



Select Board

Meeting Packet

September 24, 2025



The Leader in Public Sector Law

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Tel: 617.556.0007 | Fax: 617.654.1735
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September 24, 2025

Lauren F. Goldberg
lgoldberg@k-plaw.com

BY ELECTRONIC MAIL ONLY (nmilano@miltonma.gov)

Mr. Nicholas Milano
Town Administrator
Milton Town Hall
525 Canton Avenue
Milton, MA 02186

Re: Terms of Engagement – Town Counsel

Dear Mr. Milano:

I am writing as president of KP Law, P.C. to thank the Select Board for appointing the firm as Town Counsel. This letter is to confirm the terms of our engagement consistent with our discussions. This document sets forth our understanding of the work to be handled by the firm, and our proposal as to fees and expenses dated May 19, 2025 (the “Proposal”), repeated below and updated based upon our discussions.

As outlined in more detail in the Proposal, KP Law, P.C. has decades of experience in public sector law and we are confident that our relevant experience makes us uniquely qualified to serve as Town Counsel. As you know, Attorney Darren R. Klein will serve as the Town’s primary counsel and I will serve in a back-up capacity. Attorney Klein will assign a small number of attorneys to be part of the Town’s legal team, including attorneys with specialized expertise in land use, real estate, and contracts, and will call upon others at the firm as needed.

We will act on the Town’s behalf at all times to the best of our ability. Of course, any expressions on our part concerning the outcome of Town matters are expressions of our best professional judgment, but are not guarantees. Such opinions are necessarily limited by our knowledge of the relevant facts and are based on the state of the law at the time they are expressed. We will, of course, endeavor to undertake this work in an efficient and appropriately expedited manner and will forward copies of significant papers prepared or received by the firm, including correspondence, notices and filings as applicable.

As stated in our Proposal, our hourly rate for legal services is \$265.00/hour, other than as set forth below, and we have committed to holding that rate through June 30, 2027. Working with you, we have proposed an annual retainer of \$99,000 for Fiscal Year 2026, which we commit to reviewing together in six months. Also included in the retainer as part of our fee negotiations will be 6 office hours a month. For certain limited matters identified in the attached Specialty Legal Services, we have identified the applicable hourly rate. Finally, included in Town Counsel services is two annual seminar/training sessions on topics of the Town’s choosing at no charge to the Town.

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Below, please find explanations of Basic Town Counsel Services (services within the retainer), Hourly Legal Services, and Specialty Legal Services.

Basic Town Counsel Services/Retainer include:

Basic Town Counsel Services are those services that are provided by Town Counsel on a regular basis. Stated differently, Town Counsel services are those services that are not excluded from the retainer. This list of services is not intended to be exhaustive, but instead illustrative of the type of services covered by the retainer. Basic Town Counsel Services would also include two free seminars annually. Importantly, our monthly legal bills will identify those matters that fall within the retainer (for example, General Legal, General Planning Board, General Board of Health, etc.) and show in detail the work performed and the time involved.

- attendance as required at Select Board Meetings or Town board or committee meetings;
- office hours (6 hours);
- telephone conferences and e-mails with Town officials;
- research and writing of opinion letters;
- review, interpretation, and drafting of Town bylaws;
- review and drafting of Town Meeting warrant articles;
- review and drafting of Town Meeting motions;
- attendance at all sessions of the annual Town Meeting and any Special Town Meetings;
- review and drafting of standard contracts;
- review of subdivision documents, such as covenants (to the extent not paid for by the developer);
- review and drafting of Planning Board, Board of Appeals, or other Town board or committee decisions unrelated to an excluded hourly matter (see below); and
- preparation of periodic status reports and meeting with the Town Administrator and Select Board to review.

Hourly Legal Services:

Hourly Legal Services are services outside of Basic Town Counsel Services and the attached Specialty Legal Services. Hourly Legal Services will be billed at \$265 an hour through Fiscal Year 2027. Note that our monthly legal bills will show in detail the work performed and the time involved. Should the Town retain the firm for legal services thereafter, the rate would be likely to increase by \$10/year. We are required to notify you of any rate change and aim to provide such notice towards the start of the budget cycle. These services are referred to herein as "Hourly Legal Services."

