



**Select Board**

**Meeting Packet**

**July 30, 2025**



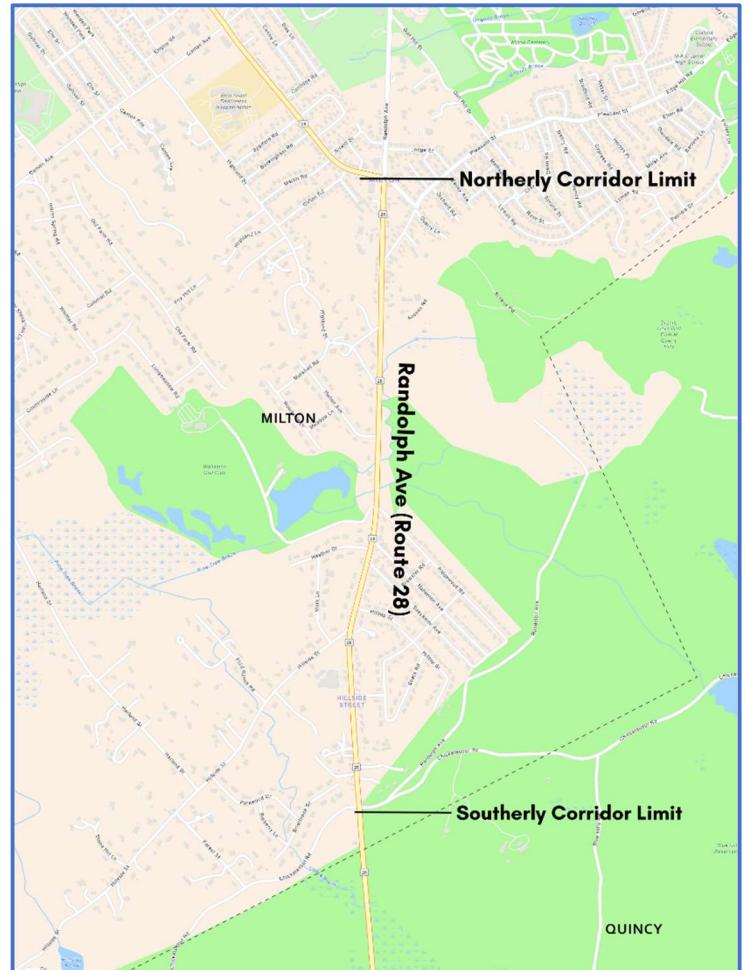
Maura Healey, Governor  
Kimberley Driscoll, Lieutenant Governor  
Monica Tibbitts-Nutt, Secretary and CEO  
Jonathan L. Gulliver, Highway Administrator



## Randolph Avenue (Route 28) – Pilot Road Diet Alternatives

The Massachusetts Department of Transportation Highway Division is evaluating alternative “Road Diet” concepts for a pilot to be implemented along the Randolph Avenue (Route 28) Corridor in the Town of Milton.

The approximate 1.7 mile section of roadway is functionally classified as a Principal Arterial with travel in the North-South direction. The northerly limit is at the intersection of Route 28 and Reedsdale Road and the southerly limit is at the intersection of Chickatawbut Road. (locus map → )



### Randolph Ave (Route 28) Intersections

- Reedsdale Road
- Pleasant Street
- Reed St/Access Road
- Highland Street
- Hallen Avenue
- Ridgewood Road
- Nahanton Avenue
- Heather Drive
- Sassamon Avenue
- Hilltop Street

## **Randolph Avenue (Route 28) – Pilot Road Diet Alternatives**

- Hillside Street
- Eager Road
- Susi Lane (Private)
- Brook Lane
- Chickatawbut Road

### **Current Cross-Section of Randolph Ave (Route 28)**

Within the project limits Randolph Avenue is four travel lanes, two eleven-foot lanes in each direction with one-foot shoulders. The approximate curb to curb width along the corridor is 46-feet. The current geometric design maintains four travel lanes through all intersections; no turning lanes exist along the corridor apart from Route 28 NB at Reedsdale Road where the inside travel lane turns into a left-turn only lane. Sidewalks are provided along each side of Route 28.

### **Road Diet Concepts**

The Federal Highway Administration defines a Road Diet as a safety improvement strategy that involves reconfiguring a road, typically by reducing the number of travel lanes (e.g, converting an existing four-lane undivided roadway to a three-lane roadway consisting of two through lanes and a center two-way left-turn lane (TWLTL)). Road Diets may also involve the addition of median separation at the center line of the existing facility to provide access management and reduce turn conflicts. Treatments used to provide the median separation vary from ground-in rumble strips with off-set pavement markings, raised curbing with delineator posts, or a more substantive hardened physical separation with guardrail or barrier.

#### Alternative 1 – Introduction of a Center Two-Way Left-Turn Lane (TWLTL)

Alternative 1 proposes to reconfigure the 4-lane cross-section to provide one travel lane in each direction that would be separated by a wider center turn lane to provide equal access for left-turn movements in each direction. This design concept provides a refuge area for vehicles to stage while waiting for a gap in traffic to make a left-turn movement. Turning vehicles would now only be turning against a single travel lane in each direction.

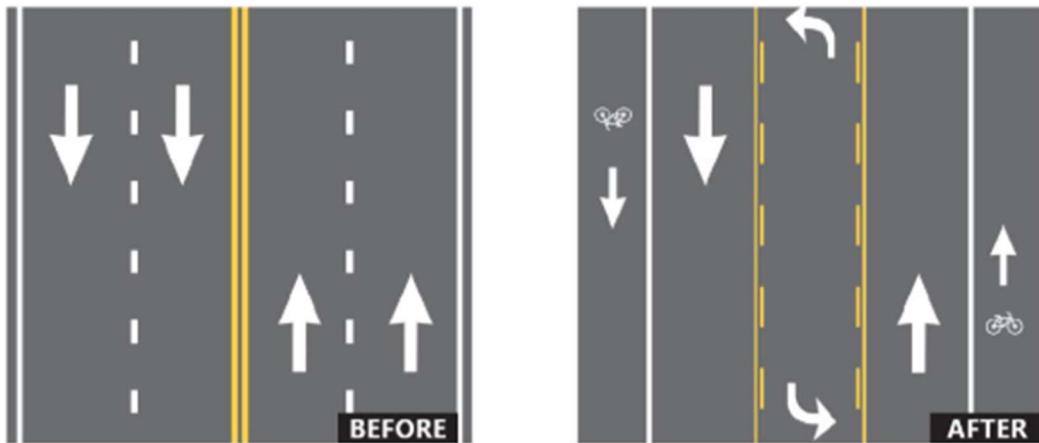
Specific to the Route 28 corridor, the introduction of a 14-foot TWLTL in the center provides separation from the north and southbound 11-foot travel lanes. This would provide for 5 or 5 1/2-foot shoulders on either side of the roadway for a

## Randolph Avenue (Route 28) – Pilot Road Diet Alternatives

disabled vehicle, law enforcement activity, and to provide a buffer from the pedestrian sidewalk. The shoulder areas could allow for bicycles accommodation through the addition of appropriate bicycle lane markings.

At intersections, the TWLTL would transition to left-turn lanes where appropriate. MassDOT may also evaluate targeted areas for pilot medians that introduce flex posts or painted hatching to discourage driving in the TWLTL in areas where access is not required.

The schematic below shows a sample conversion from a 4-lane cross-section to a 2-lane cross-section with a center TWLTL:



**Before and after example of a Road Diet.** Source: FHWA

The following provide some images of actual TWLTLs that have been implemented on roadways of similar geometric characteristics and contexts to Randolph Avenue in Milton:

## Randolph Avenue (Route 28) – Pilot Road Diet Alternatives



4-Lane Road Diet Conversion to TWLTL and 2-Lanes (w/Bike Accommodation)



4-Lane Conversion to TWLTL with Left-Turn Pocket developed for Traffic Signal

## Randolph Avenue (Route 28) – Pilot Road Diet Alternatives



MassDOT Project: Conversion of 4-lane to 2-lanes with center TWLTL (Reading – Route 28)

### Alternative 2 – Median with Dedicated Left-Turn Pockets

Alternative 2 would reconfigure the 4-lane cross-section to provide one lane in each direction with median separation down the center of the roadway.

Medians are used to help define roadway use and to provide separation and guidance for motorists. They can be raised via use of curbing, guardrail or barrier; or can be flat or near flat, using color, texture or rumble strips. The intent of introducing median separation between two directions of travel is to increase safety with the offset of traffic flow and reduce the likelihood for roadway departures, as well as minimize conflicts with left-turning vehicles. Additional delineation may be provided through adding flexible posts or stanchions with retroreflective striping to provide a vertical cue of the median area.

The differing median treatments will have varying impacts to local access, and MassDOT will evaluate U-Turn opportunities and necessary breaks in the median to allow for left turns at some locations. Similar to Alternative 1, the median could transition to left-turn storage lanes at intersections where appropriate and would provide widened shoulders which can be utilized for a disabled vehicle, law enforcement activity, or bicycle facilities.

## Randolph Avenue (Route 28) – Pilot Road Diet Alternatives

The following provides examples of Median Treatments that could be used to provide dedicated separation between the north and southbound travel lanes on Route 28:



*Flush Median with double run of Rumble Strips with Painted Diagonal Crosshatch Markings*



*Flush Median with Wide Separation and Rumble Stripes – Include Flexible Delineators*

## Randolph Avenue (Route 28) – Pilot Road Diet Alternatives



*Flush Median with Crosshatching, Rumble Stripes & Flexible Delineators (Route 140, Gardner)*



*Raised Median with Lane Separator System (curbing with vertical panel delineators)*

## Randolph Avenue (Route 28) – Pilot Road Diet Alternatives



*Raised Median with Portable Steel Barrier – Positive Separation*

### **Pilot Road Diet Evaluation Criteria**

MassDOT is working with our design consultant to develop an evaluation matrix that will be used to provide qualitative as well as quantitative measures for each of the two options for the Pilot Road Diet recommended for Randolph Avenue (Route 28) in Milton.

The following will be considered for each alternative:

- Safety
  - Impact on crash severity
  - Impact on crash frequency
- Vehicle Operating Speeds
  - Free-flow
  - Peak hours
- Neighborhood Access
  - Direct versus indirect access to driveways
  - Ability to make left turns
- Enforcement Opportunities
- Operations
- Timeline to Deploy

**ARTICLE ##** To see if the Town will vote to amend Chapter 105 Alcoholic Beverages of the General Bylaws by amending Section 105-1 Consumption on Town property and leased premises as follows:

**§ 105-1 Consumption on Town property and leased premises.**

A. Drinking, sale or possession of alcoholic beverages, as defined in Chapter 138 of the Massachusetts General Laws (for purposes of this Section 105-1, “Alcoholic Beverages”), while in a building owned by the Town of Milton (for purposes of this Section 105-1, a “Town Building”) or upon land owned by the Town of Milton, is prohibited, except that one-day licenses for the drinking, sale or possession of alcoholic beverages in a Town Building may be authorized by the express advance approval of the Select Board and, in addition, if different from the Select Board, the public body responsible for the care, custody, and control of the subject Town Building, provided that (i) all requirements under Massachusetts General Laws, including M.G.L. c. 138, Section 22A shall be met; (ii) all applicants for such one-day liquor licenses shall obtain amounts of insurance and shall indemnify the Town as determined by the Select Board after consultation with Town counsel and the Town’s insurer; (iii) all alcohol shall be served by bartenders who have completed the Training for Intervention Purposes (TIPS) program, or such similar subsequent program designed to limit the risks of underage drinking and overconsumption; and (iv) the Select Board shall work with the Milton Police Department to reduce potential impacts of such licenses on adjacent neighborhoods.

