current location.
5. *Strengthen perception of welcoming waterfront* – Many community comments through this process highlighted that private uses at the Landing give an impression that the general public is not welcome or cannot access the river. Increasing the perception of being welcomed and invited to access the Neponset is a high priority.
6. *Provide a new low level floating dock suitable for crew/kayak* – Expanding access to the Neponset would be strengthened by more options to conveniently get vessels into the water. The current docks do not provide a low level that is close to the surface of the water to place smaller vessels in by hand. Increasing dock and water access options is a high priority.
7. *Integrate historic markers and plaques at historic buildings/sites* – The Milton Village and Landing area include several historically significant sites and buildings. This criteria is both about recognizing the historically significant features, and also using improvements to preserve these features and to not put them at risk.
8. *Preserve and improve the Police Headquarters building* – Specifically, among the historically significant assets is the former Police Headquarters building. The building has been occupied by the Milton Yacht Club. This criteria is both about recognizing the historically significant building, and also using improvements to preserve this feature and to not put it at risk.
9. *Improve public boat launch and circulation near Captain's Landing* – At the end of the Landing parking lot is a boat ramp and a Town-owned portion of the shore line that is called Captain's Landing. This criteria looks to improve the boat ramp and surrounding circulation to allow for expanded access to the Neponset River through vehicle pulled boat trailers.
10. *Expand Landing Park and public amenity areas at the waterfront* – The Landing Park is a public amenity that was created by relocating a portion of the Milton Yacht Club's boat storage during the development of the 88 Wharf Street building. This type of public amenity and park area could be expanded as part of the Neponset Riverwalk at other areas of the Landing's waterfront.
11. *Provide public amenity and access to expand to Captain's Landing* – At the end of the Landing parking lot is a Town-owned portion of the shore line that is called Captain's Landing. This criteria looks to improve the Captain's Landing area and plan for a future improvement or expansion to the south to better use this Town-owned asset.
12. *Create a new dedicated space for crew shell/equipment storage* – Currently, Milton Crew storage is placed in several locations at the Landing with a container at the end of the parking lot and crew shells in the Wharf Street Park. This criteria seeks to identify a more formally dedicated area that Milton Crew could use for storage.
13. *Retain (or expand) number of existing parking spaces* – Currently, the Landing provides (26) marked parking spaces at the waterfront, (23) spaces at the Wharf Street parking lot, (4) spaces on-street on Wharf Street, the MBTA commuter parking lot, and 88 Wharf Street parking lots. These spaces support both Milton Landing waterfront access, but also the businesses in Milton Village. Future improvements should not reduce the number of parking spaces available and, if possible, should expand the number of spaces available.
14. *Retain current amount and position of Neponset boat moorings* – The Milton Harbormaster and Milton Yacht Club maintain (28) boat moorings in the Neponset River. As much as possible, future water access improvements should retain the same number of boat moorings in the Neponset.
15. *Provide potential location for bike/canoe/kayak rental facility* – The future opportunity for additional access and amenities should not be precluded by improvements at the Landing. These opportunities may include hosting vendors for bike, canoe, or kayak rentals, either seasonally or permanently.

16. *Improve distance and orientation between crew storage and dock* – Currently the distance that crew shells must be carried to access the River is from the Wharf Street park down Wharf Street to the dock. Improvements should reduce this distance, if possible, while exploring locations for Crew storage.
17. *Support the Milton Village commercial district with parking* – In addition to retaining the current number of parking spaces to support waterfront access, more parking could be added either through the configuration of the waterfront or through a parking deck utilizing the steeply sloping topography. Additional paring could be used to support an increase in commercial uses in Milton Village.
18. *Add new structures such as gazebo, picnic areas, and seating* – Adding amenities to the existing or future open spaces could bring more activity and vitality to the Landing and provide support for the improved waterfront access.
19. *Retain the current amount of boat storage for Milton Yacht Club* – The Milton Yacht Club stores boats seasonally on the paved and gravel parking areas at Milton Landing. The boat storage is a large part of the MYC's annual revenue and membership structure. About the same amount of boat storage would be required with future improvements, unless the structure of the MYC and its membership were to be changed.
20. *Provide accessible restroom facilities (temporary or permanent)* – Access to restrooms in the former Police Headquarters is provided upon request to the general public from Milton Yacht Club. However, this requires a member of the club to be present at the building and the restrooms are located on the second floor and not accessible. Future improvements could integrate a more public and accessible restroom facility.
21. *Provide opportunity for a long term paddle sports pavilion* – Short term improvements relate to improved access for crew, kayak, other paddle sports such as a new low height dock and improved storage locations. A longer term improvement could involve a building facility to support this type of access to the water. While no immediate plans for this type of investment have been identified, an approach to improvements that does not preclude this type of future investment would retain the future potential for such a facility.
22. *Expand flexible paved space to support multiple uses and events* – Assessing the existing conditions and patterns of use at the Landing, paved space that can be used flexibly seems to be in the highest demand and most directly supportive of waterfront access. Improvements to expand paved space that can be used flexibly would help to improve access to the water.
23. *Reduce overlapping use and sharing of docks* – Currently, most of the water access takes place at a single dock that is installed and maintained by the Milton Yacht Club. The overlapping use and sharing of the dock does present limitations on access and potentially conflicts for use during the busiest times to get onto the water. Additional docks, functional boat ramps or other ways to access the water would reduce this conflict.
24. *Provide space for car share and bike share facilities* – Limitations on the space available will always be present in a vital and busy location that is full of amenities, such as the Landing. More efficient use of this limited space can be achieved through shared mobility options such as car share or bike shared facilities. Improvements at the Landing could create dedicated locations for these types of shared mobility assets.

## FINDINGS AND RECOMMENDATIONS

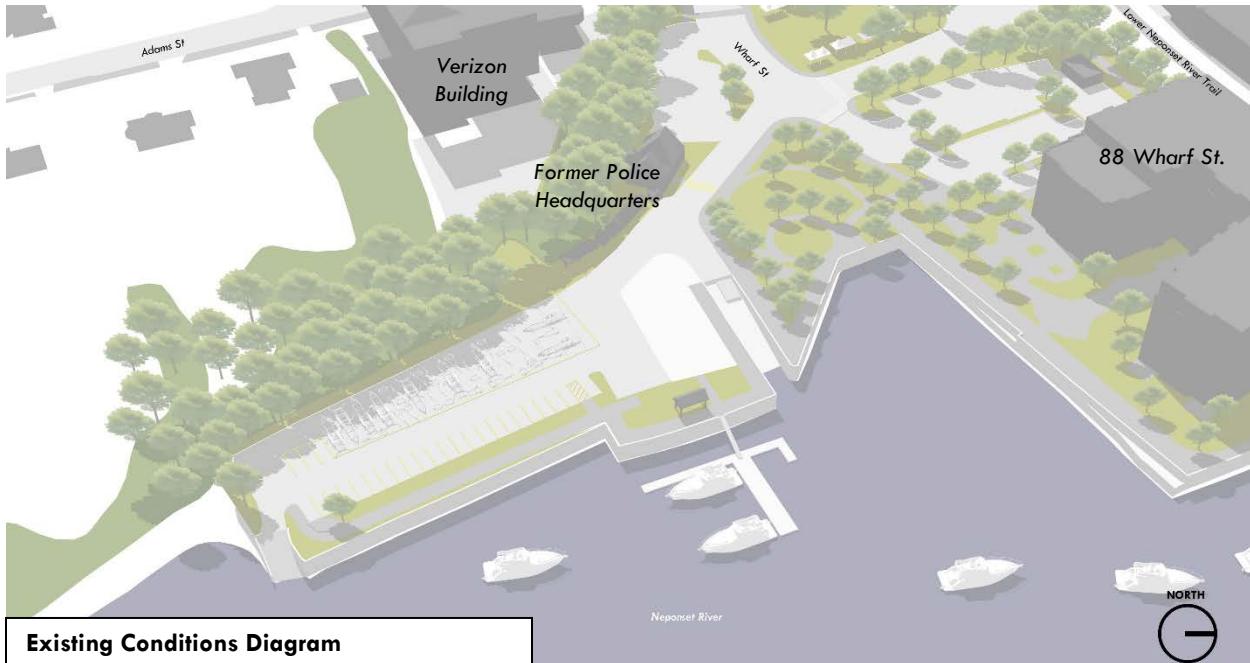
The findings and recommendations for waterfront recreational access improvements at Milton Landing are the result of this study. The recommendations are made by MAPC to the MPIC and represent MAPC's judgement as to the most effective ways to improve access at the Landing. The findings and recommendations are consistent with the recommendations of the Master Plan, have been guided by the MPIC through the process of this study, and have been informed by the participation of many members of the community and the direct stakeholders involved at Milton Landing. Of the (4) alternative improvement configurations that were explored as part of this process, Improvement Configuration C was the most preferred based on the feedback received and a ranking of the alternatives according to the Waterfront Criteria established. However, Improvement Configuration C, shown for reference below, was not wholly supported and was inconsistent with several of the highest priorities that were voted on by the community. A summary of all of the alternatives considered and the process that was used to create the alternatives is provided in the Alternative Approaches Analysis of this Summary Report beginning on page 31. Improvement Configuration C, shown below, was used as the starting point for the final recommended approach.



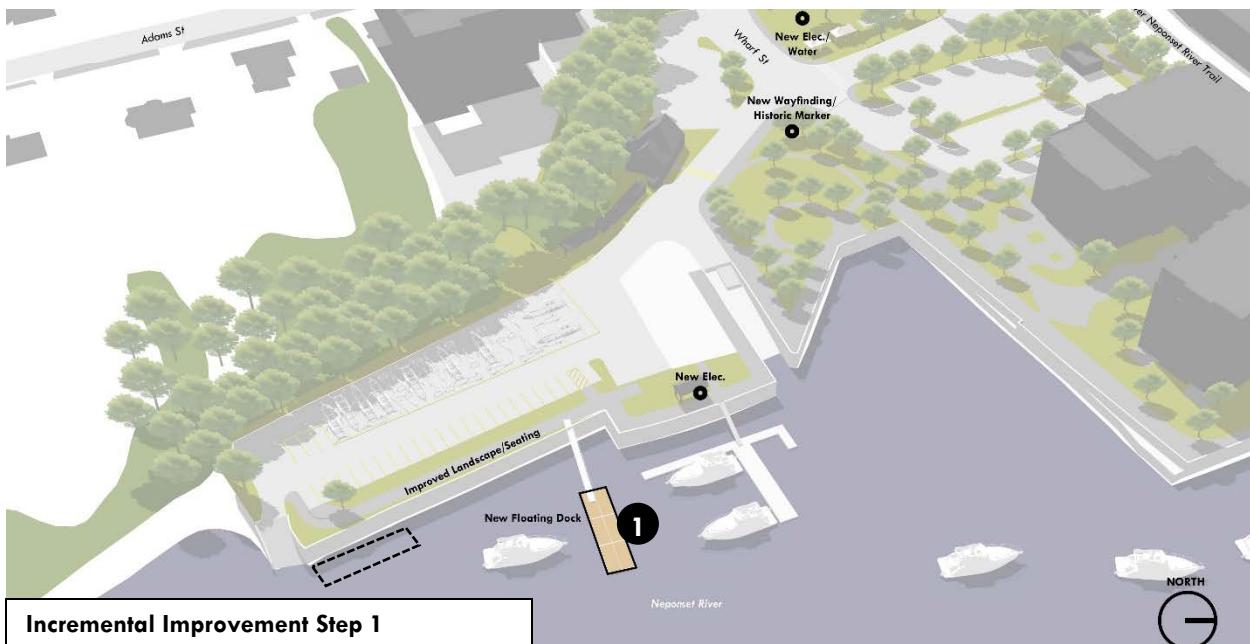
As an example of an area needing adjustment based on the feedback received, Improvement Configuration C would require regrading a good portion of the wooded hillside and the top priority within the Waterfront Criteria as selected by the community was "Preserve existing trees along hillside." In comment letters received by the MPIC from the Milton Yacht Club, 88 Wharf Condominium Association, and Friends of Milton Crew the alternative configurations were subject of many of the comments. The full letters are included in the Appendix to this report, but several comments are highlighted here which have a direct impact on refining Improvement Configuration C. Milton Yacht Club stated that lessening of boat storage would essentially put the Club out of business. The 88 Wharf Condominium Association expressed support for Option C with good features identified as expanded landscape, reconfigured parking, and flexible parking and boat storage area. The Friends of Milton Crew expressed a priority for a dock optimal for non-motorized water craft that is low to the water and seasonal storage in close proximity to the dock. They expressed that all options (including Option C), with the exception of B, would provide this.

In light of this feedback on the most preferred of the (4) alternative configurations, the recommended approach shares some similarity to Option C, but is a new approach based on everything that has been learned through this process. The diagrams and descriptions, numbered 1 through 5 below, show the major components of future waterfront access improvements at Milton Landing and build up incrementally to MAPC's recommended approach.

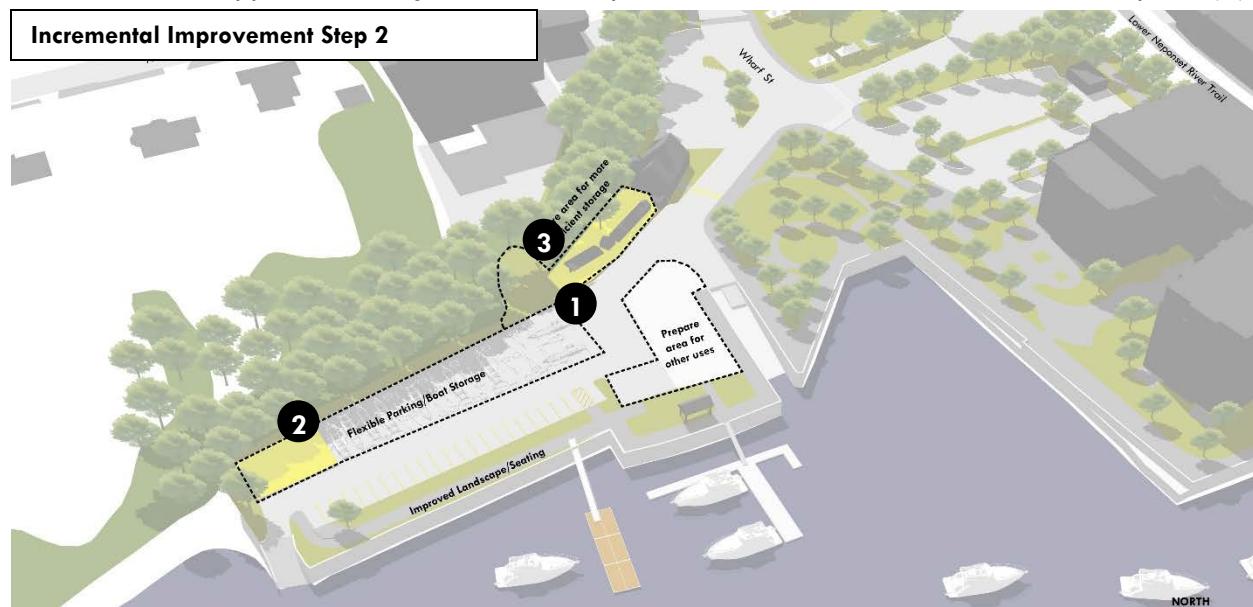
**Existing Conditions** – The first diagram of the recommended approach begins with the existing conditions as they are today at the Landing during seasons of spring, summer, and fall.



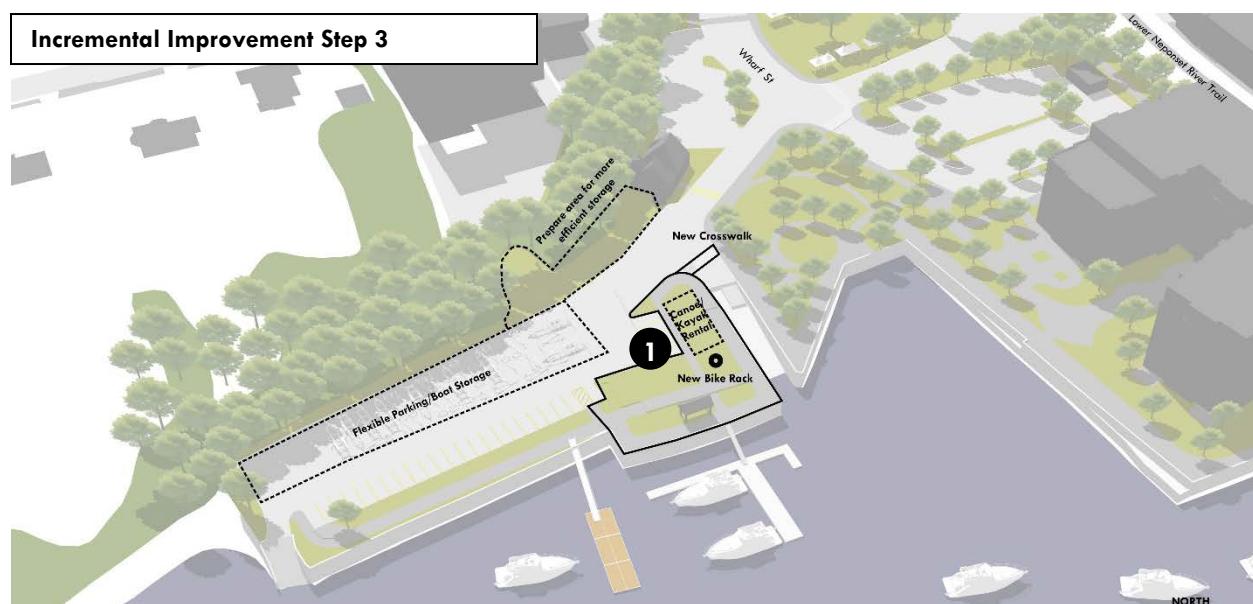
**1. New Low Height Dock** – A new low height dock should be allowed to proceed near the center of the existing bulkhead (1). The Friends of Milton Crew have expressed interest in funding, the design, engineering, and seasonal installation of the new dock. Relatively minor adjustments to the railing and bulkhead will likely be required to accommodate the new dock and gangway. Several mooring positions in the River will likely need to be adjusted or relocated.



**2. Optimize Storage** – The seasonal boat storage, parking area, and general storage areas should be temporarily reconfigured to set the stage for the next steps and improvements (1). This reconfiguration would also offer the short term advantages of removing the low surveillance area at the end of the parking lot, optimizing and increasing storage space by using the areas available more efficiently. The changes would result in the temporary loss of three parking spaces (2). A more efficient storage area could be used to support the storage needs of multiple waterfront users in the same subdivided spaces (3).

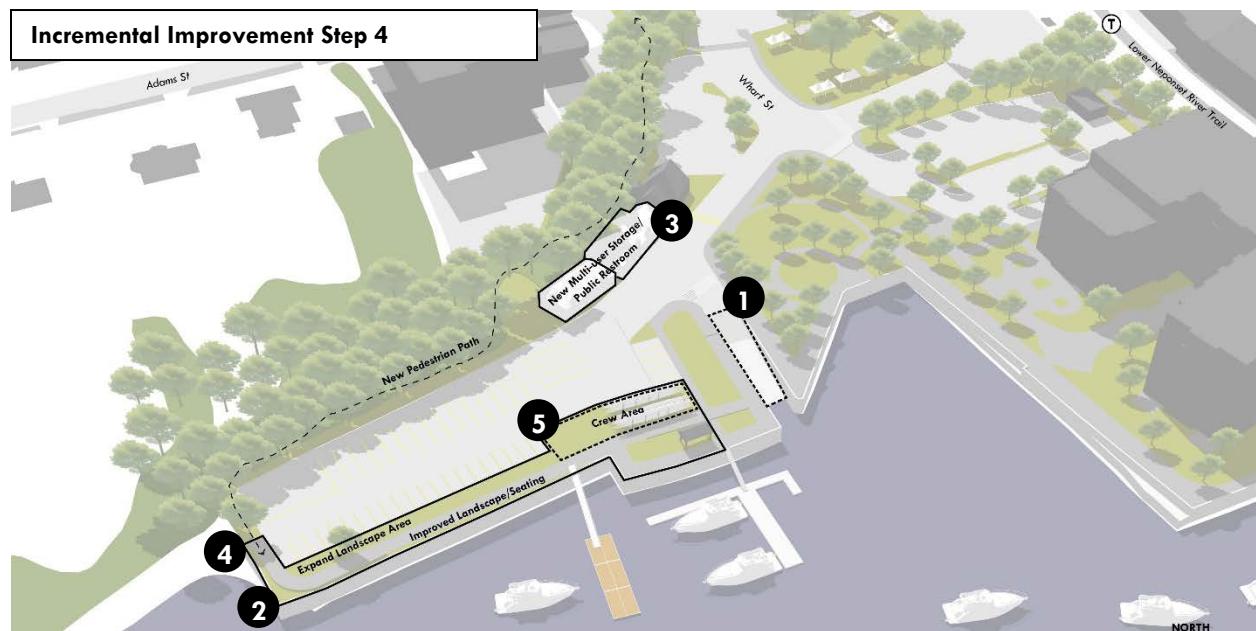


**3. Reconfigure Gravel Area** – The sense of a welcoming and inviting public access to the river could be vastly improved with reconfigurations at the gravel portion of the parking lot (1). This reconfiguration would improve views to the river from Wharf Street, views to the public parking supply at the River, and provide opportunities for seasonal storage of other vessels, or rentals in the future. The additional seasonal boat storage at the end of the parking lot reduces the loss of boat storage area to about 3,200 square feet. A direct connection between the Milton Yacht Club and their dock would be retained with a direct path connection in this reconfigured and landscaped area. The new landscaped area is shown to include additional parking spaces that could be used to support district car-share programs such as Zipcar, electric vehicle charging, or flexible space for future bicycle, kayak, or canoe rentals.