Mr. Nicholas Milano
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- work on litigation and other adversarial matters, including appeals to administrative agencies such as the ABCC and the Appellate Tax Board;
- real estate transactions;
- representing the Town at municipal permit/administrative/show cause/appeal hearings and/or drafting decisions or orders concerning such matters;
- construction and building committee issues and litigation; and
- special projects.

We bill in increments of one-tenth of an hour. We do not charge for work completed by clerical staff, or other non-attorney staff, other than paralegals, whose time is billed at one-half the attorney rate. We bill our time and disbursements on a monthly basis and bills are due and payable within 30 days. Payments made by the Town in connection with the services provided hereunder will be applied against actual legal services performed, disbursements made, and other costs and expenses incurred. Of course, we are required by the Rules of Professional Conduct to notify the Town in writing of any proposed changes to either the basis or rate of the fees and expenses charged.

We will bill for out-of-pocket disbursements incurred on behalf of the Town at cost, including, but not limited to: filing fees; travel expenses; courier charges; charges for outside photocopies and postage; long distance charges; and other incidental expenses. For work undertaken outside the office we also charge for mileage on a portal-to-portal basis at the rate set by the Internal Revenue Code. We will notify you in advance before incurring individual costs exceeding \$500.00 in value.

While the Town may terminate our services at any time, such action does not, as you know, relieve the Town from the obligation to pay any bills to the firm outstanding at the time of termination. In the event that a dispute arises between the parties to this agreement, then Massachusetts law and Massachusetts venue shall control.

Again, thank you for appointing KP Law as Town Counsel. We are excited to work with the Select Board, you, elected and appointed boards and committees, and Town employees. Should the within terms meet with your approval, please sign and return one copy for our file.

Very truly yours,



Lauren F. Goldberg



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Terms of Engagement – Town Counsel

The undersigned has received the within September 24, 2025 correspondence captioned, "Terms of Engagement – Town Counsel," and, on behalf of the Town of Milton, agrees to the terms of representation as set forth therein.

Town of Milton
By and through its Duly Authorized Agent

Nicholas Milano, Town Administrator

Dated: _____



The Leader in Public Sector Law

SPECIALTY LEGAL SERVICES RATES (Town Counsel/City Solicitor)

FY25 and FY26

“Specialty Legal Services” rates reflect the high demand for such services and the intensity of the work required to provide such services.

- Comprehensive permit matters, including hearings, and similar matters paid for by third parties such as host community agreement negotiations and the like, and including any administrative or court appeals (\$375/hour if fees are not paid by municipality; or \$345/hour if paid by the municipality);
- Comprehensive general or zoning bylaw revision or review and comprehensive form of government charter or special act adoption or amendment services (\$330);
- Election recounts (\$330);
- Cable television licensing (\$330); and
- Bond counsel work (fees calculated based upon “standard” factors in the field).

Paralegal services are billed at one-half the quoted attorney rate. Disbursements and other costs incurred by the firm are passed through to the City or Town; however, we do not charge for in-house copying and postage.

Please contact Lauren Goldberg at lgoldberg@k-plaw.com or at (617) 654-1759 with questions.

825625/KP/0005

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

DRAFT

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/ ~~seventh~~ day of October, 2025, ~~February~~ next at 7:30 o'clock in the evening, then and there to act upon the following Articles to wit:

Articles 1-**10**

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 9th day of September, 2025.

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

INDEX
WARRANT ARTICLES AND RECOMMENDATIONS

ARTICLE NO	Title	Page
1	Amend Fiscal Year 2025 General Government Appropriations (Election and Registration Appropriation)	_____
2	Accept M.G.L. Chapter 40, Section 57 and Amend the General Bylaws	_____
3	Accept M.G.L. Chapter 60, Section 3D	_____
4	Community-wide Greenhouse Gas Emissions Reduction Goals	_____
5	Report and Recommendation of the Master Plan Implementation Committee	_____
6	Amend Chapter 147 of the Acts of 2024 regarding the land transfers for the potential school project	_____
7	[placeholder: General Bylaws Amendment: Alcohol on Town Land]	_____
8	General Bylaws Amendment: Light Trespass	_____
9	Zoning Bylaws Amendment: §275-20 Traffic Impact mitigation	_____
10	Zoning Bylaws Amendment: §275-3.25 Signs	_____
11		_____
12		_____
13		_____
14		_____
15		_____

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!

