Milton Selectboard

December 15, 2014 Starting at 6:00 PM
Municipal Building Community Room

Use of cell phones is prohibited during the meeting. Please shut them off or silence them.

AGENDA

I. Call to Order

II. Flag Salute

III. Agenda Review

IV. Public Forum
The Public Forum will be limited to five minutes per person. All participants must sign in and clearly state their name. No action will be taken on items raised until a subsequent meeting (if action is needed by the Selectboard).

V. Appointments and/or Resignations

VI. New Business and Department Items

A) Errors and Omissions Adjustments
(Consider Authorizing Adjustment to the Grandlist)
Brian Palaia, Town Manager and Robert Ware, Assistant to the Assessor

B) Zoning Ordinance Amendments Public Hearing
(Public Hearing on Amendments, Discussion of Possible Further Changes as Needed)
Brian Palaia, Town Manager and Katherine Sonnick, Planning Director

C) Recreation/Public Works Facility Presentation
(Presentation of Design Options)
Brian Palaia, Town Manager, David Roy, Wiemann Lamphere Architects, and Public Works and Recreation Staff

D) Concrete and Asphalt Materials Crushing Bid Award
(Consider Awarding Bid to McCullough Crushing, Inc.)
Brian Palaia, Town Manager and Dustin Keelty, Public Works Supervisor

E) Police Department Early Retirement Program
(Consider Authorizing Early Retirement Program)
Brian Palaia, Town Manager and Brett Van Noordt

F) iPad Policy and Amendments to Computer Use Policy
(Consider Adopting New and Revised Policies)
Brian Palaia, Town Manager and Erik Wells, HR Coordinator

G) FY2016 Budget
(Presentation of Town Manager FY2016 Budget Recommendations)
Brian Palaia, Town Manager

VII. Old Business

VIII. Reconsideration

IX. Manager's Update

X. Potential and/or Future Agenda Items

XI. Minutes - To Approve With or Without Corrections

1) Selectboard - Regular Meeting – December 1, 2014

XII. Warrant/Report - To Approve With or Without Corrections

1) Warrant Report#12

XIII. Possible/Anticipated Executive Session per V.S.A. Title 1 Section 313

XIV. Adjournment

Posted on the official bulletin board in the lobby of the Municipal Building; to the Town website; emailed to the Burlington Free Press, Milton Independent, Lake Champlain Access Television, Fox 44 News, WPTZ, and WCAX; and posted in two other places within the Town of Milton and filed with the Town Clerk.

Signed:_____

Brian Palaia, Town Manager

Resolution

TOWN OF MILTON

Errors and Omissions 2014 (3)

WHEREAS, in accordance with the laws of the State of Vermont, changes to the Grand List must be reviewed and approved by the Selectboard; and,

WHEREAS, the Errors and Omissions are presented to the Selectboard for approval as follows:

Parcel Id: 225001.000000
Green Field Housing LLC
Comments: This parcel should have gone to a zero value when last 6 lots were valued. Parcel needs to have value changed to zero but needs to remain active as it's in the TIF district. If left as is, it would result in double taxation for the land.
Value change: $110,400 to $0

NOW, THEREFORE BE IT REOLVED, by the Selectboard to approve the changes in the Grand List as presented herein, with the **Impact to the Grand List: a decrease of $110,400**

Dated at Milton, Vermont this _____ day of _____, 2014

MILTON SELECTBOARD

_____
Darren Adams, Chairperson

_____
John Gifford, Vice-Chairperson

_____
John Bartlett, Clerk

_____
Brenda Steady

_____
Stuart King

Filed with the Milton Town Clerk's Office this _____ day of _____, 2014

Attest: _____
Milton Town Clerk

TAX BILL

Town of Milton, Vermont

P.O. Box 18 • Milton, Vermont 05468

OFFICE HOURS: 8 A.M.–5 P.M. (MONDAY–FRIDAY)

Telephone 802.893.4111

THIS IS THE ONLY BILL YOU WILL RECEIVE. PLEASE FORWARD TO NEW OWNER IF PROPERTY IS SOLD.

INSTALLMENTS UNPAID AFTER MAY 15 BECOME DELINQUENT AND WILL BE COLLECTED WITH 8% PENALTY PLUS INTEREST AT THE RATE OF 1% PER MONTH.

Keep this bill for your records and bring to your accountant

PARCEL ID	BILL DATE	TAX YEAR
225001.000000	08/12/2014	14-15

Description: 1.92A-MISC(VACANT)
Location: 23-25 WEST MILTON RD

OWNER

Homeowners Assoc. Inc

GREEN FIELD ~~HOUSING LLC~~
~~28 LAKE FOREST~~ DR
~~BURLINGTON VT 05401~~
6 Green Field Way Unit 103
Milton

HOUSESITE TAX INFORMATION

SPAN # 396-123-10148 SCL CODE: 123
TOTAL PARCEL ACRES 1.92

RETAIN FOR INCOME TAX PURPOSES

ASSESSED VALUE		HOMESTEAD	NON RESIDENTIAL
REAL	110,400		110,400
TOTAL TAXABLE VALUE	110,400		110,400
GRAND LIST VALUES ▶	1,104.00		1,104.00

For more information about how education tax rates are determined, go online to: www.state.vt.us/tax/pvredtaxrates.shtml

TAX RATE NAME	TAX RATE	x GRAND LIST =	TAXES
Town	0.4782	x1,104.00=	527.91
Local	0.0018	x1,104.00=	1.99
NON RESIDENTIAL EDUCATION	1.4310	x1,104.00=	1579.82

▼▼ PAYMENT DUE DATE(S) AND AMOUNT(S) ▼▼

09/15/2014	02/15/2015	05/15/2015
703.24	703.24	703.24

A letter from the State explained the details of this payment

TOTAL TAX	2109.72
STATE PAYMT	
NET TAX DUE	2109.72

DETACH THE STUBS BELOW AND RETURN WITH YOUR PAYMENT

PLEASE RETURN THESE STUBS WITH PAYMENTS

Make checks payable and mail to:

TOWN OF MILTON
P.O. Box 18
Milton, VT 05468

3 TOWN OF MILTON
TAX YEAR 14-15

3RD PAYMENT DUE
05/15/2015
OWNER NAME
~~GREEN FIELD HOUSING LLC~~
PARCEL ID
225001.000000

AMT DUE 703.24

2 TOWN OF MILTON
TAX YEAR 14-15

2ND PAYMENT DUE
02/15/2015
OWNER NAME
~~GREEN FIELD HOUSING LLC~~
PARCEL ID
225001.000000

AMT DUE 703.24

Tax ID 396-123-10148 Printed 11/28/2014 Card No. 1 of 1

ADMINISTRATIVE INFORMATION

PARCEL NUMBER
225001.000000

Parent Parcel Number

Property Address
GREEN FIELD WAY

Neighborhood
6 NBHD 6

Property Class
101 One Family (< 6 acres)

TAXING DISTRICT INFORMATION

Jurisdiction	123	MILTON, VT
Area	123	
District	T-TC	
Routing Number	25-001-000-000	

OWNERSHIP

GREEN FIELD HOUSING LLC
28 LAKE FOREST DR
BURLINGTON, VT 05401

SLIDE D436A
TIF - TOWN CORE

TRANSFER OF OWNERSHIP

Date			
06/09/2008	BARRETT TIMOTHY M & TAFT SHERRY ANN	C/O B BARRETT	Bk/Pg: 361, 365 $220000
06/19/2001	*		Bk/Pg: 222, 170 $0

RESIDENTIAL

VALUATION RECORD

Assessment Year		04/01/2005	04/01/2006	04/01/2009	04/01/2012	04/01/2013	Act 68 Value Allocations Housesite
Reason for Change		2005	2006 Reval	2009	Partial	Split	
VALUATION	L	0	92000	220800	220800	110400	110400
Market	B	97900	161640	0	422000	0	0
	T	97900	253640	220800	642800	110400	110400

Site Description

Topography:
Level

Public Utilities:
Gas, Electric

Street or Road:
Paved

Neighborhood:

Zoning:
Village

Legal Acres:
1.4300

LAND DATA AND CALCULATIONS

Land Type	Rating Soil ID -or- Actual Frontage	Measured Acreage -or- Effective Frontage	Table Effective Depth	Prod. Factor -or- Depth Factor -or- Square Feet	Base Rate	Adjusted Rate	Extended Value	Influence Factor	Value
1 Vacant Res Site		1.9200		1.00	38333.18	38333.18	73600	0 200% 0 -50%	110400

PROBABLE E & O 11/28/2014
SHOULD HAVE GONE TO ZERO VALUE WHEN LAST 6 LOTS WERE VALUED.

CH09: CHANGE 2009 - STRUCTURES DEMOLISHED
PRIOR TO 01/01/2009
CH12: CHANGE 2012
FIRST THREE OF TWELVE UNITS CONSTRUCTED.
CH13: CHANGE 2013 2ND 3-PLEX AS SEPARATE PARCELS;
6 PARCELS (OF TWELVE) REMAINING IN MASTER PARCEL
HWY: 6 UNITS: 003

Supplemental Cards

TRUE TAX VALUE 110400

Supplemental Cards
TOTAL LAND VALUE

For Parcel: 225001.000000 GREEN FIELD HOUSING LLC

Name GREEN FIELD HOUSING LLC
28 LAKE FOREST DR
BURLINGTON VT 05401

Location (A) SLIDE D436A
(B) HWY: 6 UNITS: 000
(C) GREEN FIELD SUBDIVISION
911 23 -25 WEST MILTON RD
Tax Map 25-001-000-000
Desc. 1.92A-MISC (COMMON LAND PARCEL)

Codes: (1) (Category)M (Equipment) (Owner)C

	Wood	Crop	Pasture	Other	Site	Total
Acres:	0.00	0.00	0.00	0.00	1.92	1.92

	Real	Equipment	Inventory
Values:	0	0	0

Homestead	Veterans	Farm Stab.	L.U. Acres	Land Use
0	0.00	0.00	0.00	0.00

Contract	Lease	Prev. Eqpm	Land Use Amt	Prev. Real
0	0.00	0	0.00	110,400

Housesite	Special Exmp	Grand List
0.00	0.00	0.00

Misc: Status: T Updated: 12/01/2014
Last sale was: Valid on 06/09/2008 for $220000 recorded on 361/365

Grievance Info: Flag: Y Remarks: (1) VALUE TO ZERO
(2) VALUE AND ACRES IS NOW IN 12 SUB PARCELS
(3) LEFT ACTIVE BECAUSE IN TIF

Misc Fields: (0): ZP 2010-194 10/13/10 FILL FOR ROADWAY
(9): TIF - TOWN CORE
SPAN: 396-123-10148

TOWN OF MILTON, VERMONT 05468-3205

PLANNING & ECONOMIC DEVELOPMENT OFFICE • 43 BOMBARDIER ROAD •
802-893-1186 • FAX: 893-1005

MEMO

To: Brian Palaia

From: Katherine Sonnick, Planning Director

Date: December 8, 2014

Re: Town of Milton Proposed Zoning Ordinance Amendments

The Planning Commission held a public hearing on the proposed amendments on October 14, 2014. The Selectboard held a public hearing on November 17, 2014 and approved changes to the draft bylaw amendment as submitted by the Planning Commission to Section 803 (Site Plan Review) and Section 804 (Special Provisions Applicable to the M1, M2, M4 and DB1 Zoning Districts). Specifically, these amendments add a zoning violation disclosure requirement to Section 803 during Site Plan application submission. In addition, language was added to Section 804 to change "should" to "shall," strengthening the requirements for residential and mixed-use development in the downtown districts. Title 24, Section 4442(b) also requires the Selectboard to hold an additional public hearing on the proposals because of the changes made by the Selectboard on November 17, 2014.