**4. New Waterfront Operations** – The first three incremental improvement recommendations could be undertaken in the short term and would require relatively modest investments from private sources. The reconfiguration of several components to support new waterfront operations may be longer term in nature and require public funding sources. The first major change would involve the Milton Yacht Club transitioning to a new method of getting boats in and out of the River seasonally. The new approach would involve investing in a marine hydraulic lift trailer to replace the current marine rail system (1). This change would enable more flexible use of the ramp and more compact storage without cradles during the off-season.

This change would also enable all other reconfigurations at the landing to increase efficiency and flexibility. First, the central marine rail ramp could be converted into a more standard boat ramp that would be used by the Milton Yacht Club with the marine hydraulic trailer and could be used by the general public (1). The increased flexibility at the central ramp would allow the underused and unrepainted boat ramp at the end of the parking lot to be filled and used for additional parking (2). This would reduce the liability of this unrepainted asset and reduce circulation constraints at the end of the parking lot. With the marine rail converted, the winch house could also be decommissioned adjacent to the former Police Headquarters. This would allow for a new storage facility addition to the building that would optimize storage for Milton Yacht Club and potentially offer enough space for other users (3).

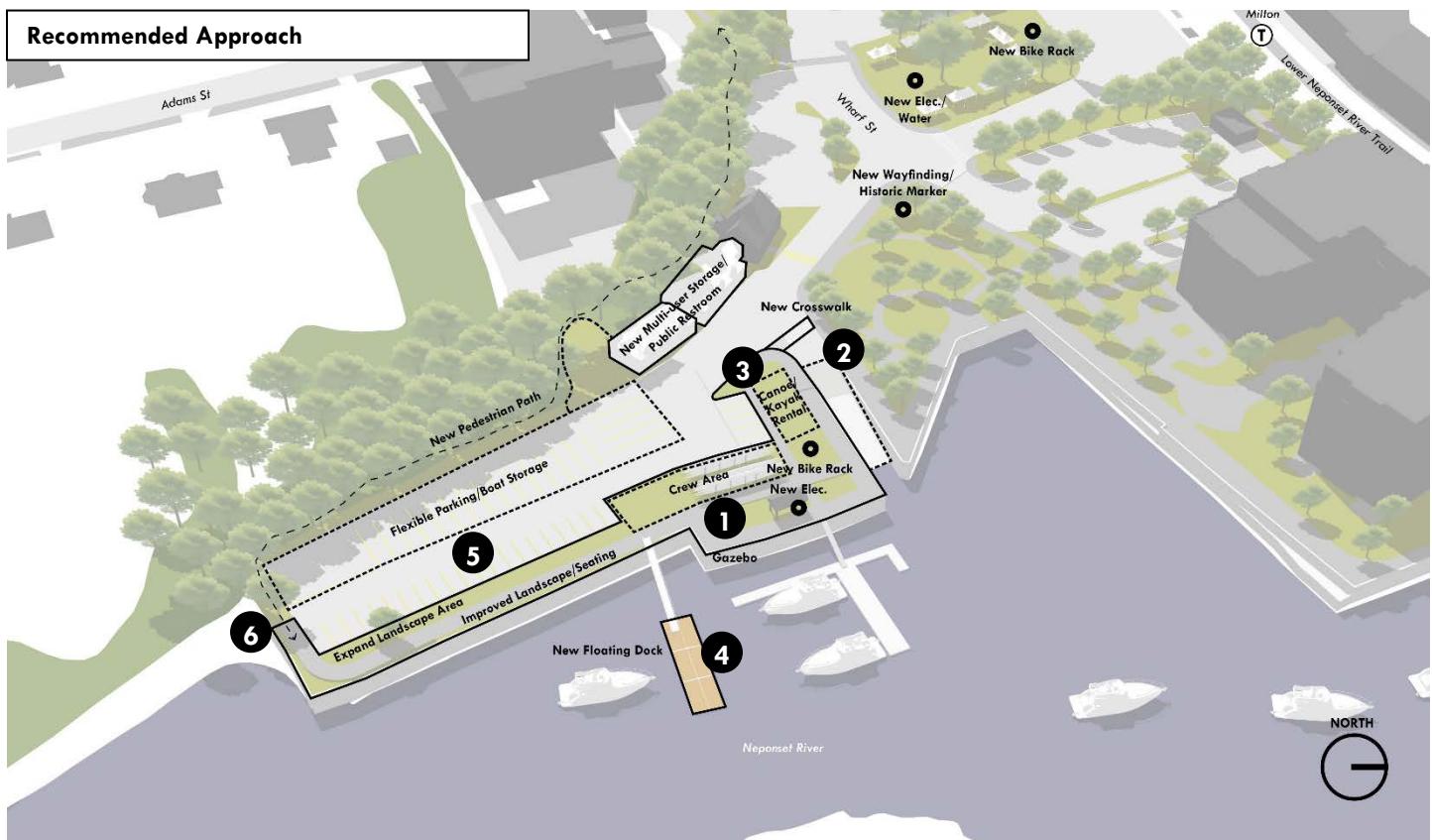


In the spring, summer, and fall these incremental improvements would result in a waterfront that is extremely efficient and flexible to accommodate a variety of water dependent users to access the Neponset. The waterfront would have welcoming and improved views, a flexible centralized boat ramp, the same number of parking spaces that exist today, and more variety of water access with a new lower level dock. These improvements would set the stage for an improved waterfront that provides walking trail loops that continue the Neponset Riverwalk and offer a starting point for a long term connection down the shoreline to Hutchinson's Field (4).

As parking is added and relocated, it can be removed from locations that would impede circulation of boats and crew shells and make waterfront access more convenient. Specifically, the parking spaces between the crew storage and crew dock could be reduced while maintaining the existing count for the number of spaces provided (5).

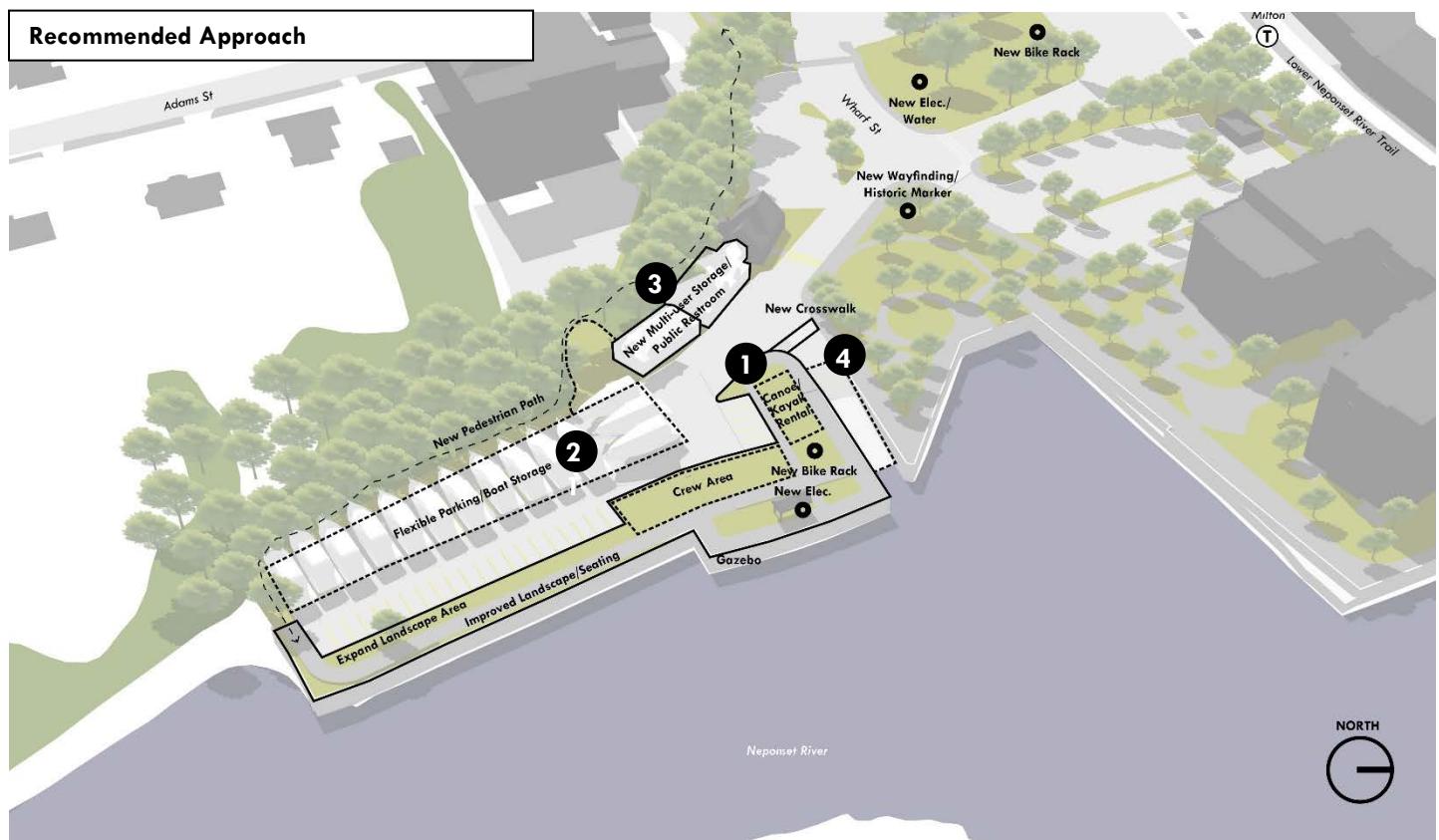
## **Recommended Approach – Spring/Summer/Fall Uses**

The recommended approach improves views from Wharf Street to the Neponset and the waterfront. The perception of a welcoming waterfront is also improved by providing dedicated space for multiple water-dependent users (1), opening access to the central boat ramp (2), and expanding the central Landing Park (3). The central boat ramp is made more flexible by adapting it to a standard ramp configuration that is not dependent on the marine rail (2). Water access is increased through the addition of a new low height dock (4) that is suitable for use by Milton Crew, kayaks, or canoes expanding the range of options for safe and convenient water access. The number of parking spaces in the recommended approach are the same as the number of spaces at the existing waterfront parking lot (5). The number of walkway connections are expanded at the waterfront and the ability to continue walkways and connect across Milton's Landing in the future is enhanced (6).



## Recommended Approach – Winter Uses

The recommended approach improves views from Wharf Street to the Neponset and the waterfront. The perception of a welcoming waterfront is also improved by pushing boat storage away from the primary approach down Wharf Street (1). Seasonal boat storage is retained in an area that is about 3,300 square feet less than currently provided, but that still provides a substantial area for the support of yacht access at the landing (2). In addition to flexible boat storage, areas for dock storage would also be included within this designated area and likely occur in the spaces between stored boats.



The approach depicted above, provides a more welcoming riverfront with multiple and flexible waterfront access points. The reconfiguration provides dedicated space for the primary stakeholders at the waterfront, improves public access and amenity, and retains the same number of parking spaces as currently exist.

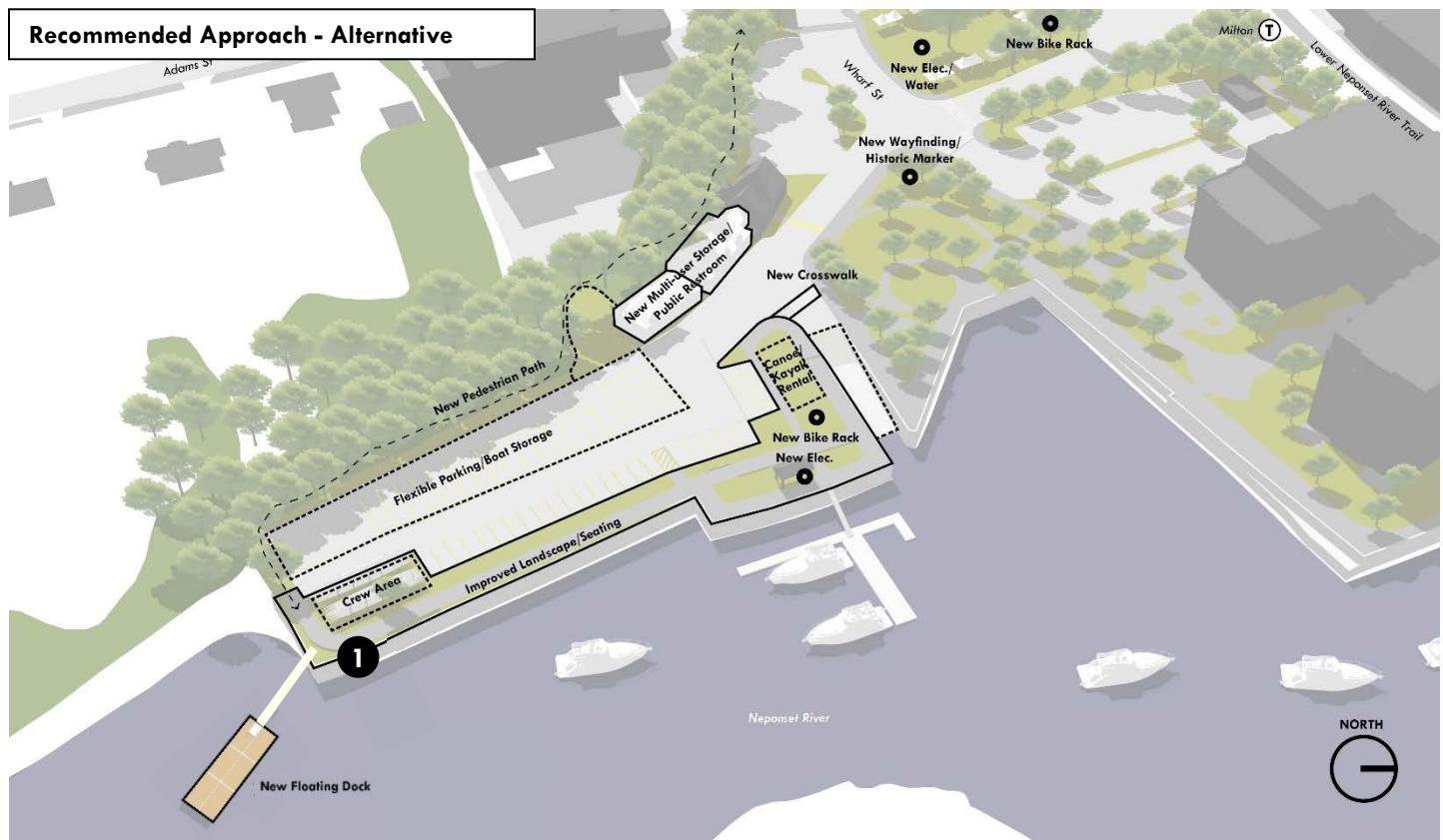
The new structures adjacent to the former Police Headquarters would provide interior storage for multiple waterfront users and publicly accessible restrooms (3). Even with the reconfiguration current operations are able to continue. For example, the current area for boat storage is reduced by only about 3,300 square feet (SF), retaining about 11,100 SF of paved area for seasonal storage (2).

In this configuration, while the reconfigured central boat ramp (4) would offer more flexible access by providing a slope that could accommodate a boat trailer, the water access does not work that well for the general public as parking for vehicles with trailers would continue to not be provided.

The Farmer's Market would have additional space available in the Wharf Street Park and more flexible use of that space possible with the relocation of crew shell storage. At the Wharf Street parking lot or other parking lots, sharing the resources among a variety of users with varied peak demand times would add to the efficiency of the use of resources at the waterfront.

Other improvements at the waterfront that could enhance the experience and use of the waterfront could include new bike rack locations at the waterfront, new electrical and water connections near the bulkhead and in the parks, new wayfinding and historic markers or information signs, and new crosswalks and pedestrian path connections.

**Alternative Recommended Approach –** Within this set of incremental reconfigurations another viable location for the Milton Crew dock and storage is evident. Another location to consider is at the end of the waterfront parking area, where the old boat ramp was discontinued and filled (1). A new low level floating dock and crew shell storage could likely be provided there. This location may further reduce overlapping use between these two primary uses and increase flexibility of use of the central area.

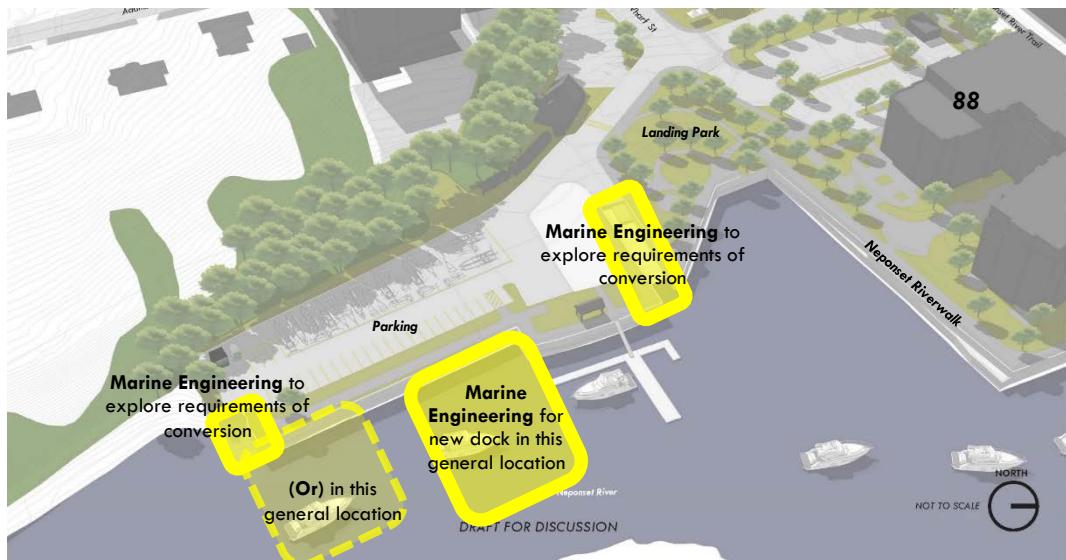


Near the conclusion of this study, the Master Plan Implementation Committee engaged Childs Engineering Corporation to perform a hydrographic survey that would inform placement of a new floating dock system. The initial findings of this survey indicated that a new floating dock location most similar to the alternative approach may be preferred given the existing water depths and permitting considerations. These findings are outlined in greater detail in a Memorandum drafted by Childs Engineering. In light of this information, the Alternative Recommended Approach may become the focus of implementation actions moving forward. Other components in the Alternative Recommended Approach remain the same as outlined for the Recommended Approach.

## NEXT STEPS

Several immediate next steps are outlined that are consistent with this recommended approach and would support the Master Plan and this implementation effort. The next steps are outlined as they relate to the Waterfront Principles that were outlined to frame this process. The next steps should be undertaken by the Board of Selectmen in coordination with the Master Plan Implementation Committee and the Milton Parks Department.

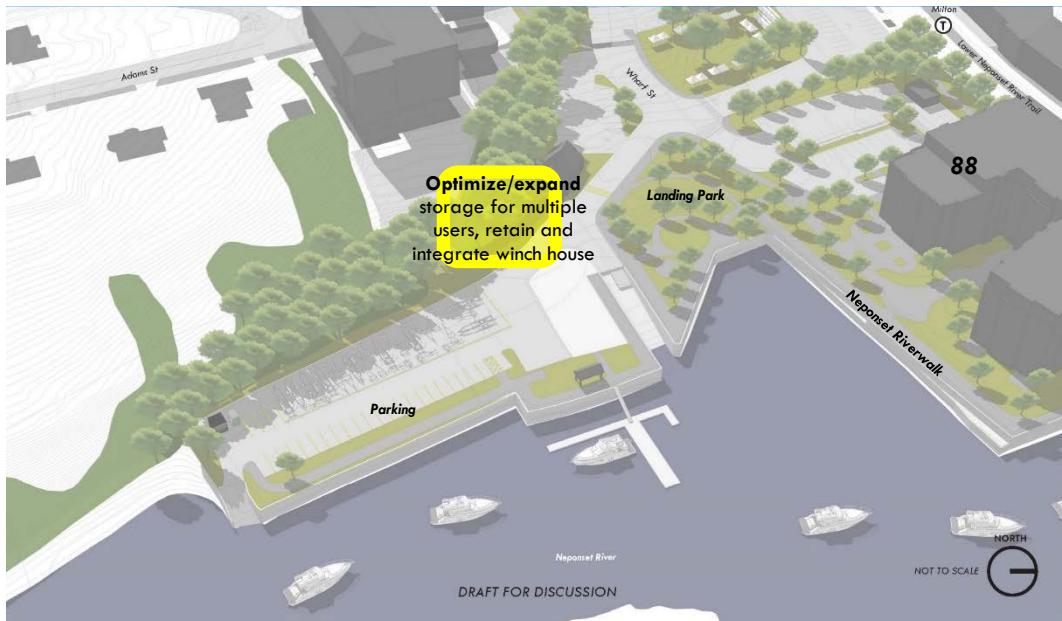
**1. Maximize access for multiple water-dependent uses** – An important next step would be to advance marine engineering to further define, detail, and assign costs to the major infrastructure components of the recommended approach including marine engineering for a new low-height dock near the center of the bulkhead, the design of converting the existing boat ramp to a continuation of the bulkhead with fill for parking, and the design of converting the existing marine rail to a more standard boat ramp.