B. One-day licenses for the drinking, sale or possession of alcoholic beverages on Town land may be authorized by the Select Board, and, in addition, if different from the Select Board, the public body responsible for the care, custody, and control of the subject Town land. One-day licenses on Town land shall be subject to all the requirements in Section 105-1(A) and the following additional requirements:

- (1) One-day licenses shall only be issued to individuals or organizations under contract to utilize an entity possessing a caterer’s license for alcohol sales, pursuant to M.G.L. Chapter 138, Section 12C;
- (2) Age identifying wristbands shall be provided to individuals seeking to purchase alcohol beverages
- (3) Applicants shall submit a sketch plan for the use of Town land as part of the application to the Select Board
- (4) The Select Board may, depending on the Town land, require that alcohol sales and consumption take place only in a location to be designated for this purpose on the site plan

For purposes of this Section 105-1, the phrase “Town of Milton” shall include any department, office, public body or other entity of the Town.

The requirements of this Section 105-1 shall exist independent of, and in addition to, any applicable requirements of law relating to Alcoholic Beverages, including without limitation Chapter 138 of the Massachusetts General Laws.

A.C. Whoever violates any provision of this section shall be fined an amount of \$300 for each offense.

and to authorize the Town Clerk to assign or amend chapter and section numbers; and act on anything relating thereto.

Submitted by the Select Board

**RECOMMENDED that the Town vote \_\_\_\_.**

*COMMENT:*  \_\_\_\_\_

DRAFT

**ARTICLE ##** To see if the Town will vote to amend Chapter 105 Alcoholic Beverages of the General Bylaws by amending Section 105-1 Consumption on Town property and leased premises as follows:

§ 105-1 Consumption on Town property and leased premises.

**(4)A.** Drinking, sale or possession of alcoholic beverages, as defined in Chapter 138 of the Massachusetts General Laws (for purposes of this Section 105-1, “Alcoholic Beverages”), while in a building owned by the Town of Milton (for purposes of this Section 105-1, ~~“Town BuildingBuildings”~~) or upon land owned by the Town of Milton; ~~(for purposes of this Section 105-1, “Town Land,” and, together with Town Buildings, “Town Property”)~~, is prohibited, except that one-day licenses for the drinking, sale or possession of alcoholic beverages ~~in and on~~ ~~Town BuildingProperty~~ may be authorized by the express advance approval of the Select Board and, in addition, if different from the Select Board, the public body responsible for the care, custody, and control of the subject ~~Town BuildingProperty~~, provided that ~~(1) for one-day licenses for Town Buildings,~~ (i) all requirements under Massachusetts General Laws, including M.G.L. c. 138, Section 22A shall be met; (ii) all applicants for such one-day liquor licenses shall obtain amounts of insurance and shall indemnify the Town as determined by the Select Board after consultation with Town counsel and the Town’s insurer; (iii) all alcohol shall be served by bartenders who have completed the Training for Intervention Purposes (TIPS) program, or such similar subsequent program designed to limit the risks of underage drinking and overconsumption; and (iv) the Select Board shall work with the Milton Police Department to reduce potential impacts of such licenses on adjacent neighborhoods ~~(collectively, the “Town Building Requirements”); and (2) for one-day licenses for Town Land, (i) all of the Town Building Requirements shall be met, (ii) one-day licenses shall only be issued to individuals or organizations under contract to utilize an entity possessing a caterer’s licenses for alcohol sales, (iii) nontransferable wristbands shall be provided to identify all individuals 21 years old or older who seek alcoholic beverages, (iv) applicants shall submit a sketch plan for the use of Town Land that delineates the area of alcohol storage, service, and consumption as part of the application to the Select Board, (v) for events at which alcohol will be offered or sold to the general public on Town Land, the Select Board shall require that a designated location for alcohol sales and consumption be established and marked by signage, and shown on the sketch plan, where individuals under 21 years of age are not allowed and in which all alcoholic beverages shall remain (the “Alcohol Service Area”), (vi) advertising for alcohol products shall be limited to the Alcohol Service Area (if applicable) and shall include the product description, price, and Alcohol by Volume (ABV) for each product, (vii) no such one-day licenses shall be issued for Town Land that includes playground and/or children’s play space areas, (viii) food and non-alcoholic beverages shall be provided and applicants shall submit the menu for the food to be served as part of the application to the Select Board, (ix) cups for alcoholic beverages that are easily distinguishable from cups for non-alcoholic beverage cups shall be used, and (x) individuals may not be provided with more than two (2) alcoholic beverages at one time.~~

For purposes of this Section 105-1, the phrase “Town of Milton” shall include any department, office, public body or other entity of the Town.

The requirements of this Section 105-1 shall exist independent of, and in addition to, any applicable requirements of law relating to Alcoholic Beverages, including without limitation Chapter 138 of the Massachusetts General Laws.

**A-B.** Whoever violates any provision of this section shall be fined an amount of \$300 for each offense.

and to authorize the Town Clerk to assign or amend chapter and section numbers; and act on anything relating thereto.

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# **TOWN OF MILTON**

## **2025**



## **Special Town Meeting**

**Monday, October 27, 2025**

**Milton High School Auditorium**

**7:30 p.m.**

## **WARRANT**

**INCLUDING THE REPORT OF THE WARRANT COMMITTEE  
AND RECOMMENDATIONS ON ARTICLES  
as required by Chapter 75, Section 1, of the General Bylaws of Town**

**PLEASE BRING THIS REPORT TO TOWN MEETING**



## **October 2025 Special Town Meeting Warrant**

Commonwealth of Massachusetts, SS  
County of Norfolk

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Milton, qualified to vote in Town affairs, to meet at the Milton High School Auditorium at 25 Gile Road in said Milton on Monday, the twenty-fourth day of February next at 7:30 o'clock in the evening, then and there to act upon the following Articles to wit:

Articles 1-##

And you are directed to warn said inhabitants qualified as aforesaid to meet at the times and places and for the purposes herein mentioned by posting attested copies of the Warrant in each of the Post Offices of said Town fourteen days at least before the twenty-seventh day of October. Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk, on or before the thirteenth day of October 2025.

Given under our hands at Milton this of 26<sup>th</sup> day of August, 2025.

**Benjamin D. Zoll  
Meghan E. Haggerty  
Winston A. Daley  
Richard G. Wells, Jr.**

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**WARRANT ARTICLES AND RECOMMENDATIONS**

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**In compliance with the American with Disabilities Act, this Warrant can be made available in alternative formats. The October 27, 2025, Special Town Meeting, if requested, will be offered by assisted listening devices or an interpreter certified in sign language. Requests for alternative formats should be made as far in advance as possible.**

**Should you need assistance, please notify the SELECT BOARD at 617-898-4843 or 617-696-5199 TTY.**

**Smoking and other tobacco use is prohibited in school facilities and outside on the school grounds by MGL Chapter 71, Section 37H, “An Act Establishing the Education Act of 1993.” This law applies to any individual at any time.**

**Strong fragrances cause significant adverse reactions in some people, such as migraine headaches. Products with strong fragrances include personal care products such as perfume, cologne, fragranced hair products, after shave lotion, scented hand lotion, etc. Attendees at Town Meeting are requested to avoid wearing products with strong fragrances. As an accommodation to persons with such adverse reactions, and to allow safe and free access to the auditorium, the lobby and restroom, attendees at Town Meeting who are wearing products with strong fragrances, or who think they may be wearing products with strong fragrances, are requested to sit away from the sections nearest to the lobby entrance.**

## **MESSAGE FROM THE TOWN MODERATOR**

Welcome to the 2025 October Special Town Meeting!

Robert G. Hiss

Town Moderator

**REPORT OF THE WARRANT COMMITTEE  
FOR THE 2025 OCTOBER SPECIAL TOWN MEETING**

**Article ##** To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 60, Section 3D to establish an aid to elderly and disabled taxation fund and a taxation aid committee to consist of the chair of the board of assessors, the town treasurer, and three residents to be appointed select board; and to act on anything relating thereto.

Submitted by the Select Board

**RECOMMENDED that the Town vote .**

*COMMENT:* .

**Article ##** To see if the Town will vote to accept Massachusetts General Laws Chapter 40, Section 57 and amend the general Bylaws by inserting the following new Chapter ## Denial, Revocation or Suspension of Local Licenses and Permits.

§ ##-1. Authority.

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.

The Tax Collector shall periodically 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 six-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.

§ ##-2. Revocation or suspension of license.

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 Tax 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 Tax Collector; provided, however, that written notice is given to the party and the Tax 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 Tax 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 Tax 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.

§ ##-3. Payment agreements.

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.

§ ##-4. Waiver.

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.

§ ##-5. Exceptions.

This Section shall not apply to the following licenses and permits:

- a. open burning, M.G.L. Ch. 48, §13
- b. bicycle permits; M.G.L. Ch. 85, §11A
- c. sales of articles for charitable purposes, M.G.L. Ch. 101, §33
- d. child work permits, M.G.L. Ch. 149, §69
- e. licenses for clubs and associations dispensing food or beverage, M.G.L. Ch. 140, §21E
- f. dog licenses, M.G.L. Ch. 140, §137
- g. fishing, hunting, trapping license, M.G.L. Ch. 131, §12
- h. marriage licenses, M.G.L. Ch. 207, §28 and
- i. theatrical events and public exhibition permits, M.G.L. Ch. 140, §81

And to authorize the Town Clerk to assign or amend chapter and section numbers and titles; and to act on anything relating thereto.

Submitted by the Select Board

**RECOMMENDED that the Town vote       .**

*COMMENT:*

**Article ##** To see if the Town will vote to authorize the Select Board to petition the General Court to enact legislation for the purpose of amending Chapter 147 of the Acts of 2024, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general objectives of this petition:

*An Act Authorizing the Town of Milton to Use Certain Land Acquired for Conservation Purposes for School Purposes*

Section 1: Chapter 147 of the Acts of 2024 is hereby amended in Section 2 by striking out the words "June 30, 2028" and inserting in place thereof the following words: -June 30, 2033.

and to act on anything relating thereto.

Submitted by the School Building Committee

**RECOMMENDED that the Town vote  .**

*COMMENT:*

**Article ##** To see if the Town will vote to Direct the Select Board to adopt community-wide greenhouse gas emissions reduction goals in alignment with the limits set by Massachusetts law, which are currently:

- at least 50% reduction from 1990 levels by the year 2030 (M.G.L. Chapter 21N, Section 4(h))
- at least 75% reduction from 1990 levels by the year 2040 (M.G.L. Chapter 21N, Section 4(h)),
- net-zero carbon emissions by the year 2050 (M.G.L. Chapter 21N, Section 3(b)(vi))

and direct the Select Board to measure progress toward these goals by updating the Town's Greenhouse Gas Emissions Inventory no less once every 5 years;

and authorize the Select Board to direct relevant boards, committees, and departments to proactively pursue fiscally responsible actions, investments, and policies to achieve the goals mentioned above and increase the Town's resilience to the detrimental effects of climate change.

Milton's Climate Action Plan recommends many such policies, in particular that the Town work to achieve Climate Leader Communities certification by the Department of Energy Resources (DOER) and access the associated grant opportunities to fund energy projects. The remaining requirements for Climate Leader Community certification are:

- Commit to eliminating on-site fossil fuel use by the Town by 2050
- Develop a roadmap for decarbonizing municipal operations.
- Adopt a zero-emission-vehicle first policy for new town vehicles when commercially available and practicable.

And to act on anything relating thereto.

Submitted by the Climate Action Planning Committee

**RECOMMENDED that the Town vote   .**

*COMMENT:*

**Article ##** To see if the Town will vote to amend the General Bylaws by inserting the following new Chapter XX Protection Against Light Trespass

**PURPOSE**

The purpose of this Chapter XX is to protect a Person from the intentional and unintentional Light Trespass caused by another Person.