I have submitted a revised written report, which the Planning Commission is required to submit to the Selectboard in accordance with Title 24, Section 4442(b) of state statute. To summarize that report, the Planning Commission found that the Zoning Regulations continue to be compatible with the Comprehensive Plan with the changes made. I respectfully request that the Selectboard, after hearing public comment on December 15, 2014, consider adopting the proposed Zoning Regulations as amended.

TOWN OF MILTON
Planning Commission Report
For Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. § 4441(c) which states:

"When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirement of this subsection concerning bylaw amendments and subsection §4384(c) of this title concerning plan amendments…The report shall provide(:)

A brief explanation of the proposed bylaw, amendment, or repeal and…include a statement of purposed as required to notice under section §4444of this title.

This purpose of this set of amendments is to add detailed regulations, clarifying several sections, and correcting inconsistencies and misconstrued sections. Included is the addition of food service as an accessory conditional use and additional conditional uses for historic structures in the I2 Zoning District; the addition of precious metal dealer shops and adult oriented businesses as conditional uses in the DB1 Zoning District; clarification on how to reconstruct or repair a non-complying structure if damaged; requiring commercial and larger residential developments to include bicycle racks as a part of site plan review and clarification that a bicycle rack is not a structure; revised elderly housing complex standards to allow, with DRB approval, visitor parking to be located on undeveloped green space with adequate signage and winter maintenance and also a removal of the requirement for a 20-foot wide buffer zone and specific setback and height requirements; addition of an adult oriented businesses regulation; clarification that a certificate of compliance will not be issued with outstanding violations of DRB approvals. This summary does not address every single change in the proposed draft. Every proposed change is identified in the draft; specifically underlined language has been added, and the deleted language has a strike-through.

On November 17, 2014, during their first public hearing, the Selectboard approved changes to the draft bylaw amendment as submitted by the Planning Commission to Section 803 (Site Plan Review) and Section 804 (Special Provisions to Applicable to the M1, M2, M4 and DB1 Zoning Districts). Specifically, these amendments add a zoning violation disclosure requirement to Section 803 and change the "should" to "shall" and Section 804 for residential and mixed use development in the downtown districts.

And shall include finding regarding how the proposal:

1. **Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:**

The proposed amendment conforms with the goals and polices of the Milton Comprehensive (municipal) plan, specifically the amendment contains language addressing appropriate density and uses in the Town Core, as identified in Chapter 9, Land Use and Development Patterns. The amendment also seeks encourage elderly housing, conforming with Chapter 6, Housing. This will also promote affordable housing.

The changes to Section 803 (Site Plan Review) and Section 804 (Special Provisions to Applicable to the M1, M2, M4 and DB1 Zoning Districts), as proposed by the Selectboard on November 17, 2014, do not change the conformity of the proposed amendment to the goals and polices in the municipal plan.

2. Is compatible with proposed future land uses and densities of the municipal plan:

The proposed amendment is compatible with the future land uses and densities of the Milton Comprehensive (municipal) Plan. The amendment provides more clarity in the PUD regulations for appropriate densities and development in the Town Core zoning districts and also clarifies and defines several conditional land uses.

The amendment is still compatible with the future land uses and densities of the municipal plan with the changes to Section 803 (Site Plan Review) and Section 804 (Special Provisions to Applicable to the M1, M2, M4 and DB1 Zoning Districts) as proposed by the Selectboard on July 7, 2014.

3. Carries out, as applicable, any specific proposal for any planned community facilities:"

This proposal will have no impact on any planned community facilities.

Summary Dimensional Table

	ZONING DISTRICTS																			
[1]Dimensional Requirements	R1	R2	R3	R4	R5	R6	R7	C1	I1	I2	I3	M1	M2	M3	M4	M5	M6	DB1	FC	FH
Minimum Lot Area																				
Residential	10,000 sf	40,000 sf (single family) 80,000 sf (duplex)	120,000 sf	400,000 sf	400,000 sf	100,000 sf	40,000 sf	NA	NA	NA	NA	5,000 sf	7,500 sf	5,000 sf	[6]20,000 sf	[6]10,000 sf	10,000 sf	5,000 sf	600,000 sf	
Non-Residential	10,000 sf	40,000 sf	40,000 sf	40,000 sf	40,000 sf	40,000 sf	40,000 sf	40,000 sf	20,000 sf	100,000 sf	200,000 sf	5,000 sf	7,500 sf	5,000 sf	20,000 sf	10,000 sf	10,000 sf	5,000 sf	600,000 sf	
Minimum Road FRONTAGE																				
Residential	80 ft	200 ft (single family) 300 ft (duplex)	300 ft	400 ft	400 ft	200 ft	125 ft	NA	NA	NA	NA	0 ft	0 ft	0 ft	[6]100 or 200 ft	80 ft	80 ft	0 ft	100 ft	SEE
Non-Residential	80 ft	200 ft	200 sf	200 ft	200 ft	200 ft	125 ft	200 ft	100 ft	200 ft	200 ft	0 ft	0 ft	0 ft	[6]100 or 200 ft	80 ft	80 ft	0 ft	100 ft	
Minimum FRONT SETBACK	20 ft	35 ft	35 ft	35 ft	35 ft	35 ft	20 ft	50 ft	25 ft	50 ft	35 ft	0 to 20 ft	0 to 20 ft	0 to 20 ft	20 ft	20 ft	20 ft	0 ft	35 ft	Appendix
Minimum SIDE SETBACK																			35 ft	
Residential	10 ft	15 ft	35 ft	50 ft	50 ft	35 ft	15 ft	NA	NA	NA	NA	0 ft	0 ft	0 ft	10 ft	10 ft	10 ft	0ft	50 ft	
Non-Residential	10 ft	15 ft	35 ft	35 ft	35 ft	35 ft	15 ft	35 ft	25 ft	35 ft	[6]20 ft	0 ft	0 ft	0 ft	10 ft	10 ft	10 ft	0 ft	50 ft	
Minimum REAR SETBACK																				
Residential	10 ft	15 ft	35 ft	50 ft	50 ft	35 ft	15 ft	NA	NA	NA	NA	0 ft	0 ft	0 ft	10 ft	10 ft	10 ft	0 ft	50 ft	
Non-Residential	10 ft	15 ft	35 ft	35 ft	35 ft	35 ft	15 ft	35 ft	25 ft	35 ft	20 ft	0 ft	0 ft	0 ft	10 ft	10 ft	10 ft	0 ft	50 ft	
Minimum SHORELINE SETBACK	NA	NA	NA	NA	NA	50 ft	NA	NA	NA	NA	50 ft	NA	NA	NA	NA	NA	NA	NA	[6]200 ft	
MAXIMUM BUILDING COVERAGE																				
[2]Residential	40%	40%	40%	40%	40%	40%	40%	NA	NA	NA	NA	40%	40%	NA	40%	40%	40%	40%	40%	A
[3]Non-Residential	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Maximum LOT COVERAGE																				
[4]Residential	50%	15%	15%	15%	15%	10%	25%	NA	NA	NA	NA	80%	70%	80%	60%	50%	50%	80%	15%	
[3]Non-Residential	50%	15%	15%	15%	15%	25%	25%	15%	50%	75%	40%	80%	70%	80%	60%	50%	50%	80%	[6]15%	
[5]Maximum Building Stories or HEIGHT	3 Stories	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	70 ft	5 stories or 70 ft	4 stories	5 stories or 70 ft	4 stories	3 stories	3 stories	5 stories or 70 ft	35 ft	

[1] See individual Zoning Districts for Permitted and Conditional uses

[2] Applies to single family, duplex, and 3-unit residential only

[3] Applies All uses other than single family, duplex, and 3-unit residential.

[4] Applies to all residential uses other than single family, duplex, and 3-unit residential

[5] See individual Zoning Districts for specifics on height

[6] See individual Zoning District for additional requirements

TOWN of MILTON, VERMONT

ZONING REGULATIONS

(Date of Printing: November 26, 2014)

TOWN of MILTON, VERMONT

ZONING REGULATIONS

Adopted April 22, 1972

Amended (effective dates)
October 21, 1974
June 18, 1979
April 30, 1980
January 4, 1982
June 6, 1982
1985
August 21, 1989
October 22, 1990
August 6, 1991
August, 1992
June 28, 1993
October 11, 1993
March 28, 1994
April 10, 1995
December 23, 1996
May 11, 1998
December 28, 1998
July 30, 2001
January 28, 2002
August 26, 2002
October 20, 2003
June 28, 2004
September 5, 2005
October 11, 2005
November 1, 2005
November 28, 2005
February 6, 2006
April 10, 2006
March 26, 2007
June 28, 2010
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August 25, 2014
DRAFT Selectboard Public Hearing December 15, 2014

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Note: Words which are CAPITALIZED throughout the text (exclusive of those appearing in titles/headings) are defined terms, and can be found in Section 1~~0~~110. Capitalization has been provided for convenience and the lack of capitalization or failure to capitalize a term does not mean that it is not a defined term.

ARTICLE I
INTRODUCTORY PROVISIONS

SECTION 100 *TITLE AND PURPOSE*

These Regulations, which shall be known and cited as the **Milton Zoning Regulations**, are intended to promote the general welfare of the inhabitants of the Town of Milton, to protect the value of property, to prevent overcrowding, to facilitate provision of public requirements, and to provide for the orderly development in Milton of homes, AGRICULTURE, industry, commerce and recreation. These regulations shall not have the effect of excluding low and moderate income housing from the Town.

The Zoning Regulations classify and guide the USES of land, buildings and STRUCTURES in the Town of Milton in accordance with the *Comprehensive Land Use Plan for the Town of Milton* and the *Vermont Municipal and Regional Planning and Development Act* (Chapter 117 of Title 24, Vermont ~~.~~Statues. Annotated~~., Chapter 117~~). The Regulations are designed to implement the purposes and policies set forth in the *Plan* and *Act*.

SECTION 110 *UNAUTHORIZED DEVELOPMENT OR PROHIBITED USES*

No LAND DEVELOPMENT shall be undertaken or effected except in conformance with the applicable provisions of these Regulations. No land, building or other STRUCTURE shall be used for any purpose except as provided in these Regulations. Any USE not specifically permitted or prohibited in this Ordinance may be considered as a Conditional Use by the Development Review Board and reviewed in accordance with Section 500 of these R~~r~~egulations.