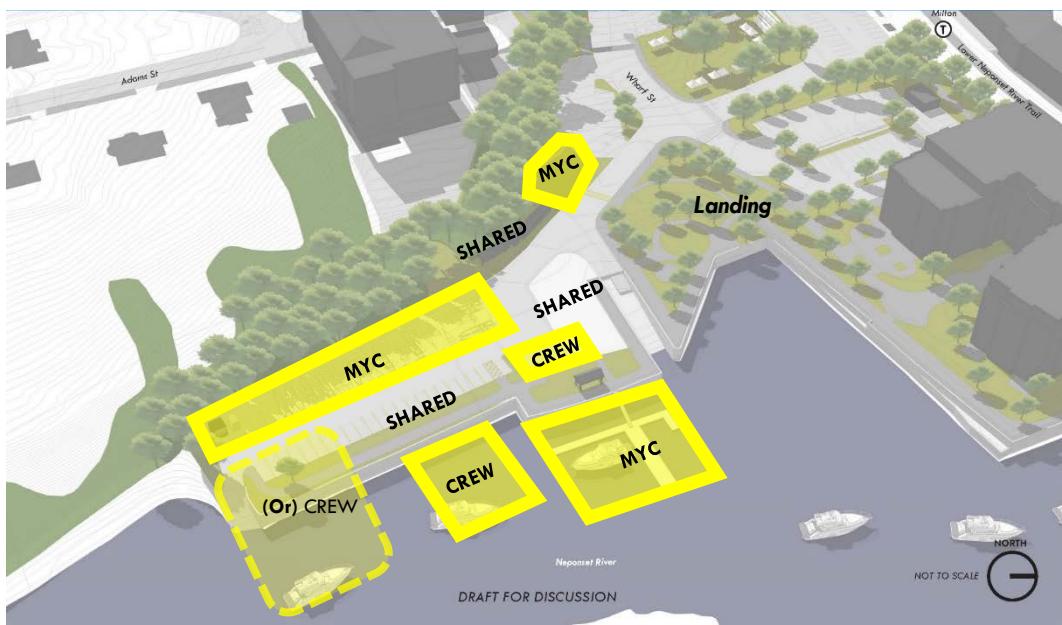
**2. Promote public access to the riverfront through signage, river walk, biking, and waterfront amenities** – Another important next step would be to advance design and engineering work around promoting general public access through walkway connections and riverfront parks. This would focus on a near term design for an extended riverfront park that can accommodate a variety of flexible uses including crew shell storage, kayak rental, bike rental, food trucks, or other temporary uses to be located at the current gravel portion of the parking and boat storage area. The longer term study would provide further exploration of the feasibility and potential cost of a shoreline connection to Hutchinson's Field.



**3. Optimize organization for non-water dependent support uses** – Efficient use of the flat and tree free areas adjacent to the parking lot and former Police Headquarters should be a top priority to fit as much storage as possible for multiple users. This would free other, higher profile, areas in the Landing for flexible use and events, such as the Milton Farmer's Market. A tree survey would provide a better understanding of the location of the oldest growth trees that are part of the hillside buffer. More hillside area may be able to be used for waterfront support depending on the location of mature trees.



**4. Provide dedicated areas with clearly defined relationships and conditions for all current and future users that desire a permanent presence on the waterfront** – New agreements should clearly define requirements, roles, and locations for waterfront users to clarify the relationships and expectations for each active partner at the Landing.



**5. Support vitality of Milton Village and functions through shared parking and use of open space for events** – The recommended approach results in as much parking at the end of improvements as is provided today at the Landing parking area. The parking will be more visible, particularly during the winter months with large boat storage reconfigured. Other longer term parking solutions may be available to enhance the Landing and support of Milton Village. They may include more off-hours use and sharing of the MBTA parking lot to support non-commuter activity, more enforcement of commuter parking in non-commuter locations and the long term potential of increasing parking supply through the construction of a parking deck at the Wharf Street public parking lot. This type of long term investment is not the first step of improvements that is recommended, but may be a viable way to add parking supply to a vibrant commercial district in the future.

### **Continuing Partnerships and Collaboration**

In order to make progress on these recommendations, the Town of Milton must continue its partnerships and collaboration with all direct stakeholders at the Landing. The following three items are critical in the near term to advance public access improvements and MAPC recommendations.

**1. Continue to work with all water-dependent stakeholders to improve use and stewardship of the Landing, define new agreements with all water-dependent stakeholders.** The Milton Yacht Club and Friends of Milton Crew would both benefit from the predictability and reliability that an agreement with the Town would provide. The Milton Yacht Club has been a tenant-at-will in its location for a number of years and will need a longer term agreement in order to support the investments recommended to adapt their operational procedures at the Landing. A public request for proposals (RFP) for the future tenant of the former Police Headquarters will be pursued and could result in an agreement with the Milton Yacht Club. If the Yacht Club is the successful respondent, the terms of the lease should reflect their need for predictability and structure the future relationship to partner around these improvements.

The RFP should reflect the recommendations of this study and articulate selection criteria that would invite respondents to set the stage for implementation of the recommendations and reconfigurations at the waterfront. For example, one selection criteria for the RFP could be to request respondents reduce the amount of boat storage as compared to the existing conditions and reduce the footprint of the storage. This type of criteria would communicate the need to use the waterfront more efficiently, but leave respondents the ability to balance responding to the criteria with the needs of their operations. Responses could be ranked based on responsiveness to this type of criteria. Another criteria could be to increase the flexibility in use at the landing, or increase the amount of parking spaces at the landing either permanently or seasonally, or address the visual impact/level of eyesore associated with waterfront operations. Another criteria could be the ability of the respondent to partner with the Town to support the recommended improvements at the waterfront, either financially or by other means. The criteria should be articulated in a way that the responses can be evaluated and responses to the criteria are typically rated on a scale of highly advantageous, advantageous, neutral, disadvantageous, or highly disadvantageous.

The RFP and selection process could also be used to structure a new financial arrangement for the Town lease. The new arrangement could be designed to result in greater financial support for the public purpose and access at the waterfront.

Other water-dependent users who wish to have a recurring presence at the waterfront should enter into an agreement as to the location and nature of the operation. This type of agreement would clarify expectations and responsibilities and support multiple partners to help everyone move forward in a coordinated fashion. Clarification should also occur as to the Town board, committee, or department that will be enforcing terms of all agreements moving forward.

**2. Allow/approve pursuit of a new low level dock with design and construction of new dock in area identified as pursued through private fundraising.** If agreements are in place, and defined partnerships are determined, a new low level dock should be allowed to be pursued to increase access to the water. The design and construction should be funded privately. The location of the dock should continue exploration of feasibility in either the location shown in the recommended approach or the alternative recommended approach.

**3. Advance partnership with 88 Wharf Street to consider longer term improvements in the waterfront parking area owned by 88 Wharf Street – expanding a flexible area for all users of the waterfront, including potentially additional parking to support Milton Village.** In addition to water dependent users, agreements with 88 Wharf Street must also be clarified including the easements on the 88 Wharf Street owned portion of the Landing parking lot that will be the location of some of the reconfiguration and improvement that is proposed as well as considering Special Permit requirements regarding parking and maintenance.

### **Regulatory and Permit Review**

MAPC has provided a brief commentary on the complicated regulatory and permitting context for improvements at Milton Landing in this section. The comments are provided from a planning perspective, additional technical and legal advice is required. The context for approvals at the Landing involves easements, parcel ownership, leases, agreements, and Chapter 91 licenses. Depending on the proposed improvement, additional approval processes will be required through the Milton Conservation Commission, Massachusetts Department of Environmental Protection, Massachusetts Office of Coastal Zone Management, Massachusetts Division of Fisheries and Wildlife, and/or the Army Corps of Engineers.

As summarized from the Mass.gov online guide, Chapter 91 is the Massachusetts Public Waterfront Act. It is the Commonwealth's primary tool for the protection and promotion of public use of its tidelands and other waterways. The oldest program of its kind in the nation, Chapter 91 regulates activities on both coastal and inland waterways, including construction, dredging and filling in tidelands, great ponds and certain rivers and streams. Through Chapter 91, the Commonwealth seeks to preserve and protect the rights of the public, and guarantee that private uses of tidelands and waterways serve a proper public purpose. Chapter 91 defines the types of activities that require authorization through a licensing program under the law. As related to the type of improvements considered in this study, considerations for new Chapter 91 licenses are outlined below:

- Activities requiring authorization include both new and existing unauthorized activities – structures including piles, parking lots and change in use
- Water-dependent uses are those that require direct access to or location in tidal or inland waters – examples include marinas, boathouses, seawalls, floats – regulations encourage use of waterfront for water-dependent uses, presumed to have a proper public purpose.
- Examples of other public benefits obtained through the Chapter 91 licensing process include: Strolling rights, pedestrian and waterfront walkways, dinghy docks, public boat landings, public restrooms, public meeting rooms, transient dockage, public water transportation facilities and services, creation of parkland, boat ramps, piers and floats for public recreational boarding facilities, fishing piers, public sailing programs, interpretive display, interior facilities of Public Accommodation in private buildings, such as restaurants, museums and retail stores

For many of the types of improvements under consideration and listed above, an applicant will need to seek authorization through Chapter 91. The Chapter 91 application process may involve a pre-application meeting with MassDEP staff, an Environmental Notification Form (ENF) filing, an Environmental Impact

Report (EIR) filing, Chapter 91 Application filing, determination of water dependency, public notice, public hearing, written determination, appeal period, file completion, license issuance and fee payment, recording of license, and certification of compliance.

The location of Milton Landing on the Neponset shore is within the portion of the Neponset River Estuary that is designated as an Area of Critical Environmental Concern (ACEC) authorized by the Secretary of Environmental Affairs. The Department of Conservation and Recreation (DCR) administers the ACEC program and reviews work within designated areas to minimize adverse environmental impacts.

The Commonwealth's Department of Fish and Game – Office of Fishing and Boating Access entered into a Land Management Agreement with the Town of Milton in 2003 that established a public access facility providing access to the Neponset River and associated parking for up to 10 vehicles. Future improvements would require further discussion with the Office of Fishing and Boating Access to evaluate any impacts on the public access facility and the terms of the previous land management agreement.

## EXISTING CONDITIONS ANALYSIS

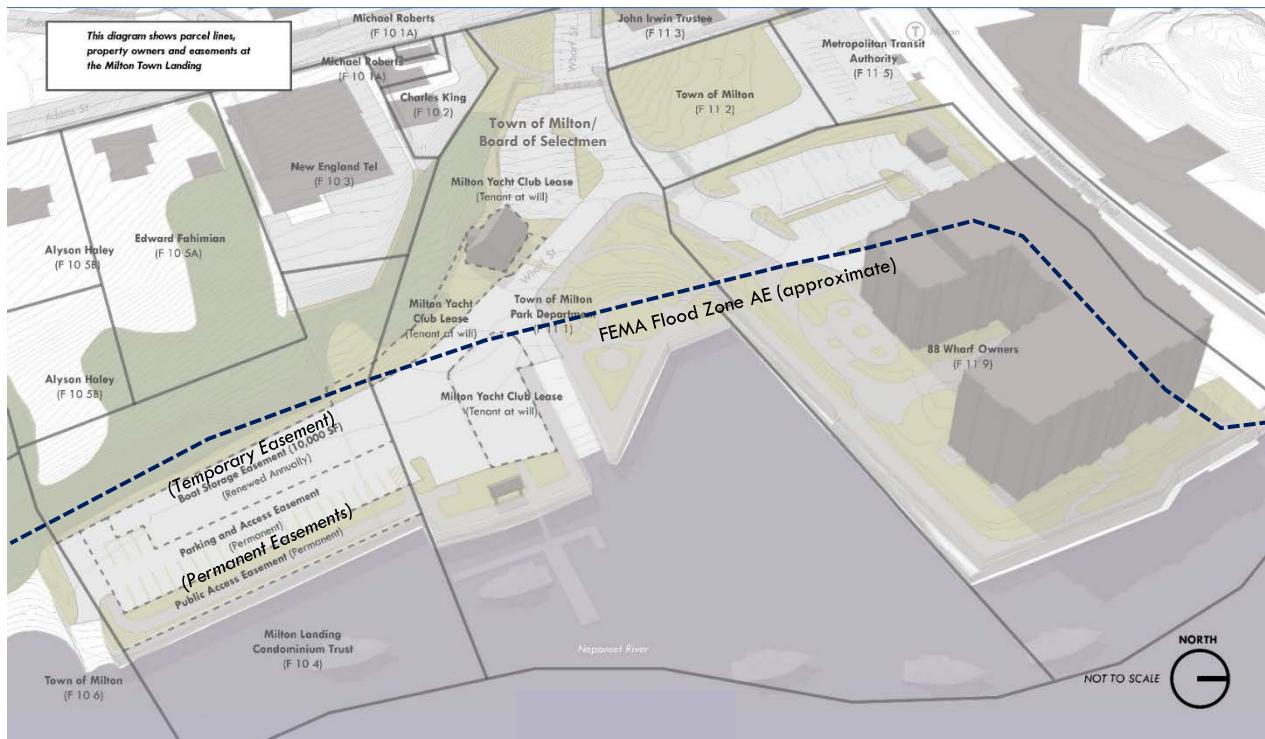
### Current Uses and Stakeholder Needs

A base map of the existing conditions of the Milton Landing area was prepared based on the Town's Geographic Information Systems (GIS) data and maps. A series of diagrams was created using this base map to understand the existing conditions and current patterns of use at the landing. The mapping of existing conditions includes the parcels and ownership patterns, parking supply and restrictions, and physical components of buildings, roadways, sidewalks, and site topography.

The series of diagrams below reflect the analysis that was performed at the beginning of the study process to inform the alternatives that were prepared to explore tradeoffs for different approaches to improvements at the Landing. The diagrams for current patterns of use are based on the direct conversations with major stakeholders about how they make use of the waterfront area. The diagrams also show potential site improvements that were identified through these conversations with the stakeholders.

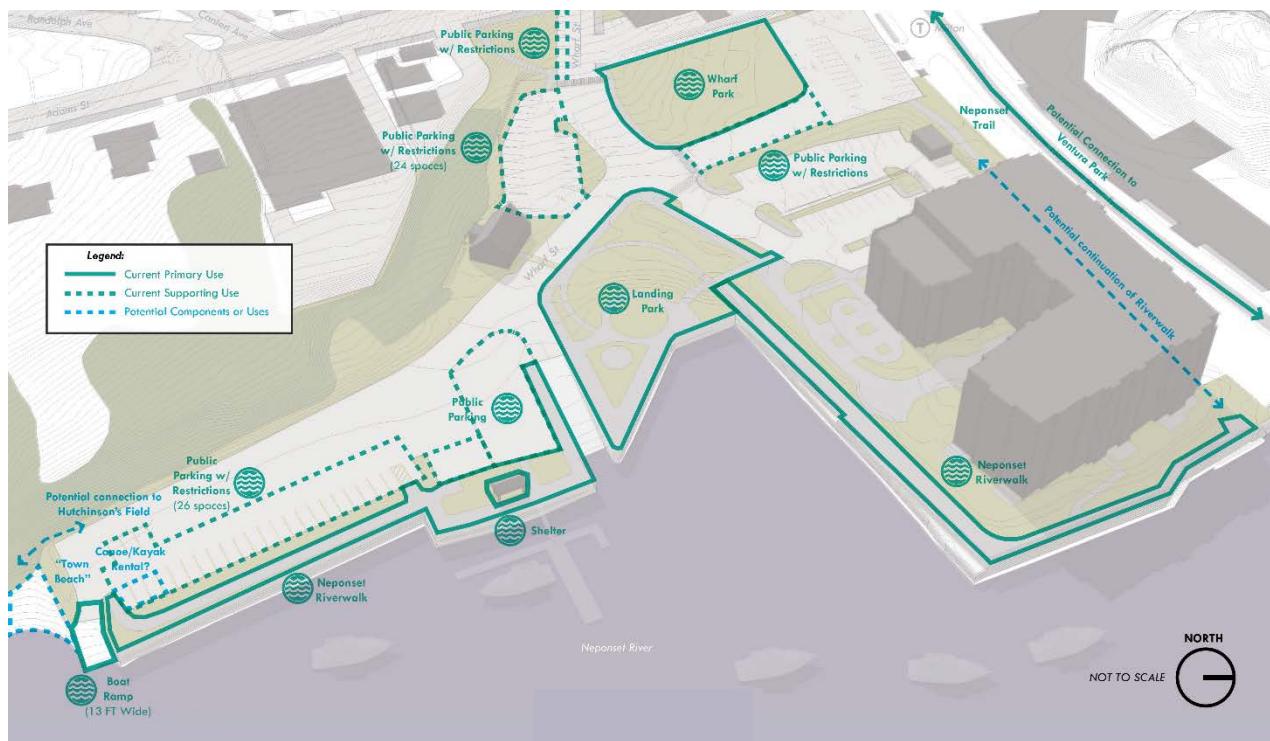
### Property Ownership and Easements

Any future improvements will have to contend with a complicated pattern of property ownership and easements that cross the current patterns of use at the Landing. Future patterns of use and improvements will likely require revisiting easements and agreements in order to accommodate the property ownership patterns. The Town has control over the property it owns including the central portion of the landing with Wharf Street, Landing Park, and the former Police Headquarters building. The Town also owns the parcel of land at the Wharf Street Park and at the Town Beach/Captain's Landing. The other parcels are privately owned and are not under the control of the Town, but several easements for public use have been granted on the private property. Easements are located at the waterfront parking lot - a permanent easement for public access along the Neponset Riverwalk, a permanent easement for parking and access, and an easement for boat storage and access.