**DEFINITIONS**

“Glare” intense and blinding light emitted by a Luminaire that reduces visibility and creates visual discomfort and/or momentary visual impairment. Discomfort Glare causes a nuisance due to overly bright light sources in the field of view. Disability Glare causes interference in the visual process and impairs the viewer’s vision.

“Illuminance” measured in Lux or footcandles, the total luminous flux incident at a point on a surface.

“Lamp” means the bulb or other light-emitting portion of a Luminaire, not inclusive of any reflective or refractive optics used to direct light.

“Light Trespass” means a condition in which artificial light emitted from a Luminaire on one property is directed in such a manner that the light source or glare is visible from any other property and constitutes a public hazard or a nuisance.

“Lumen” is a unit of measurement that quantifies the total amount of visible light emitted by a light source, with higher lumen values indicating a brighter light.

“Luminaire” means a complete lighting assembly, consisting of a Lamp, housing, optic(s), and other structural elements, but not including any mounting pole or surface.

“Lux (lx)” The SI metric system unit of measure for Illuminance.

“Nuisance” the unreasonable, unwarranted and/or unlawful use of property, which causes inconvenience, disruption of enjoyment, or damage to others, either to individuals and/or to the general public.

“Person” means an individual, a member of a limited liability company, a partnership, or a corporation.

“Public hazard or nuisance” means lighting that, by virtue of its intensity, brightness, area of coverage, position or direction causes to adjacent property or occupants thereof visual discomfort or other physical harm or damage, or a substantial and unreasonable interference with the use and enjoyment of such property.

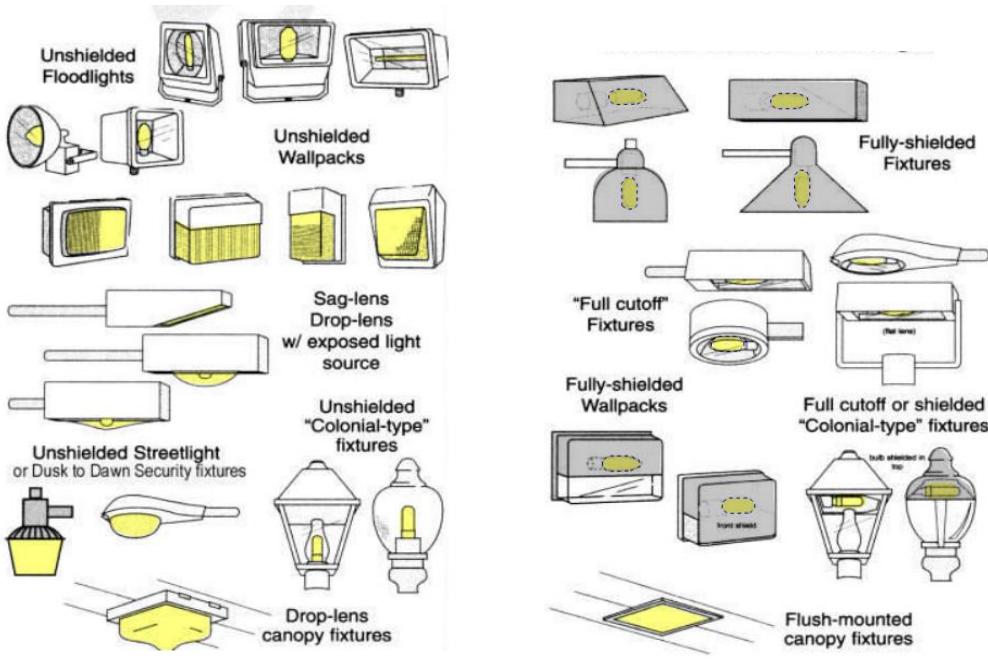
“Town” means the town of Milton, MA.

**ENFORCEMENT**

The Inspectional Services Department, or its designee, in their sole discretion, shall determine if a Light Trespass constituting a public hazard or nuisance exists.

1. Any complaint about Light Trespass shall be made to the Select Board office in writing with any additional material needed to determine that Light Trespass exists.

2. The Inspectional Services Department, or its designee, shall notify the property owner of its intention to review a complaint regarding Light Trespass at their property within ten (10) business days of receiving the complaint in writing.
3. Within forty-five (45) days of receiving the initial complaint the Inspectional Services Department, or its designee, shall conduct a site visit to review the complaint, observe conditions, take initial illumination measurements, and prepare a written summary of existing conditions.
  - a. During this timeframe the property owner may take steps to rectify the alleged Light Trespass and provide any documentation or response the property owner deems appropriate to prove there is no violation of Light Trespass.
  - b. The Inspectional Services Department, or its designee, shall take into consideration the following conditions, or any other information deemed appropriate to determine the outcome of the Light Trespass complaint:
    - i. Measurement of illumination at property line;
    - ii. Inspect Luminaire(s) in question:
      1. Control: Automatic (sensor, or timeclock) or Manual (switch);
      2. Type: Unsheilded or Sheilded (See table below);
      3. Direction: Towards into complainant's property boundary;
    - iii. Excessive Glare; and
    - iv. Light Trespass levels must meet the following:
      1. Luminaire light sources shall not be visible from federal, state or Town designated wilderness, natural area, habitat, or reserves, and Light Trespass shall measure no greater than 5 Lux;
      2. Light Trespass onto Waters of the United States shall measure no greater than 5 Lux;
      3. Light Trespass onto Residential Use property shall measure no greater than 10 Lux.
4. A condition determined by the Inspectional Services Department, or its designee, to constitute a public hazard or nuisance shall be in violation of this Bylaw. Persons found in violation shall have thirty (30) days to rectify the violation after which each additional day during which the violation exists shall constitute a separate offense or violation.



### UNSHEILEDDED/NON-CUTOFF

### SHIELDED/CUTOFF

## MEASUREMENT

The Inspectional Services Department, or its designee, shall take illumination measurements with an illuminance meter at five (5) boundary points. At each boundary point a vertical measurement shall be taken at approximately 5'-0" +/- aimed towards the luminaire. The illumination levels in lux shall be recorded. These shall represent the initial illumination ( $Ill_{init}$ ) measurements.

The luminaire(s) in question should be turned off and the same five (5) boundary point measurements should be repeated. These measurements shall represent the corrected illumination ( $Ill_{corr}$ ) measurements.

At each of the measured point, the differential ( $Ill_{init} - Ill_{corr}$ ) shall be calculated to confirm the contributed illumination from the luminaire(s).

## EXEMPTIONS

The following are exempt from compliance with all provisions of this Bylaw, except as noted:

1. Temporary emergency lighting needed by the Police, Fire, and Public Works departments; Water District personnel; or other law-enforcement and emergency services, as well as all vehicle-mounted luminaires.
2. Lighting employed during repairs of roads, utilities, and similar infrastructure, including unshielded lighting, provided that such lighting is deployed, positioned, and aimed such that to the extent possible the resulting glare and light trespass do not extend beyond the work area.
3. Any form of lighting whose use is mandated or otherwise governed by any legal jurisdiction with broader authority than that of the Town.
4. Temporary lighting for events sponsored by the Town or for which a license or other approval has been issued, such as concerts, fairs, and festivals.
5. A motion-activated luminaire that causes a nuisance but otherwise complies with this Bylaw.
6. Luminaires used to illuminate athletic fields or recreational facilities. Further, luminaires used to illuminate athletic fields, or recreational facilities must be turned off within one (1) hour after the end of play or by 10 p.m., whichever occurs sooner.

7. Seasonal Lighting where outdoor or site lighting that is portable, temporary, decorative, and used in connection with holidays and traditions. This includes but is not limited to string lighting, icicle lighting, and lighted inflatables, none of which are intended for general illumination.
8. Any pole-mounted flag illuminated at night, these luminaires shall be installed and oriented so that their light output points directly toward the flag(s) and incorporates optics to create the narrowest possible beam.
9. Outdoor accent lighting of landscaping, monuments, plaques, and similar installations are exempted from this Bylaw but shall be focused directly at the target so that the luminaire does not create a nuisance. Such lighting shall be designed and installed so that the luminaire points downward toward the target where possible, and emits no more light than is necessary for the task.

#### **RELIEF**

The Town shall have the right to bring a civil action to enforce the provisions of this Bylaw and to seek remedies as allowed by law, including, but not limited to injunctive relief, monetary damages; or other relief as directed by a court with jurisdiction over the matter.

#### **PENALTY**

Persons found in violation shall have thirty (30) days to rectify the violation after which each additional day during which the violation exists shall constitute a separate offense or violation.

For violations of this Bylaw, assessing fines of three hundred dollars (\$300) for each violation. Each day such violation continues shall constitute a separate offense. Said money shall incur to the Town for such uses as the Select Board or Town Administrator may direct. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with Massachusetts General Law Chapter 40 S. 21D MGL c. 40 S. 21D.

The Select Board or its designee shall be the “enforcing person” for purposes of MGL c. 40S. 21D.

And to authorize the Town Clerk to assign or amend chapter and section numbers; and to act on anything relating thereto.

Submitted by the Select Board

**RECOMMENDED that the Town vote .**

*COMMENT:* 

**Article ##** To hear and act upon the report of the Master Plan Implementation Committee; and to see if the Town will vote to establish a standing Master Plan Committee as a successor to the Master Plan Implementation Committee, with a term and charge as follows:

The charge of the Master Plan Committee shall be:

- (1) to monitor the implementation plan within the Town's 2015 Master Plan, or current Master Plan, and to recommend to the Planning Board and the Select Board the actions necessary to implement such plan, including timing, resources, and responsibilities;
- (2) to make recommendations to the Planning Board, Select Board, and Town Meeting regarding updates to the Town's Master Plan; and,
- (3) to make recommendations regarding the scope and key focus areas of future Master Plans,

The committee shall report annually to the Planning Board, Select Board, and Town Meeting.

The membership of the Master Plan Committee shall be comprised of not more than nine (9) members for terms that are renewed annually. One member shall be a member of the Planning Board and one member shall be a member of the Select Board. Other members shall have expertise in planning, architecture, economic development, transportation, landscape architecture, real estate, sustainability, conservation, parks, civil engineering, historic preservation, housing, facilities management, public policy, and diversity, equity and inclusion. Appointing authorities shall also consider equitable geographic/precinct distribution of members.

Members of the Committee shall be appointed as follows:

- Not more than 3 members appointed by the Planning Board
- Not more than 3 members appointed by the Select Board
- Not more than 3 members appointed by the Town Moderator

Submitted by the Master Plan Implementation Committee

**RECOMMENDED that the Town vote \_\_\_\_\_.**

*COMMENT:* \_\_\_\_\_

**Article ##** To see if the Town will vote to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaws, as follows:

**(1)** Article I Definitions is hereby amended by adding the following definitions:

**Awning** – Any device, fixed or retractable, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway, or other area or space whether that area or space is intended for pedestrians, vehicles or other purposes. Also known as a “canopy.”

**Beacon** – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

**Business Establishment** – Any non-residential use, whether or not consisting of one (1) or more buildings. In a building with more than one (1) non-residential tenant, each tenant shall constitute a separate business establishment.

**Changeable Copy** – Any lights, lettering, or images that may be electronically or manually changed to form a sign message or messages.

**Commercial Message** – Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**Façade of the Business Establishment** - That portion of the building wall facing a street or containing a public entrance, which corresponds to the height and width of the interior space rented or owned by the tenant of the business establishment.