SECTION 120 *PERMITTED AND CONDITIONAL USES*

Permitted and CONDITIONAL USES for each district of the Town are specified in these Regulations. Both types of USE require a Zoning Permit (commonly called a "Building Permit") and a Certificate of Compliance from the Zoning Administrator as prescribed in Section ~~9~~1000 and ~~9~~1010 below. A Zoning Permit for a CONDITIONAL USE requires prior approval of the Development Review Board, which can only be issued upon a finding of conformance with the requirements indicated in Section 500, and with any additional criteria cited for a specific CONDITIONAL USE within the Zoning Ordinance.

SECTION 130 *ZONING PERMIT*

In accordance with Section ~~9~~1000 of this Ordinance, no LAND DEVELOPMENT, excavation or construction shall be started on any land parcel or STRUCTURE and no EXPANSION, ALTERATION or change of USE shall be started within any existing STRUCTURE without a Zoning Permit issued by the Zoning Administrator.

No Zoning Permit is required for the following (with the exception of development in the Special Flood Hazard Area which is regulated in Appendix A):

(1) Routine maintenance and repairs, and structural ALTERATIONS to an existing STRUCTURE which will not result in a change or EXPANSION of USE.

(2) Construction or placement of one residential accessory structure with an area of not more than 100 square feet and a HEIGHT of not more than 10 feet, which is not on a permanent foundation, and which complies with the provisions of Section 580 provided there are no other exempt accessory structures on the property already.

(3) Fences.

(4) Roof mounted solar panels not to extend beyond the roof; and roof mounted wind turbines not to exceed the maximum HEIGHT as defined in Articles III and IV.

(5) Any conversion of a SEASONAL DWELLING to a PERMANENT DWELLING shall be done in compliance with the State Water/Wastewater Rules and Section 570, Sewage Disposal**.** A Zoning Permit shall only be required for such conversion if expansion of the dwelling is proposed.

SECTION 140 *CERTIFICATE OF COMPLIANCE/OCCUPANCY*

In accordance with Section 910 of this Ordinance, all projects for which a Zoning Permit has been issued will require a Certificate of Compliance which documents that all work has been completed in accordance with the Zoning Permit, ~~and~~ all other local ordinances and approvals and 30 V.S.A. § 51 and § 53, related to the Vermont Energy Code. Only those improvements within the jurisdiction of the Milton Zoning Regulations shall be inspected for the Certificate of Compliance.

No new STRUCTURE, or existing STRUCTURE which has been vacated for the purpose of ALTERATIONS and for which a Zoning Permit has been issued, shall be occupied or used in any way until a Certificate of Occupancy has been issued by the Zoning Administrator. For the purposes of this Ordinance, the Certificate of Compliance shall serve as the Certificate of Occupancy where it is required.

SECTION 150 *DIMENSIONAL REQUIREMENTS*

Every USE involving the construction, reconstruction, conversion, structural ALTERATION, relocation or enlargement of a STRUCTURE must comply with the minimum LOT AREA, FRONTAGE, SETBACK areas and all other requirements specified in these Regulations for the district in which the USE occurs. A summary district dimensional table is located immediately following Articles III and IV, District Regulations.

SECTION 160 *GENERAL STANDARDS*

The following standards shall apply:

(a) BUILDING COVERAGE Standards: Building coverage applies to single-family, duplex and three-unit residences. Lot coverage shall not apply to these uses.

(b) LOT COVERAGE Standards: Lot coverage applies to all uses other than single-family, duplex and three-unit residences. The standard for those uses shall vary by district as specified in the Dimensional Standards. Building coverage shall not apply to these uses.

The DRB may waive inclusion of sidewalks and bicycle paths under lot coverage if it determines that such sidewalk/paths will primarily serve as part of a larger transportation network rather than provide on-site circulation.

The DRB may approve higher lot coverage as part of a PLANNED UNIT DEVELOPMENT if an applicant provides equivalent green space and/or landscaped area off-site within the

MIXED USE Zoning Districts.

(c) LIKE KIND QUALITY Standard: "Like kind quality" is a suitable standard in historic areas or other established neighborhoods. In emerging areas and in locations where future plans differ from existing development, quality of a development may be judged in relation to the standards of an approved Town Core Master Plan.

SECTION 170 *ADDITIONAL REQUIREMENTS*

The following requirements and reviews shall be fulfilled by all applicants before a Zoning Permit is granted, unless specifically exempted in this Ordinance:

(1) Sewage Disposal - Section 570
(2) Roads and Drives - Section 590
(3) Site Plan Review - Section 800

SECTION 180 *FLOODPLAIN REGULATIONS*

Appendix A of the Milton Zoning Regulations: *Inundation Hazard Area Regulations* shall take precedence over all sections within the main Articles of the Milton Zoning Regulations for flood hazard areas as described in Section IV of Appendix A.

ARTICLE II
ZONING DISTRICTS

SECTION 200 *DESIGNATION OF DISTRICTS*

The Town of Milton is divided into the following ZONING DISTRICTS as shown on the ZONING MAP:

(1) Downtown Districts:

DB1 Downtown Business District

(2) Residential Districts:

R1 Old Towne Residential
R2 Medium Density Residential
R3 Low Density Residential
R4 Transitional Residential
R5 Agricultural/Rural Residential
R6 Shoreland Residential
R7 Beaverbrook Residential

(3) Commercial Districts:

C1 Interstate Commercial

(4) Industrial Districts:

I1 Light Industrial
I2 General Industrial
I3 Industrial Conservation

(5) MIXED USE Districts:

M1 Milton Crossroads Marketplace Center
M2 Milton Crossroads Marketplace West
M3 Milton Crossroads Marketplace Municipal/Recreation
M4 Checkerberry
M5 Old Towne Residential/Commercial
M6 Main Street

(6) Natural Resource Districts:

FH Flood Hazard
FC Forestry/Conservation/Scenic Ridgeline

SECTION 210 *ZONING MAP*

The location and boundaries of the ZONING DISTRICTS are established on the ZONING MAP, which is on display in the Planning and Zoning Office. The Milton Zoning Map includes the boundaries of the Flood Hazard Zoning District for reference but the boundaries of the District on the Zoning Map shall not take

precedence over Section IV: Lands to Which these Regulations Apply in the *Inundation Hazard Area Regulations* (found in Appendix A of the Milton Zoning Regulations). Reduced copies of the ZONING MAP are attached to copies of these Regulations.

SECTION 220 *INTERPRETATION OF BOUNDARIES*

Where uncertainty exists as to the boundary of any district the following rules shall apply:

220.1 Where a boundary appears to approximately follow the line of a road, river or stream, the boundary follows the center line of such road, river or stream. Where a boundary appears to approximately follow any property, lot line, or Town limit, the boundary follows the line existing when these Regulations were adopted or when official amendments were made to a boundary.

220.2 Boundaries indicated as parallel to or extensions of features indicated in Section 220.1 shall be so construed.

220.3 Any uncertainty as to the boundaries of a ZONING DISTRICT shall be determined in accordance with the above subsections by the Zoning Administrator, and the decision of the Zoning Administrator may be appealed to the Development Review Board pursuant to the *Vermont Municipal and Regional Planning and Development Act*. For lots in two zones refer to Section 670 of these Regulations.

ARTICLES III AND IV
DISTRICT REGULATIONS

SECTION 300 *OLD TOWNE RESIDENTIAL (R1) DISTRICT*

SECTION 301 *Purpose*

Residential USES should continue to characterize this ZONING DISTRICT. Owner-occupied buildings are encouraged and may contain up to three (3) DWELLING UNITS. However, these owner-occupied triplexes are only to be used as an adaptive reuse measure, therefore owner-occupied triplexes are only allowed within a residential buildings existing footprint and square footage that was in existence on or before December 21, 2006. Homeowners may also take advantage of flexible HOME OCCUPATION provisions.

SECTION 302 *Permitted Uses*

(1) SINGLE FAMILY DWELLINGS
(2) DUPLEXES
(3) TRIPLEXES - OWNER OCCUPIED (only within the existing buildings footprint and square footage that was in existence on or before December 21, 2006.)
(4) PLANNED UNIT DEVELOPMENT-Residential (minimum of 5 contiguous acres required.)
(5) ELDERLY HOUSING COMPLEX
(6) BED & BREAKFASTS
(7) PRIVATE/PUBLIC FACILITY
(8) AGRICULTURE
(9) FORESTRY

SECTION 303 *Conditional Uses*

(1) OUTDOOR RECREATION

SECTION 304 *Dimensional Requirements*

(1)	Minimum LOT AREA	10,000 sq. ft.
(2)	Minimum Road FRONTAGE	80 ft.
(3)	Minimum FRONT SETBACK	20 ft.
(4)	Minimum SIDE SETBACK	10 ft.
(5)	Minimum REAR SETBACK	10 ft.
(6)	Maximum BUILDING COVERAGE	40%
(7)	Maximum LOT COVERAGE	50%
(8)	Maximum building stories	3 STORIES

SECTION 310 *MEDIUM DENSITY RESIDENTIAL (R2) DISTRICT*

SECTION 311 *Purpose*

The purpose of this area is to allow for medium density development in an area close to the core and within easy access to community services and facilities which has already experienced significant residential development. Due to the severe environmental limitations in parts of this area all development will be carefully reviewed for compatibility with the specific site's development capability.

SECTION 312 ***Permitted Uses***

(1) SINGLE FAMILY DWELLINGS
(2) AGRICULTURE
(3) FORESTRY
(4) PLANNED UNIT DEVELOPMENTS-Residential

SECTION 313 ***Conditional Uses***

(1) DUPLEXES
(2) PRIVATE/PUBLIC FACILITIES
(3) OUTDOOR RECREATION

SECTION 314 ***Residential Dimensional Requirements***

(1)	Minimum LOT AREA	Single FAMILY	40,000 sq. ft.
		DUPLEX	80,000 sq. ft.
(2)	Minimum Road FRONTAGE	Single FAMILY	200 ft.
		DUPLEX	300 ft.
(3)	Minimum FRONT SETBACK	35 ft.	
(4)	Minimum SIDE SETBACK	15 ft.	
(5)	Minimum REAR SETBACK	15 ft.	
(6)	Maximum BUILDING COVERAGE	40%	
(7)	Maximum LOT COVERAGE	15%	

SECTION 315 ***Non-Residential Dimensional Requirements***

(1)	Minimum LOT AREA	40,000 sq. ft.
(2)	Minimum Road FRONTAGE	200 ft.
(3)	Minimum FRONT SETBACK	35 ft.
(4)	Minimum SIDE SETBACK	15 ft.
(5)	Minimum REAR SETBACK	15 ft.
(6)	Maximum LOT COVERAGE	15%

SECTION 320 ***LOW DENSITY RESIDENTIAL (R3) DISTRICT***

SECTION 321 ***Purpose***

The purpose of this area is to allow for low density clustered residential development. Due to severe environmental limitations in parts of this area all development will be carefully reviewed for compatibility with the specific site's development capability.