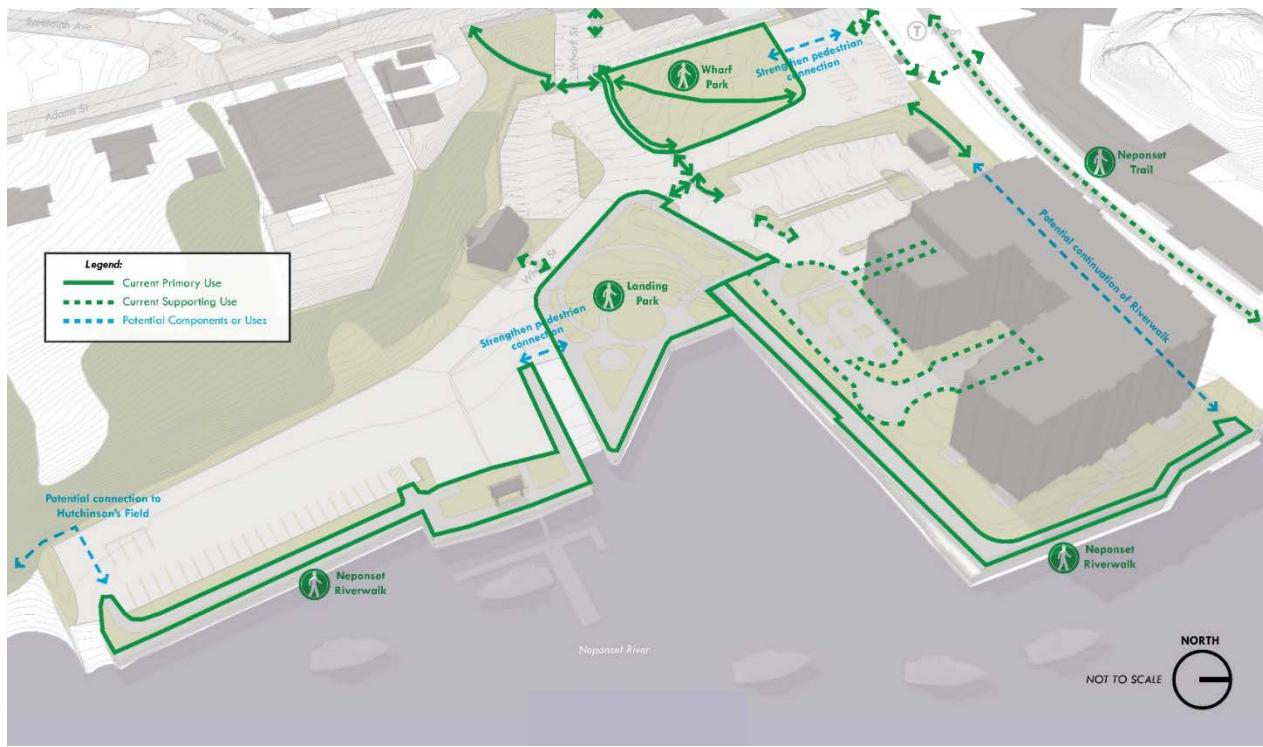
## General Public Water Access

The patterns of current use for the general public are shown in the diagram below. The core needs for the general public are to provide Neponset River access, access to the Wharf Street Park and the Landing Park, and access to the Neponset Riverwalk. Access to the river is currently provided by the boat ramp at the end of the parking area, the central dock, and the marine rail adjacent to the Landing Park. The general public also uses the Town Landing area as a parking supply for the Milton Village district and MBTA trolley stop. Additional needs that have been highlighted include improving awareness of the water access, the potential for a public amenity at the Town Beach/Captain's Landing, the potential for a riverfront connection to Governor Hutchinson's Field, and adding connections to the Neponset Riverwalk near the rail bridge. The diagram below shows the patterns of use for general public access at Milton Landing:



## Pedestrian Access

The patterns of current pedestrian access are shown in the diagram below. The core needs for pedestrian access include safe and continuous sidewalk and crosswalk connections from Adams Street to the Neponset Riverwalk (which currently exist), and connections to building entries, open spaces, and transit (which could be strengthened). Additional needs that have been highlighted are to create a direct connection between the Neponset Riverwalk and the Neponset Trail, explore the potential for a connection to Governor Hutchinson's Field, and the potential continuation of the Neponset Riverwalk at the rear of 88 Wharf Street. The diagram below shows the patterns of use for pedestrian access at Milton Landing:



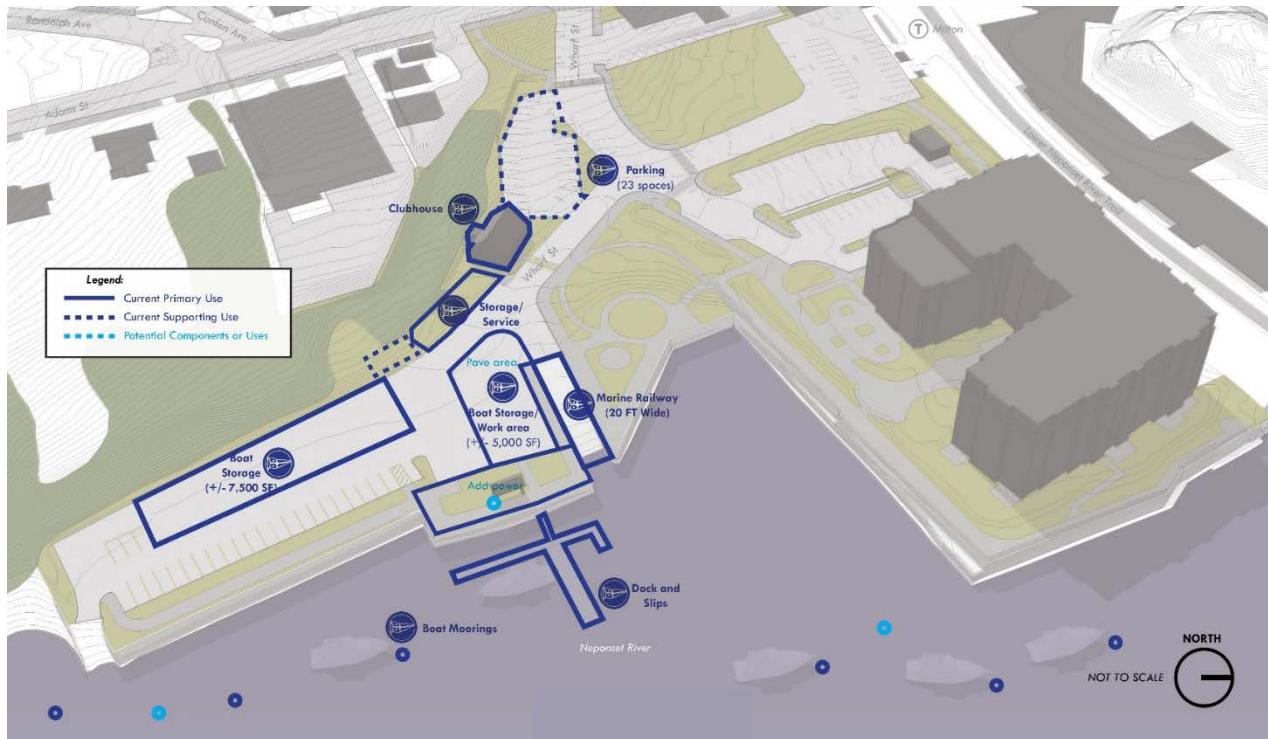
## Bicycle Access

The patterns of current bicycle access are shown in the diagram below. The Neponset Trail is the primary asset for bicycle circulation and access. As currently configured, the Landing is most likely to be a node of activity along the Neponset Trail that provides Neponset River access, access to Milton Village businesses, and open spaces. The diagram below shows the patterns of use for bicycle access at Milton Landing:



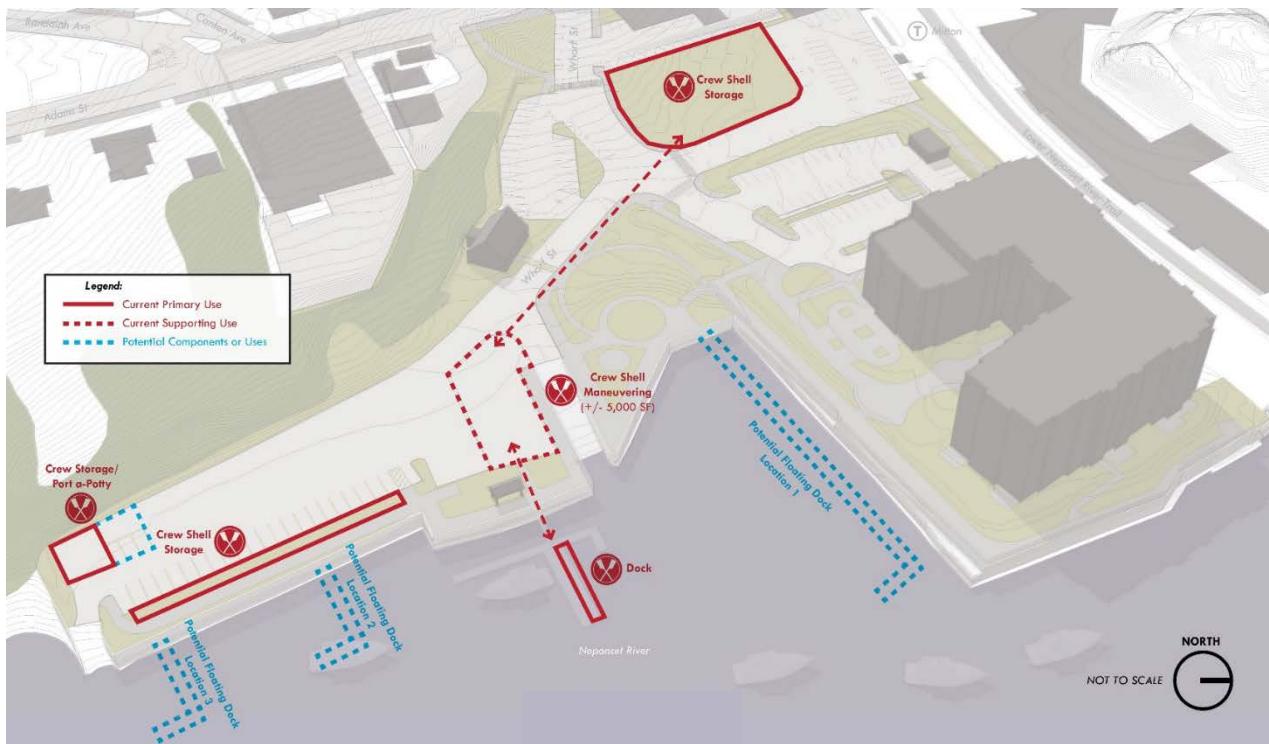
## Milton Yacht Club

The patterns of current Milton Yacht Club use are summarized in the diagram below. The core needs for the Milton Yacht Club include use of the former Police Headquarters building as a clubhouse and meeting facility, use of storage adjacent to the clubhouse, use of marine railway boat launch, use of dock and moorings, and use of paved areas for boat storage. Other core needs expressed are the need for predictability in the form of a long term lease and respect for Milton Yacht Club's stewardship and maintenance efforts at the Landing. Additional needs highlighted include an outdoor shower, and additional storage. The diagram below shows the patterns of use for Milton Yacht Club at Milton Landing:



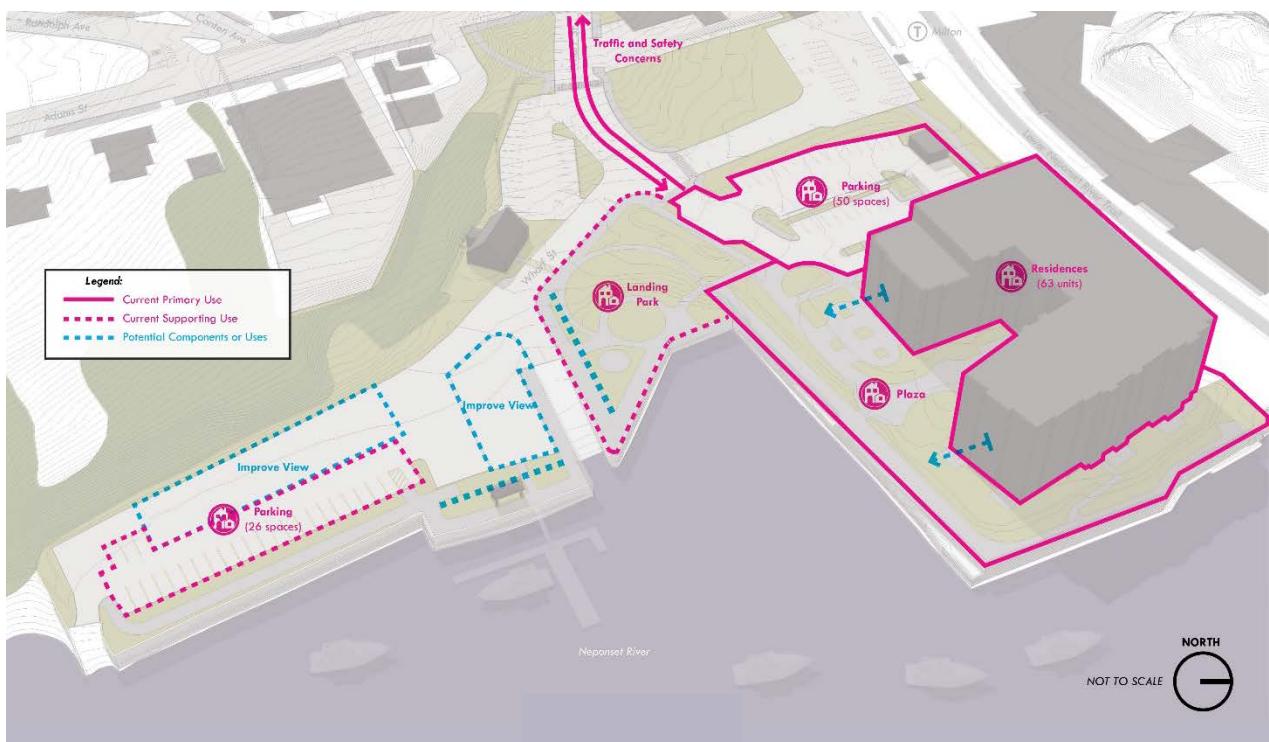
## Milton Crew

The patterns of current Milton Crew are summarized in the diagram below. The core needs for Milton Crew include convenient and predictable access to the Neponset River, shell storage that is close to the water, and an improved lower height dock designed for crew shell launch. Additional needs included a more consolidated location of water access and storage, secure storage and public restrooms. The diagram below shows the patterns of use for Friends of Milton Crew at Milton Landing:



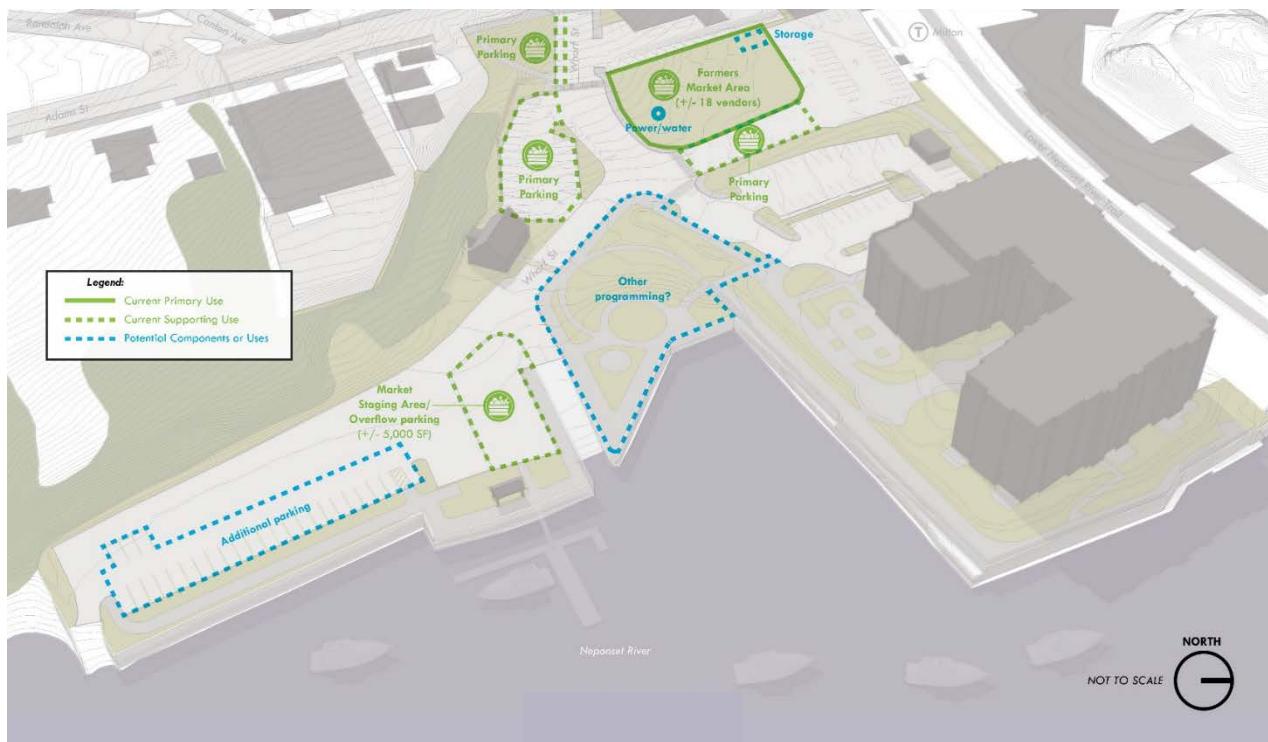
### Milton Landing Residences (88 Wharf Street)

The residences at 88 Wharf Street include 63 units with core needs relating to strengthening the residential property and adding value and amenity for residents. These needs include maintaining convenient and safe access to the building and surrounding parking areas, and providing consistent maintenance and public safety for surrounding public amenities. The additional needs of the residents focus on the enhancement of views and the attractiveness of adjacent water-related uses. The diagram below highlights these considerations for Milton Landing Residences:



## Milton Farmer's Market

The patterns of current use by the Milton Farmer's Market are shown in the diagram below. The core needs for the Milton Farmer's Market include use of the Wharf Street Park as a flexible space for vendor setup (currently provided), and adequate parking and circulation for patrons of the market (not currently provided). Additional needs that have been highlighted are an on-site source for power and water, on-site storage for the market, and partners and space for additional programming, such as yoga, painting, or children's programs. The diagram below shows the patterns of use for the Milton Farmers Market at Milton Landing:



## Milton Village businesses

The patterns of current Milton Village business use are shown in the diagram below. The core needs include providing parking capacity for patrons, attracting landing patrons as business patrons. Additional needs may include more direct partnerships and connections for events. The diagram below shows the patterns of use for Milton Village businesses at Milton Landing:



## Other Uses/Stakeholders

In addition to the other stakeholders described above, the Landing also accommodates other activity and other uses. These considerations are also part of the context at Milton Landing. These other needs and considerations include providing convenient access to parking for commuters using the MBTA Mattapan Trolley for daily commutes, and access and parking for patrons to 88 Wharf Street commercial uses. An additional need is the consideration of historic structures or historic markers at or near Milton Landing including the former Police Headquarters building, the Swift Hat House on Adams Street, and the Suffolk Resolves Historic Marker on Adams Street.

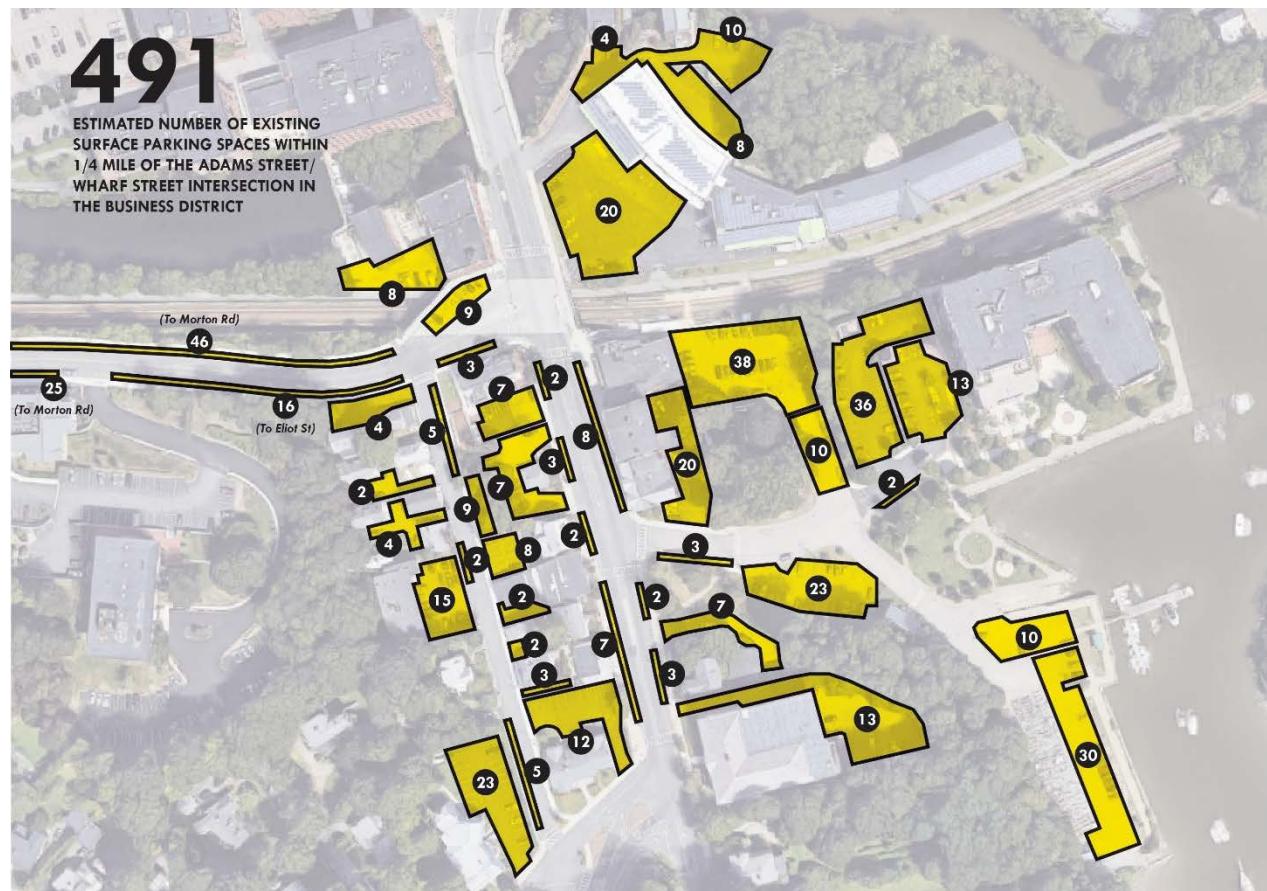


## Parking Supply and Restrictions

The Town Landing area provides a well-used parking supply for waterfront access, Milton Village activity, commuters using the MBTA trolley stop, and patrons of the Milton Farmer's Market. Other private parking lots are available for the use of the tenants of those buildings with the largest such parking lots devoted to 88 Wharf Street residents and commercial tenants. The multiple parking demands that are supported shift seasonally, by day of the week, and by time of the day. Parking is managed through pay-to-park fees at the commuter lot, time restrictions in other locations, and permit regulations. All parking management is locally regulated and enforced. Additional needs include parking that may be used to support additional activity in Milton Village and parking demand that seems to be most high during days the Milton Farmer's Market is open. Note the number of parking spaces for public use at Milton Landing includes (26) striped spaces at the lower level waterfront parking lot, (4) unmarked paved spaces, and unmarked parking in the gravel area. The upper level parking area off Wharf Street includes (23) striped spaces. Wharf Street includes (3) on-street spaces near Adams Street.