Elizabeth Dillon

Town Moderator

DRAFT

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

DRAFT

ARTICLE 1 To see if the Town will vote to amend the appropriations voted at the 2025 Annual Town Meeting for the twelve-month period beginning July 1, 2025, by increasing the amount appropriated under Article 10 for the Election & Registration Budget by \$60,000 from \$127,674 to \$187,674, as follows:

ELECTION & REGISTRATION	FY2026 Original	Amendment	FY2026 Revised
Salaries & Wages	65,944	42,000	107,944
General Expenses	61,730	18,000	79,730
Total Election & Registration	127,674	60,000	187,674

which sum shall be appropriated from funds certified by the Department of Revenue as free cash; and to act on anything relating thereto.

Draft motion:

RECOMMENDED that the Town vote to amend the following appropriation voted by the 2025 Annual Town Meeting under Article 10 as referenced in the table below for the twelve-month period beginning July 1, 2025:

ELECTION & REGISTRATION	FY2026 Original	Amendment	FY2026 Revised
Salaries & Wages	65,944	42,000	107,944
General Expenses	61,730	18,000	79,730
Total Election & Registration	127,674	60,000	187,674

And that to meet said appropriation the sum of \$60,000 be appropriated from funds certified by the Department of Revenue as free cash.

COMMENT:

Article 2 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 ##-2 Denial, Revocation or Suspension of Local Licenses and Permits:²⁷

§ ##-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 or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may 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.

Commented [A1]: In our experience, the Attorney General requires that the language in a bylaw adopted under G.L. c.40, s.57 exactly track the statute. As such, I inserted the relevant language. We can do another close review when the warrant is closer to completion.

§ ##-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 [of the General Laws](#) 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 3 To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 60, Section 3D to establish an “aAid to eElderly and disabled tTaxation fund” and a “tTaxation aAid eCommittee” to consist of the eChair of the bBoard of aAssessors, the tTown tTreasurer, and three residents to be appointed select bBoard; and to act on anything relating thereto.

Submitted by the Select Board

RECOMMENDED that the Town vote .

COMMENT:

DRAFT

ARTICLE 4

To see if the Town will vote to:

Authorize the Select Board to adopt community-wide greenhouse gas emissions reduction goals in alignment with the limits set by Massachusetts law and to measure progress toward these goals by updating the Town's Greenhouse Gas Emissions Inventory no less than 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.

And to act on anything relating thereto.

Submitted by the Climate Action Planning Committee

RECOMMENDED that the Town vote

COMMENT:

Article 5 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.²⁵

The committee shall report annually to the Planning Board, Select Board, Warrant Committee and Town Meeting and shall submit an annual report to the Town Administrator for inclusion in the Town Annual Report.

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/or diversity, equity and inclusion. Appointing authorities shall also consider equitable geographic/~~precinct~~ distribution of members. The committee shall meet at no less than quarterly each year.

Members of the Committee shall be appointed as follows:

- Not more than 3 members appointed by the Planning Board (one of whom shall be a member of the Planning Board)
- Not more than 3 members appointed by the Select Board (one of whom shall be a member of the Select Board)
- Not more than 3 members appointed by the Town Moderator

And to see if the Town will vote to transfer the remaining balance of the appropriation for the Master Plan Implementation Committee approved in Article 11 of the 2025 Annual Town Meeting Warrant to the Master Plan Committee.

And to act on anything relating thereto.

Submitted by the Master Plan Implementation Committee

RECOMMENDED that the Town vote

COMMENT:

Article 6 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”.

Section 2: This act shall take effect upon its passage.

and to act on anything relating thereto.

Submitted by the School Building Committee

RECOMMENDED that the Town vote

COMMENT:

Commented [A4]: While the format of this special legislation may be a standard practice, note that we typically suggest that special act authorizations take a form similar to the following because that gives the General Court authority to make revisions, but preserves the ability of the Select Board to control the final version:

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation as set forth below; and, further, to authorize the General Court to make changes of form only without the approval of the Select Board, and to authorize the Select Board to approve such changes as are consistent with the purposes of this petition:

ARTICLE 7 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 by deleting the current text of Section 105-1 and insert in its place the following 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 a public body other than-if different from the Select Board is, the public body responsible for the care, custody, and control of the subject Town Building, such public body must also approve this use of the Town Building. In addition:provided that (i) all requirements under Massachusetts General Laws, including M.G.L. c. 138, Section 1422A 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.