SECTION 322 ***Permitted Uses***

(1) SINGLE FAMILY DWELLINGS
(2) AGRICULTURE
(3) FORESTRY
(4) PLANNED UNIT DEVELOPMENTS-Residential (Major only)
(5) PUBLIC or PRIVATE WAREHOUSING within agricultural STRUCTURES

(6) OUTDOOR RECREATION

SECTION 323 ***Conditional Uses***

(1) PRIVATE/PUBLIC FACILITIES
(2) EARTH AND MINERAL EXCAVATION
(3) Vacation trailer camps
(4) COMMERCIAL PLANT NURSERIES, GREENHOUSES, AND LANDSCAPING SERVICES

SECTION 324 ***Residential Dimensional Requirements***

(1)	Minimum LOT AREA	120,000 sq. ft.
(2)	Minimum Road FRONTAGE	300 ft.
(3)	Minimum FRONT SETBACK	35 ft.
(4)	Minimum SIDE SETBACK	35 ft.
(5)	Minimum REAR SETBACK	35 ft.
(6)	Maximum BUILDING COVERAGE	40%
(7)	Maximum LOT COVERAGE	15%

SECTION 325 ***Non-Residential Dimensional Requirements***

(1)	Minimum LOT AREA	40,000 sq. ft.
(2)	Minimum Road FRONTAGE	200 ft.
(3)	Minimum FRONT SETBACK	35 ft.
(4)	Minimum SIDE SETBACK	35 ft.
(5)	Minimum REAR SETBACK	35 ft.
(6)	Maximum LOT COVERAGE	15%

SECTION 330 ***TRANSITIONAL RESIDENTIAL (R4) DISTRICT***

SECTION 331 ***Purpose***

The purpose of this area is to provide strong incentives to encourage the preservation of agricultural lands through the clustering of LAND DEVELOPMENT.

SECTION 332 ***Permitted Uses***

(1) SINGLE FAMILY DWELLINGS
(2) AGRICULTURE
(3) FORESTRY
(4) PLANNED UNIT DEVELOPMENTS-Residential (Minor only)
(5) PUBLIC or PRIVATE WAREHOUSING within agricultural STRUCTURES
(6) OUTDOOR RECREATION

SECTION 333 ***Conditional Uses***

(1) PRIVATE/PUBLIC FACILITIES
(2) EARTH AND MINERAL EXCAVATION
(3) Vacation trailer camps
(4) COMMERCIAL PLANT NURSERIES, GREENHOUSES, AND LANDSCAPING SERVICES

(5) BED AND BREAKFAST
(6) PLANNED UNIT DEVELOPMENTS-Residential (Major only)

SECTION 334 ***Residential Dimensional Requirements***

(1)	Minimum LOT AREA	400,000 sq. ft.
(2)	Minimum Road FRONTAGE	400 ft.
(3)	Minimum FRONT SETBACK	35 ft.
(4)	Minimum SIDE SETBACK	50 ft.
(5)	Minimum REAR SETBACK	50 ft.
(6)	Maximum BUILDING COVERAGE	40%
(7)	Maximum LOT COVERAGE	15%

SECTION 335 ***Non-Residential Dimensional Requirements***

(1)	Minimum LOT AREA	40,000 sq. ft.
(2)	Minimum Road FRONTAGE	200 ft.
(3)	Minimum FRONT SETBACK	35 ft.
(4)	Minimum SIDE SETBACK	35 ft.
(5)	Minimum REAR SETBACK	35 ft.
(6)	Maximum LOT COVERAGE	15%

SECTION 336 ***Planned Unit Developments-Residential***

If a PLANNED UNIT DEVELOPMENT-Residential (major) is proposed within this district, the Development Review Board may authorize a maximum number of DWELLING UNITS not to exceed an overall density of three (3) units per ten (10) developable ACRES.

SECTION 340 ***AGRICULTURAL/RURAL RESIDENTIAL (R5) DISTRICT***

SECTION 341 ***Purpose***

The purpose of this area is to provide for continued AGRICULTURE, FORESTRY and open space USES together with compatible low density residential development. Large portions of the Town have been included in this area because of a combination of circumstances, including: high agricultural potential, distance from community facilities, often severe limitations to development, and natural patterns of dispersed development.

SECTION 342 ***Permitted Uses***

(1) SINGLE FAMILY DWELLINGS
(2) AGRICULTURE
(3) FORESTRY
(4) PLANNED UNIT DEVELOPMENTS-Residential
(5) PUBLIC or PRIVATE WAREHOUSING within agricultural STRUCTURES
(6) OUTDOOR RECREATION

SECTION 343 ***Conditional Uses***

(1) NEIGHBORHOOD CONVENIENCE STORES
(2) EARTH AND MINERAL EXCAVATION

(3) BED AND BREAKFAST
(4) PRIVATE/PUBLIC FACILITIES
(5) KENNELS
(6) Vacation trailer camps
(7) COMMERCIAL PLANT NURSERIES, GREENHOUSES, AND LANDSCAPING SERVICES
(8) SLAUGHTER HOUSE

SECTION 344 ***Residential Dimensional Requirements***

(1)	Minimum LOT AREA	400,000 sq. ft.
(2)	Minimum Road FRONTAGE	400 ft.
(3)	Minimum FRONT SETBACK	35 ft.
(4)	Minimum SIDE SETBACK	50 ft.
(5)	Minimum REAR SETBACK	50 ft.
(6)	Maximum BUILDING COVERAGE	40%
(7)	Maximum LOT COVERAGE	15%

SECTION 345 ***Non-Residential Dimensional Requirements***

(1)	Minimum LOT AREA	40,000 sq. ft.
(2)	Minimum Road FRONTAGE	200 ft.
(3)	Minimum FRONT SETBACK	35 ft.
(4)	Minimum SIDE SETBACK	35 ft.
(5)	Minimum REAR SETBACK	35 ft.
(6)	Maximum LOT COVERAGE	15%

SECTION 350 ***SHORELAND RESIDENTIAL (R6) DISTRICT***

SECTION 351 ***Purpose***

The purpose of this area is to protect and preserve sensitive shoreland areas and water resources from unsuitable development, to maintain a high standard of quality for all permitted development and to encourage open space along the SHORELINE.

SECTION 352 ***Permitted Uses***

(1) SINGLE FAMILY DWELLINGS
(2) AGRICULTURE
(3) PLANNED UNIT DEVELOPMENTS-Residential

SECTION 353 ***Conditional Uses***

(1) BED AND BREAKFAST
(2) FORESTRY
(3) OUTDOOR RECREATION
(4) Vacation trailer camps
(5) MARINAS
(6) NEIGHBORHOOD CONVENIENCE STORES
(7) Docks, Stairs and Shoreland Restoration projects provided that the Development Review Board finds that the conditions of Section 500 are met and that the proposed STRUCTURE

is necessary for the operation of the PRINCIPAL USE.

SECTION 354 ***Residential Development Requirements***

(1)	Minimum LOT AREA	100,000 sq. ft.
(2)	Minimum Road or SHORELINE FRONTAGE	200 ft.
(3)	Minimum Front Road SETBACK	35 ft.
(4)	Minimum SHORELINE SETBACK	50 ft.
(5)	Minimum SIDE SETBACK	35 ft.
(6)	Minimum REAR SETBACK	35 ft.
(7)	Maximum BUILDING COVERAGE	40%
(8)	Maximum LOT COVERAGE	10%

SECTION 355 ***Non-Residential Dimensional Requirements***

(1)	Minimum LOT AREA	40,000 sq. ft.
(2)	Minimum Road or SHORELINE FRONTAGE	200 ft.
(3)	Minimum Front Road SETBACK	35 ft.
(4)	Minimum SHORELINE SETBACK	50 ft.
(5)	Minimum SIDE SETBACK	35 ft.
(6)	Minimum REAR SETBACK	35 ft.
(7)	Maximum LOT COVERAGE	25%

SECTION 356 ***Shoreland Ground Cover***

356.1 No more than 25% of existing trees and/or ground cover shall be removed along the SHORELINE for a distance of 25 feet from the SHORELINE within a 5 year period.

356.2 No more than 35% of existing trees and/or ground cover shall be removed for an additional distance of 125 feet (beyond the no-cut area in 357.1) without Site Plan approval from the Development Review Board within a 5 year period. Erosion and stormwater best management practices must be employed during and after site work and tree clearing.

~~***SECTION 357*** ***Conversion of Seasonal Dwellings***~~

~~Any conversion of a SEASONAL DWELLING to a PERMANENT DWELLING shall be done in compliance with the State Water/Wastewater Rules and Section 570, Sewage Disposal,~~ ~~**and Section 900 and Section 901 of the Zoning Regulations.**~~

SECTION 360 ***BEAVERBROOK RESIDENTIAL (R7) DISTRICT***

SECTION 361 ***Purpose***

The purpose of this district is to allow for moderately high density residential development in an area that is linked closely to downtown.

SECTION 362 ***Permitted Uses***

(1) SINGLE FAMILY DWELLINGS
(2) PLANNED UNIT DEVELOPMENTS-Residential (Major only)

(3) DUPLEXES
(4) BED & BREAKFASTS
(5) FORESTRY

SECTION 363 ***Conditional Uses***

(1) AGRICULTURE
(2) PRIVATE/PUBLIC FACILITIES
(3) OUTDOOR RECREATION
(4) TRIPLEXES – OWNER OCCUPIED
(5) ELDERLY HOUSING COMPLEX

SECTION 364 ***Dimensional Requirements***

(1)	Minimum LOT AREA	40,000 sq. ft.
(2)	Minimum Road FRONTAGE	125 ft.
(3)	Minimum FRONT SETBACK	20 ft.
(4)	Minimum SIDE SETBACK	15 ft.
(5)	Minimum REAR SETBACK	15 ft.
(6)	Maximum BUILDING COVERAGE	40%
(7)	Maximum LOT COVERAGE	25%

SECTION 370 ***INTERSTATE COMMERCIAL (C1) DISTRICT***

SECTION 371 ***Purpose***

The purpose of this area is to reserve space for the provision of services to users of the proposed Milton Interstate Access.

SECTION 372 ***Permitted Uses***

(1) AGRICULTURE
(2) FORESTRY

SECTION 373 ***Conditional Uses***

(1) MOTELS with or without a RESTAURANT
(2) TRAVELER SERVICES

SECTION 374 ***Dimensional Requirements***

(1)	Minimum LOT AREA	40,000 sq. ft.
(2)	Minimum Road FRONTAGE	200 ft.
(3)	Minimum FRONT SETBACK	50 ft.
(4)	Minimum SIDE SETBACK	35 ft.
(5)	Minimum REAR SETBACK	35 ft.
(6)	Maximum LOT COVERAGE	15%

SECTION 380 ***LIGHT INDUSTRIAL (I1) DISTRICT***

SECTION 381 ***Purpose***

The purpose of this area is to provide adequate space for light industrial and wholesaling USES. PRINCIPAL USES include: research and development, WHOLESALE distribution, ASSEMBLY, and other USES which will not require excessive space, and will not create noise, odors, dust, or other local disturbances.