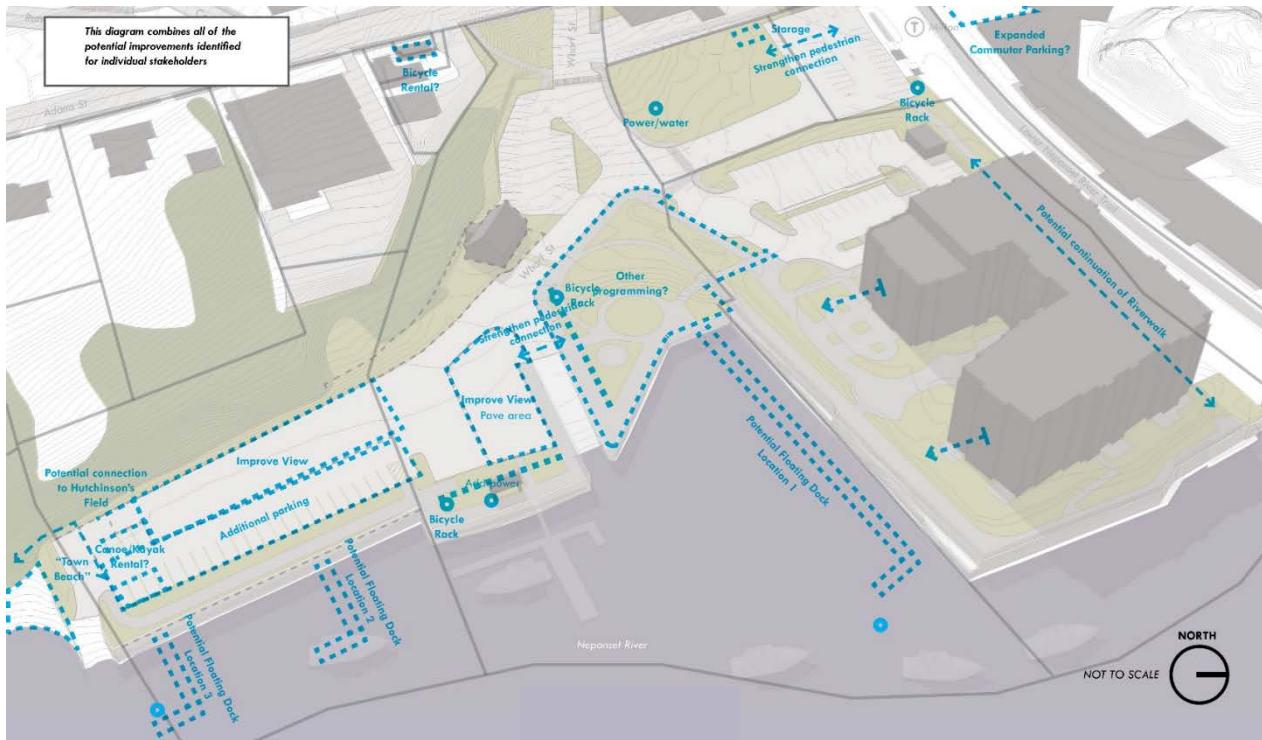
In addition to the parking supply directly at the Landing to support public access, other surface parking locations in Milton Village have been mapped and counted. The diagram below shows all on-street or off-street surface parking areas in the Business District within one quarter mile of the Adams Street and Wharf Street intersection. This count estimates that about 491 parking spaces currently exist within this geography.



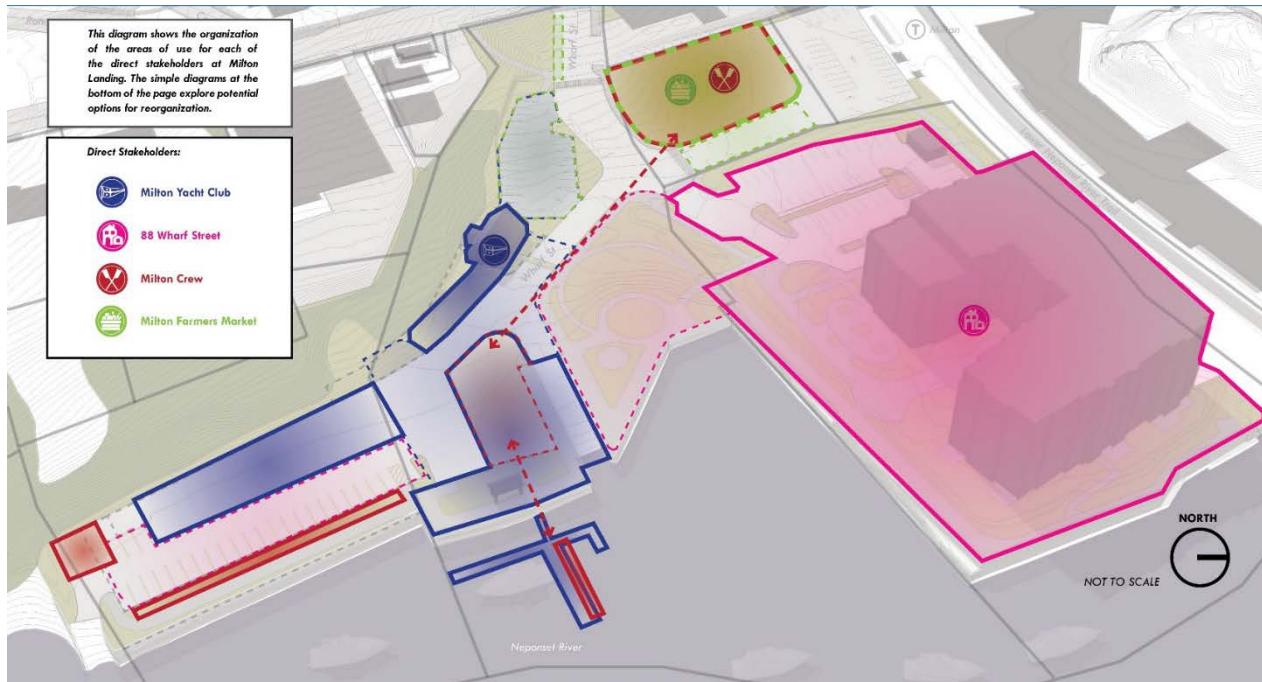
### Opportunities and Constraints

The opportunities and constraints are illustrated by two diagrams that interpret the mapping of the current uses and stakeholder needs. The basic opportunities and constraints diagrams informed the alternative approaches to improvements that are presented in the next section of the Summary Report.

- **Opportunities** – The first diagram below compiles all of the potential improvements identified by the variety of stakeholders into a single diagram of potential opportunities. This shows that improvements have been identified for much of the waterfront area. The primary opportunity is to expand access to the riverfront with more and better ways to access the water for multiple uses. Another important opportunity is continuing to improve the scenic and attractive qualities of the Landing.



- **Constraints** – The constraints diagram is an interpretive examination of the location and organization of uses at the Landing for the (4) direct stakeholders – including the Milton Yacht Club, Residences at Milton Landing (88 Wharf Street), Milton Crew, and Milton Farmer's Market. This diagram shows the major constraint of the Landing today in the form of overlapping uses and the potential for conflict between uses. It also highlights the gravel portion of the parking lot adjacent to the marine rail as an area of several concentrated overlapping uses. The overlapping uses may present issues regarding perceptions of access, safety, and ownership of the riverfront amenities.



In addition to the analysis of the existing conditions and discussion and observation of stakeholders, the photographs below give a sense of the same patterns of use and perceptions as viewed on the ground.



## **ALTERNATIVES APPROACHES ANALYSIS**

Several alternative approaches to improvements at the Landing were developed in order to explore the relative advantages and disadvantages of each approach and to provide an opportunity for discussion with the MPIC, stakeholders and community. The alternative approaches were a part of the process of engagement and analysis, but were not intended to provide the final answer for how to approach improvements at the Landing. The recommendations in this Summary Report are a result of this process and the resulting discussion and feedback. The alternatives were based on the scaled drawings used in the analysis of the existing conditions and developed approaches to accommodate a list of improvements that was developed based on the existing conditions analysis and stakeholder interviews. Each alternative for improvements was designed to respond to the Vision Statement and the Waterfront Principles that were developed and articulated earlier in this Summary Report. The Waterfront Criteria were used a tool to evaluate each of the alternatives.

The alternative approaches to improvements at Milton Landing are based on the potential improvement elements listed below. The improvements consist of a set of *Baseline Improvements* that are short term improvements and *Future Opportunities* that are long term improvements. In order to compare the alternative approaches, each alternative attempts to physically test the organization and fit of potential improvement elements listed below with each alternative considering a location for the following.

### **Baseline Improvements**

- Water access to include public boat ramp, marine rail launch, dingy dock, temporary yacht float, and new low-height crew/kayak dock
- Crew shell storage (minimum of (2) 60' double-sided racks)
- New opportunities for public access or expanded riverfront park
- Additional and accessible public restroom facilities (temporary or permanent)
- Retain or expand parking spaces
- Retain or expand Neponset Riverwalk
- Minimize reduction of mooring locations
- Retain current space for Milton Farmer's Market
- Improvement/screening of boat storage
- Improved wayfinding and signage
- Bike and walking improvements/connections

### **Future Opportunities**

- Gazebo and picnic areas
- Seating and benches
- Parking for commercial district
- Zipcar ad bike share
- Connection to Hutchinson Field
- Flexible open space for yoga, movie nights, festivals, food trucks, Farmer's market events
- Bird watching
- Swings
- Exercise stations
- Historic visitors center
- Historic markers/plaques
- Rental facility for bikes, canoes, kayaks
- Coffee shop/ice cream shop

A set of (4) alternatives was created to explore different ways to achieve the baseline improvements and future opportunities outlined above. The alternatives explore each of the areas in which a new floating dock could be added to support additional public water access at the Landing, specifically designed with a lower height at the water for the needs of crew and kayak users to diversify the type of access that is provided today. As part of the background information provided for this study, MAPC received a memorandum prepared by Childs Engineering Corporation for the Milton Rowing Dock. The memorandum explored three locations for a new floating dock system in the Neponset River for the purpose of providing river access for rowing clubs. The three locations evaluated in this memorandum are shown in the diagram below which was copied from the memorandum.

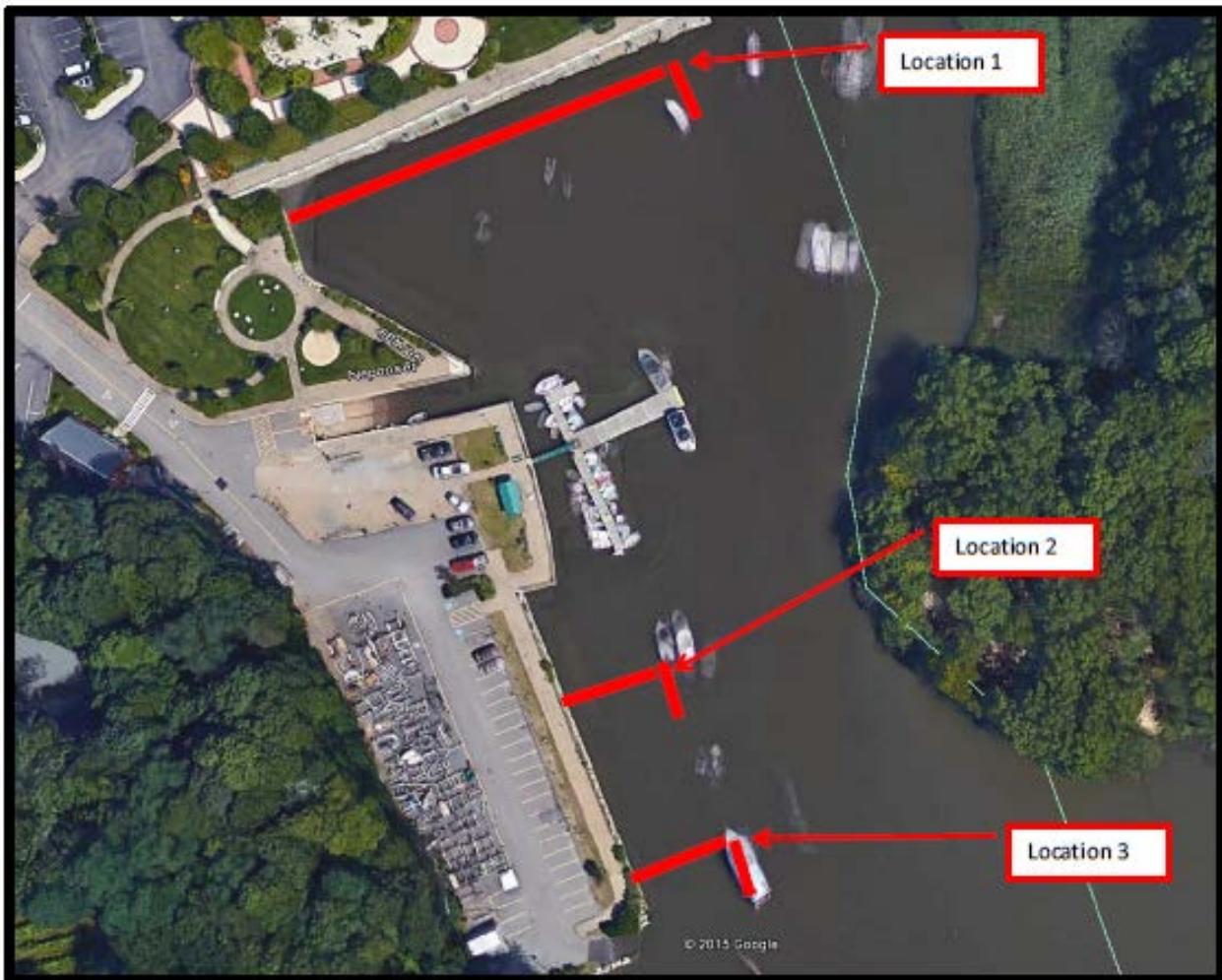
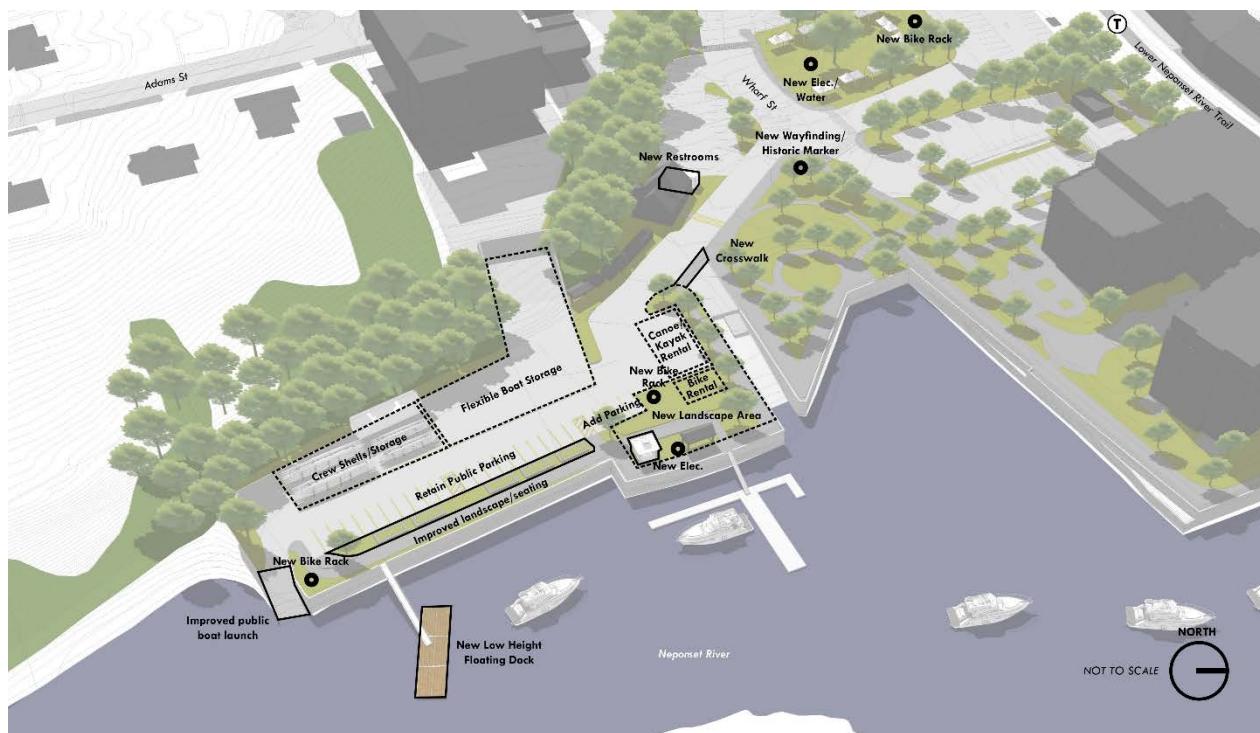


Image Source: Childs Engineering Corporation

The alternatives respond to this analysis and focus on Location 2 and Location 3. In the Childs Engineering Memorandum Location 1 was described as the least favorable. The location was considered for an alternative in this process, but was eliminated due practical considerations of mitigating tidal fluctuations in this location. Each of the (4) alternative approach diagrams is combined with a brief description and discussion of the relative advantages and disadvantages of each option.

## Improvement Configuration Option A

**Description:** This alternative responds to Childs Engineering Dock Location 3, the second most favorable location for the dock based on the estimated construction cost and the most favorable based on the anticipated environmental permit review process. The water access improvements include the new low height floating dock and an improved public boat launch, both located near the end of the existing parking lot at the Landing. The landside activities would be reorganized to place Crew storage at the end of the parking area adjacent to the new dock. This would consolidate their uses in one location and reduce overlapping use with the Milton Yacht Club. In order to create more useable area for the Milton Yacht Club a retention wall would be built into the hillside adjacent to the former Police Headquarters for use as flexible boat storage. Even with this expansion into the hillside, boat storage area would be reduced from its current size. The central portion of the current parking/boat storage area would be reconfigured to act as an expansion of the Landing Park across the marine railway. This area would include new landscaping, amenity structures such as a gazebo, and space for potential bike or canoe rentals. Other future improvements could include ground floor restrooms added to the former Police Headquarters, new electric/water hookups in public spaces, bike racks, historic markers, and wayfinding signage. Lastly, the Neponset Riverwalk would be improved along the bulkhead with landscape and benches down to the new floating dock.

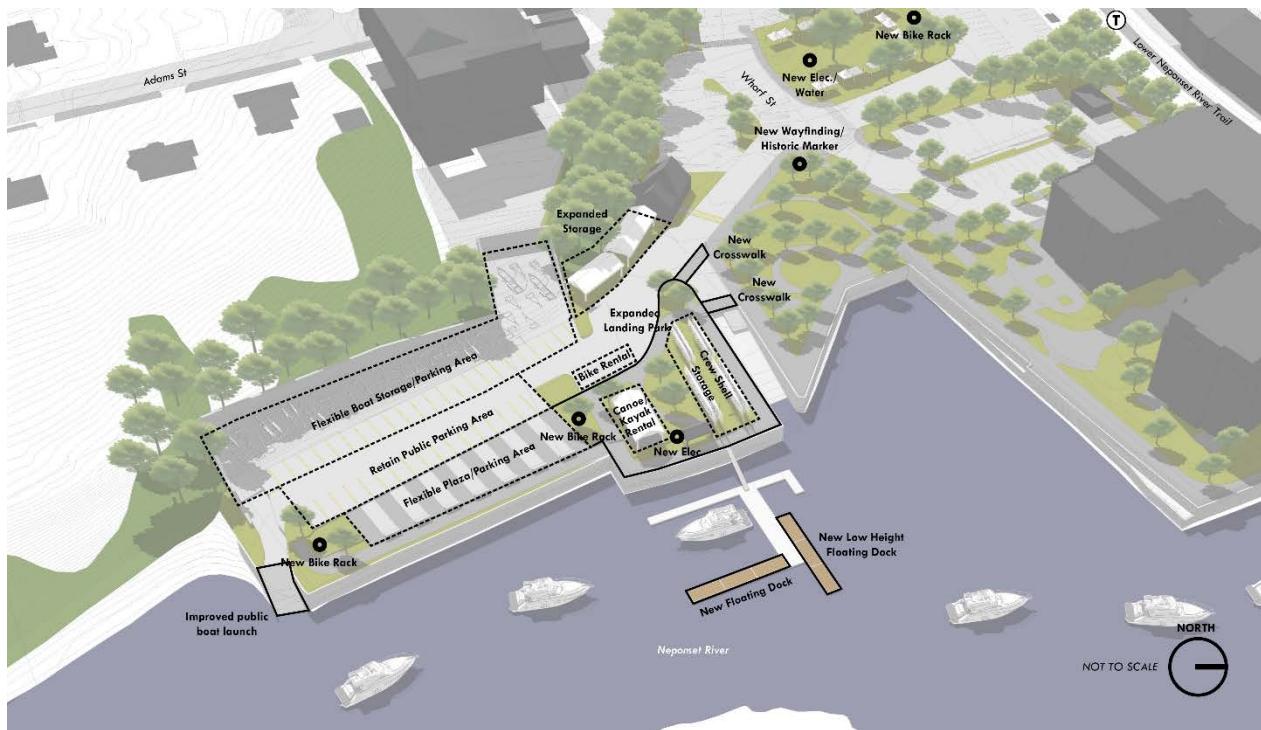


**Advantages:** Dedicating an area to each major water access user is the biggest advantage of this approach. The other advantage is using a portion of available hillside land to expand uses, while retaining most of the existing tree buffers to adjacent residential properties.

