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CITY OF MILTON, MA

To see whether the Town will vote to amend Chapter ___ of the General Bylaws, known as the Planning Board and Board of Appeals, by adding the following Section ___:

Section ___:

TRAFFIC IMPACT MITIGATION

In a Planned Unit Development District or in an Overlay District where a special permit is required 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”) may require mitigation measures and/or a monetary contribution from applicants to mitigate or offset a development’s transportation impacts.

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

- Expanding the Town’s inventory of data about transportation needs and transportation utilization;
- Implementing a Complete Streets program;
- Implementing traffic calming measures;
- Permitting vehicular, pedestrian and bicycle traffic on Milton streets to move in an efficient manner without excessive delay or congestions;
- Assuring adequate opportunities for mobility for all Milton residents, workers and visitors;
- Reducing motor vehicle and pedestrian accidents on Milton’s streets;
- Permitting emergency vehicles to reach homes and businesses with a minimum of delay;
- Increasing the awareness of and reducing the impact of vehicular traffic on a predominantly residential town;
- Promoting safe and convenient routes for pedestrians and bicycles to schools, public transit, parks, amenities, and commercial areas;
- Promoting cleaner air and reducing automotive exhaust emissions caused by vehicles standing and idling for an excessive time; and
- Maintaining a balance between the traffic generating capacity of businesses and residential development in the Town and the traffic carrying capacity of streets and intersections

Traffic Impact Mitigation also seeks to aid Milton businesses and other establishments by:

- Reducing the cost of operations for Milton companies and establishments caused by delays in vehicular traffic;

- Expanding the pool of potential employees who can reach places of work in Milton more easily and economically;
- Employing a more efficient and satisfied workforce less concerned at the work place by the frustrations of transportation, particularly commuting; and
- Providing transportation services more effectively in collaboration with other business and with the Town.

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 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 and residential streets 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 for a project subject to TIM shall include as compliance with all other special permit application submission requirements as established in Section _____ a Traffic Impact Statement, which shall be prepared by a qualified MA. Registered Professional Traffic Engineer 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 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 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 with the recommendations of the Town Engineer.

c. Projected Traffic Conditions: the 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 said publication, the SPGA 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.

d. Projected Impact of Proposed Development: the 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 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 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, shall become conditions of the special permit.

The SPGA 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.

Establishment of Transportation Demand Management ("TDM") Goals and Requirements:

The Planning Board shall have the discretion to require at least one or more 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.

All TDM plans shall be submitted to the SPGA as part of the special permit review process relative to this section. All TDM plans shall be subject to review by the Planning Department every two (2) years for compliance with previously approved TDM program terms and measures. At said time, if a particular TDM program is not being properly implemented, the applicant may revise said TDM program, and the SPGA may make revisions to maintain or improve its effectiveness. However, to meet the requirements of the special permit all projects must maintain the minimum number of TDM programs required by the SPGA as long as the development in question is operating under a special permit.

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, the SPGA may require the Applicant to make a contribution into the 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

In a building of a mixed use, the amount of the contribution shall be pro-rated to reflect the ratio of the uses and the applicable contributions.

The Fund shall be held separate and apart from other moneys by the Town Treasurer. Any moneys in said fund shall be expended only at the direction of the Planning Board and in consultation with the head of the Town’s Department of Public Works 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, moneys contributed by a specific applicant for a special permit under this section shall only be spent on mitigation measures related to said development and specified as conditions in the special permit.

Per written request of the Applicant, the SPGA may allow him/her to directly implement a portion of the proposed mitigation measure identified in the Project Mitigation Assessment, and which have been made conditions of the special permit. The costs of those measures, itemized by cost category, as certified by the Town Engineer and approved by the SPGA, shall be credited to the Applicant's payment to the 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 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 or 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 under this section until surety has been established in a sum sufficient to ensure completion of mitigation measures required by the SPGA 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 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 under this section until all required mitigation measures described in the Development Impact Statement and specified as conditions in the Special Permit 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 of 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 act on anything relating thereto.

Submitted by the Planning Board

REVOLVING FUND LANGUAGE

ARTICLE _____. To see if the Town will vote, pursuant to Chapter 44, Section 53E ½ of the Massachusetts General Laws, to establish by by-law a revolving fund for money received from applicants before the Board of Appeals or the Planning Board for approval of developments which may impact traffic on roads in the Town; to authorize the Town Administrator, in consultation with for recommendations and cost estimates from the Town Engineer or other appropriate department heads and after a majority vote of the Planning Board and the Board of Selectmen, to appropriate such funds only for the purpose of fulfilling the Complete Streets program, traffic calming measures, maintaining and improving the traffic regulation and control, road improvements (including widening), traffic control signals, street lighting, sidewalks, pedestrian and bike improvements, and other public improvements related to traffic safety; to determine a limit on the total amount which may be expended from such fund during the fiscal year beginning July 1, 2019.

All moneys which are collected as a result of any contribution to this fund shall be transferred to the principal of said fund, and the Town Treasurer shall be the custodian of the fund and shall deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth of Massachusetts, or in federal savings and loan associates situated in the commonwealth. Any interest earned thereon shall be credited to and become a part of such fund.

and to act on anything relating thereto.

Submitted by the Planning Board