SECTION 382 ***Permitted Uses***

(1) ENCLOSED LIGHT MANUFACTURING and ASSEMBLY
(2) RESEARCH AND DEVELOPMENT LABORATORIES
(3) ENCLOSED WHOLESALE
(4) PUBLIC WAREHOUSING
(5) PRIVATE WAREHOUSING
(6) DISTRIBUTING
(7) PLANNED UNIT DEVELOPMENTS-Industrial
(8) TRANSPORTATION FACILITIES

SECTION 383 ***Conditional Uses***

(1) PRIVATE/PUBLIC FACILITIES
(2) PERSONAL SERVICES
(3) GENERAL/MEDICAL OFFICE

SECTION 384 ***Dimensional Requirements***

(1)	Minimum LOT AREA	20,000 sq. ft.
(2)	Minimum Road FRONTAGE	100 ft.
(3)	Minimum FRONT SETBACK	25 ft.
(4)	Minimum SIDE SETBACK	25 ft.
(5)	Minimum REAR SETBACK	25 ft.
(6)	Maximum LOT COVERAGE	50%

SECTION 390 ***GENERAL INDUSTRIAL (I2) DISTRICT***

SECTION 391 ***Purpose***

The purpose of this area is to provide adequate space for industrial uses, specified large scale retail uses which require room for EXPANSION, and space for OUTDOOR STORAGE. These areas are not intended for businesses that will create a high level of retail traffic. **PLANNED UNIT DEVELOPMENTS will be encouraged to CLUSTER development in order to preserve and maintain agriculture, open space, natural areas, and FORESTRY lands, and maintain separation from residential neighborhoods.**

SECTION 392 ***Permitted Uses***

(1) MANUFACTURING and associated RETAIL SALES with a significant component of goods sold being produced on the premises
(2) RESEARCH AND DEVELOPMENT LABORATORIES
(3) ENCLOSED PUBLIC WAREHOUSING

(4) ENCLOSED PRIVATE WAREHOUSING
(5) ENCLOSED OUTDOOR STORAGE
(6) TRUCKING and WHOLESALE DISTRIBUTION
(7) CONSTRUCTION AND AGRICULTURAL EQUIPMENT SALES with associated service and repair
(8) RETAIL SALES of automobiles, trucks, busses, boats/marina, and large equipment with associated service and repair
(9) RETAIL SALES and WHOLESALE of Building Home Supply
(10) LUMBERYARDS
(11) MOBILE/MANUFACTURED HOME RETAIL SALES & Rental
(12) COMMERCIAL PLANT NURSERIES, GREENHOUSES & LANDSCAPING SERVICES
(13) DRY CLEANING PLANT without walk-in business
(14) ANIMAL SHELTER
(15) PRINTING FACILITY
(16) Transit Station including Train and Bus stations. Also automobile parking garages or lots not located on a lot on which there is another principle use to which the parking is related
(17) TRUCK STOP
(18) AGRICULTURE
(19) FORESTRY
(20) PLANNED UNIT DEVELOPMENTS-Industrial
(21) PLANNED UNIT DEVELOPMENTS-Commercial (limited to the uses listed under Section 392 and 393).
(22) CHILD DAY CARE FACILITY

The USES noted below in Sections 392 (23) and (24) and the CONDITIONAL USES as noted in Section 393 (1) - (7)"CONDITIONAL USES" may only be included in PLANNED UNIT DEVELOPMENTS-Industrial;
(23) INDOOR RECREATION
(24) OUTDOOR RECREATION
(25) DISTRIBUTING

SECTION 393 ***Conditional Uses***

(1) PERSONAL SERVICES directly serving industries therein
(2) GENERAL/MEDICAL OFFICE directly serving industries therein
(3) Public and private UTILITIES AND UTILITY OFFICES
(4) STATE FACILITIES
(5) PRIVATE/PUBLIC FACILITIES directly serving industries therein
(6) EARTH AND MINERAL EXCAVATION
(7) RECYCLING YARD (see Section ~~890~~900 for specific review criteria)
(8) RESTAURANT, as an ACCESSORY USE
(9) BAKERY/DELICATESSEN, as an ACCESSORY USE
(10) RETAIL SALES, if property appears on the State Register of Historic Places
(11) PERSONAL SERVICES, if property appears on the State Register of Historic Places
(12) GENERAL/MEDICAL OFFICE, if property appears on the State Register of Historic Places
(13) RESTAURANT, if property appears on the State Register of Historic Places
(14) BAKERY/DELICATESSEN, if property appears on the State Register of Historic Places
(15) PRIVATE/PUBLIC FACILITY not listed above, if property appears on the State Register of Historic Places

SECTION 394 ***Dimensional Requirements***

(1)	Minimum LOT AREA	100,000 sq. ft.
(2)	Minimum Road FRONTAGE	200 ft.
(3)	Minimum FRONT SETBACK	50 ft.
(4)	Minimum SIDE SETBACK	35 ft.
(5)	Minimum REAR SETBACK	35 ft.
(6)	Maximum LOT COVERAGE	75%

SECTION 400 ***INDUSTRIAL CONSERVATION (I3) DISTRICT***

SECTION 401 ***Purpose***

The purpose of this area is to allow for an environmentally-sensitive planned industrial park, which would permit the clustering of industries and ACCESSORY USES on large lots, while providing adequate space for EXPANSION. Therefore, the key to the development of this area will be the addition of PLANNED UNIT DEVELOPMENTS in this ZONING DISTRICT. USES will be encouraged to CLUSTER their development in order to preserve and maintain agricultural, open space, natural areas and FORESTRY lands, maintain separation from residential neighborhoods in order to minimize impacts, facilitate the adequate and economical provisions of STREETS and utilities, encourage efficient construction, minimize access points to State and local highways, and preserve scenic views and viewsheds wherever possible.

SECTION 402 ***Permitted Uses***

(1) PLANNED UNIT DEVELOPMENT-Industrial to include the following USES:
- (a) ENCLOSED MANUFACTURING and ASSEMBLY
- (b) RESEARCH AND DEVELOPMENT LABORATORIES serviced by Town sewer
- (c) ENCLOSED WHOLESALE
- (d) PRIVATE WAREHOUSING
- (e) ENCLOSED OUTDOOR STORAGE
- (f) TRUCKING
- (g) DISTRIBUTING
- (h) PERSONAL SERVICES
- (I) GENERAL/MEDICAL OFFICE
- (j) EMPLOYEE TRAINING FACILITY
- (k) ~~ACCESSORY USEs to a PRINCIPAL USE to include:~~ CHILD DEVELOPMENT CENTER, as an ASSESSORY USE
- (l) RESTAURANT, as an ASSESSORY USE
- (m) MOTEL~~/Guest Facilities~~, as an ASSESSORY USE
- (n) CLINIC, as an ASSESSORY USE
- (o) TRANSPORTATION FACILITIES, as an ASSESSORY USE

The permitted USES noted below in Sections 402(2) through (5), and the CONDITIONAL USES as noted in Section 403 "CONDITIONAL USES" may also be included in PLANNED UNIT DEVELOPMENT-Industrial:

(2) OUTDOOR RECREATION
(3) INDOOR RECREATION
(4) AGRICULTURE
(5) FORESTRY

SECTION 403 ***Conditional Uses***

(1) Public and private UTILITIES AND UTILITY OFFICES
(2) STATE FACILITIES
(3) PRIVATE/PUBLIC FACILITIES
(4) Limited retail, as an ACCESSORY USE, of items manufactured or assembled on the premises, provided that the retail sales area (e.g., showroom) does not exceed 10% or 2,000 sq. ft., whichever is the lessor, of the total GROSS FLOOR AREA of the premises in which the items are manufactured or assembled. The retail sales area shall be indicated on the Site Plan submitted in accordance with Section 800 "Site Plan Review".
(5) RENEWABLE ENERGY RESOURCES

SECTION 404 ***Dimensional Requirements***

(1)	Minimum LOT AREA	200,000 sq. ft.
(2)	Minimum Road FRONTAGE	200 ft.
(3)	Minimum FRONT SETBACK	35 ft.
(4)	Minimum SIDE SETBACK	20 ft.
(5)	Minimum SIDE SETBACK for shared DRIVEWAYS and/or parking areas only	0 ft.
(6)	Minimum REAR SETBACK	20 ft.
(7)	Minimum SHORELINE SETBACK	50 ft.
(8)	Maximum LOT COVERAGE	40%
(9)	Maximum building HEIGHT	70 ft.

For any building above four (4) stories – additional review standards, including increased setbacks, may apply to ensure LIKE KIND QUALITY.

SECTION 405 ***Shoreland Ground Cover***

406.1 No more than 25% of existing trees and/or ground cover shall be removed along the SHORELINE for a distance of 25 feet from the SHORELINE within a 5 year period.

406.2 No more than 35% of existing trees and/or ground cover shall be removed for an additional distance of 125 feet beyond the no-cut area noted in Section 406.1 (beyond the no-cut area in 406.1) without Site Plan approval from the Development Review Board within a 5-year period. Erosion and stormwater best management practices must be employed during and after site work and tree clearing.

SECTION 410 ***MILTON CROSSROADS MARKETPLACE CENTER (M1) DISTRICT***

SECTION 411 ***Purpose***

Reflecting its central location within the downtown, the purpose of this district is to allow for the tallest buildings, the highest density, and the greatest extent of MIXED USE including residential, commercial, and some industrial uses. Buildings should be placed close to the sidewalks. Street trees and green belts along sidewalks should be constructed to provide a pedestrian friendly environment.

SECTION 412 ***Permitted Uses***

(1) SINGLE FAMILY DWELLINGS

(2) DUPLEXES
(3) MULTIFAMILY DWELLINGS
(4) PLANNED UNIT DEVELOPMENTS-Residential
(5) PLANNED UNIT DEVELOPMENTS-Commercial
(6) PLANNED UNIT DEVELOPMENTS-MIXED USE
(7) ELDERLY HOUSING COMPLEX
(8) RETAIL SALES
(9) PERSONAL SERVICES
(10) GENERAL/MEDICAL OFFICE
(11) RESTAURANTS
(12) RESTAURANTS, FAST FOOD
(13) BAKERY/DELICATESSEN
(14) MOTELS
(15) BED & BREAKFASTS
(16) INDOOR RECREATION
(17) PRIVATE/PUBLIC FACILITIES
(18) AGRICULTURE
(19) FORESTRY
(20) Parking Structures
(21) CHILD DAY CARE FACILITY

SECTION 413 ***Conditional Uses***

(1) ENCLOSED LIGHT MANUFACTURING AND ASSEMBLY
(2) RESEARCH AND DEVELOPMENT LABORATORIES
(3) ENCLOSED WHOLESALE
(4) PRIVATE WAREHOUSING
(5) DISTRIBUTING
(6) OUTDOOR RECREATION
(7) CONSTRUCTION AND AGRICULTURAL EQUIPMENT SALES AND SERVICE

SECTION 414 ***Dimensional Requirements***

(1)	Minimum LOT AREA	5,000 sq. ft.
(2)	Minimum Road FRONTAGE	0 ft.
(3)	Minimum FRONT SETBACK	0 to 20 ft.
(4)	Minimum SIDE SETBACK	0 ft.
(5)	Minimum REAR SETBACK	0 ft.
(6)	Maximum BUILDING COVERAGE	40%
(7)	Maximum LOT COVERAGE	80%
(8)	Maximum building stories	5 stories
	For any building above four (4) stories – additional review standards, including increased setbacks, may apply to ensure LIKE KIND QUALITY.	
(9)	Maximum building HEIGHT	70 ft.