**Disadvantages:** Reducing the boat storage available to the Milton Yacht Club is a major disadvantage for this water dependent user. The existing boat storage area (pavement and gravel areas) totals about 14,400 square feet (SF). This configuration results in about 9,100 SF, a reduction of about 5,300 SF. Public boat launch remains with limited maneuverability. Milton Crew circulation crosses vehicular circulation to access dock.

## Improvement Configuration Option B

**Description:** This alternative proposes a different approach to the need for a lower level dock by adding new floating docks to the existing central dock location. The water access improvements include the new low height floating dock additions and an improved public boat launch. The landside activities would be reorganized to place Crew storage at the head of the docks with adequate clearances for crew and yacht club use of the central dock area. In order to create more useable area and flexible area at the Landing, a retention wall would be built into the hillside along the length of the existing parking lot. This would allow close to the same amount of seasonal boat storage to be provided while reducing its visibility tucked into the hillside. This would also remove a number of the trees on the hillside that provide a buffer to adjacent properties. This expansion allows the central area near the dock to be dedicated to other uses (instead of seasonal boat storage). The parking could also be expanded with this reconfiguration and would provide the opportunity to offer day parking for vehicles with boat trailers that may use the improved public boat launch. Other future improvements could include expanded storage area for the Milton Yacht Club adjacent to the former Police Headquarters, new electric/water hookups in public spaces, bike racks, historic markers, and wayfinding signage.

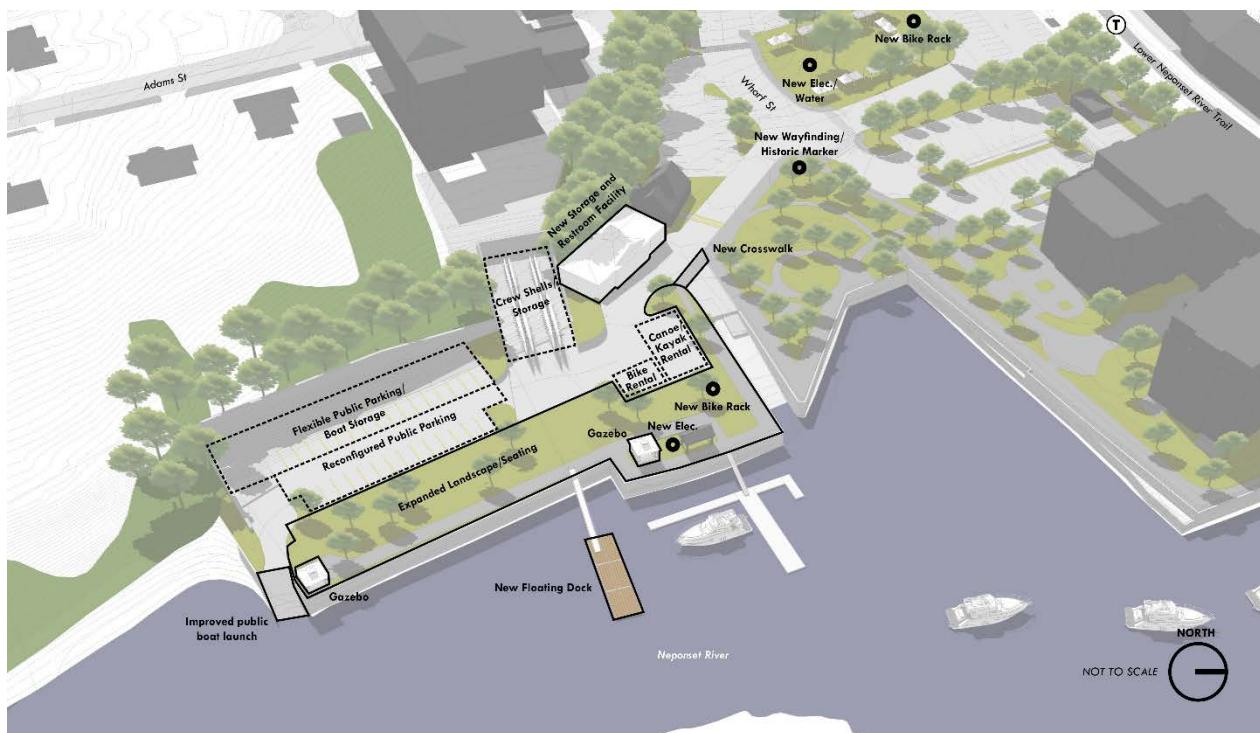


**Advantages:** Expands the useable area of Milton Landing for water dependent users. Allows more functional uses to be concealed away from the central views. Provides flexibility in how the use of space may adapt to needs in the future. This approach consolidates most public amenities and water access points on Town-owned land and minimizes near term investments required in new dock additions.

**Disadvantages:** Retains overlapping patterns of use at the center of the Landing with overlapping uses continued at a single central dock system. Reduces the tree buffer on the existing hillside and requires the expense of earth work and retaining wall to create expanded area. The location of additional docks for use by Milton Crew in this configuration does not work for Milton Crew, as outlined in the Milton Crew letter included in the Appendix. This configuration results in a reduction in boat storage of about 4,700 SF.

## Improvement Configuration Option C

**Description:** This alternative responds to Childs Engineering Dock Location 2, the most favorable location for the dock based on the estimated construction cost, but unfavorable based on the anticipated environmental permit review process (the proposed dock structure would extend more than 25% the distance across the waterbody). The water access improvements include the new low height floating dock and an improved public boat launch. The landside activities would be reorganized to place Crew storage in a central location directly across the parking lot from the new low height floating dock. This would consolidate their uses in one location and reduce overlapping use with the Milton Yacht Club. In order to accommodate crew shells in this location a retention wall would be built into the hillside adjacent to the former Police Headquarters. The central portion of the current parking/boat storage area would be reconfigured to act as an expansion of the Landing Park across the marine railway. This area would include new landscaping, amenity structures such as a gazebo, and space for potential bike or canoe rentals. The landscape area along the bulkhead and Neponset Riverwalk would be expanded substantially by shifting the parking and seasonal boat storage into the hillside. A new storage and restroom facility could be built in the area of current Milton Yacht Club storage to offer more interior space for Milton Yacht Club storage, storage for other users, and additional restroom facilities. Other future improvements could include ground floor restrooms added to the former Police Headquarters, new electric/water hookups in public spaces, bike racks, historic markers, and wayfinding signage. Lastly, the Neponset Riverwalk would be improved along the bulkhead with landscape and benches down to the new floating dock.

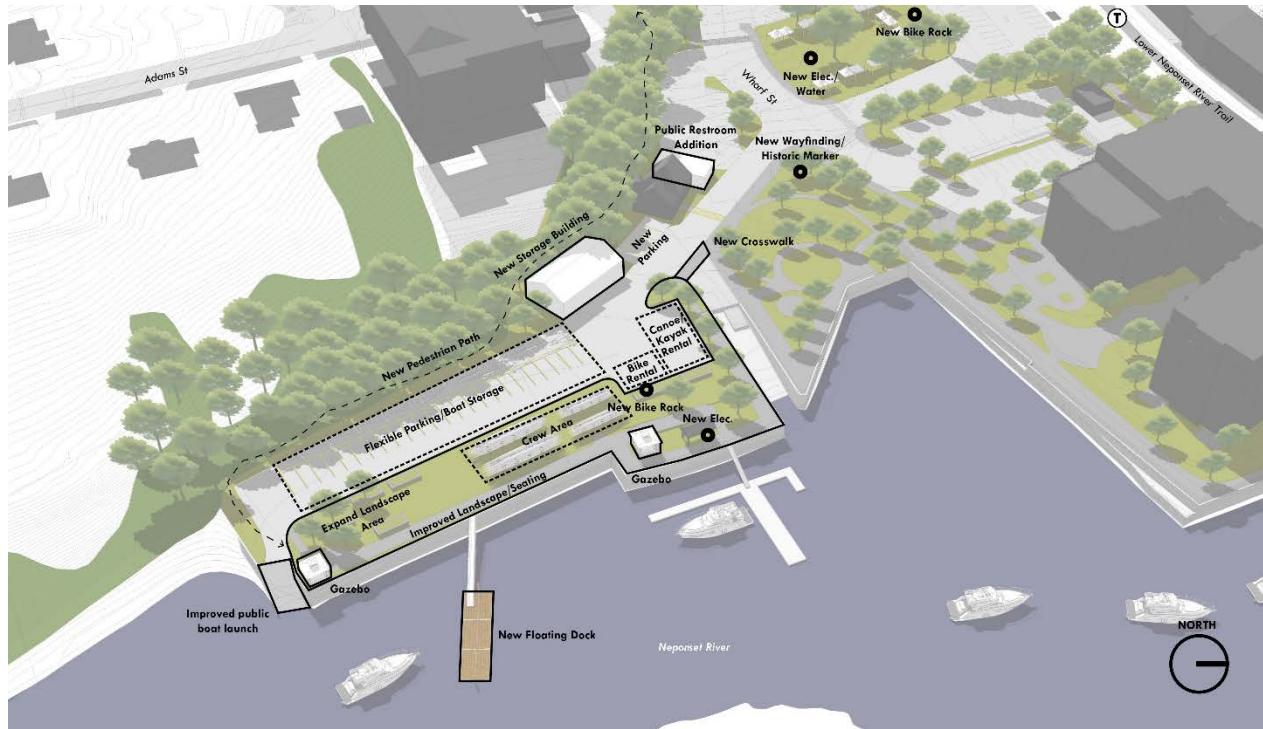


**Advantages:** This approach places an emphasis on an open and accessible public waterfront with improved views, landscape, and amenities along the river. This configuration allows Milton Crew to expand boat storage and have direct access to a dedicated dock and shared storage and restrooms. This approach increases efficient use of the waterfront and reduces overlapping uses.

**Disadvantages:** Reduces the tree buffer on the existing hillside and requires the expense of earth work and retaining wall to create expanded area. Additional park area may be difficult to maintain and may create more opportunity for overlapping conflict between waterfront uses and park uses. This configuration results in a reduction of about 6,900 SF of boat storage.

## Improvement Configuration Option D

**Description:** This alternative responds to Childs Engineering Dock Location 2, the most favorable location for the dock based on the estimated construction cost, but unfavorable based on the anticipated environmental permit review process (the proposed dock structure would extend more than 25% the distance across the waterbody). The water access improvements include the new low height floating dock and an improved public boat launch. The landside activities would be reorganized to place Crew storage within an expanded landscape area along the Neponset Riverwalk. The existing hillside with tree buffer is retained which causes the paved area for seasonal boat storage to be reduced dramatically. A new storage building would be built to increase efficiently designed storage for the Milton Yacht Club and Milton Crew in a combined facility. Other future improvements could include ground floor restrooms added to the former Police Headquarters, new electric/water hookups in public spaces, bike racks, historic markers, and wayfinding signage.



**Advantages:** This approach enhances the views and public amenities at the river's edge while retaining the natural wooded buffer at the hillside to the rear of the existing parking lot. Allows Milton Crew to expand boat storage and dedicated space with circulation to a new dock. The approach places a focus on the riverfront as a publicly accessible amenity and expanded public waterfront park.

**Disadvantages:** By not expanding the area of useable space at the Landing, new improvements or reorganized uses are reducing the useable area of the Milton Yacht Club. More than other approaches, this alternative nearly eliminates seasonal boat storage and would require a major restructuring of the membership and operational structure of the Milton Yacht Club. The configuration retains about 2,700 SF of boat storage, reducing the current storage by about 11,600 SF.

## Evaluation Matrix – Exploring Tradeoffs

As described above with each of the alternatives, there are tradeoffs involved with all approaches to improvements at the Landing. The relative advantages and disadvantages can be weighed against the vision statement, waterfront principles and waterfront criteria that have been articulated. A matrix representing this type of evaluation is shown below. Based on MAPC's judgement of this evaluation it would appear that Option C presents the most advantages and least disadvantages relative to the goals articulated in the Town's Master Plan in both the near and long term potential improvements. Option C was also the "least disliked" by the primary stakeholders in their reactions both as presented in public comments at meetings and in the letters submitted. The letters submitted are included in the Appendix of this Summary Report. The alternatives were a part of the process to arrive at the recommendations articulated earlier in this report. Specifically, components of Option C were built upon while weighing feedback received on the alternatives. Effectively, the final recommendations are another iterative alternative. If the final recommendations are not satisfactory, another iteration could be developed and evaluated using a similar process with the criteria that have been established.

### Improvement Configurations

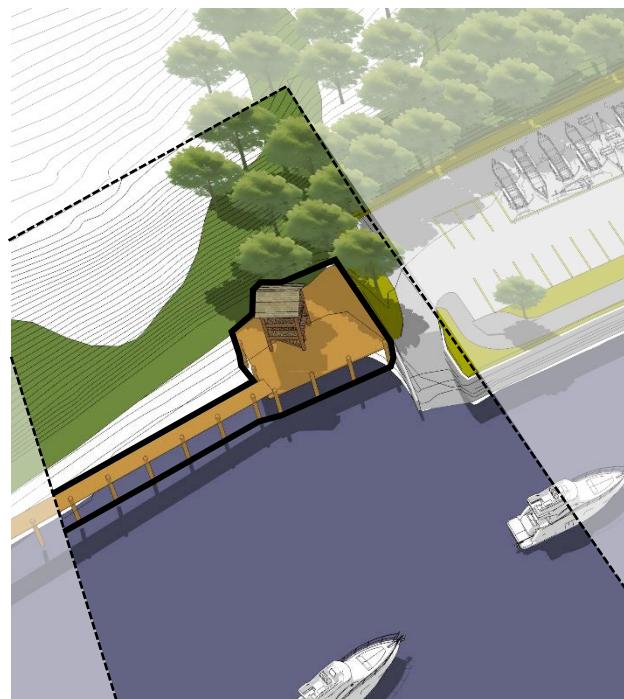
OPTION A	OPTION B	OPTION C	OPTION D	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	Expand Landing Park and public amenity areas at the waterfront
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	Provide public amenity and access to potentially expand to Captain's Landing
<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>		Provide accessible restroom facilities (temporary or permanent)
<input type="radio"/>		<input checked="" type="radio"/>	<input checked="" type="radio"/>	Add new structures such as gazebo and picnic areas, and additional seating
<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	Improve the public boat launch and circulation near Captain's Landing
<input type="radio"/>		<input checked="" type="radio"/>	<input checked="" type="radio"/>	Preserve existing trees along hillside
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Preserve and improve the Police Headquarters building 
<input type="radio"/>		<input checked="" type="radio"/>	<input type="radio"/>	Expand Neponset Riverwalk and potential connection to Hutchinson's Field
<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	Integrate historic markers and plaques at historic buildings and sites 
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	Strengthen perception of welcoming waterfront 
<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	Provide potential location for bike/canoe/kayak rental facility 
<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>		Provide space for car share and bike share facilities 
	<input checked="" type="radio"/>	<input checked="" type="radio"/>		Support the Milton Village commercial district with additional parking 
<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>		Expand flexible paved space to support multiple uses and events 
<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>		Retain (or expand) number of existing parking spaces 
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Improve attractiveness of views of the river 
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Retain the current amount and position for boat moorings in the Neponset 
<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>		Retain the current amount of boat storage for the Milton Yacht Club 
<input checked="" type="radio"/>		<input checked="" type="radio"/>	<input checked="" type="radio"/>	Reduce overlapping use and sharing of docks 
<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	Create a new dedicated space for crew shell and equipment storage 
<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	Improve distance and orientation between crew storage and crew dock 
<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	Provide a new low level floating dock suitable for crew or kayaking 
<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	Provide opportunity for a long term paddle sports pavilion
<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	Retain (or expand) space for Milton Farmers Market

13.5 17 21.5 13

### Long Term Options at Captain's Landing

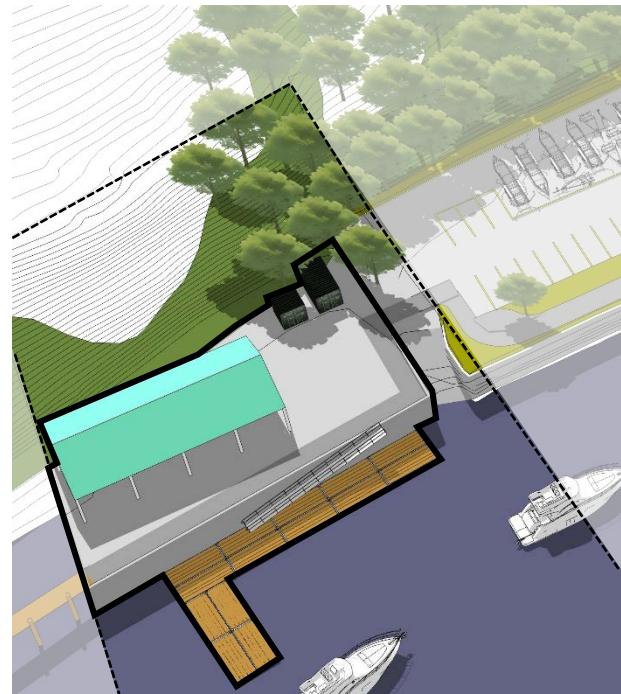
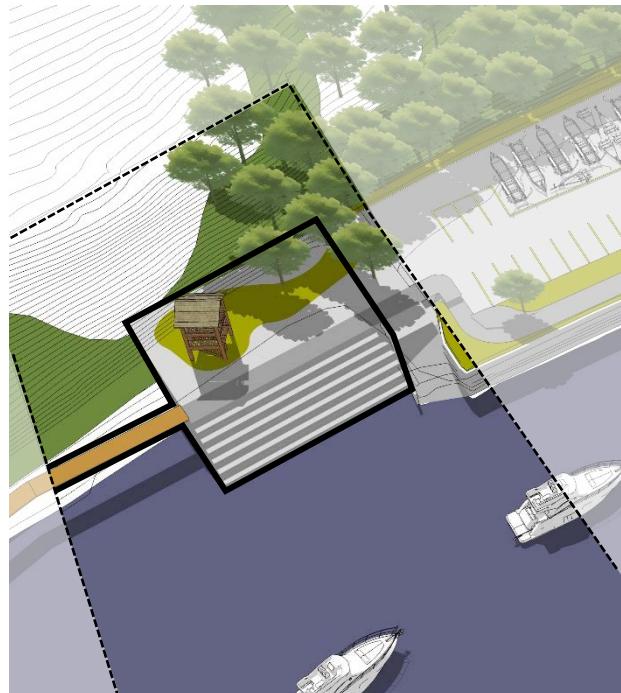
In addition to the alternatives for the primary areas of the Landing, several longer term ideas were also explored for the shoreline immediately to the south. A portion of this shoreline is referred to as Captain's Landing or the Town Beach and is a parcel that is owned by the Town of Milton. One of these ideas, a shoreline connection to Hutchinson Field was well-liked and appeared to be well-supported by community members. All of these ideas are longer term ambitions that are included in the Summary Report to record the discussions and explorations that occurred through this process. Each of the ideas below would require substantial investments and lengthy approvals processes. None of the more immediate improvements are dependent on improvements at Captain's Landing and it is expected that the other improvements identified are of a much higher priority for implementation than any of the ideas discussed below for Captain's Landing. Each of the three diagrams below increases the scope and ambition of the ideas for the Captain's Landing area. Of the three diagrams, the first diagram represents the most viable concept. The second and third diagrams would require approval for the filling in a resource area and the MA Department of Environmental Protection is less likely to approve this type of activity. In addition to an intensive regulatory review and approval process, the last two diagrams would also require a very substantial investment.

The first diagram to the right illustrates one set of potential long term improvements at Captain's Landing. The Neponset Riverwalk could continue past the boat ramp to a wood platform placed on piles at the tidal shore. The Riverwalk would extend across this platform and down the shoreline on an elevated boardwalk that reaches down to Hutchinson Field. The additional space of the platform could support a community amenity or destination at the end of the Landing in the form of a nature lookout or bird watching area.



