Milton Woods – 100 foot buffer language

10-7-16

The applicant has proposed a 100 buffer from existing residential neighborhoods along the southern and eastern property boundaries. The 100 foot buffer consists of a 40 foot wide open space buffer strip behind lots 13-23, a 100 foot wide open space buffer strip behind Lot 12 and greater than a 100 foot wide open space buffer strip from the end of Lot 23 to the DCR property boundary. Also included is a 60 foot wide “restricted tree cut” buffer strip on the rear of lots 13-23 abutting the open space, all as shown on the plans and as further defined as follows,

The open space areas are part of the overall subdivision’s Open Land that is required by the Cluster Development Zoning Bylaw. The Open Land will be owned by the Milton Woods Home Owners Association (Milton Woods HOA) and will be protected with a perpetual conservation restriction as is required by Zoning. The Open Land will be maintained in its existing natural state subject to terms of the proposed conservation restriction, except for the following proposed exceptions and existing conditions,

- Installation and maintenance of a portion of proposed detention basin #4 adjacent to Lot 23
- Installation and maintenance of proposed detention basin #6 behind Lot 12
- Access and maintenance to utilities within the existing Town utility easement running cross country from Countryside Lane to Unquity Road.
- Installation of and maintenance to proposed utility connections to Town’s existing utility easement, including, sewer, water, gas, telecommunications, electric.
- Installation and maintenance of proposed wetland restoration area associated with project’s utility connections.
- Access and maintenance to electric utility within existing Eversource Electric utility easement running cross country behind lot 16 or as relocated.

The 60 foot wide “restricted tree cut” buffer strip on the rear of lots 13-23 will be shown and recorded on the definitive subdivision plans, placed in the deeds for the homes on lots 13-23, and conditioned in the Special Permit issued by the Planning Board. It shall be the responsibility of the individual homeowners on Lots 13-23 to maintain the 60 foot wide “restricted tree cut” buffer strip zone. However, in the event that a homeowner fails to maintain the 60 foot wide “restricted tree cut” buffer strip zone or violates the rules of the 60 foot wide “restricted tree cut” buffer strip zone, the Milton Woods HOA shall have the authority to cure the violation to the satisfaction of the Town Enforcement Officer. The Town Enforcement Officer shall have the right to enforce the 60 foot wide “restricted tree
“cut” buffer strip by appropriate legal proceeding and to obtain injunctive and other equitable relief as he/she sees fit.

Restrictions in the 60 foot wide “restricted tree cut” buffer strip shall include,

- Any structure requiring a building permit from the Building Department
- Swimming Pools
- Tennis Courts, basketball courts, or the like
- Cutting or removing of healthy trees 4” or greater in diameter measured 5’ above finished grade.
- Asphalt or concrete pavement

Permitted Acts and Uses in the 60 foot wide “restricted tree cut” buffer strip shall include,

- Vegetation management, removal of brush, pruning and cutting to prevent, control, remove hazards, disease, insect or fire damage, or to preserve and enhance the present condition
- Cutting or removing of small trees less than 4” in diameter
- Fences
- Removal of non-native or invasive species
- Stockpiling and composting of stumps, trees and brush limbs, grass, and similar biodegradable materials originating on the Premises
- Plantings, signs and gardens
- Anything commonly permitted on private property that is not restricted above.
- Access and maintenance to electric utility within existing Eversource Electric utility easement running cross country behind lot 16 or as relocated.