**Flag** – Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization.

**Normal Grade** – The lower of 1) existing grade prior to construction or 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

**Sign Permit** – A permit issued by the Building Commissioner allowing a sign to be installed on a piece of property.

**Sign** – Any object, device, display or structure, or part thereof, which is placed outdoors or which is visible from the outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "Sign" shall include, without limiting the generality of the foregoing, billboards, pennants, ribbons,

streamers, moving devices, strings of lights, awnings, marquees, canopies, vending machines, and similar devices. "Sign" shall not include national or state flags, athletic scoreboards, official announcements or signs of U.S., Massachusetts or Town government (including any signs on Town property or the Town right-of-way) approved by the Board of Select Board, or temporary holiday decorations customarily associated with any national, local or religious holiday.

**Sign, Abandoned** – Any sign associated with a use which has ceased operations for sixty (60) or more days and/or contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt.

**Sign, Accessory** – Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises, and directional or parking instructions, or the sale or letting of the premises or any part thereof.

**Sign, Address** – A sign indicating the numerical location, or numerical and street location, of a particular property.

**Sign, Animated** – Any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene.

**Sign Area, Area of a Sign, Signage** – The entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a standing or pole sign is the entire area of one side of such sign such that two faces which are back to back are counted only once for the purposes of standing or pole sign area.

**Sign, Audible** – Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.

**Sign, Awning** – Any sign that is a part of, attached to, or displayed on an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

**Sign, Banner** – A sign placed above or across a public or private street or way with the prior written permission of the Board of Select Board; the Select Board shall determine the terms and conditions for the use of such sign, including, but not limited to, dimensional and length of time of allowances. Neither flags nor awning signs are considered banners.

**Sign, Bracket** – A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.

**Sign, Building** – Any sign attached to any part of a building, as contrasted to a ground sign.

**Sign, Directional** – Any sign limited solely to directing both vehicular and pedestrian traffic within or setting out restrictions on the use of parking areas.

**Sign, Directory** – A sign which may be utilized by multiple business establishments occupying a single building with a shared public entrance.

**Sign, Externally Illuminated** – A sign illuminated by an external light source directed solely toward such sign.

**Sign, Facing or Face** – The surface of a sign board, background area, and structural trim upon, against, or through which a message is displayed or illustrated on the sign.

**Sign, Flashing** – A sign, the illumination of which is not kept constant in intensity at all times when in use or which exhibits marked changes in lighting effects.

**Sign, Freestanding** – A sign not a part of or attached to any building but generally located elsewhere on a lot.

**Sign, Ghost** – An advertisement that was installed prior to 1960. Such “ghost sign” shall be allowed by Special Permit from the Select Board to remain, to be stabilized or restored to the original condition when such sign is considered an important reflection of the everyday social and economic life of years past. Such signs shall not count toward the allowable square footage or allowable number of signs of a business or parcel of land.

**Sign, Ground** – Any sign, supported by structures or supports that are placed on or anchored in the ground, independent from any building or other structure.

**Sign, Internally Illuminated** – A sign illuminated by an internal light source, utilizing translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through. A “Reverse Lit” sign is not an internally illuminated sign.

**Sign, Moving** – Any and every sign any part of which moves, is designed to move, or to be moved, by any means.

**Sign, Multi-faced** – Any sign consisting of more than one (1) sign face.

**Sign, Non-Accessory Sign** – A billboard, sign, or other advertising device which does not come within the other definitions of sign in this Section.

**Sign, Non-Conforming** – Any sign legally erected prior to the adoption of this section, or any amendment thereof, which does not conform to the requirements of this section or such future amendments.

**Sign, Open-Face** – A type of sign and/or sign illumination utilizing an open or clear plastic sign face, allowing the light source to be visible.

**Sign, Permanent** – Any sign of a type and construction as not to be easily or readily removed, which, when installed, is intended for permanent use. Types of permanent signs include, but are not limited to, standing signs, wall signs, awning signs, and window signs.

**Sign, Pennant** – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. Also known and referred to as a streamer.

**Sign, Portable** – A free-standing sign not permanently affixed, anchored, or secured to the ground or structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle, unless the primary function of that vehicle is as a sign and not for the transport of goods or merchandise.

**Sign, Projecting** – A type of wall sign which is perpendicular to the wall to which it is attached and projects away from such wall.

**Sign, Reverse-Lit** – A type of sign and/or sign illumination using an opaque face and sides, generally constructed of aluminum, and a clear polycarbonate back or no back. Light does not pass through the face of the sign, but rather comes out of the back of the sign and is cast off the wall behind the sign, thereby creating a silhouette of the outline of the sign face. Also known and referred to as “Reverse Back Lit”, “Halo”, or “Halo Lit” sign or sign illumination.

**Sign, Roof** – Any sign erected and constructed above, or projecting above, the lowest point of the eave or the top of a parapet wall of any building, or which is painted or otherwise attached or affixed to a roof.

**Sign, Standard Informational** – A sign with no one side consisting of an area greater than six (6) square feet, with a sign face made for short term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than six (6) feet. Sandwich board signs shall be considered to be a type of standard informational sign.

**Sign, Standing** – A permanent sign erected on or affixed to the ground and not attached to a building. The sign shall not exceed fifteen (15) feet in height with eight (8) feet of clearance under the sign area and erected upon supporting devices or stands.

**Sign, Temporary** – Any and every sign which by its design and/or use is temporary in nature and/or is not permanently mounted. Neither flags nor awning signs are considered temporary signs.

**Sign, Wall** – A permanent building sign not considered to be a roof sign, window sign, temporary sign, temporary window sign, or directory, attached to or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building. Wall signs may be mounted parallel or perpendicular to a wall, subject to the requirements herein.

**Sign, Primary Wall** – A sign on the building face fronting on a street or parking lot frontage.

**Sign, Secondary Wall** – A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary wall signs shall not exceed fifty (50) percent of the maximum possible area of the primary wall sign.

**Signs, Window** – Any sign attached, painted or otherwise similarly affixed directly to the glass surface of a window or door, either inside or outside the building, and/or any illuminated sign installed inside the building within one (1) foot of the glass surface of a window or door, and designed to be visible from the exterior of the structure.

**(2)** Strike Section 275-3.2(C) Signs and Billboards and Section 275-3.3(D) Signs Permitted in the Business District and insert the following new section:

Section 275-3.25 Signs.

## **1. Intent and Purpose**

### **a. Intent**

i. It is recognized that signs perform important functions in the community which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available, and providing orientation. It is further recognized that because of their potential detrimental impact to the visual and perceptual environment, signs must be regulated in order to:

- Prevent hazards to vehicular and pedestrian traffic.
- Prevent conditions which have a blighting influence and contribute to declining property values.
- Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity.
- Preserve the amenities and visual quality of the town and curb the deterioration of the community environment.

- Support business vitality by avoiding burdensome procedures and restrictions.

ii. It is the intent of this article to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community, and encourage the appropriate use of land.

**b. Pertinence to Other Laws**

All signs shall be subject to any and all other applicable by-laws and regulations of the Town of Milton and the Commonwealth of Massachusetts. Nothing in this by-law is intended to limit the exercise of the right of free speech guaranteed under the Constitutions of the United States of the Commonwealth of Massachusetts.

**c. Interpretation and Conflict Clause**

These regulations are not intended to interfere with, abrogate, or annul any other bylaw, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other regulations, bylaw, or other provision of law, whichever provisions are more restrictive or impose higher standards shall apply.

**d. Severability Clause**

The invalidity of any section or provision of this bylaw or its application to any sign, shall not invalidate any other section or provision, or application of this bylaw.

**2. Powers and Duties of Personnel**

The Building Commissioner is hereby authorized and directed to interpret, administer and enforce this Section.

**3. Applicability**

The standards and regulations of this Section shall apply to all signs, erected, maintained, or replaced in any district within the corporate limits of the Town of Milton. All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the Commonwealth of Massachusetts and other applicable bylaws of the Town of Milton.

**4. Existing Signs**

### **a. Existing Signs**

Existing Signs are defined as those erected before October 27, 2025, and are classified into one of five separate categories. These are:

- i. Conforming signs which comply with all provisions of this bylaw in its most recently amended form.
- ii. Prohibited signs, as specified in [Subsection 8b](#)
- iii. Pre-existing non-conforming signs, which do not comply with one or more provisions of this bylaw, in its form prior to the October 2025 Town Meeting, but which are not described as prohibited signs in Subsection 8.
- iv. Non-conforming signs, which fully complied with this bylaw prior to the amendments approved by the October 2025 Town Meeting.
- v. Exempt signs, as specified in Subsection 8a.

### **b. Removal of Existing Signs**

Non-conforming signs which are enlarged, reworded, redesigned, replaced, or altered in any way including repainting in a different color or relettering, shall comply immediately with all provisions of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement value of the sign at the time of replacement shall not be repaired or rebuilt except to conform to the requirements of this bylaw.

### **c. Removal of Non-Approved Signs**

The Building Commissioner shall order the removal of any non-approved signs erected or maintained in violation of this bylaw. Twenty one (21) days notice in writing shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the bylaw. Applicant shall have the opportunity to apply for sign review.

### **d. Abandonment of or Failure to Maintain Sign**

Any sign which shall have been abandoned or which shall not have been repaired or properly maintained within one hundred twenty (120) days after notice in writing to that effect has been given by the Building Commissioner must be brought into compliance with this bylaw.

## **5. Sign Permits**

**a. Sign Permit Required**

All persons desiring to erect, install, place, construct, alter, move or maintain a sign shall apply to the Building Commissioner for a permit. Exempt signs are excluded from this requirement.

**b. Application Submittal and Content**

The applicant must submit to the Building Commissioner a completed sign permit application, furnished by the Department of Inspectional Services, together with all supporting materials. The submittal of the following information, material, and fees shall constitute a complete application:

- i. The type and purpose of the signs(s) as defined in Section I. Definitions of the Town of Milton Zoning Bylaws (i.e. Wall Sign, Window Sign, etc.).
- ii. Dimensions and area of the sign(s), including letter height and aggregate sign area if more than one (1) sign and/or sign face.
- iii. Material(s) and colors of the sign(s).
- iv. Type of illumination.
- v. Number, type, and area of existing signs, if applicable.
- vi. Height of sign.
- vii. The zoning district in which the subject property is located.
- viii. The name, address, telephone number, email address, and signature of the business owner.
- ix. The name, address, telephone number, email address, and signature of the owner of the property upon which the sign is to be located. The owner's agent may sign if an authorization letter from the property owner is submitted.
- x. The name, address, telephone number, and email address of the contractor.

The following attachments, and necessary copies as required by the Building Commissioner, shall be submitted:

- i. For standing signs, a location plan or survey showing the property upon which the subject sign is to be located, the proposed location of the subject sign on the property the distance of the proposed sign from the subject property's boundaries, and all existing structures or buildings on the subject property. Such plan shall be to a legible engineer's scale.

- ii. For all signs, dimensioned drawings of the sign including lettering, borders, proposed color scheme, height, and other design elements. Such drawings shall be to a legible architect's scale.
- iii. For wall, awning, and window signs, a dimensioned drawing or photograph of the façade indicating the placement of the signs, area of the façade of the business establishment, and height of the sign. Such drawings shall be to a legible architect's scale.
- iv. Color photographs of the property and renderings to scale for new constructions including all buildings and the proposed sign location, as well as visualization of 3D rendering of the sign on the building.
- v. For all signs, a copy of a letter from the Chairman of the Sign Review Committee indicating the recommendation of the Sign Review Committee or, for signs requiring a Special Permit, a copy of a letter from the ZBA indicating the approval of the Special Permit.
- vi. Appropriate fees, as set from time to time by the Building Commissioner, shall be paid.