SECTION 420 ***MILTON CROSSROADS MARKETPLACE WEST (M2) DISTRICT***

SECTION 421 ***Purpose***

The purpose of this district is to allow a mix of residential and commercial uses, including larger retail

buildings. Haydenberry Drive should serve as the primary access to this area. Sidewalks along Route 7 should extend up Haydenberry Drive and throughout all development areas.

SECTION 422 ***Permitted Uses***

(1) SINGLE FAMILY DWELLINGS
(2) DUPLEXES
(3) MULTIFAMILY DWELLINGS
(4) PLANNED UNIT DEVELOPMENTS-Residential
(5) PLANNED UNIT DEVELOPMENTS-Commercial
(6) PLANNED UNIT DEVELOPMENTS-MIXED USE
(7) ELDERLY HOUSING COMPLEX
(8) RETAIL SALES in a PLANNED UNIT DEVELOPMENT-MIXED USE
(9) PERSONAL SERVICES in a PLANNED UNIT DEVELOPMENT-MIXED USE
(10) GENERAL/MEDICAL OFFICE
(11) RESTAURANTS
(12) BAKERY/DELICATESSEN
(13) BED & BREAKFASTS
(14) ~~PUBLIC/~~PRIVATE/PUBLIC FACILITES in a PLANNED UNIT DEVELOPMENT-MIXED USE
(15) AGRICULTURE
(16) FORESTRY
(17) CHILD DAY CARE FACILITY

SECTION 423 ***Conditional Uses***

(1) COMMERCIAL PLANT NURSURIES, GREENHOUSES, AND LANDSCAPING SERVICES
(2) OUTDOOR RECREATION
(3) PERSONAL SERVICES
(4) PRIVATE/PUBLIC FACILITIES
(5) Parking Structures
(6) RESTAURANTS, FAST FOOD
(7) RETAIL SALES

SECTION 424 ***Dimensional Requirements***

(1)	Minimum LOT AREA	7,500 sq. ft.
(2)	Minimum Road FRONTAGE	0 ft.
(3)	Minimum FRONT SETBACK	0 to 20 ft.
(4)	Minimum SIDE SETBACK	0 ft.
(5)	Minimum REAR SETBACK	0 ft.
(6)	Maximum BUILDING COVERAGE	40%
(7)	Maximum LOT COVERAGE	70%
(8)	Maximum building stories	4 STORIES

For any building above three (3) stories – additional review standards, including increased setbacks, may apply to ensure LIKE KIND QUALITY.

SECTION 430 ***MILTON CROSSROADS MARKETPLACE MUNICIPAL/RECREATION (M3) DISTRICT***

SECTION 431 ***Purpose***

The purpose of this district is to allow for public and recreational facilities.

SECTION 432 ***Permitted Uses***

(1) PUBLIC FACILITIES
(2) INDOOR RECREATION
(3) OUTDOOR RECREATION
(4) AGRICULTURE
(5) FORESTRY
(6) PLANNED UNIT DEVELOPMENTS-MIXED USE

SECTION 433 ***Dimensional Requirements***

(1)	Minimum LOT AREA	5,000 sq. ft.
(2)	Minimum Road FRONTAGE	0 ft.
(3)	Minimum FRONT SETBACK	0 to 20 ft.
(4)	Minimum SIDE SETBACK	0 ft.
(5)	Minimum REAR SETBACK	0 ft.
(6)	Maximum LOT COVERAGE	80%
(7)	Maximum building stories	5 STORIES
	For any building above four (4) stories – additional review standards, including increased setbacks, may apply to ensure LIKE KIND QUALITY.	
(8)	Maximum building HEIGHT	70 ft.

SECTION 440 ***CHECKERBERRY (M4) DISTRICT***

SECTION 441 ***Purpose***

The purpose of this district is to allow for a mix of residential, commercial, and limited industrial uses.

SECTION 442 ***Permitted Uses***

(1) SINGLE FAMILY DWELLINGS
(2) DUPLEXES
(3) MULTIFAMILY DWELLINGS
(4) PLANNED UNIT DEVELOPMENTS-Residential
(5) PLANNED UNIT DEVELOPMENTS-Commercial
(6) PLANNED UNIT DEVELOPMENTS-MIXED USE
(7) ELDERLY HOUSING COMPLEX
(8) RETAIL SALES
(9) PERSONAL SERVICES
(10) GENERAL/MEDICAL OFFICE
(11) RESTAURANTS
(12) RESTAURANTS, FAST FOOD
(13) BAKERY/DELICATESSEN
(14) MOTELS

(15) BED & BREAKFASTS
(16) AUTOMOTIVE SALES with associated service and repair
(17) PUBLIC WAREHOUSING
(18) PRIVATE WAREHOUSING
(19) DISTRIBUTING of non-HAZARDOUS MATERIALS
(20) PRIVATE/PUBLIC FACILITIES
(21) COMMERCIAL PLANT NURSURIES, GREENHOUSES, AND LANDSCAPING SERVICES
(22) AGRICULTURE
(23) INDOOR RECREATION
(24) FORESTRY
(25) MOBILE HOME PARKS
(26) CHILD DAY CARE FACILITY

SECTION 443 ***Conditional Uses***

(1) ENCLOSED LIGHT MANUFACTURING AND ASSEMBLY
(2) RESEARCH AND DEVELOPMENT LABORATORIES
(3) ENCLOSED WHOLESALE
(4) ENCLOSED OUTDOOR STORAGE
(5) CONSTRUCTION AND AGRICULTURAL EQUIPMENT SALES AND SERVICE
(6) OUTDOOR RECREATION
(7) DISTRIBUTING of HAZARDOUS MATERIALS

SECTION 444 ***Dimensional Requirements***

(1)	Minimum LOT AREA	20,000 sq. ft.
(2)	Minimum Road FRONTAGE along Route 7	200 ft.
(3)	Minimum Road FRONTAGE along other roads	100 ft.
(4)	Minimum FRONT SETBACK	20 ft.
(5)	Minimum SIDE SETBACK	10 ft.
(6)	Minimum REAR SETBACK	10 ft.
	Maximum BUILDING COVERAGE	40%
(8)	Maximum LOT COVERAGE	60%
(9)	Maximum building stories	4 STORIES
(10)	Maximum DENSITY	7 units per 40,000 sq. ft. (Multifamily Dwellings, PUD-Residential or PUD-MIXED USE)

SECTION 450 ***OLD TOWNE RESIDENTIAL/COMMERCIAL (M5) DISTRICT***

SECTION 451 ***Purpose***

The purpose of this district is to allow mainly residential uses, and some limited commercial uses.

SECTION 452 ***Permitted Uses***

(1) SINGLE FAMILY DWELLINGS
(2) DUPLEXES
(3) PLANNED UNIT DEVELOPMENTS-Residential (minimum of 5 contiguous acres required.)
(4) ELDERLY HOUSING COMPLEX

(5) PLANNED UNIT DEVELOPMENTS-Commercial
(6) PLANNED UNIT DEVELOPMENTS-MIXED USE
(7) PERSONAL SERVICES
(8) GENERAL/MEDICAL OFFICE
(9) RESTAURANTS
(10) BAKERY/DELICATESSEN
(11) BED & BREAKFASTS
(12) PRIVATE/PUBLIC FACILITIES
(13) AGRICULTURE
(14) FORESTRY
(15) CHILD DAY CARE FACILITY

SECTION 453 ***Conditional Uses***

(1) INDOOR RECREATION
(2) OUTDOOR RECREATION

SECTION 454 ***Dimensional Requirements***

(1)	Minimum LOT AREA	10,000 sq. ft.
(2)	Minimum Road FRONTAGE	80 ft.
(3)	Minimum FRONT SETBACK	20 ft.
(4)	Minimum SIDE SETBACK	10 ft.
(5)	Minimum REAR SETBACK	10 ft.
(6)	Maximum BUILDING COVERAGE	40%
(7)	Maximum LOT COVERAGE	50%
(8)	Maximum building stories	3 STORIES
(9)	Maximum DENSITY	4 units per 40,000 sq. ft. (PUD-Residential and/or PUD-MIXED USE)

SECTION 460 ***MAIN STREET (M6) DISTRICT***

SECTION 461 ***Purpose***

The purpose of this district is to allow continued use and reuse of existing historic buildings, including new buildings that are sensitive to the existing character of the area. Owner-occupied buildings are encouraged and may contain up to three (3) DWELLING UNITS. However, these owner-occupied triplexes are only to be used as an adaptive reuse measure, therefore multifamily dwellings are only allowed within a residential buildings existing footprint and square footage that was in existence on or before December 21, 2006.

SECTION 462 ***Permitted Uses***

(1) SINGLE FAMILY DWELLINGS
(2) DUPLEXES
(3) TRIPLEXES - OWNER OCCUPIED (only within the existing buildings footprint and square footage that was in existence on or before December 21, 2006.)
(4) PLANNED UNIT DEVELOPMENTS-Residential (minimum of 5 contiguous acres required.)
(5) PLANNED UNIT DEVELOPMENTS-MIXED USE
(6) PLANNED UNIT DEVELOPMENTS-Commercial

(7) ELDERLY HOUSING COMPLEX
(8) PERSONAL SERVICES
(9) GENERAL/MEDICAL OFFICE
(10) RESTAURANTS
(11) BAKERY/DELICATESSEN
(12) BED & BREAKFASTS
(13) PRIVATE/PUBLIC FACILITIES
(14) CHILD DAY CARE FACILITY

SECTION 463 ***Dimensional Requirements***

(1)	Minimum LOT AREA	10,000 sq. ft.
(2)	Minimum Road FRONTAGE	80 ft.
(3)	Minimum FRONT SETBACK	20 ft.
(4)	Minimum SIDE SETBACK	10 ft.
(5)	Minimum REAR SETBACK	10 ft.
(6)	Maximum BUILDING COVERAGE	40%
(7)	Maximum LOT COVERAGE	50%
(8)	Maximum building stories	3 STORIES

SECTION 465 ***DOWNTOWN BUSINESS (DB1) DISTRICT***

SECTION 466 ***Purpose***

The purpose of the DB1 District is to encourage and enhance the development of Town Core areas with the tallest buildings, highest density, and greatest diversity of commercial and light industrial uses. Residential uses ~~would~~ will not be allowed except where incorporated into a Planned Unit Development-MIXED USE or where created as an Elderly Housing Complex~~elderly housing complex~~. Buildings should be placed close to the sidewalks. A pedestrian friendly environment should be encouraged through the planting of street trees and green belts along sidewalks and the placement of safe street crossings.

SECTION 467 ***Permitted Uses***

(1) SINGLE FAMILY RESIDENCES in existence prior to the effective date of this section. (NOTE: this section became effective on October 11, 2005)
(2) SINGLE FAMILY, DUPLEX, AND MULTIFAMILY DWELLING USES provided that they are incorporated into a PLANNED UNIT DEVELOPMENT-MIXED USE.
(3) PLANNED UNIT DEVELOPMENTS (PUD)-MIXED USE provided that:

(a) at least 20% of the gross floor area of all the buildings in a PUD is constructed as commercial space either as 20% of each building, or with the gross floor area total distributed among several buildings, or with the gross floor area total constructed all in a single building; or

(b) the entire first floor of each PUD building is constructed as commercial space; and

(c) the commercial space in a PUD shall be either constructed first or concurrently with the non-commercial space in a PUD.

