

RECOMMENDATION

RECOMMENDED that the Town vote to amend Chapter 10 of the General Bylaws, known as the Zoning Bylaws, by amending the Traffic Impact Mitigation Bylaw as follows:

1. In the first paragraph, 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 where site plan approval is required, in either event”;
2. Insert “, or the site plan approval granting authority, as applicable” after “SPGA” wherever it appears;
3. In the Determination of Traffic Impact provisions, first paragraph, the first clause shall read: “An application for a special permit or site plan approval for a project subject to TIM shall include as compliance with all other applicable special permit or site plan approval requirements for the applicable Planned Unit Development District, Overlay District, Residence District or Business District a Traffic Impact Statement,”
4. In the Establishment of TDM Goals and Requirements Provisions, first line, delete “Planning Board” and insert in its place “SPGA or the site plan approval granting authority, as applicable”.
5. In the Establishment of TDM Goals and Requirements Provisions, last paragraph, first line, insert “or site plan approval” after special permit”.

As amended, said Traffic Impact Mitigation Bylaw shall read.

TRAFFIC IMPACT MITIGATION

In a Planned Unit Development District, 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 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. This bylaw shall not apply to a single residential structure which contains not more than 4 units.

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

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:

1. 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.
2. 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.

Determination of Traffic Impact:

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

1. 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.
 - a. 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 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.
 - b. 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 the SPGA or the site plan approval granting authority, as applicable with the recommendations of the Town Engineer.

c. 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 Engineer specializing in traffic, shall be submitted and approved by the SPGA or the site plan approval granting authority, as applicable.

d. 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.

e. 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 by the project. Also, the Traffic Impact Assessment shall consider both on site and 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.

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 Engineer specializing in traffic of its choosing at the Applicant's expense.

Establishment of TDM Goals and Requirements:

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

- Provide staggered work hours (one hour increments) for at least 10% of the non-management work force.
- Provide preferential parking locations for all employees arriving in a car pool comprised of at least two licensed drivers.
- 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.
- 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.
- Provide a work at home option for at least one day per week for at least 10% of the total work force.
- Provide subsidized public transportation passes of at least 20% of the monthly pass cost.
- Provide secure and safe bicycle parking and storage
- Provide showers and lockers for bicyclists
- Provide a public bicycle sharing program
- Provide connectivity between adjacent bike storage sites and bike pathways
- Provide a fully connected sidewalk network
- Provide bicycle lanes
- Provide other programs designed by the Applicant and approved by the Planning Board in lieu of or in addition to those listed above.

MITIGATION PAYMENTS

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 Fund (the “Fund”) of an amount at its discretion equal to a maximum of:

\$300 per parking space for any commercial, manufacturing, or retail use

\$300 per loading dock for any distribution or warehouse facility

\$450 per residential unit

The Fund shall be held separate and apart from other moneys by the Town Treasurer. Any moneys in said fund shall be expended only by majority vote of the Planning Board and Board of Selectmen and in accordance with 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 moneys from this Fund. No moneys 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 or site plan approval.

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.

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

Completion of Mitigation Measures

No building permit shall be issued to an Applicant for a Special Permit or 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.

No occupancy permit, permanent or temporary, shall be issued to an Applicant for a Special Permit or 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:

- a. All required Mitigation Payments are received by the Town Treasurer
- b. 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;
- c. 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.

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.