Commented [A5]: Section 22A is not the correct citation. I have inserted the correct statute.

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 shall also approve such use of the land. The sale of any alcoholic beverages in a Town Building or on Town property shall be only be authorized pursuant to a one-day license issued by the Select Board pursuant to M.G.L. c.138, Section 14. 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 nontransferable 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

Commented [A6]: Pursuant to G.L. 138, Section 14, only the Select Board has the authority to issue a one-day license.

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.

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 ____.

DRAFT

Article 8 To see if the Town will vote to amend the General Bylaws by inserting the following new [bylaw](#). 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.

Commented [A7]: Given that the bylaw is primarily targeted to reduce light trespass to property, the Town may want to define “person” as “an individual or any legal entity holding title to or using real property.”

“Town” means the town of Milton, MA.

ENFORCEMENT

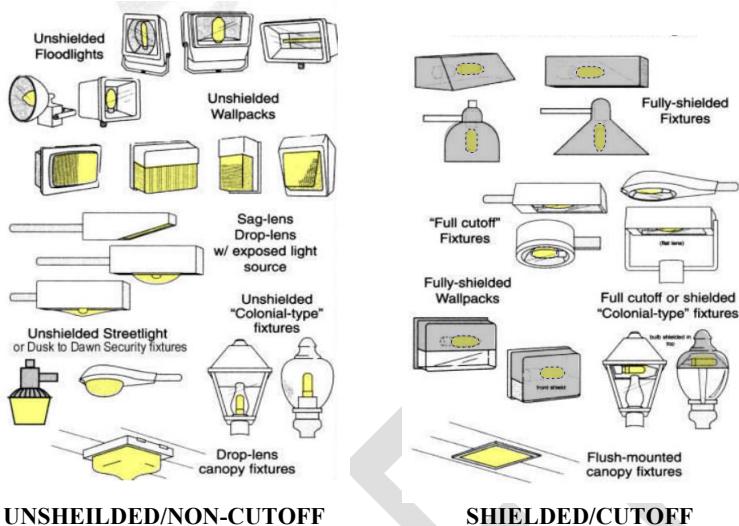
The Inspectional Services Department, or its designee, in their sole discretion, shall determine if a Light Trespass constituting a public hazard or nuisance exists.

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: ~~Unsheielded~~ or ~~Sheielded~~ (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 conservation 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.

Commented [A8]: This is generally defined to refer to navigable waters under Federal jurisdiction. Please confirm that is the intent here and amend if otherwise. Including a specific definition may be appropriate.

Commented [A9]: Consider defining this term as well. It could include both unimproved property available for residential use and property presently in residential use.



UNSHIELDED/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, including vehicle-mounted luminaires, 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, provided that 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.

Commented [A10]: Consider clarifying. What is “site lighting” and how does it differ from outdoor seasonal lighting?

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.

A fine~~for violations of this Bylaw, assessing fines~~ of three hundred dollars (\$300) may be assessed for each violation ~~of this Bylaw~~. 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 M.G.L. c. 40, Section-21D MGL c. 40 S. 21D.

The Select Board or its designee shall be the “enforcing person” for purposes of M.G.L. c. 40, Section S. 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 9 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 with all deleted language shown as being stricken-through, and all added language shown as being underlined:

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.

Commented [A11]: A 2/3 vote will be required to amend the Zoning Bylaws

Commented [A12]: While I recognize this may be a standard practice, as the Zoning Bylaw is not a General Bylaw, it may make sense in the future to consider stating instead:

To see if the Town will vote to amend the Zoning Bylaw, Chapter 275 of the Code of Bylaws, ...

§ 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 effected~~affected~~ by the project. Also, the Traffic Impact Assessment shall consider both on site~~onsite~~ and off site~~off-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

DRAFT

Article 10 To see if the Town will vote to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaws, as follows:

(I) 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, berthing, 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,

Commented [A13]: See prior note concerning reference to the Zoning Bylaw.

Commented [A14]: A $\frac{2}{3}$ vote will be required to amend the Zoning Bylaws .

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 or 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. .
- 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

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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**TO LOCAL POLITICAL SUBDIVISIONS:
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT A NEW
NATIONAL OPIOID SETTLEMENT.**

PURDUE PHARMA L.P. & SACKLER FAMILY SETTLEMENT OVERVIEW

A proposed nationwide settlement agreement has been reached with Purdue (and certain of its affiliates) and the Sackler family concerning alleged misconduct related to opioids.