**c. Processing Time; Permit Issuance**

The Town shall process Sign Permit applications within ninety (90) days of the receipt of a complete and accurate application by the Building Commissioner, including remittance of the appropriate fee. No Sign Permit shall be issued by the Building Commissioner sooner than sixty (60) days unless the advisory review of the Sign Review Committee has been received. If the Advisory recommendation of the Sign Review Committee is not received within sixty (60) days the Building Commissioner shall act on the Sign Permit, unless there is a continuance from the Sign Review Committee.

**d. Application Rejection**

The Building Commissioner shall reject any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard within this Section within thirty (30) business days of receipt of said application.

**e. Resubmission**

A rejected application later resubmitted in conformity with this Section shall be deemed to have been submitted on the date of resubmission instead of the original

submission date. An application which is resubmitted shall meet all the standards for an original application.

**f. Permit Revocation**

Should it be determined that a Sign Permit was issued in error and/or pursuant to an application containing a false material statement or omission, or for a sign not meeting the standards of this Section, the Building Commissioner shall revoke said permit and the subject sign shall be immediately removed.

**g. Expiration Date**

A Sign Permit shall become null and void if the sign for which the permit was issued has not be installed and completed within six (6) months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one (1) ninety (90) day extension may be granted by the Building Commissioner. No refunds shall be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

**h. Penalties**

Any sign owner or owner of property on which a sign is located who violates or permits a violation of this bylaw, shall be subject to fines as established by the Select Board, said fine to being after the later of (1) the state of issuance of any written notice given by the Building Commissioner or (2) the date of conclusion of any appeal therefrom. Each day the violation persists shall constitute a separate offence.

**6. Design Review**

**a. Design Review Required**

- i. All signs requiring a Sign Permit or Special Permit under the provisions of this Section shall require the review of the Sign Review Committee

**b. Sign Review Committee**

The Sign Review Committee shall be appointed by the Select Board on an annual basis. The Committee will have five members, one of whom is the Director of Planning and Community Development and the others of whom are residents of or

owners of businesses within the Town of Milton. At least one member shall be an architect, urban designer, or planner. The members shall choose a chairman annually. The Committee shall act as an advisory board according to the requirements of this Section.

**c. Process**

- i. Following the receipt by the Building Commissioner of a complete application, the Building Commissioner shall review and approve that the proposed sign meets the dimensional and square footage criteria of the Total Sign Area. This information shall be included with the application to the sign review committee for review. The Building Commissioner will forward the appropriate number of copies of the application and all supporting materials to the Sign Review Committee for review. The application will include all information and documents defined in Section 5, with the exception of the letters from the Sign Review Committee and/or the ZBA.
- ii. The application shall be scheduled for review by the Sign Review Committee at the next meeting of the Committee not less than thirty (30) days after the receipt of the application by the Chairman.
- iii. The Sign Review Committee shall render an advisory recommendation regarding the design of the sign within thirty (30) days of the Chairman's receipt of the complete application.
- iv. Failure of the Sign Review Committee to make a recommendation within ninety (90) days from the date of the submission of application materials to the Planning Department shall be deemed to constitute a recommendation for approval.
- v. The Planning Department shall forward such recommendation in writing to the applicant and the Building Commissioner, to be either hand-delivered or mailed.

**d. Criteria for Review**

The Sign Review Committee's review and advisory recommendation of proposed signs shall be based on the following:

- i. Those Criteria contained in this Section.

- ii. The Sign Guidelines Handbook to be updated from-time-to-time by the Planning Department in consultation with the Planning Board and the Sign Review Committee.
- iii. Consideration of how the proposed sign(s) relates to:
  - Criteria for design guidelines within the district provided... Requirements contained within design guidelines at locations for which they exist... Design guidelines for those signs located in overlay districts for which there exists design guidelines
  - The context of the building façade.
  - Buildings in the immediate vicinity of the sign.
  - The basic pattern of the street front to which the sign is oriented.
  - The size, brightness, style, height and colors of other permanent structures and elements in the immediate vicinity.
  - Consideration of whether the proposed sign(s) is
    - Sized and located so as to avoid obscuring existing architectural features such as columns, sill lines, roof eaves, and cornices.
    - Comprised of materials and colors that reflect the character of the building to which it is attached or associated with.
    - Displaying graphics, symbols, logos, and/or letters which are legible and visible to both vehicle operators and pedestrians, are of a size that is proportional to the sign and the building to which it is attached or associated with, does not create a sign with a cluttered appearance. Such graphics, symbols, logos, and/or letters on secondary signs should be proportionally smaller than those on a primary sign.

**e. Recommendation**

The Sign Review Committee's advisory recommendation shall take one of the following forms:

- i. Approval – The Sign Review Committee shall recommend the approval of proposed signs that meet the Criteria for Review and comply with all requirements of this bylaw.
- ii. Approval with Conditions – The Sign Review Committee shall recommend the approval with conditions of proposed signs that comply with the requirements of this Section, but do not meet the Criteria for Review. The Sign Review Committee may recommend conditions that require changes to the sign; conditions shall relate to the Criteria for Review with the intent being that the conditions require the sign to conform to the Criteria.

- iii. Denial – The sign Review Board shall recommend denial of all proposed signs that do not comply with the requirements of this Section; the Sign Review Committee may recommend denial of Sign Permits that do not meet the Criteria for Review if, in the opinion of the Committee, there are no possible conditions which will allow the sign to more closely meet the Criteria for Review.

## **7. Appeal and Special Permits**

### **a. Right of Appeal**

- i. Any applicant for a Sign Permit, any person who has been ordered by the Building Commissioner to incur expense in connection with a sign, and any person dissatisfied with any refusal, order, or decision of the Building Inspector, may appeal to the Zoning Board of Appeals within twenty (20) days from the date of such refusal, order, or decision.
- ii. After notice given to the public and abutting property owners and/or residents, the Zoning Board of Appeals shall hold a public hearing. Applying the Standards in Subsection 6d, the Board shall affirm, annul, or modify such refusal, order, or decision. The action of the Building Commissioner may be annulled or modified only by a majority decision of the Zoning Board of Appeals. If the action of the Commissioner is modified or annulled, the Building Commissioner shall issue Sign Permit or order in accordance with the decision of the Board.

### **b. Special Permit Granting Authority**

The Zoning Board of Appeals shall serve as the Special Permit Granting Authority for all Special Permits for signs and shall consider request for Special Permits in accordance with this Section and Section IX.C. Special Permits or Other Permits, of the Zoning Bylaw.

### **c. Circumstances in which a Special Permit May be Sought**

- i. Special Permits may be considered and issued for any request for relief from the requirements of this Section; however, Special Permits may not be issued to allow those signs indicated in Section 8b, with the exception of internally illuminated signs.

- ii. Any Special Permit granted by the Zoning Board of Appeals shall be by majority vote and shall specify the reasons for allowing the requested relief. Each decision shall be filed in the office of the Town Clerk within thirty (30) days after the hearing by the Building Commissioner and a copy of the decision shall be sent by mail or delivered to the appellant and any other person appearing at the hearing and so requesting in writing. Failure to file a decision within thirty (30) days after the hearing shall not be deemed to be approval of any relief sought.
- iii. The Board shall set forth appropriate conditions and safeguards whenever in its opinion they are desirable.

**d. Required Findings**

A Special Permit for a sign may be issued provided that the Zoning Board of Appeals makes the following findings:

- i. The sign is otherwise in compliance with the provisions of this Section;
- ii. Sign scale is determined to be in reasonable relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures.
- iii. Sign size, shape, and placement serve to define or enhance architectural elements of the building such as columns, sill lies, cornices, and roof edges, and does not unreasonably interrupt, obscure or hide them.
- iv. Sign design is in reasonable continuity with the mounting location, height, proportions and materials of other signage on the same or adjacent structures.
- v. Sign materials, colors, lettering, style, illumination and form are reasonably compatible with building design, neighborhood context, and use.
- vi. Sign size, location, design, and illumination are not judged to present a safety hazard to vehicular or pedestrian traffic.

**e. Design Review**

Prior to the granting of a Special Permit by the Zoning Board of Appeals, the Sign Review Committee shall submit an advisory recommendation on the Special Permit to the Zoning Board of Appeals. Such recommendation shall address compliance of the sign with Subsection 6e. An unfavorable report of the Sign Review Committee shall indicate which of the findings were not met and shall state what modifications to the sign or signs could be made to render a favorable report. Failure of the Sign Review Committee to make such report within thirty (30) days from the date of the

submission of the application materials to the Sign Review Committee shall be deemed by the Zoning Board of Appeals to constitute a favorable report.

## **8. Exempt Signs and Prohibited Signs**

### **a. Exempt Signs**

The following signs shall be allowed by right without the necessity of a Sign Permit:

- i. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or statute.
- ii. Any sign inside a building not attached to a window or door.
- iii. Address signs, the letter and number height of which does not exceed eight (8) inches.
- iv. Names of buildings, date of erection, monumental citations, and commemorative tablets, when made a permanent and integral part of a building, not to exceed ten (10) square feet.
- v. Flags.
- vi. Traffic control signs or private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards, and which contain no commercial message of any sort.
- vii. Signs located on property owned by the Town and approved by the Select Board.
- viii. Signs sanctioned by the Town of Milton Historical Commission, which display historical information about buildings, properties, people and the like, and not exceeding two (2) square feet in area. Such signs may be wall or ground mounted.
- ix. Street Banners providing notice of public entertainment or advertising a charitable, religious or educational event, may be placed within the Town right-of-way if approved by the Select Board for a period of time not to exceed eight (8) consecutive days, the first of which shall occur not more than seven (7) days prior to such entertainment or event. All said banners shall be removed within twenty-four (24) hours after such entertainment or event.
- x. Holiday decorations and lights when in season.
- xi. Public Interest Signs- Signs containing cautionary messages, such as "Beware of Dog" or "No Trespassing" shall be exempt from the permit requirements of this bylaw, provided they do not exceed two (2) square feet.
- xii. Paper or cardstock window signs advertising any campaign, drive, event or activity of a civic, philanthropic, educational or religious organization for noncommercial purposes, provided that they are to be removed within thirty (30) days of initial display.

xiii. Temporary display or charitable ideas or expression of political, religious, ideological ideas shall be exempt from the provisions of this bylaw, subject to the following conditions:

1. No such sign shall be affixed to a tree or utility pole or otherwise erected in a public way.
2. Signs may be erected in the Town's right-of-way by a homeowner in front of his or her own home provided, a) there is not protrusion into the public walkway or roadway; b) placement will not damage any plantings that are in the area; c) placement does not pose a hazard to passersby; d) posted signs include the contact information of the sign owner attached in a visible manner to the sign; and e) signs may not be posted for more than two weeks without approval in writing of the Select Board.
3. Signs may be erected on other Town property only with the approval of the Select Board.
4. Temporary signs erected on Town property or right-of-way or other disapproved locations not meeting all of the foregoing conditions may be removed and stored at a Town facility awaiting the owner's retrieval for a period not to exceed thirty (30) days, after which they may be discarded.

## **b. Prohibited Signs**

The following signs are prohibited:

- i. Nonaccessory signs.
- ii. Any new or existing sign not erected pursuant to and in accordance with the requirements of this bylaw. See Subsection 4(A) for guidance on nonconforming signs.
- iii. Signs which incorporate in any manner flashing, moving, or intermittent lighting, excluding public service signs showing time and temperature. These include promotional beacons, laser lights, or images.
- iv. Wind signs, including banners, pennants, spinners, streamers, and other wind-actuated components.
- v. Mechanically activated signs, other than rotating barber poles.
- vi. Any sign which advertises or calls attention to any products, businesses, or activities which are no longer sold or carried on at any particular premise. No such sign shall remain in place or on vacated premises for more than ninety (90) days from the date the vacancy commenced.
- vii. Portable signs, except for Sidewalk Signs as defined in Section 12(viii) of this bylaw, not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies.