The second diagram, to the right, illustrates a similar concept as the first diagram above, but with a more functional interface with the river. Instead of a platform built on piles, this diagram shows an expansion of the bulkhead along the current parking lot and filling the shoreline behind it to create an extension of the current parking area at the Landing. The waterside of the filled area could be stepped to provide another area to access the water with hand carried vessels. The steps would provide an interesting feature that interacts with the change in tide levels. This new filled area could be used for many different purposes, in this diagram a similar community amenity or destination at the end of the Landing in the form of a nature lookout or bird watching area could be provided. The Riverwalk would be extended across this area and down the shoreline on an elevated boardwalk that reaches down to Hutchinson Field.

The third diagram, to the right, is the most ambitious and functional of the three concepts. In this illustrative example, a similar extension of the bulkhead and filled area would be created at the Captain's Landing location. In this example, the area is filled with the purpose of providing an expanded public waterfront access and amenity area at the Landing. The filled area could provide a location for a new community amenity, such as a paddle sports pavilion with a dedicated floating dock area adjacent to the new bulkhead. This type of expansion would support the long term expansion of water access for a variety of users on the River. The Riverwalk would be extended along the new bulkhead and continue down the shoreline on an elevated boardwalk that reaches Hutchinson Field.



## **APPENDIX**

### **COMMUNITY PROCESS**

#### **9/18/17 – MPIC Meeting**

##### MAPC Agenda

- Study Introduction
- Discussion of Existing Conditions Analysis

#### **10/2/17 – MPIC Meeting**

##### MAPC Agenda

- Study Introduction
- Milton Village Zoning
- Milton Landing Waterfront Access
- Next Steps

#### **10/16/17 – Joint Meeting Planning Board, Board of Selectmen, MPIC**

##### MAPC Agenda

- Study Introduction
- Milton Village Zoning
- Milton Landing Waterfront Access
- Next Steps

#### **11/20/17 – MPIC Meeting 11/20/17**

##### MAPC Agenda

- Feedback from October Joint Meeting
- Zoning Work Session
  - Goal and Purpose
  - Boundary and Type of District
  - Similar Districts
  - District Characteristics
  - Zoning Test Diagrams
- Community Meeting – December 6<sup>th</sup> 7:00pm

#### **12/6/17 – Community Forum**

##### MAPC Agenda

- Welcome and Project Introduction
- Milton Village Zoning Presentation
- Milton Village Zoning Discussion
- Milton Landing Waterfront Presentation
- Milton Landing Waterfront Discussion
- Next Steps and Meeting Conclusion

**12/19/17 – MPIC Meeting 12/19/17**

MAPC Agenda

- Review feedback from 12/6/17 Forum and setup online survey

**1/16/18 – MPIC Meeting 1/16/18**

MAPC Agenda

- Compiled Feedback/Survey Results
- Applying Feedback to Waterfront Recommendations
- Applying Feedback to Zoning Recommendations
- Discussion and Final Steps

**2/12/18 – MPIC Meeting 2/12/18**

MAPC Agenda

- Final Recommendations

**4/30/18 – MPIC Meeting 4/30/18**

MAPC Agenda

- Review of Draft Final Report

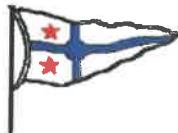
**5/21/18 – MPIC Meeting 5/21/18**

MAPC Agenda

- Review of Draft Final Report

## **STAKEHOLDER LETTERS RECEIVED**

The letters received from the Milton Yacht Club, Milton Crew, and Residences at Milton Landing are included for reference. Each letter was received after the development of the alternative approaches and before the development of the recommended approach. Feedback from these letters, comments made at public meetings, and feedback received via survey have all been considered in the development of Milton Landing recommendations.



## MILTON YACHT CLUB

25 Wharf Street

P.O. Box 870114

Milton, MA 02187-0114

### **Board of Selectmen and Planning Board Master Plan Implementation Committee**

We, the executive board and membership of the Milton Yacht Club, do not agree with any of the four "Improvement Configurations" presented by the Master Plan Implementation Committee in the Metropolitan Area Planning Commission's report.

The Milton Yacht Club was chartered in Massachusetts in 1913 to encourage yacht building and to cultivate nautical science and yachting sports and is incorporated as a non-profit organization. The Club has further expanded its mission over the years to encourage family boating and related activities along with the conservation of the resources of the Neponset River Watershed, operating and maintaining the Milton Landing Parkland and advocated for public access to and use of the public waterways in accordance with Chapter 91 Article 97 of the Massachusetts General Laws and Constitution. The Club has also expanded its membership to include a paddle sports membership with fewer restrictions on becoming a club member.

This Club has members who have grown up in Milton, some of whom live in Milton or ties to Milton through their previous residence here or through familial ties to former and deceased members. We have "legacy" members who had grandfathers and fathers who were members here and one even is the grandson of the former Town of Milton Harbor Master for 50 years.

We pay for the use of these facilities in both an annual rental fee of \$15,000 to the Milton Parks and Recreation Department along with contributing in kind labor services which range from \$50,000 to \$75,000 annually by existing trade rates. We provide trash removal, landscaping and general maintenance and repairs of the historic Milton Lock Up and waterfront required to launch and haul the main floats (the docks), which we built and own, for boating, public access and crew team and other rowing activities each season.

We do not see our footprint enhanced or our mission supported but rather severely diminished by all four of the "Improvement Configuration" proposals. No accommodations have been made for the Club in any of these proposals. As the oldest and primary stakeholder and the pre-existing water-dependent user of the waterfront and its facilities, we are being pushed aside as noted in the elimination of the winch house, shed and boat storage areas. The construction of proposed storage shed/space which we interpret as crew team storage, demolishes our existing boat storage locker area, public access Veranda for water viewing and social gatherings. It also eliminates our Boat Storage Area A entirely. This is a suppression boating access to the waterway, which is a clear violation of Chapter 91. Each configuration also removes most of the storage area for our trailerable boats and boat trailers in season.

The lessening of our boat storage area essentially puts The Club out of business. The bulk of the Club's revenue is derived from the storage fee charges assessed to boat owners. Without our existence there will be no fees paid to the Town of Milton in the form of rent or in kind services we provide and no public dock.

We propose that the committee review their options to include using the Landing Park Area for the crew boat storage and locker shed. This is a 10,000 square foot parcel that was, previous to the condominiums being built, a boat storage area. This former boat storage area was given to the condominiums by the Town through a land use exchange and easement by the Selectman in return for the 10,000 square foot area for boat storage, now referred to as Boatyard B. Milton Yacht Club was named as the pre-existing water dependent use in the 30 year Chapter 91 License for the Condominium development.

Parkland use by rowers and crew teams is a permissible use of such land. This would allow the crew team to use the waterfront area in front of the flagpole and along the upper level of the seawall for their proposed dock and float plans and storage facilities and not interfere with the existing mooring field and large boat access to the main float. This would turn static land in to a waterfront asset by providing additional paddle boat and small boat access to the waterfront.

This Yacht Club has been victimized by development of the property from the start and we are being victimized again. We were promised electricity to the Boatyard B and water lines, paving of Boatyard A along with an enhanced waterfront veranda/gazebo with water and electric hook ups supplied to the main float and gazebo areas – all of which were bargained for the benefit of all of the residents of Milton in the Kaneb development plan. The bargained for improvements in the land use exchange have not been implemented.

In a monetary evaluation of the scenarios, the excavation and blasting required to dig in to the hillside to further expand the lower boat storage area would run from \$250,000 or more depending upon the extent of the improvements. The demolition of the existing boat storage locker area, the proposed removal of the winch house and other outlying buildings with replacement ones is also expensive. The Yacht Club built and maintains those buildings and the Veranda as well. The placement of the crew facilities in the existing landing park is the best option as well monetarily. It preserves existing natural hillside without having to construct retaining walls and further Chapter 91 permits and restrictions.

In a cost benefit analysis of these proposals, where does the Town gain any return? The four stakeholders at the waterfront do not have the capacity to fund or maintain any of these 'Improved Configurations'. The Friends of Milton Crew and Milton Farmers Market, each of which the Club has supported for many years, do not provide any in kind services to the Town or pay any rental or access fees. The proposals if adopted as offered effectively puts the Club out of business, and only offers expensive alternatives, and eliminates about \$15,000 a year in funding to the Town's Park and Recreation Department and shifts maintenance and trash removal costs onto unknown parties. Who will pay to maintain the public access floats and maintenance of the Town Landing for ongoing public access to the waterway for all boat types, not just crew boats?

The Club supports the inclusion of other water-dependent activities that enhance public benefit to the local community, when appropriately tailored to the stakeholders needs. The proposals submitted by the MAPC fail this metric, serving only to sacrifice another Town of Milton treasure for the limited vision of few development-minded influencers.

Sincerely,

The Executive Board of the Milton Yacht Club

Commodore: A. Maloney

Vice Commodore: C. McAllister

Rear Commodore: D. Saurier

Treasurer: A. Spearin

Secretary: J. S. Potts

Executive Board Member: R. L. Lum

Executive Board Member: R. O. K.



December 5, 2017

Master Plan Implementation Committee:

The board members of the Friends of Milton Crew want to thank you, the Master Plan Implementation Committee, for all your effort to develop a plan for revitalizing the Wharf Street area. It is the town's primary gateway to the Neponset River and represents a tremendous opportunity for a variety of recreational pursuits and invigorating the commercial area.

To date the Friends of Milton Crew have benefited from access to the river and we are grateful to the Milton Yacht Club, the Milton Park Department and 88 Wharf Street for their support of our programs. Over the past seven years we have exposed hundreds of students and dozens of adults to the sport of rowing. We are proud of our achievements but know we can do more.

To reiterate statements made by our board members at your public sessions, our priority is for a dock optimal for non-motorized water craft. For crew a dock that is low to the water will minimize damage to the boats and risk to the athletes as they place the boats in the river. All of the options laid out by your committee with the exception of option B would support that. We believe we can raise the funds needed for such a dock. Any dock we install would be available to the general public for canoes, kayaks, etc., at no charge. Seasonal storage in close proximity to a new dock would also help minimize damage to the boats and injuries to athletes. Space for a shed or other type of facility for equipment storage would be very welcome. These features will all go a long way to support our mission of providing rowing opportunities for all ages on the waters of the Neponset while improving public access to the Neponset Estuary.

Thank you again for allowing us to participate in this process and for your consideration.

Sincerely,

Terry Driscoll  
President, Board of the Friends of Milton Crew



# Position Statement

11 November 2017

## **Town of Milton - Master Plan Implementation Committee Implementation Master Plan**

The Board of Trustees at 88 Wharf Street appointed a Task Force to evaluate the Implementation Master Plan and to solicit broader input from all of the residents of the building. The following comments represent the collective view of a majority of the residents.

### **1) Traffic**

- a. Entering & exiting Wharf Street is already unsafe due to the volume of traffic on Adams Street, often traveling at excessive speed. A traffic study is warranted for the intersection as well as for the Randolph Ave. / Adams Street intersection.
- b. Exiting vehicles have a blind spot because of the first two Adams St. parking spaces on the left.
- c. The "U" turns at the entrance to Wharf Street and at the four-way intersection closer to 88 Wharf St. have to stop.
- d. Stop signs are regularly ignored on Wharf Street. One of them, that control the flow of traffic out of the MBTA parking lot, is missing.

### **2) Parking – The Implantation Master Plan has to respect that 88 Wharf St. has no onsite guest parking.**

- a. Some accommodation has to be made to 88 Wharf Street residents to accommodate guests, such as guest placards.
- b. No overnight parking is to be allowed along the waterfront. It would exacerbate already unsafe conditions.
- c. Ticketing has to become more aggressive relative to the limited 2-hour and 4-hour parking spaces. Commuters are abusing these parking spaces.

- d. Page 13 speaks of "Milton Village Shared Parking". We are happy to accommodate the day-user stakeholders and the patrons of the neighboring business entities. The landing cannot accommodate overflow parking for new condominiums and apartments.

3) **Goal #1 Historic Preservation** – The Implementation Master Plan does not go far enough to insure historic preservation. Please identify clearly the history that is being protected.

- a. The Town Lock-up must be preserved in its current location and it needs to be labeled as yacht club on the plan. In the future a plaque indicating its historical significance must be affixed to the building.
- b. The boat ramp opposite the Lock-up is also an historic feature and needs to be clearly labeled as such on the plan.
- c. If the Swift Hat House is to be preserved as an historic structure, it needs to be preserved in its current location and historical context.
- d. The Milton Yacht Club is the last historic use of this former industrial site and seems to us to be a very important part of the history of the waterfront.
- e. On page 9, we do not agree with the images suggested for wood clad structures. Wooden structures that existed on Adams Street in the historical past were warehouse type buildings. Our suggestion is that new buildings along Adams Street use red brick as a primary building material on any Adams Street facade and the design must not be allowed to detrimentally affect the character of Milton Village.

4) **The Plan Options on Pages 14 and 15**

- a. We do not find any merit to Options A & B.
- b. There are some features that we like in Option D but not enough to support this option.
- c. Our support is for Option C. Some of the good features are as follows:
  - i. The expanded landscape feature.
  - ii. Reconfigured public parking
  - iii. Flexible parking/boat storage

- d. We see a number of missing elements in Option C that we would like addressed.
  - i. A new storage building is identified. However, we know that Milton Crew aspires to having a boathouse. If that is the intended use, please label it so. We want to avoid future turf wars between the stakeholders.
  - ii. We would like to see the gravel pathway along the seawall retained. This is an area that is subject to flood during unusually high tides and grass will have difficulty growing there.
  - iii. We are skeptical of public restrooms and suggest that seasonal Porta Potties might be preferable and more cost-effective.
  - iv. We'd like to see a little more study of options for the crew dock. Some residents suggested one that might parallel the sea wall.
  - v. We are suggesting that the bike storage that is shown in the park that accommodates the Farmers Market be moved to a more functional location such as the strip adjacent to the train tracks and adjacent to the bike path.
  - vi. We would like to see the pathway at the top of the property in option D incorporated into option C. The connection to Hutchinson Field is very attractive to us.
  - vii. We support the support the placeholder for kayaking and canoeing. In view of this being a tidal river, some residents did question whether a location further down river to a site like the Granite Railroad or Two Granite Ave might be better. Collaboration with DCR might produce a site that is less prone to tidal fluctuation.

## **5) Trash, Pest & Rodent Control**

- a. With more public activity and the potential of food trucks, trash cannot be allowed to become problematic.
- b. The Town must be diligent and pro-active with regularly scheduled trash pick-ups.

## **Safety Concerns**

- c. MYC functions as the first line of safety for water dependent functions. Milton Crew members have had to be rescued in the past. This is an important symbiotic relationship.
- d. The plan must recognize that the animation that MYC brings to the waterfront site helps to deter undesirable activities.
- e. The fact that this is a dead-end site with no supervision at the far end is currently problematic. Discarded liquor bottles, used condoms other trash are already problems.
- f. Police surveillance must be stepped up relative to the existing conditions as well as the futures uses.

6) **Commercial Competition** – 88 Wharf Street has a restaurant and it has more potential as a highly desirable destination. No competing food uses are to be permitted, excepting seasonal food trucks during daytime hours.

7) **Funding Sources** - We would like to see a list of possible funding sources. Our residents would not favor a tax increase and would prefer to leave the site as is if that is the only funding source.

For Information, contact:

Michael Bourque, Chairman  
Milton Landing Condominium Trust  
[michaelbourque@mac.com](mailto:michaelbourque@mac.com)  
617 335-1951



January 8, 2024

Secretary Rebecca L. Tepper  
Executive Office of Energy and Environmental Affairs  
Attn: Nicholas Perry, MEPA Office  
100 Cambridge Street, Suite 900  
Boston, Massachusetts 02114

Re: EEA#16772 – Intersection Improvements at Route 28 (Randolph Avenue) and Chickatawbut Road  
EENF

Dear Secretary Tepper:

The Department of Conservation and Recreation (“DCR” or “the Department”) is pleased to submit the following comments in response to the Expanded Environmental Notification Form (“EENF”) filed by the Massachusetts Department of Transportation - Highway Division (the “Proponent” or “MassDOT”) for the proposed Intersection Improvements at Route 28 (Randolph Avenue) and Chickatawbut Road (the “Project”) in Milton.

MassDOT proposes to improve safety at the intersection of Route 28 and Chickatawbut Road. The existing signalized intersection will be replaced with a multi-lane roundabout with rapid rectangular flashing beacon signals at crossings for pedestrians on the Chickatawbut Road approaches. The Project area on Chickatawbut Road extends approximately 400 feet west and 350 feet east from the Route 28 intersection. The Proponent proposes to maintain existing sidewalks and construct a 10-foot-wide shared use path on both sides of Chickatawbut Road and Route 28, within the Project area, to improve safety and connectivity for bike and pedestrian access. MassDOT also proposes to improve pedestrian connectivity to the Blue Hills Reservation parking lot located at the southeastern corner of the intersection.

Chickatawbut Road is a DCR Parkway that is listed in the National Register of Historic Places as part of the Blue Hills Reservation Parkways. Regulated natural resources in the Project area include Priority Habitat of Rare Species, adjacent wetlands, nearby vernal pools, and public shade trees.

### Interagency Coordination

DCR is assessing the feasibility of permanently closing Chickatawbut Road to vehicular traffic for the long-term benefit of the Blue Hills Reservation and future visitors. The proposal to close Chickatawbut Road must be considered as an alternative as design of the Intersections Improvements Project progresses. DCR requests the establishment of a project team with MassDOT, and considering input from the Massachusetts Division of Fisheries, to assess the traffic, public safety, and resource stewardship implications of road closure. Initial assessments should be conducted in advance of final design and implementation of Chickatawbut Road intersection improvements.

### COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation

State Transportation Building

10 Park Plaza, Suite 6620

Boston, MA 02116-3978

617-626-1250 617-626-1351 Fax

[www.mass.gov/dcr](http://www.mass.gov/dcr)



Maura T. Healey

Rebecca L. Tepper, Secretary

Governor

Executive Office of Energy & Environmental Affairs

Kimberley Driscoll

Brian Arrigo, Commissioner

Lt. Governor

Department of Conservation & Recreation

## Article 97

As proposed, the Project will require approximately 0.4 acres of permanent easements on DCR parkland. State conservation and recreation property is protected by Article 97 of the Amendments to the Massachusetts Constitution (“Article 97”). Transfers of ownership or interests in DCR property must meet the requirements set forth in the Public Lands Preservation Act (M.G.L. c. 3, § 5A; the “PLPA”) and the Executive Office of Energy and Environmental Affairs’ Article 97 Land Disposition Policy (the “Policy”) to ensure no net loss of lands protected under Article 97. Selling, transferring, or otherwise disposing of any right or interest in DCR property may occur only under exceptional circumstances, as defined in the Policy, including the determination that no feasible alternative is available and a minimum amount of land or an interest therein is being disposed for the proposed use. Such transfers also require legislative authorization by the General Court through a two-thirds roll call vote.

The work activities proposed on DCR property within the temporary easements (0.34 acres) may instead be eligible for a DCR Construction and Access Permit (“CAP”), which would not trigger Article 97. However, a CAP for this Project will not be issued until MEPA review is complete and Article 97 legislation for the permanent easements has been enacted.

DCR will continue to work with MassDOT to ensure that there are no feasible alternatives to the permanent easements identified within the limit of work for the Project, and should no alternatives exist, that the minimum amount of interest in DCR property is being disposed of for the purpose of the Project. Additionally, DCR is willing to review all proposals for replacement land dedicated to Article 97 purposes, which will be necessary to comply with the PLPA and Policy.

## Best Management Practices

Work activities on DCR land that require WPA or MESA permits must be reviewed and approved by DCR prior to submittal to regulatory agencies. DCR’s Historic Parkways Treatment Guidelines should be used to guide design, construction and landscaping for work associated with Chickatawbut Road.

Thank you for the opportunity to comment on the EENF. Please contact the Director of Construction and Access Permitting, Sean Casey at [sean.casey@mass.gov](mailto:sean.casey@mass.gov) regarding DCR Construction and Access Permits. If you have questions regarding the Article 97 process, please contact Land Protection Specialist Loni Fournier at [loni.m.fournier@mass.gov](mailto:loni.m.fournier@mass.gov).

Sincerely,



Brian Arrigo  
Commissioner

cc: Jeffrey Harris, Ruth Helfeld, Stephen Doody, Priscilla Geigis, Patrice Kish, Peter Mulcahy, Sean Casey, Loni Fournier



DIVISION OF  
**FISHERIES & WILDLIFE**

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

**MASS.GOV/MASSWILDLIFE**

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MASSWILDLIFE

January 8 2024

Rebecca Tepper, Secretary  
Executive Office of Energy and Environmental Affairs  
Attention: MEPA Office  
Nick Perry, EEA No. 16772  
100 Cambridge Street  
Boston, Massachusetts 02114

*Project Name:* *Intersection Improvements at Route 28 (Randolph Ave) & Chickatawbut Rd*  
*Proponent:* *MassDOT Highway Division*  
*Location:* *Intersection of Route 28 (Randolph Avenue) & Chickatawbut Road, Milton*  
*Project Description:* *Upgrade intersection to roundabout layout*  
*Document Reviewed:* *Expanded Environmental Notification Form*  
*EEA File Number:* *16772*  
*NHESP Tracking No.:* *23-8695 (previously 19-39031)*

Dear Secretary Tepper:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) has reviewed the *Expanded Environmental Notification Form* (EENF) for the “Intersection Improvements at Route 28 (Randolph Avenue) & Chickatawbut Road” (the Project) and would like to offer the following comments regarding state-listed species and their habitats.