The proposed settlement is being implemented in connection with Purdue's bankruptcy proceedings, and consists of, among other things, a settlement of Purdue's claims against the Sacklers and certain other parties (referred to as the "Estate Settlement"), and a settlement of direct claims against the Sacklers held by States, local governments and other creditors (the "Direct Settlement", and together with the Estate Settlement, the "Settlement"). The Settlement contemplates that the Sacklers will be paying an aggregate of \$6.5 billion in 16 payments over 15 years, including \$1.5 billion on the settlement's Effective Date (expected to be in 2026), though some amounts are subject to discounted prepayments. These amounts are in addition to amounts available from the Purdue estate including amounts available on the Effective Date (expected to be around \$900 million) and amounts that may be paid in the future.

The Settlement also contains injunctive relief governing opioid dispensing practices and requires the successor-in-interest of Purdue Pharma L.P. to implement safeguards to prevent diversion of prescription opioids, and also restrict certain Sacklers from directly or indirectly engaging in the manufacturing or sale of opioids, as detailed in the Settlement.

The proposed settlement has two key participation steps now that **all eligible states and territories elected to participate in the Direct Settlement.**

First, eligible subdivisions within each participating state decide whether to participate in the Direct Settlement. The Direct Settlement is documented in the Governmental Entity and Shareholder Direct Settlement Agreement, which is commonly referred to as the "GESA". The more subdivisions that participate, the more funds flow to that state and its subdivisions. Any subdivision that does not participate cannot directly share in any of the Direct Settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds.

YOU MUST PARTICIPATE IN THE DIRECT SETTLEMENT BY RETURNING YOUR PARTICIPATION FORM IN ORDER TO RECEIVE THE BENEFITS OF THE SETTLEMENT.

Second, concurrently with the solicitation of eligible subdivisions to participate in the Direct Settlement, votes will be solicited for approval of Purdue Pharma L.P.'s bankruptcy plan, which plan will provide distributions in respect of the Estate Settlement. **NOT ALL SUBDIVISIONS ELIGIBLE TO PARTICIPATE IN THE SETTLEMENT WILL RECEIVE PACKAGES TO VOTE ON THE PLAN.**

Please note that this is NOT a solicitation or a request for subdivisions to submit votes on the Purdue bankruptcy plan. This settlement package only pertains to a decision to participate in the Direct Settlement with the Sacklers.

If you receive a package to vote on the plan you should follow the applicable instructions for voting. PLEASE NOTE THAT VOTING ON THE PLAN IS SEPARATE FROM PARTICIPATION IN THE DIRECT SETTLEMENT. IT IS NOT NECESSARY TO VOTE ON THE PLAN IN ORDER TO RECEIVE THE BENEFITS OF THE SETTLEMENT.

WHO IS RUBRIS INC. AND WHAT IS THE IMPLEMENTATION ADMINISTRATOR?

The Direct Settlement provides that an Implementation Administrator will provide notice and manage the collection of participation forms. Rubris Inc. is the Implementation Administrator for the Direct Settlement and was also retained for the prior national opioid settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

Your state has elected to participate in the Settlement, and therefore your subdivision may participate in the Direct Settlement. This notice is also being sent directly to counsel for such subdivisions if the Implementation Administrator has their information.

If you are represented by an attorney with respect to opioid claims, please contact them. Subdivisions can participate in the Settlement whether or not they filed a lawsuit or are represented.

WHERE CAN YOU FIND MORE INFORMATION?

Detailed information about the Settlement, including each settlement agreement, may be found at: <https://nationalopioidsettlement.com/purdue-sacklers-settlements/>. This website will be updated to include information about how the Settlement is being implemented in most states and how funds will be allocated within your state.

You are encouraged to review the terms of the settlement agreements and discuss the terms and benefits with your counsel, your Attorney General's Office, and other contacts within your state.

Your subdivision will need to decide whether to participate in the proposed Settlement, and subdivisions are encouraged to work through this process before the **September 30, 2025** deadline.

HOW DO YOU PARTICIPATE IN THE SETTLEMENT?

The Settlement requires that you take affirmative steps to “opt in” to the Settlement.

In the next few weeks, you will receive documentation and instructions from the Implementation Administrator. In order to participate in the settlement, a subdivision must sign and return the required documentation.