- viii. Signs advertising businesses, services, or activities located at different premises from the premises on which the sign is located, except street banners permitted by the Select Board as defined in Subsection 8a.
- ix. Window signs which cover more than twenty-five (25) percent of the window or which obstruct the middle third of the window or door such that eye-level view through the window is blocked.
- x. Signs erected so as to obstruct any door, window, or fire escape on a building.
- xi. Signs constructed, erected, or maintained on the roof of a building or which extend above the roof plate line.
- xii. Signs in the right-of-way, other than those belonging to a government, public service agency, or railroad.
- xiii. Signs which are pasted, attached, mounted, or located on a tree, utility pole, fence or structures such as overpasses ad bridges or other similar structure. Signs pasted or attached to other signs are prohibited unless such subsidiary portions are an integral part of the total sign design.
- xiv. Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rot, damaged support structures, or missing letters.
- xv. Billboards.
- xvi. Audible signs.
- xvii. Open Face Channel Letters.
- xviii. Signs fabricated with letters, numbers, designs, or images consisting of an exposed or visible light source emitted from the face of the sign, including, but not limited to, incandescent and fluorescent bulbs, LED price signs, LED and digital displays, and neon tubes.

## **9. Measurement of Sign Area and Height**

### **a. Measurement of Sign Area**

- i. **Generally** – Sign area shall be computed as the area within the smallest single rectangle or square enclosing the extreme limits of the sign face including any cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. For purposes of determining the maximum sign limitations, any intermediary removable surface to which a sign is attached shall be deemed part of the sign, and any sign composed of separate letters, numbers, or symbols cut into or attached to a wall or painted on or otherwise attached to an awning, canopy, or window shall be deemed to occupy the entire area within a single rectangle or square enclosing the extreme limits of the sign, including any structural elements.

- ii. **Structure** – The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those parts contained within the rectangle or square that delimits the sign face.

**b. Measurement of Sign Height**

- i. **Ground Signs** – The height of a standing sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest component of the sign. Where the normal grade is below the normal grade of a public street of the street before the height limitations are applied (surveyor's certificate required).
- ii. **Building Signs** – The height of a wall sign shall be determined to be the vertical distance measured from grade to the top of the highest attached component of the sign.

**10. Location, Construction and Design Standards**

**a. Setback**

Unless a more restrictive setback is specified otherwise in this Section, all Ground Signs, whether permanent or temporary, shall be set back at least fifteen (15) feet unless otherwise determined in Sign Committee site plan review from the nearest property line, whether or not said line abuts a public or private street or way; except Standard Informational Signs which may be located anywhere on the lot, but shall not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway and shall not overhang a public sidewalk.

**b. Corner Clearance**

All signs shall meet the corner clearance requirements contained within the Town Bylaws.

**c. Right-of-Way**

No sign or any part thereof, except authorized government, public service agencies, or railroad signs, shall be located in any right-of-way, except for signs which are allowed to project over a public sidewalk subject to the conditions in Section 12. Any pre-existing sign which projects into, on or over a public street or way or pre-existing or new sign that projects over a public sidewalk shall be subject to bonding and/or insurance requirements as determined by the Department of Public Works. All signs

projecting over a public right-of-way shall be subject to the provisions of the State Building Code regulating such signs

**d. Compliance with Building Code**

All signs permitted under this Section shall be constructed and installed in accordance with the applicable provisions of the State Building Code and with the reasonable requirements of the Building Commissioner.

**e. Maintenance**

All signs, together with the structural elements, shall be kept in good repair and in a proper state of preservation to the reasonable satisfaction of the Building Commissioner. The Building Commissioner may order the removal of any sign that is not maintained in accordance with the provisions of this Section, the State Building Code and/or the Zoning Bylaw

**f. Installation**

Without express approval by the Sign Review Committee, no sign shall be painted or posted directly on the exterior surface of any wall. All signs must be painted, posted, or otherwise securely attached to a substantial intermediary removable surface which shall be securely attached to the building; however, the foregoing shall not prevent the installation of a sign consisting of individual letters or devices securely attached to the exterior wall of the building. Installed signs shall display the name of the installer and the permit number issued by the Building Commissioner in a legible manner but inconspicuous location.

**g. Illumination**

**i. Permitted**

**1. Permitted** – The following types of illumination shall be allowed:

- a. Externally Illuminated Signs – Signs may be externally illuminated by white, steady, stationary light shielded and directed downward, or upward if ground mounted solely at the sign.
- b. Reverse Lit Signs or Halo Signs – Signs may be reverse lit, illuminated by white light only.

**2. Permitted by the issuance of a Special Permit:**

- a. Internally Illuminated Signs
3. **Prohibited** – The following types of illumination shall be prohibited:  
Open Face Channel Letters
  - a. Signs fabricated with letters, numbers, designs, or images consisting of an exposed or visible light source emitted from the face of the sign, including, but not limited to, incandescent and fluorescent bulbs, LED price signs, LED and digital displays, and neon tubes.
4. **Time** – Unless a business establishment is open to the public, no sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m.
5. **Intensity** – Exterior illumination of signs shall be so shaded, shielded, or directed that they shall not reflect or shine on or into neighboring premises or into any public street. The intensity of such light shall be deemed acceptable if it does not exceed a factor of 3 above the ambient light intensity at any point on the ground when measured with an incident light meter and the following procedure:
  - a. The intensity of the sign illumination, in foot-candles, is measured with all normal background and ambient illumination on.
  - b. With the sign turned off, the same measurement is repeated.
  - c. The ratio of the measurements in (a) to that in (b) shall not exceed 3.
6. **Dimming** - All exterior illumination shall have dimming capabilities.

## **11. Residential Districts**

- a. A sign of not more than two (2) square feet in area, displaying the street number, the name of the occupant of the property and/or historical references, if any, without the need for a permit under this bylaw.
- b. Sign pertaining to the lease or sale of a lot or building without the need for a permit under this bylaw, provided that such signs do not exceed a total area of nine (9) square feet nor more than 1-1/2 feet in any dimension, until such time as all lots, apartments, condominiums, or houses have been rented or sold.
- c. One contractor's sign, not exceeding twelve (12) square feet in area (except as otherwise provided by law) maintained on the property while construction is in progress, and containing information relevant to the project. Such sign shall not require a permit under this bylaw and shall be removed within three days after completion of construction.

- d. One sign identifying each public entrance to a subdivision or multi-family development such as apartments, condominiums, or town houses, of not more than nine (9) square feet in area, nor more than 3-1/2 feet in any dimension, In addition, each family unit may carry a single sign of not more than one square foot, without time limit.
- e. Pre-existing commercial uses and nonconforming business in residential zones are subject to business requirements.

## **12. Business Districts**

- a. **Total Sign Area** – Unless otherwise hereinafter provided, the total area of all signs erected on a lot shall not exceed one and one-half (1.) square feet in area for each horizontal linear foot of the building face(s) parallel to, or substantially parallel to, a street line. However, if the primary facade is on a parking area, then said facade shall be used to determine the amount of allowable signage.
- b. **Principal Signs** – No more than two principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign.
  - The total area of all flat wall signs shall not exceed fifty (50) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. Subject to the approval of the Building Inspector, a flat wall sign may be located anywhere on any wall of a building, provided that it does not conceal any part of a window, and that its length does not exceed seven-eighths (7/8) of the facade of the business establishment.
  - A projecting sign shall not extend beyond the curb line or more than 50 inches, exclusive of any supporting structure from the building. A projecting sign shall not be less than 10 feet from the ground level at the base of the building, over a vehicular way, 10 feet over a sidewalk, or a lesser distance so long as public safety is not endangered nor more than 20 feet from the ground level to the top of the sign. Allowable area of a projecting sign will be computed as one-half (.) square foot for each horizontal linear foot of the facade of the establishment on which it hangs. Such sign shall not extend above the building, nor be more than twelve (12) square feet in area.
- c. **Secondary Signs** – If a business establishment consists of more than one building, or if a building has secondary frontage on a street or parking area, a secondary sign may

be affixed to one wall of each building or to the second side. Secondary signs shall not exceed one square foot for each horizontal linear foot of secondary frontage on a street or parking lot, and said area shall be limited to 50% of the area allowed for the Primary Sign.

- d. **Directories** – Where there are three (3) or more businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1.) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.
- e. **Awnings** – Retractable, fabric awnings projecting from the wall of a building for the purpose of shielding the doorway or windows from the elements may include signage on the valance. Such signage shall not be included in the calculation of the total permitted sign area for the lot, provided that no lettering or symbol is greater than six (6) inches in height. No awning may extend within two (2) feet of a curbline.
- f. **Temporary Sale Signs** – In a business district, temporary signs, advertising special promotions or sale of merchandise, may be attached to or located only within the interior of a window or door, and shall not require a permit under this bylaw or be considered in calculating the total permitted sign area for the lot. Such signs must be registered with the Building Commissioner prior to their installation. Each business establishment shall be limited to display such signs for a period not exceeding thirty (30) days with no more than three (3) such thirty (30) day periods permitted per calendar year. Thirty (30) day periods may be utilized consecutively.
- g. **Signs Painted on Windows** – In a business district, script describing a product or theme and not including the name of the business. Such signage shall be subject to the requirements of this section and be included in the calculation of the Total Sign Area.  
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- h. **Sidewalk Signs** – One “A” frame Sandwich Board sign per business premises shall be permitted (including within the public right-of-way (sidewalk only)), in addition to the other signs permitted under this Subsection 8, such signs shall not require a permit under this bylaw, subject to the following conditions:
  - The sign shall only be displayed in front of the place of business, adjacent to the buildings only, and not along the curb.
  - The sign shall be displayed only during the months of May-October.
  - The sign shall not exceed 24" in width and 48" in height.

- The sign shall not be made entirely of plastic, nor shall it be primarily devoted to a single product.
- The sign shall advertise the business and the good and services available on the premises.
- The sign shall not protrude on the sidewalk in such a way as to obstruct pedestrian traffic or reduce the open sidewalk width to less than four feet.
- The sign shall be free of sharp corners, protrusions and devices which could inadvertently cause injury.
- The sign must be constructed with a cross-brace for stability; the sign must have sufficient strength to stand by itself, without the use of other materials to stabilize it.
- In response to specific safety concerns, the Police Department may prohibit sidewalk displays in designated areas during holiday parades or other specified times or days when sidewalk congestion is excessive.
- The sign may be displayed only during business hours and must be removed from the sidewalk thereafter.
- The Building Commissioner shall issue a sticker permit on an annual basis which shall be attached to the interior of the Sidewalk Sign. Sidewalk Signs without the correct annual permit shall be removed by the order of the Building Commissioner.
- Liability insurance coverage shall be carried, and evidence of same may be requested by the Building Commissioner. Said insurance must cover personal injuries or property damage which may occur in such areas. Such liability insurance coverage shall be extended to include the Town of Milton as an additional insured on the liability insurance policy in the amount of one million dollars (\$1,000,000) per claim and two million dollars (\$2,000,000) per occurrence for any and all claims which may arise, for any reason, as a result of the placement of such sign. The business shall also require the insurer to give at least thirty (30) days written notice of termination, reduction or cancellation of the policies to the Town.

## **13. Special Provisions**

### ***a. Religious and Educational Non-profit Institutions***

One sign, including bulletin or announcement board, identification sign or entrance marker is allowed for the principal entrance to the premises of a church, synagogue or other religious institution or school, museum, library, or other not-for-profit organization, not exceeding twelve (12) square feet in area. One additional sign, not exceeding twelve (12) square feet in area is also allowed if the establishment has frontage on a second public way. Up to nine (9) additional square feet of signage is

also allowed to provide information to users on the site, provided that no single sign exceeds three (3) square feet.