(4) PLANNED UNIT DEVELOPMENTS-Commercial

(5) ELDERLY HOUSING COMPLEX
(6) RETAIL SALES of fuel, food, goods, & merchandise.
(7) PERSONAL SERVICES
(8) GENERAL/MEDICAL OFFICE
(9) LAUNDROMATS
(10) RESTAURANTS
(11) RESTAURANTS, FAST FOOD
(12) BAKERY/DELICATESSEN
(13) MOTELS
(14) PRIVATE/PUBLIC FACILITIES
(15) INDOOR RECREATION
(16) INDOOR THEATERS
(17) FINANCIAL ESTABLISHMENTS
(18) FUNERAL ESTABLISHMENTS
(19) Transit Stations including Train and Bus stations. Also automobile parking garages or lots.
(20) DRIVE-UP FACILITIES
(21) CONVENTION CENTER
(22) CHILD DAY CARE FACILITY

SECTION 468 ***Conditional Uses***

(1) ENCLOSED LIGHT MANUFACTURING AND ASSEMBLY
(2) RESEARCH AND DEVELOPMENT LABORATORIES
(3) DISTRIBUTING
(4) OUTDOOR RECREATION
(5) COMMERCIAL PLANT NURSERIES, GREENHOUSES, AND LANDSCAPING SERVICES
(6) DRYCLEANING FACILITIES
(7) PUBLIC OR PRIVATE WAREHOUSE
(8) PRECIOUS METAL DEALER
(9) Adult Oriented Business (defined in and subject to review under in Section 910)

SECTION 469 ***Dimensional Requirements***

(1)	Minimum LOT AREA	5,000 sq. ft.
(2)	Minimum Road FRONTAGE	0 ft.
(3)	Minimum FRONT SETBACK	0 ft.
(4)	Minimum SIDE SETBACK	0 ft.
(5)	Minimum REAR SETBACK	0 ft.
(6)	Maximum BUILDING COVERAGE	40%
(7)	Maximum LOT COVERAGE	80%
(8)	Maximum building HEIGHT	5 STORIES up to 70 ft.

For any building above four (4) stories – additional review standards, including increased setbacks, may apply to ensure LIKE KIND QUALITY.

SECTION 470 ***FLOOD HAZARD (FH) DISTRICT***

Refer to Appendix A of the Milton Zoning Regulations: *Inundation Hazard Area Regulations* for the regulations for the flood hazard areas as described in Section IV of Appendix A.

SECTION 480 ***FORESTRY/CONSERVATION/SCENIC RIDGELINE (FC) DISTRICT***
SECTION 481 ***Purpose***

The purpose of this district is to preserve open space; to protect soils, water, and other natural resources; to protect scenic ridgeline viewsheds and vistas important to the character of the Town of Milton; to preserve forests and encourage forest-related USES; to promote AGRICULTURE and recreational USES that can benefit from the unique topography of the area; and to enable, to a limited extent, residential USES. Such residential USES are to be enabled only for land parcels necessarily located near the district boundary that are accessible without extreme land disruption; that do not contain steep slopes, unstable soils, and other natural limitations; and only for sites that have the capacity to provide safe ingress and egress. Where possible, said residential USES shall be clustered.

The undeveloped ridges and hillsides of Milton are one of Milton's principal scenic qualities and contribute significantly to the enjoyment of the rural and pastoral character of the town. The Scenic ridgelines have been identified as Georgia Mountain, Milton Pond and surrounding ridgeline, Bald Hill, Cobble Hill, Eagle Mountain and Arrowhead Mountain. In order to protect these ridgelines, no STRUCTURE or BUILDING shall be visible above the existing tree line.

SECTION 482 ***Permitted Uses***

(1) AGRICULTURE
(2) FORESTRY
(3) PLANNED UNIT DEVELOPMENT-Residential (Minor only) - the maximum density for PLANNED UNIT DEVELOPMENT-Residential (Minor only) shall be based upon the conventional layout requirements for permitted USES outlined in Section 484, and as applied to Section 856.1 of these Regulations.

SECTION 483 ***Conditional Uses***

(1) OUTDOOR RECREATION
(2) ACCESSORY STRUCTURES provided that the Development Review Board finds that the conditions of Section 500 are met and that the proposed STRUCTURE is necessary for the operation of the PRINCIPAL USE.
(3) SINGLE FAMILY DWELLINGS and ACCESSORY STRUCTURES thereto, provided that the proposed dwelling satisfies the requirements of Section 500 of these by-laws, and provided further that the Development Review Board makes an affirmative finding that the proposed USE complies with the following criteria:
    (a) the location of the BUILDABLE ENVELOPE will not occur on land that is clearly undevelopable due to environmental limitations, such as designated WETLANDS, navigable streams or navigable water courses, rock formations visible from outside the site, UNDEVELOPABLE SOILS, flood and earth hazard areas;
    (b) the location of the BUILDABLE ENVELOPE will not occur on land containing slopes in excess of 15%, defined as the change in elevation divided by distance in feet as determined by a topographic survey with contour intervals of five feet;
    (c) the parcel of land containing the site has the capacity to provide safe access to the BUILDABLE ENVELOPE via roadway with a grade of 10% or less;
    (d) no flood or earth movement hazard area, designated wetland, navigable stream, navigable watercourse, or rock formation visible from outside the site shall be disrupted in order to gain access to the BUILDABLE ENVELOPE;
    (e) the USE has the capacity to provide a septic design that conforms with Town of Milton and State standards within the BUILDABLE ENVELOPE.

(4) BED AND BREAKFAST, provided that the proposed USE satisfies the requirements of Section 500 of these ~~by-laws~~Regulations, and that one of the following conditions are satisfied:

(a) The Development Review Board makes an affirmative finding that the proposed USE complies with the criteria outlined in Section 483(3)(a)(b)(c)(d) and (e) above are satisfied through the procedures outlined in Section 486 of this Ordinance;

(b) The proposed BED AND BREAKFAST occurs within an approved PLANNED RESIDENTIAL DEVELOPMENT;

(c) The proposed BED AND BREAKFAST occurs within a previously approved BUILDABLE ENVELOPE.

(5) PLANNED UNIT DEVELOPMENT-Residential (Major only) - the maximum density for PLANNED UNIT DEVELOPMENT-Residential (Major only) shall be based upon the conventional layout requirements for permitted USES outlined in Section 484, and as applied to Section 856.1 of these Regulations.

SECTION 484 ***Dimensional Requirements for Permitted Uses***

(1)	Minimum LOT AREA	600,000 sq. ft.
(2)	Minimum Road FRONTAGE	100 ft.
(3)	Minimum FRONT SETBACK	35 ft.
(4)	Minimum SIDE SETBACK	50 ft.
(5)	Minimum REAR SETBACK	50 ft.
(6)	Maximum BUILDING COVERAGE	40%
(7)	Maximum LOT COVERAGE	15%

SECTION 485 ***Dimensional Requirements for Conditional Uses***

(1)	Minimum LOT AREA	600,000 sq. ft.
(2)	Minimum Road FRONTAGE	100 ft.
(3)	Minimum FRONT SETBACK	35 ft.
(4)	Minimum SIDE SETBACK	50 ft.
(5)	Minimum REAR SETBACK	50 ft.
(6)	Maximum BUILDING COVERAGE	40%
(7)	Maximum LOT COVERAGE	15% of the developable portions of the lot, as determined by Section 483(3)(a)(b)(c)(d) of this Ordinance.
(8)	Minimum SETBACK from designated WETLANDS, navigable streams and watercourses, or natural features determined by the Development Review Board to be of ecological or aesthetic significance.	200 ft.

SECTION 486 ***Procedures and Materials for All Uses***

Applications for all USES within this district must first be directed to the Planning Staff who shall determine the completeness of the application. The following materials shall be required by the Development Review Board in order to make findings based on the following criteria:

(a) a topographic survey showing contour intervals of five feet for the portion of the site that is to

contain the proposed use showing the relationship of the proposed use to the surrounding terrain and existing vegetation. All slopes greater than 15% as determined by the change in elevation divided by distance in feet shall be clearly delineated on the survey and shall be excluded from the BUILDABLE ENVELOPE;

(b) a survey delineating all designated WETLANDS, navigable streams, navigable watercourses, wooded and open areas, flood hazard areas and earth movement hazard areas occurring within 200 feet of any proposed use or means of access.

(c) a roadway profile with grading limits clearly defined and existing and proposed cross-sections at critical locations that shows the proposed means of access to the BUILDABLE ENVELOPE or use; the profile must demonstrate that a roadway with a grade of 10% or less can be constructed in the location of any proposed means of access to the BUILDABLE ENVELOPE or use;

(d) sections and elevations clearly showing the relationship of the existing site and the proposed use and access roadway or driveway to the existing surroundings, specifically the existing vegetation and topography;

(e) a letter from a certified engineer, indicating that all of the elements required for submission as indicated above are complete and accurate;

(f) a septic design conforming to State standards for the proposed use.

Excel Dimensional Table here

ARTICLES V, VI AND VII
GENERAL REGULATIONS

SECTION 500 *CONDITIONAL USES*

No Zoning Permit shall be issued by the Zoning Administrator for any USE or STRUCTURE which requires CONDITIONAL USE approval until the Development Review Board grants such approval, after PUBLIC NOTICE and public hearing. The authorization by the Development Review Board shall be granted only upon a finding by it that the proposed USE complies with the specific dimensional and other applicable standards as set forth in these Regulations and that the proposed CONDITIONAL USE does not have an undue adverse effect:

500.1 The capacity of existing or planned community facilities or services including water, waste disposal, roads, police, fire services and schools.

500.2 The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.

500.3 Environmental limitations of the site or area, and significant natural resource areas or sites.

500.4 The *Comprehensive Plan* and all bylaws, ordinances and/or regulations of the Town of Milton.

500.5 Traffic on roads and highways in the vicinity.

500.6 Utilization of renewable energy resources.

SECTION 501 *Conditions*

In granting such CONDITIONAL USE, the Development Review Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the provisions and intentions of these Regulations and the Milton *Comprehensive Plan*.

SECTION 502 *Time Limit*

The Development Review Board shall act to approve or disapprove any such requested CONDITIONAL USE within forty-five (45) days after the date of the final public hearing held under this Section, provided the applicant has met all the requirements of these Regulations. Failure to so act within such period shall be deemed approval.

SECTION 503 *Appeal*

Decisions by the Development Review Board may be appealed in accordance with the *Vermont Administrative Procedure Act* (Title 3, V.S.A., Chapter 25). All decisions shall include information on appeal procedures (Section 960).

SECTION 510 *NON-CONFORMING USES*

The following provisions shall apply to all ~~buildings containing USES existing on the effective date of these~~

~~Regulations which do not conform to the land USE requirements of the district in which they are located and to all buildings and USES that in the future do not conform by reason of any subsequent amendment to these Regulations.~~NON-CONFORMING USES.