Portions of the proposed Project site are mapped as *Priority Habitat* and *Estimated Habitat* according to the *Massachusetts Natural Heritage Atlas* (15<sup>th</sup> Edition). The Blue Hills State Reservation contains important habitats for several state-listed species within the towns of Milton, Quincy, Braintree, Canton, Dedham and Randolph. State-listed species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (MGL c.131A) and its implementing regulations (MESA; 321 CMR 10.00). This Project requires a direct filing with the Division for compliance with the MESA. If a Notice of Intent (NOI) is required for the Project, the Proponent must submit a copy of the NOI to our office for concurrent review pursuant to the rare species provisions of the Wetlands Protection Act (WPA; 310 CMR 10.59).

Based on the information contained within the EENF, the Project still needs to resolve the change of use of Article 97 land (11.03(1)(b)(3)) being proposed for a portion of the Project footprint. The EENF lacks detail on the Proponent’s proposed solution to meeting the requirements set forth in the Public Lands Preservation Act (M.G.L. c. 3, § 5A; the “PLPA”) and the Executive Office of Energy and Environmental Affairs’ Article 97 Land Disposition Policy (the “Policy”) for net loss of lands protected under Article 97. The Division notes that these issues will need to be resolved in order for the Division to complete its review of the Project pursuant to 321 CMR 10.18 of the MESA.

The Proponent has engaged the Department of Conservation and Recreation (DCR) and the Division in pre-filing consultations in order to discuss potential measures to proactively address the full scope of

**MASSWILDLIFE**

potential impacts, both direct and indirect, on state-listed species and their habitats. DCR Park Roads - specifically Chickatawbut and Wompatuck Roads, which collectively channel traffic in and out of Rt. 28 east of the proposed rotary – have become regularly used as commuter ways. This change has introduced significant vehicle traffic volumes well beyond those associated with access to the Blue Hills State Reservation and is a primary factor creating the need for the proposed Project. Unfortunately, these increased traffic volumes result in mortality of state-listed species and fragmentation of their habitats. Habitat fragmentation and ongoing roadway mortality are a significant, contributing cause of decline in local state-listed species populations.

We recommend that the Proponent, in consultation with DCR and the Division, further evaluate alternatives that would effectively avoid or minimize wildlife mortality and fragmentation of existing contiguous habitats on these DCR Park Roads. Alternatives may include, but may not be limited to, reinstating seasonal and or permanent closures of Park Roads, wildlife barriers and passage structures, speed and traffic volume reduction measures, and redirection of commuter traffic away from Park Roads. The Proponent, in coordination with DCR and the Division, should also develop a plan detailing tangible long term commitments to avoid and minimize roadway mortality and habitat fragmentation associated with the Project and the associated use of the DCR Park Roads as commuter roads, and to mitigate for any continued or ongoing impacts that cannot be avoided.

Based on the information submitted in the EENF and ongoing consultations with the Proponent, and in advance of a formal filing pursuant to the MESA, the Division does not anticipate that the proposed Project can be sufficiently conditioned to avoid a prohibited Take (321 CMR 10.18(2)(b)) of state-listed species or their habitats. If the Division determines that a project will result in a Take of state-listed species, then the project may only be permitted if the Division determines that it has met the performance standards for a Conservation and Management Permit (CMP; 321 CMR 10.23). For a project to qualify for a CMP, the applicant must demonstrate that the project has avoided, minimized, and mitigated impacts to state-listed species, including adequately assessing alternatives to both temporary and permanent impacts to state-listed species. We recommend that the Proponent, in coordination with DCR, continue to work collaboratively with the Division on a pre-filing basis to avoid a prohibited Take and, if this isn't possible, to proactively address these performance standards.

The Division will not render a final decision until the MEPA review process and associated public and agency comment period is completed, and until all required MESA filing materials are submitted by the proponent to the Division. As our MESA review is not complete, no alteration to the soil, surface, or vegetation and no work associated with the proposed project shall occur on the property until the Division has made a final determination.

If you have any questions or need additional information, please contact Lauren Glorioso, Endangered Species Review Biologist, at [lauren.glorioso@mass.gov](mailto:lauren.glorioso@mass.gov). We appreciate the opportunity to comment on the Project.

Sincerely,



Everose Schlüter, Ph.D.  
Assistant Director

cc: Tim Dexter, MA DOT  
Corinne Snowdon, Epsilon Associates  
Andy Backman, DCR  
Eric Seaborn, DCR  
Alyssa Jacobs, Epsilon Associates  
Town of Milton Board of Selectmen  
Town of Milton Planning Board  
Town of Milton Conservation Commission

**Article XX** To see if the Town will vote to accept M.G.L. c.40, Section 57, which authorizes enactment of a by-law allowing denial or revocation of local licenses and permits for failure of the licensee or permittee to pay municipal taxes or charges, and vote to amend the Town's General Bylaws by adding the following new Article  Section :

Section  - Denial, Revocation Or Suspension Of Local Licenses And Permits

A. Any Town board, officer or department or other local licensing or permitting authority may deny any application for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of section twenty-one D or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

B. The Treasurer/Collector—shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

C. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Treasurer/Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Treasurer/Collector; provided, however, that written notice is given to the party and the Treasurer/Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be *prima facie* evidence for denial, revocation or suspension of said license or permit to any party. The Treasurer/Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Treasurer/Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as the date of issuance of said certificate.

D. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

E. The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

F. This Section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty;

And authorize the Town Clerk to amend section numbering and titles, or take any other action related thereto.

**Submitted by the** \_\_\_\_\_

**ARTICLE XX** To see what sum of money the Town will vote to appropriate for the twelve-month period beginning July 1, 2024, for administrative support to the Bylaw Review Committee; and to act on anything relating thereto.

Submitted by the Bylaw Review Committee

**RECOMMENDED that the Town vote** 

*COMMENT:* 



TOWN OF MILTON  
MASSACHUSETTS

SUSAN M. GALVIN  
*Town Clerk*

TO: Nicholas Milano Town Administrator  
FROM: Susan M. Galvin, Town Clerk   
DATE: January 17, 2024  
RE: **CITIZENS PETITION -MILTON TOWN MEETING WARRANT ON  
CHICKATWBUT-RT.28 INTERSECTION**

Attached is a Citizen Petition Article submitted to me on January 16, 2024. Enclosed please find the Certification of Names signed by all members of the Board of Registrars. Please note, only the names with (✓) check marks are accepted registered voter signatures. Any signature that has an (X, W, N, S, T) is not acceptable.

If you have any questions please do not hesitate to contact me.





**TOWN OF MILTON**  
MASSACHUSETTS

**SUSAN M. GALVIN**  
*Town Clerk*

**CERTIFICATION OF NAMES**

**CITIZENS PETITION ARTICLE**

**TOWN OF MILTON**

**January 17, 2024**

In accordance with the provisions of law, we certify that thirty-one (31) attached signatures checked thus ✓ are the names of qualified voters from this town.

*Glenn M. Petersen*  
~~✓ + ✓~~  
*Paula Herring MacLean*  
*Susan M. Galvin*

**Registrars of Voter of Milton**



RECEIVED

TOWN CLERK OFFICE - MILTON, MA  
RECD 16 JAN '24 PM4:00

**COMMONWEALTH OF MASSACHUSETTS** JAN 16 2024

Norfolk s.s.

JAN 16 2024

*Select Board Office  
MILTON MASS.*  
**PETITION FOR MILTON TOWN MEETING WARRANT ON CHICKATAWBUCK RT.28 INTERSECTION**

*We, the below-signed residents of the Town of Milton Massachusetts, hereby request that the Milton Town Meeting of Monday May 6, 2024 (at 7:30 PM at Milton High School), consider and vote on the following Warrant, which is separately submitted with signatures required from Milton registered voters:*

To see if the Town will vote to request that Milton's State delegation withdraw S.2301, "An Act establishing speed limits on portions of state highway route 28 and Chickatawbut road in the town of Milton," because it is a "speed trap," and instead return to the original MassDOT rotary plan. We object to the "speed trap" in particular because it would exacerbate the Milton Police's disproportionate ticketing of motorists of color above the already-established +30% racial differential, as detailed in the "2022 Massachusetts Uniform Citation Data Analysis Report" (page 212).

*Signed under the pains and penalty of perjury in the county of Norfolk on the dates so assigned.*

Name (printed)	Signature	Address in Milton	Email / Phone contact info	Date
Kathleen O'Connor	Kathleen O'Connor	52 West St RANDOLPH	Petitioner	1/16/24
Jesse A Gordon	Jesse A Gordon	52 West St RANDOLPH	Petitioner	1/16/24



# Town of Milton

Parks and Recreation Department  
525 Canton Avenue  
Milton, MA 02186  
617-898-4940

January 11, 2024

Nicholas Milano, Town Administrator  
525 Canton Avenue  
Milton, MA 02186

Dear Mr. Milano,

In anticipation of our Summer Concert Series, they would like to reserve the Baron Hugo Gazebo for the following Wednesday evenings from 5:30PM – 8:00PM. The dates for calendar year 2024 are as follows:

June 5,12,19,26  
July 3,10,17,24,31  
August 7<sup>th</sup>. and the 14<sup>th</sup>. (Rain Date).

Additionally: 1 Thursday June 6<sup>th</sup>. (Kids Concert Rain Date)

We hope that you will again look favorably upon our request. If you have any questions, please feel free to call the Park office.

Thank you for your consideration.

Sincerely,

Kevin Chrisom, Director  
Milton Parks Department



## Town of Milton

TEL 617-898-4846

TOWN OFFICE BUILDING  
525 CANTON AVENUE  
MILTON, MASSACHUSETTS

## **SPECIAL ONE DAY LIQUOR LICENSE APPLICATION**

Applicant's Name: Joan Clifford

Applicant's Address: 334 Edge Hill Road

Applicant's Contact Information:

Organization Name: **Milton Art Center**

Name of Event: Winter Comedy Show

Description of Event: 3 stand up comedians

The Applicant is:  Non-profit Organization or  For Profit Organization

The Applicant is:  Non-profit Organization or  For Profit Organization

Date of Event: 1/27/24

Hours of Event: 7:30-10pm

Location of Event: 334 Edge Hill Road

Number of Participants: 100

License For:  All Alcoholic Beverages - Issued only to a non-profit organization

Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned: \_\_\_\_\_

---

**Chief of Police**

**SIGNATURE:** \_\_\_\_\_

Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE: *John Clegg* Date: 1/11/24

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a check in the amount of \$50.00 made payable to the Town of Milton. The Select Board, as the Town of Milton's Licensing Authority, requires approval at a scheduled public meeting. Please submit the application 30 days in advance of the event for which the license is being applied.



## Town of Milton

TEL 617-898-4846

TOWN OFFICE BUILDING  
525 CANTON AVENUE  
MILTON, MASSACHUSETTS

## **SPECIAL ONE DAY LIQUOR LICENSE APPLICATION**

Applicant's Name: **Joan Clifford**

Applicant's Address: 334 Edge Hill Road

Applicant's Contact Information: [REDACTED]

Organization Name: Milton Art Center

## Name of Event: First Friday Art Exhibit

Description of Event: Mark Vonnegut, painter, exhibit reception

The Applicant is:  Non-profit Organization or  For Profit Organization

The Applicant is:  Non-profit Organization or  For Profit Organization

Date of Event: 2/2/24

Hours of Event: 6-10pm

**Location of Event:** 334 Edge Hill Road

**Number of Participants:** 60

License For:  All Alcoholic Beverages - Issued only to a non-profit organization

Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned:

**SIGNATURE:** \_\_\_\_\_ **SIGNATURE:** \_\_\_\_\_  
Chief of Police Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE: John Clegg Date: 1/11/24

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a check in the amount of \$50.00 made payable to the Town of Milton. The Select Board, as the Town of Milton's Licensing Authority, requires approval at a scheduled public meeting. Please submit the application 30 days in advance of the event for which the license is being applied.



# Town of Milton

TEL 617-898-4846

TOWN OFFICE BUILDING  
525 CANTON AVENUE  
MILTON, MASSACHUSETTS

## SPECIAL ONE DAY LIQUOR LICENSE APPLICATION

Applicant's Name: Joan Clifford

Applicant's Address: 334 Edge Hill Road

Applicant's Contact Information

Telephone #

E-Mail Address

Organization Name: Milton Art Center

Name of Event: First Friday Music

Description of Event: Music groups perform on First Friday

The Applicant is:  Non-profit Organization      or       For Profit Organization

Date of Event: 3/1/24

Hours of Event: 6-10pm

Location of Event: 334 Edge Hill Road

Number of Participants: 60

License For:  All Alcoholic Beverages - Issued only to a non-profit organization

Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned: \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_  
Chief of Police

**SIGNATURE:** \_\_\_\_\_  
Town Administrator on behalf of Select Board

APPLICANT'S SIGNATURE: Joan Clifford

Date: 1/11/24

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a check in the amount of \$50.00 made payable to the Town of Milton. The Select Board, as the Town of Milton's Licensing Authority, requires approval at a scheduled public meeting. Please submit the application 30 days in advance of the event for which the license is being applied.



## Town of Milton

TEL 617-898-4846

TOWN OFFICE BUILDING  
525 CANTON AVENUE  
MILTON, MASSACHUSETTS

## **SPECIAL ONE DAY LIQUOR LICENSE APPLICATION**

Applicant's Name: Joan Clifford

Applicant's Address: 334 Edge Hill Road

Applicant's Contact Information:

Organization Name: Milton Art Center

Name of Event: First Friday Music

Description of Event: Music groups perform on First Friday

The Applicant is:  Non-profit Organization or  For Profit Organization

The Applicant is:  Non-profit Organization or  For Profit Organization

Date of Event: 4/5/24

Hours of Event: 6-10pm

Location of Event: 334 Edge Hill Road

Number of Participants: 60

License For:  All Alcoholic Beverages - Issued only to a non-profit organization

Wine and Malt Beverages Only

Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned: \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **SIGNATURE:** \_\_\_\_\_

APPLICANT'S SIGNATURE: John Cappel Date: 11/11/24

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a check in the amount of \$50.00 made payable to the Town of Milton. The Select Board, as the Town of Milton's Licensing Authority, requires approval at a scheduled public meeting. Please submit the application 30 days in advance of the event for which the license is being applied.



# Town of Milton

TEL 617-898-4846

TOWN OFFICE BUILDING  
525 CANTON AVENUE  
MILTON, MASSACHUSETTS

## SPECIAL ONE DAY LIQUOR LICENSE APPLICATION

Applicant's Name:

Joan Clifford

Applicant's Address:

334 Edge Hill Road

Applicant's Contact Information:

Telephone #

E-Mail Address

Organization Name:

Milton Art Center

Name of Event:

First Friday music

Description of Event:

Music groups perform on First Friday

The Applicant is:

Non-profit Organization

or

For Profit Organization

Date of Event:

6/7/24

Hours of Event:

6-10pm

Location of Event:

334 Edge Hill Road

Number of Participants:

60

License For:

All Alcoholic Beverages - Issued only to a non-profit organization

Wine and Malt Beverages Only

Recommended Number of Police Officer(s) to be assigned:

**SIGNATURE:**

Chief of Police

**SIGNATURE:**

Town Administrator on behalf of Select Board

**APPLICANT'S SIGNATURE:**

Date:

1/1/24

Applicants must attest to the information provided in order for the license to be approved. Completed applications should be submitted to the Select Board Office along with payment in the form of a check in the amount of \$50.00 made payable to the Town of Milton. The Select Board, as the Town of Milton's Licensing Authority, requires approval at a scheduled public meeting. Please submit the application 30 days in advance of the event for which the license is being applied.



# **Governor Stoughton Trust**

## **Meeting Packet**

**January 23, 2024**



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**

**Request for Proposals**

Town Farm

Addendum 2

Issued: January **\_\_\_\_\_**, 2023

**Key Dates:**

- Proposal Deadline: 11:00 am on Friday, February 16, 2024

**Funding Sources**

Proposers are advised that Pro Forma's, may include other sources of funding, including funds from the Milton Affordable Housing Trust or use of HOME funds.

The Milton Affordable Housing Trust has been capitalized through appropriations from the Town of Milton, disbursements received through the Milton Community Preservation Committee, and contributions from development projects in Milton. Use of funds is subject to funding availability and approval from the Affordable Housing Trust.

The Town of Milton is a member of the South Shore HOME Consortium. Funding for affordable housing projects in communities that are part of the Consortium, including projects in Milton, is subject to funding availability and approval through the Consortium. Projects that receive funding would be required to adhere to the applicable federal program rules and regulations. All units receiving HOME assistance must be occupied by households earning no more than 60% of the area median income and at least 20% of the HOME units must be affordable to households earning no more than 50% of area median income.

**Questions and Answers**

**Question 1: Are there any provisions to allow for more than 35 units at the site? Are we able to propose a program that increases the number of residential units in order to decrease the funding request to Milton's AHT and/or CPC? Will that be considered grounds for disqualification? or deem proposals less advantageous?**

Trust Response: No, there is no change to the maximum number of units that may be proposed. Any proposals with more than 35 units will be considered to have failed to meet the minimum requirements and will be disqualified from consideration.

**Question 2: How many buildings total may be considered for the development? If the three historic structures were to remain for reuse (two almshouses + pest house), can as many as six total buildings occupy the site, so three new construction and three original. Please clarify if it is three maximum in total, that this would mean three and the pest house as a fourth?**

Trust Response: Proposals may result in projects of up to four buildings, one of which is required to be the Pest House.

**Question 3: Can the Pest House Building be moved, and is it currently connected to any infrastructure?**

Trust Response: The Pest House Building is moveable and unconnected to any infrastructure. While the RFP states that the “preservation of the existing Pest House at its current site should be included in all proposals,” we are providing the following clarification:

The Pest House must remain on the Town Farm site, but it is not required to remain in its current location.

**Question 4: There are wetlands and a 100' wetlands buffer at the west side of the site. Is the wetlands buffer zone not constructable (without NOI)?**

Trust Response: Local wetlands requirements would require an order of conditions. Since this project is anticipated to be a comprehensive permit project under MGL c. 40B, the project will be subject to the state Wetlands Protection Act.

**Question 5: Are there any concerns or issues with utility capacity or availability (Sewer, Water, Electricity, Gas, etc.) that should be considered as part of the response?**

Trust Response: To the Trust's knowledge there are no concerns or issue with respect to existing utility capacity. The project team must demonstrate sufficient capacity in order to receive approval to connect to the Town of Milton's infrastructure.

**Question 6: Can the Pulte Milton Woods development's detailed utility, drainage, and grading construction plans; soil test pit logs in the area of the infiltration basin west of the animal shelter; final drainage report including attachments; and publicly available stormwater operation & maintenance records be provided for review?**

Trust Response: The plans are available in a folder at this link: [Woodlot Drive Plans and Documents](#)

If you have any issues accessing this information, please contact Josh Eckart-Lee: [jlee@townofmilton.org](mailto:jlee@townofmilton.org)

**Question 7: Have there been any planning initiatives from the Town of Milton on improvements to Governor Stoughton Lane from Canton Avenue leading to the Town Farm site? If so, please share the details.**

Trust Response: The road was repaved during the development of the Woodlot Drive subdivision, otherwise there have been no planning initiatives by the Town for improvements to Governor Stoughton Lane.

The layout of the road is included as an attachment to the addendum.

**Question 8: What is the Town of Milton's expectation from the proposed developers of the site in terms of the extent of improvements to Governor Stoughton Ln?**

Trust Response: The Town has not stipulated any specific improvements to the road from a proposed development project. The Trust will consider potential improvements as part of its review of the evaluation criteria. Abutters on Governor Stoughton Lane have previously raised concerns with the narrow public way on Governor Stoughton Lane, the lack of sidewalks, and concerns related to stormwater mitigation.

**Question 9: Will the Town of Milton consider any form of tax abatement or waiving of utility connection costs?**

Trust Response: No tax abatement programs are available. The Select Board may waive utility connection fees, but it is not the Town of Milton's practice to waive connection fees.

**Question 10: Does the project need to be Passive House or LEED-certified? or Passive House or LEED-certifiable?**

Trust Response: Green building standards preferred, but the RFP does not stipulate that the project meet any specific certification.

**Question 11: Can you provide access to CAD files for Bohler's site plan?**

Trust Response: The files are available at this link: [Town Farm Survey CAD Files](#)

If you have any issues accessing this information, please contact Josh Eckart-Lee: [jlee@townofmilton.org](mailto:jlee@townofmilton.org)