**b. *Restaurants***

In addition to other signs permitted by this bylaw, restaurants and other food service establishments may post an actual menu on the building where the premises are located near the main entrance door of the establishment without obtaining a permit under this bylaw.

**c. *Bed and Breakfasts***

A bed and breakfast in any zoning district may not have more than one permanent sign. The sign must be unlighted and is not to exceed four (4) square feet in area. If a ground sign, it must be set back not less than half the depth of the front yard.

**d. *Fuel Service Stations***

One identification sign not to exceed twenty (20) square feet in area. Product identification signs for gasoline services stations may be maintained, provided the total of said signs does not exceed nine (9) square feet in area with no single sign to exceed three (3) square feet in area

**e. *Directional and Traffic Safety Signs***

Signs indicating “entrance,” “exit,” “parking,” or similar traffic directional information, shall not exceed three (3) square feet in area per sign. Provided these signs are erected on the lot pursuant to a town or state regulation, they shall not be counted in the maximum sign number and sign area requirements for the lot. Signs indicating parking for a specific business shall be limited to one sign per five spaces.

And to authorize the Town Clerk to assign or amend chapter and section numbers and titles; and to act on anything relating thereto.

Submitted by the Planning Board

**Article ##** To see if the Town will vote to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaws, by amending §275-20 Traffic Impact Mitigation as follows:

1. In the first paragraph of § 275-20.1, first line, reword the first clause to read: “In a Planned Unit Development District, an Overlay District or a Residence District where a special permit is required, or in a Business District or Overlay District where site plan approval is required, in either event for the construction or alteration of a structure...”;
2. Insert “, or the site plan approval granting authority, as applicable,” after “SPGA” wherever it appears;
3. Replace the word “inhabitants” with “residents” in § 275-20.2;
4. Strike “and in any case, the LOS shall never be below a “C” for Scenic Roads or a “D” for all other new or existing intersections” in paragraph A in § 275-20.3;
5. Strike “for the applicable Planned Unit Development or Overlay District” in the first paragraph of § 275-20.4;
6. Replace “as compliance” with “together” in the first paragraph of § 275-20.4;
7. Insert “or site plan approval” after “Special Permit” wherever it appears;
8. Replace “effected” with “affected,” “on site” with “onsite” and “off site” with “off-site” in paragraph A(5) in § 275-20.4;
9. Insert “SPGA or the site plan approval granting authority, as applicable” in place of “Planning Board” wherever it appears; and
10. Strike “and specified as conditions in the special permit” at the end of paragraph B in § 275-20.6

As amended, §275-20 shall read:

#### **§ 275-20.1. [Findings.]**

In a Planned Unit Development District, or in an Overlay District or a Residence District where a special permit is required, or in a Business District where site plan approval is required, in either event, for the construction or alteration of a principal use structure that will result in the increase in gross floor area by more than 10% of existing floor area or that will require the addition of 10 or more parking spaces to a property or that will result upon full completion in 7,500 square feet or more of gross floor area, the Special Permit Granting Authority ("SPGA") or the site plan approval granting authority, as applicable, may require mitigation measures and/or a monetary contribution from applicants to mitigate or offset a development's transportation impacts.

#### **§ 275-20.2. Purpose.**

The purpose of Traffic Impact Mitigation ("TIM") is to protect the health, safety and general welfare of the inhabitants residents, businesses, and other establishments of the Town of Milton.

#### **§ 275-20.3. Development Traffic Impact Standards.**

Standards by which a project subject to TIM shall be evaluated relative to its impact upon Milton's traffic infrastructure shall include:

- A. Level of Service ("LOS") of all intersections and roads shall be adequate following project development and shall be determined according to criteria set forth by the Transportation Research Board ("TRB") of the National Research Council. LOS shall be determined inadequate if a development reduces the LOS more than one level below the existing grade prior to the development, ~~and in any case, the LOS shall never be below a "C" for Scenic Roads or a "D" for all other new or existing intersections.~~
- B. An Impacted Intersection shall be any intersection or intersections projected to receive at least 60 additional vehicle trips during peak hour traffic over the no-build condition or intersections projected to receive an additional 5% of anticipated daily or peak hour traffic over the no-build condition due to the contribution of traffic by the proposed development.

#### **§ 275-20.4. Determination of Traffic Impact.**

An application for a special permit or site plan approval for a project subject to TIM shall include, ~~as compliance together with~~ all other special permit application or site plan approval application submission requirements, ~~for the applicable Planned Unit Development or Overlay District~~ a Traffic Impact Statement, which shall be prepared by a qualified MA Registered Professional Engineer specializing in traffic that shall include the following:

- A. A Traffic Impact Assessment documenting existing traffic conditions in the vicinity of the proposed project, accurately describing the volume and effect of the projected traffic generated by the proposed project, and identifying measures necessary and sufficient to mitigate any adverse impacts on existing traffic conditions.
  - (1) Determination of Scope: prior to preparing the Traffic Impact Assessment, the Applicant's Professional Engineer shall meet with the Town Engineer, to review the proposed scope of the Traffic Impact Assessment, including the identification of the "project impact area," to be studied, which shall include all impacted intersections and streets likely to be significantly affected by the proposed project, as defined above. The Town Engineer shall provide a written statement to the SPGA or the site plan approval granting authority, as regarding applicable, regarding his/her concurrence or disagreement with the proposed scope, and the reasons for his/her opinion, which shall be provided to the Applicant and included with the Traffic Impact Assessment.
  - (2) Existing Traffic Conditions: the Traffic Impact Assessment shall measure and assess average and daily peak hour volumes, average and peak speeds, sight distances, accident data, and levels of service (LOS) of all intersections and streets within the project impact area. Generally, such data shall be no more than 12 months old at the date of the application, unless other data are specifically approved by SPGA or the site plan approval granting authority, as with applicable, with the recommendations of the Town Engineer.
  - (3) Projected Traffic Conditions: the Traffic Impact Assessment shall include projected traffic conditions for the design year of occupancy, including statement of the design year of occupancy, estimated background traffic growth on an annual average basis, and impacts of other proposed developments that have been approved in whole or in part by the Town which will affect future traffic conditions. If a proposed principal use is not

listed in the criteria established by the TRB, the SPGA or the site plan approval granting authority, as applicable, may approve the use of trip generation rates for another use listed that is similar in terms of traffic generation to the proposed use. If no use is similar, a traffic generation estimate, along with the methodology used, prepared by a registered professional traffic engineer, shall be submitted and approved by the SPGA or the site plan approval granting authority, as applicable.

- (4) Projected Impact of Proposed Development: the Traffic Impact Assessment shall include the projected peak hour and daily traffic generated by the development on the roads and ways in the project impact area, sight lines at the intersections of the proposed driveways and streets, existing and proposed traffic controls in the vicinity of the proposed development, and projected post-development traffic volumes and levels of service of intersections and roads likely to be affected by the proposed development.
- (5) Traffic Mitigation Measures: the Traffic Impact Assessment shall propose specific measures to be undertaken by the Applicant in order to mitigate the impacts of the proposed development and to ensure that current traffic conditions and LOS are not adversely effectedaffected by the project. Also, the Traffic Impact Assessment shall consider both on siteonsite and off siteoff-site mitigation measures, to include but are not limited to new traffic control signals, increase in right of way capacity via widening roads, or other right of way or intersection improvements. The proposed mitigation measures, if approved by the SPGA, or the site plan approval granting authority, as applicable, shall become conditions of the special permit or site plan approval.

B. The SPGA or the site plan approval granting authority, as applicable, shall have the option to require a peer review of the Traffic Impact Statement by a Registered Professional Traffic Engineer of its choosing at the Applicant's expense.

#### **§ 275-20.5. Establishment of TDM Goals and Requirements:**

The SPGA or the site plan approval granting authority, as applicable, Planning Board shall have the discretion to strongly encourage at least one or more Transportation Demand Management (TDM) programs to reduce peak hour volumes, as listed below:

- A. Provide staggered work hours (one hour increments) for at least 10% of the non-management work force.
- B. Provide preferential parking locations for all employees arriving in a car pool comprised of at least two licensed drivers.
- C. Provide a cash incentive for all car pools of two or more licensed drivers. Said incentive shall be at least 40 dollars per month per car pool.
- D. Provide a shuttle or van service to and from public transportation terminals. Said service must have the capacity to accommodate at least 10% of the employees on the largest shift.
- E. Provide a work at home option for at least one day per week for at least 10% of the total work force.
- F. Provide subsidized public transportation passes of at least 20% of the monthly pass cost.
- G. Provide secure and safe bicycle parking and storage.

- H. Provide showers and lockers for bicyclists.
- I. Provide a public bicycle sharing program
- J. Provide connectivity between adjacent bike storage sites and bike pathways.
- K. Provide a fully connected sidewalk network.
- L. Provide bicycle lanes.
- M. Provide other programs designed by the applicant and approved by the SPGA or the site plan approval granting authority, as applicable, Planning Board in lieu of or in addition to those listed above.

#### **§ 275-20.6. Mitigation Payments.**

- A. In lieu of or in addition to the Applicant performing all or part of the mitigation measures which have been made a condition of the special permit or site plan approval, the SPGA or the site plan approval granting authority, as applicable, may require the Applicant to make a contribution into a Traffic Safety and Infrastructure Revolving Fund (the "Fund") of an amount at its discretion equal to a maximum of:
  - (1) \$300 per parking space for any commercial, manufacturing, or retail use.
  - (2) \$300 per loading dock for any distribution or warehouse facility.
  - (3) \$450 per residential unit.
- B. The Fund shall be held separate and apart from other moneys by the Town Treasurer. Any money in said Fund shall be expended only by majority vote of the Planning Board and Select Board and in accordance with the provisions of the Fund and the Requirements for Monetary Contributions specified herein. The Fund may be used for the implementation of a Complete Streets program, traffic calming measures, maintenance and improving of traffic regulation and control, road improvements (including widening), traffic control signals, street lighting, pedestrian and bike improvements, sidewalks and other public improvements related to traffic safety. The cost of land takings necessary to accomplish any of the purposes listed herein shall be considered a proper purpose for the expenditure of money from this Fund. No money in this Fund shall be used for any purpose not included or directly related to the purposes listed above. Further, money paid by a specific applicant for a special permit or site plan approval under this section shall only be spent on mitigation measures related to said development and specified as conditions in the special permit.
- C. Per written request of the Applicant, the SPGA or the site plan approval granting authority, as applicable, may allow the Applicant to directly implement a portion of the proposed mitigation measures identified in the Traffic Impact Assessment, and which have been made conditions of the special permit or site plan approval. The costs of those measures, itemized by cost category, as certified by the Town Engineer and approved by the SPGA, or the site plan approval granting authority, as applicable, shall be credited to the Applicant's payment to said Traffic Safety and Infrastructure Fund, and said payment shall be reduced by the certified amount.
- D. Funds: Potential uses of funds: Funds may only be used if the expenditure directly relates to the impact created by the development to which it applies. Funds may not be used to pay for existing deficiencies unless the deficiencies are increased by the new development.  
Requirements for Monetary Contributions: The SPGA or the site plan approval granting

authority, as applicable, must:

- (1) Establish a clear and proximate link between the impact of a development on the transportation network and how the mitigation funding will be used to remedy that impact;
- (2) Establish a clear and well-defined process to monitor progress and compliance towards established goals.
- (3) Specify a timeframe for the use of mitigation revenue and determine a process to return unspent sums of money outside of the established time frame.
- (4) Hold the revenue in a specifically identified account that is monitored and reported on.
- (5) Ensure a clear transfer of responsibility in the event of a change of ownership.