Please add the following email addresses to your “safe” list so emails do not go to spam / junk folders: dse_na3@docsing.net and opioidsparticipation@rubris.com. Please monitor your email for the Participation Form and instructions.

All required documentation must be signed and returned on or before **September 30, 2025**.

National Opioids Settlements: Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, Zydus

Opioids Implementation Administrator
opioidsparticipation@rubris.com

MILTON TOWN, MA

Rubris Reference Number: CL-1770867

**TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS:
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT NATIONAL OPIOID
SETTLEMENTS.**

SETTLEMENT OVERVIEW

Proposed nationwide settlement agreements ("Settlements") have been reached that would resolve opioid litigation brought by states, local political subdivisions, and special districts against eight opioids manufacturers, Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus (the "Manufacturers"). Local political subdivisions and special districts are referred to as "subdivisions."

The Settlements require the settling Manufacturers to pay hundreds of millions of dollars to abate the opioid epidemic. The Settlements will provide a maximum of approximately \$720 million in cash to participating states and subdivisions to remediate and abate the impacts of the opioid crisis. Depending on participation by states and subdivisions, the Settlements require:

- Alvogen to immediately pay up to approximately \$19 million;
- Amneal to pay up to approximately \$74 million over 10 years, and to provide either approximately \$177 million of its generic version of the drug Narcan or up to an additional approximately \$44 million in cash;
- Apotex to immediately pay up to approximately \$65 million;
- Hikma to immediately pay up to approximately \$98 million, and to provide either approximately \$35 million of its naloxone product or up to an additional approximately \$7 million in cash;
- Indivior to pay up to approximately \$75 million over five years, a portion of which, at the election of the state, could be paid in the form of Indivior's branded buprenorphine and/or nalmefene products with a value of up to \$140 million.;
- Mylan to pay up to approximately \$290 million over nine years;
- Sun to immediately pay up to approximately \$32 million; and
- Zydus to immediately pay up to approximately \$15 million.

The Settlements also contain injunctive relief governing opioid marketing, sale, distribution, and/or distribution practices and require the Manufacturers to implement safeguards to prevent diversion of prescription opioids.

Each of the proposed settlements has two key participation steps.

First, each eligible state decides whether to participate in each Settlement. A list of participating states for each settlement can be found at <https://nationalopioidsettlement.com/>.

Second, eligible subdivisions within each participating state decide whether to participate in each Settlement. The more subdivisions that participate, the more funds flow to that state and its subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds. If the state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

WHO IS RUBRIS INC. AND WHAT IS THE IMPLEMENTATION ADMINISTRATOR?

The Settlements provide that an Implementation Administrator will provide notice and manage the collection of participation forms. Rubris Inc. is the Implementation Administrator for these new Settlements and was also retained for the prior national opioid settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

Your state has elected to participate in one or more of the Settlements, and your subdivision may participate in those Settlements in which your state has elected to participate. This notice is also sent directly to counsel for such subdivisions if the Implementation Administrator has their information.

If you are represented by an attorney with respect to opioid claims, please contact them.
Subdivisions can participate in the Settlements whether or not they filed a lawsuit or are represented.

WHERE CAN YOU FIND MORE INFORMATION?

Detailed information about the Settlements, including each settlement agreement, may be found at: <https://nationalopioidsettlement.com>. This website also includes information about how the Settlements are being implemented in most states and how funds will be allocated within your state.

You are encouraged to review the settlement agreement terms and discuss the terms and benefits with your counsel, your Attorney General's Office, and other contacts within your state. Information and documents regarding the Settlements and your state allocation can be found on the settlement website at <https://nationalopioidsettlement.com/>.

Your subdivision will need to decide whether to participate in the proposed Settlements, and subdivisions are encouraged to work through this process before the **October 8, 2025** deadline.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

The Settlements require that you take affirmative steps to "opt in" to the Settlements.

In the next few weeks, you will receive documentation and instructions from the Implementation Administrator or, in some cases, your Attorney General's Office. In order to participate in a settlement, a subdivision must sign and return the required Participation Form for that settlement.

Please add the following email addresses to your “safe” list so emails do not go to spam / junk folders: dse_na3@docsign.net and opioidsparticipation@rubris.com. Please monitor your email for the Participation Forms and instructions.

All required documentation must be signed and returned on or before **October 8, 2025**.