#### **§ 275-20.7. Completion of Mitigation Measures.**

A. No building permit shall be issued to an Applicant for a Special Permit or a site plan approval under this section until surety has been established in a sum sufficient to ensure completion of mitigation measures required by the SPGA or the site plan approval granting authority, as applicable, in the form of a 100% performance bond, irrevocable letter of credit, or escrow agreement. The sum of said surety shall be established by the SPGA, or the site plan approval granting authority, as applicable, with input from the Town Engineer, and be approved as to proper form and content by the Town's Treasurer.

B. No occupancy permit, permanent or temporary, shall be issued to an Applicant for a Special Permit or a site plan approval under this section until all required mitigation measures described in the Traffic Impact Statement and specified as conditions in the Special Permit or site plan approval have met the following conditions:

- (1) All required Mitigation Payments are received by the Town Treasurer.
- (2) All mitigation measures have been certified by the Town Engineer as complete and all public improvements have been accepted by the Town of Milton or the Commonwealth of Massachusetts, whichever is applicable;
- (3) All design, construction, inspection, testing, bonding and acceptance procedures have been followed and completed in strict compliance with all applicable public standards and have been certified by the Town Engineer.

C. If the Applicant fails to complete any required mitigation, the Town shall be authorized to complete such measures with the surety payments and with the Mitigation Payments to the extent required. Any expenditure by the Town of Mitigation Payments associated with correcting applicant's deficiencies shall be refunded to the Town by the Applicant prior to issuance of an occupancy permit, permanent or temporary.

And to authorize the Town Clerk to assign or amend chapter and section numbers and titles; and to act on anything relating thereto.

Submitted by the Planning Board



Town of Milton  
525 Canton Ave  
Milton, MA 02186

**Town Meeting will be held on  
Monday, October 27, 2025  
Beginning at 7:30 p.m.**

The Milton High School auditorium  
is reserved for additional Town Meeting  
sessions at 7:30 p.m. on:  
Tuesday, October 28  
Wednesday, October 29.

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# Governor Stoughton Trust

## Meeting Packet

July 30, 2025

# TOWN FARM AND GOVERNOR STOUGHTON TRUST DOCUMENTS

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## Governor Stoughton Trust Documents

- [Governor William Stoughton Will - Transcribed](#)
- [Trustees Complaint Requesting Relief 11-22-2013](#)
- [Answer and Consent of the Attorney General 12-16-2013](#)
- [Joint Motion for Entry of Judgement](#)
- [Probate Court Judgement 2-4-2014](#)

## Town Farm Request for Proposals

- [Town Farm Request for Proposals Issued 12-6-2023](#)
- [Town Farm RFP - Addendum 1](#)
- [Town Farm RFP - Addendum 2](#)
- [Town Farm Proposal - Affirmative Investments](#)
- [Town Farm Proposal - Milton Partnership for Community Reinvestment, LLC](#)

## Prior Town Farm Related Materials

- [Governor Stoughton Land Trust Committee Final Report](#)
- [Mass. Historical - Milton Poor Farm - Town Farm - Historic Inventory Form](#)



## **Town Farm Review Committee Recommendation to the Select Board**

June 2025

In July 2024, the Governor Stoughton Trustees (Trustees) appointed a nine-member Town Farm Review Committee (the “Committee”) to review responses to the November 2023 Request for Proposals (RFP) for the Town Farm property as well as alternative uses for the land.

The Committee held its first meeting on January 30, 2025, and has since met eight times. In addition, members conducted a site visit and hosted a public forum that engaged 55 residents through in-person comments and written submissions. We thank the residents of Milton for their thoughtful and creative input on the future of this unique parcel which covered a wide range of suggestions from advocating for more senior housing, to incorporating a food component in any development, to providing home ownership opportunities, to selling the land for private development and adding to the existing financial model which provides a financial revenue stream from the Pulte sale proceeds.

The Committee remains divided on the best use of the site—with some members supporting the affordable rental housing plan in the RFP response and others favoring alternative or mixed-use approaches. There could be more consensus if the density of the development was decreased and the Committee had greater clarity around the suitability of the site; specifically, the adequacy of the existing infrastructure to support any development and an understanding of who (how) would finance the infrastructure enhancements required for any development of the site.

Acknowledging the Trustee’s commitment to affordable housing, the Committee reached consensus on several key considerations for any potential redevelopment of the site.

### **1. Feasibility Study**

The Committee unanimously recommends that the Trustees undertake a feasibility study to evaluate:

- The adequacy of existing infrastructure, including utilities, water/sewer access, and especially Governor Stoughton Lane—its width, slope, and lack of sidewalks and bus stop—as well as the cost of needed improvements.
- The number of residential units by adjusting the affordability mix or exploring alternatives like a condominium model.
- Traffic safety and circulation impacts, including during construction and long-term occupancy.

This study could be completed by a consultant or through collaboration with a developer during RFP negotiations. Depending on the results, the Trustees may consider issuing a revised RFP.

### **2. Preservation of Architectural and Historic Character**

The Committee strongly agrees that any development should preserve the architectural and historic character of the existing buildings and history of the site. The Town Farm structures have cultural and visual importance, and their preservation should guide design and planning.

Maggie Wilson  
21 Woodlot Drive  
Milton, MA 02186

June 26, 2025

Trustees of the Governor Stoughton Trust  
Town Hall  
525 Canton Avenue  
Milton, MA 02186

RE: Personal Concerns Regarding Proposed Town Farm Development

Dear Trustees,

I am writing to you not only as a member of the Town Farm Review Committee, but also as a resident of Milton and an abutting neighbor to the 4-acre Town Farm parcel currently under consideration for development. While I support the goal of increasing affordable housing options in Milton, I am concerned about the current proposal to develop a dense apartment complex on this parcel.

A recurring concern that I share with my neighbors and echoed by residents during our public forum was the proposed rental model for this development. Many of us would be more supportive of a condominium or townhome-style approach—still affordable, but offering a pathway to ownership. Homeownership remains one of the most effective ways to build long-term financial stability and generational wealth, particularly for lower-income families.

While rental housing plays an important role, especially in addressing immediate needs, developments managed by external companies can raise valid concerns about long-term maintenance, accountability, and integration into the community. I believe a project centered on affordable ownership opportunities would better reflect Milton’s long-term values—such as encouraging community stability, fostering civic engagement, and promoting pathways to economic mobility—while still fulfilling the mission of the Governor Stoughton Trust.

I appreciate the Trustee’s careful stewardship of this land and I respectfully ask that you consider a less dense ownership-based development model.

Thank you for your time and consideration.

Sincerely,  
Maggie Wilson

June 26, 2025

Dear Trustees of the Governor Stoughton Trust,

Thank you for the opportunity to serve on the Town Farm RFP Review Committee. As you know, the committee met for the first time on January 30, 2025. We have met eight times plus conducted a well-attended site visit and hosted a public forum where we heard the ideas of fifty-five residents both in-person and from written communications.

While there is a wide range of opinions on town farm among committee members and town residents, I believe there is a strong consensus forming in town that the remaining four acres of one of the last remaining poor farms should include permanently affordable housing. What that housing looks like, how many units, and who should live there are all questions where there isn't full agreement. But most residents seem to agree that housing for the "poor" is part of the history of the site dating back to 1805 and should be part of its future.

Our committee heard from many Milton residents who support that position. **Fully forty of the fifty-five commenters supported some form of affordable housing on the site.** Some said it should be senior housing. Some preferred rental housing while others pressed for homeownership. We heard from residents about a "Home Inc" style development featuring townhouses while many commented positively on the farmhouse style design reusing existing buildings featured in one of two RFP responses. A dozen commenters opposed affordable housing on the site and another three expressed other concerns.

We listened to several ideas about alternative uses and heard creative proposals around a public farm to support the Milton Food Pantry, a non-profit animal shelter for people that need to find a home for their pet while they work toward stable housing, an organic farm/beehive, and hybrid ideas such as a land trust or co-housing, food forest, environmental education park, childcare facility, nonprofit incubator, or veterans housing. We heard from some that the land should be sold, similar to the 30 acres on Woodlot Drive, to a developer to build market-rate homes and the interest on the proceeds used to increase support for the Food Pantry and Milton Residents Fund.

I strongly recommend that the Governor Stoughton Trustees pursue a plan for the site that emphasizes affordable housing in perpetuity. It is my opinion that this use for the property best matches the letter and spirit of the 1701 will and respects the historic use of the site from 1805 onward. There are many details to be worked out, of course. How many units? Can the developer and the town address legitimate infrastructure concerns of neighbors? Can existing structures be saved? Can the site include community gardens or small farm with affordable housing?

This site has been a political football for far too long. Serious debate about the future of Town Farm began over twenty years ago. In 2011, the town sold 30 acres to Pulte Homes but left the remaining four acres for future Trustees to decide. We have a

chance to save one of the last remaining poor farms and now is the time to do it. Both neighbors and the town as a whole deserve certainty about the future of this historic piece of land. **It is my recommendation that the Governor Stoughton Trustees move swiftly to open a conversation with the local development team that responded to the RFP to see what is possible on this important site.**

Sincerely,

A handwritten signature in cursive script, appearing to read "Thom Callahan".

Thomas Callahan  
16 Orono Street  
Member of the Town Farm Review Committee  
Member of the Affordable Housing Trust  
Precinct 4 Town Meeting Member

## Comments

Follow the Milton Master Plan for “siting affordable housing”:

- Housing should be developed near commercial areas, transit, biking and walking  
*The proposed location is not near commercial areas, transit, the location does not have sidewalks or bike paths and the width of the current Governor Stoughton lane is not conducive to walking.*
- Should not disrupt the rural nature of the neighborhood and maintain the continuity of housing types  
*Currently Governor Stoughton Lane has 12 homes, the proposed development would add 35 units, quadrupling the population. The necessary infrastructure cutting down trees to widen the road, add sidewalks and utilities would drastically disrupt the nature of the existing neighborhood. The proposed three story structures would not maintain the continuity of existing housing types.*

*Lastly infrastructure work (road widening, add sidewalks, new utilities to site) and the construction of the proposed development would be a significant and costly undertaking, potentially closing access to Governor Stoughton Lane, disrupting Governor Stoughton lane and surrounding neighborhoods and forever disrupting the rural nature of the neighborhood.*

*An impact study should be completed before leading the sole developer down a road which may not come to fruition.*

Michael Kelly  
Member: Town Farm Review Committee

To: Trustees of the Governor Stoughton Trust

From: Cheryl Tougias  
Member of the Town Farm RFP Review Committee  
Representative from the Master Plan Implementation Committee

Date: June 25, 2025

Housing is an important component of the master plan (pp.111-136). Supporting and encouraging the creation of affordable housing is a key recommendation under Goal 3: Improve Housing and Neighborhoods. Amongst several recommended actions, the following are pertinent here:

- Explore the use of Town-owned land for senior and affordable housing.
- Implement the Housing Production Plan (2014).

The 2014 Housing Production was updated and approved in 2020. In Section V: Housing Production Goals, strategies are identified for meeting production goals, including development of publicly owned property. In fact, given the limited supply of Town-owned property, it specifically states that the development of the Governor Stoughton property, or Town Farm, is key to the production plan (p.91).

Issues identified in these plans remain relevant today:

- A large percentage of housing units in Town are owner-occupied.
- Many homeowners would not be able to buy the average priced home today.
- There is a significant discrepancy between the median income of owners and renters.
- More housing options are needed for a growing senior population and for young families.
- Units for these populations should be smaller and more affordable than the average home.

Affordable housing is an appropriate use for this site, given the site's history and its specific inclusion in the Housing Production Plan, which was adopted by the Planning Board and Select Board and approved by EOHLG.