SECTION 511 ***Change of Use***

A NON-CONFORMING USE may not be changed to another NON-CONFORMING USE, except as follows:

(1) The change is approved by the Development Review Board under the requirements of Section 500 for CONDITIONAL USE approval; and

(2) The proposed USE is a permitted USE within at least one ZONING DISTRICT within the Town of Milton, except as limited under Section 894(1) of this Ordinance; and

(3) The proposed USE is one which is less in degree of non-conformity than the previous USE. In making such a determination, the Development Review Board must find that the proposed USE will more closely resemble the permitted USES within the district, and will reduce the impact of the previous USE on such factors as parking, traffic, open storage, visual impact and noise.

SECTION 512 ***Expansion or Enlargement***

A NON-CONFORMING USE or STRUCTURE containing a NON-CONFORMING USE may not be expanded or enlarged, except as follows:

(1) The EXPANSION or enlargement is approved by the Development Review Board under the requirements of Section 500 for CONDITIONAL USE approval; and

(2) The proposed EXPANSION is a permitted USE in at least one ZONING DISTRICT within the Town of Milton, except as limited under Section 894(1) of this Ordinance; and

(3) The proposed EXPANSION does not exceed that which is permitted for the most extensive USE permitted within the ZONING DISTRICT in which it is located; and

(4) The proposed EXPANSION or enlargement of USE results in an increase in only the volume, intensity, frequency or area of the previous USE, and does not involve the creation of a new NON-CONFORMING USE, the displacement of a conforming USE, nor the creation of a non-conformity in relation to SETBACKS or LOT COVERAGE.

(5) In situations where residential uses or structures were made NON-CONFORMING as the result of a zoning amendment, such NON-CONFORMING residential uses or structures may be expanded or enlarged or used for a home occupation as a matter of right without CONDITIONAL USE approval by the Development Review Board provided that the current setback distances and building coverage requirements are met.

SECTION 513 ***Restoration***

A STRUCTURE housing a NON-CONFORMING USE, if destroyed or damaged by fire, collapse, explosion or similar cause may be reconstructed or repaired for the NON-CONFORMING USE, provided that the NON-CONFORMING USE is not extended, expanded or enlarged in any way, and provided that such reconstruction or repair is completed within one year of the damage or destruction.

SECTION 514 ***Abandonment***

No NON-CONFORMING USE may be resumed if such USE has been abandoned for a period of eighteen months. Death of an owner of a property containing a NON-CONFORMING USE shall not be considered abandonment. However, a non-conforming individual mobile home lot that is vacated

shall not be considered an abandonment of nonconformity.

A NON-CONFORMING USE shall be considered abandoned when any of the following conditions exist:

(1) When the characteristic equipment and furnishings have been removed from the premises and have not been replaced by similar equipment and furnishings within eighteen months; or
(2) When it has been replaced by another USE.

SECTION 515 ***Repairs and Alterations***

Nothing in this Section shall be deemed to prevent ordinary repairs to or prohibit ALTERATIONS of any STRUCTURE containing a NON-CONFORMING USE provided that the floor area devoted to the NON-CONFORMING USE shall not be increased.

SECTION 516 ***Unlawful Uses Not Authorized***

Nothing in this Section shall be interpreted as authorization for or approval of a STRUCTURE or premises which was in violation of the Zoning Regulations in effect at the time of enactment of these Regulations.

SECTION 520 ***NON-COMPLYING STRUCTURES***

The following provisions shall apply to ~~any STRUCTURE or part of a STRUCTURE existing on the effective date of these Regulations which does not conform to the dimensional requirements of the district in which it is located; and to all STRUCTURES that in the future do not conform by reason of any subsequent amendment to the Regulations. The dimensional requirements shall include, but not be limited to, SETBACKS, HEIGHT, LOT COVERAGE, density and off-STREET parking and loading~~all NON-COMPLYING STRUCTURES.

520.1 Any ALTERATION, EXPANSION or change to a NON-COMPLYING STRUCTURE which does not result in any increase in the non-complying nature of the STRUCTURE (e.g., further encroachment into a SETBACK or a further increase in LOT COVERAGE) may be permitted by the Zoning Administrator provided that the proposed change does not result in an increase in floor area of the structure and that the proposed changes complies with all other provisions of these Regulations.

520.2 Any ALTERATION, EXPANSION or change to a NON-COMPLYING STRUCTURE which does result in an increase in the non-complying nature of a STRUCTURE and/or any increase in floor space may be permitted by the Development Review Board as a variance in accordance with the provisions of Section 970 of these Regulations.

520.3 Non-complying mobile home parks shall be treated as non-complying, however individual lots within these mobile home parks shall not be considered non-complying.

520.4 A NON-COMPLYING STRUCTURE, may be permitted by the Zoning Administrator, if destroyed or damaged by fire, collapse, explosion or similar cause may be reconstructed or repaired, provided that the NON-COMPLYING STRUCTURE is not extended, expanded, enlarged or relocated in any way, and provided that such reconstruction or repair is completed within two years of the damage or destruction, A one-year extension may be granted by the DRB upon finding that physical hardships, unforeseeable delays or other circumstances justify the extension.

SECTION 530 ***REQUIRED FRONTAGE AND APPROVED ACCESS***

Land development shall only be permitted on lots having frontage on public waters, lots having access on a PUBLIC ROAD meeting Class 1, 2, or 3 state standards, or, with the approval of the Development Review Board, lots having access to a PUBLIC ROAD meeting Class 1, 2, or 3 state standards over a permanent, private easement or private right-of-way at least 60-feet wide, or 40-feet wide as permitted within these regulations.

No Zoning Permit shall be issued for construction or development of any kind on a lot without FRONTAGE on a PUBLIC ROAD or waters until a permanent easement or right-of-way has been approved by the Development Review Board, in accordance with their right-of-way policy.

SECTION 531 ***Class 4 Roads***

Nothing in this section shall be construed to require the Town to maintain a Class 4 road or to upgrade a road from Class 4 to Class 3. This section shall not prohibit future accessory structures or expansions of existing primary structures, on Class 4 roads, that were developed prior to September 5, 2005; however, additional uses shall be prohibited.

For the purpose of site plan development or subdivision of new lots or for creating frontage or access for buildable lots, a petition to upgrade a Class 4 road to a Class 3 road shall be submitted to the Select Board in accordance with the provisions of 19 V.S.A. ~~Sections~~ § 708 through § 717. In considering whether to reclassify a Class 4 road as a Class 3 road, the Select Board may request an advisory opinion from the Planning Commission as to whether the increased traffic and development potential likely to result from the reclassification is desirable or in accordance with the Comprehensive Plan.

19 V.S.A. §~~Section~~ 302 (a)(3)(B) states that "the minimum standards for Class 3 highways are a highway negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This would include but not be limited to sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance…." In order to accomplish this state standard, the upgraded road shall be constructed in accordance with the 'Town of Milton Public Works Specifications Ordinance' for construction of a PUBLIC ROAD. All expenses incurred in accomplishing the upgrading of a Class 4 road to Class 3 standards shall be borne by the individual petitioning permission to do the upgrade. An adequate monetary surety and warranty for the road improvements shall be provided to the Town.

After the Town Engineer confirms that the road upgrading has been done in accordance with the 'Town of Milton Public Works Specifications Ordinance' and the Select Board has reclassified the road to a Class 3 road in accordance with the provisions of 19 V.S.A. ~~Sections~~§ 708 through § 717, applications for ~~s~~Site ~~p~~Plan R~~r~~eview or subdivision of new lots, abutting or accessing the newly classified Class 3 road may be submitted to the Town for review and possible approval under the planning and zoning regulations.

SECTION 532 ***Residential Frontage Requirement Waivers***

The Development Review Board may, in accordance with ~~Title~~ 24~~,~~ V.S.A.~~, Chapter 117, Section~~§ ~~4407(3)~~4414(8) authorize a waiver from the minimum FRONTAGE requirements for any two-lot subdivision located within a district that permits single FAMILY residential USES provided that the subdivision is in compliance with the Town of Milton Public Works Specifications for Private Right-of-Way construction. *This section applies to all zoning districts except the OLD TOWNE RESIDENTIAL, OLD TOWNE RESIDENTIAL/COMMERCIAL, AND MAIN STREET Districts.*

532.1 The subdivision must result FRONTAGE on a PUBLIC ROAD appropriate to enable a curb

cut. As a general standard, the Development Review Board shall encourage at least sixty (60) feet of FRONTAGE on a PUBLIC ROAD for each lot, but may waive this requirement only if pre-existing lot characteristics render this requirement infeasible.

532.2 The Development Review Board may limit the number of curb cuts allowed through such action by requiring shared DRIVEWAYS to be maintained by both lots.

532.3 The Development Review Board may deny such a request if the creation of a new lot would alter community character or result in the disruption of the continuity of a streetscape, or if the proposal contradicts any element of the *Comprehensive Plan of the Town of Milton*.

SECTION 540 NUMBER OF ~~BUILDINGS~~ STRUCTURES ON LOTS

There shall be only one PRINCIPAL STRUCTURE ~~or USE~~ and its approved ACCESSORY STRUCTURES on a LOT. The following are exceptions: ACCESSORY farm DWELLINGS in accordance with Section 872 "ACCESSORY Dwelling"; DUPLEXES, TRIPLEXES and MULTIFAMILY DWELLINGS in accordance with the provisions of the District Regulations (Articles III and IV), and PLANNED UNIT DEVELOPMENTS in accordance with Section 850 "PLANNED UNIT DEVELOPMENTS".

SECTION 550 USE OF SETBACK AREAS

No STRUCTURE or portion of a STRUCTURE shall project into any minimum front, side, or REAR SETBACK area, except as provided by Sections 551 and 580. This regulation shall apply whether the STRUCTURE is ATTACHED to the principal structure or not and whether the STRUCTURE is open or ENCLOSED.

SECTION 551 Exemptions

The requirements of Section 550 shall be subject to the following exemptions:

551.1 Fences shall be considered exemptions.

551.2 SIGNS, canopies, and awnings may be located in the FRONT SETBACK area provided that they comply with all other requirements of these Regulations.

551.3 Public monuments and statues shall be exempt from Section 550.

SECTION 560 HEIGHT

No STRUCTURE shall exceed thirty-five (35) feet in HEIGHT above ground level except as noted in Articles III and IV for specific zoning districts and as noted below.

560.1 There are no HEIGHT restrictions on non-commercial antennas, residential chimneys, and on agricultural STRUCTURES such as barns and silos.

560.2 The Development Review Board may authorize, as a CONDITIONAL USE, any unoccupied, uninhabitable STRUCTURE or portions thereof, such as church spires, belfries, monuments, tanks, water and fire towers, ornamental towers, smokestacks, flag poles, renewable energy structures and

wind turbines, to exceed the HEIGHT limitation. Mechanical equipment on a commercial structure may only be granted CONDITIONAL USE to exceed the HEIGHT limitation by up to 10 (ten) vertical feet. Such mechanical equipment shall not cover more one third of the roof area. *This section applies to all zoning districts except the FORESTRY/CONSERVATION/SCENIC RIDGELINE District.*

560.3 The maximum HEIGHT of WIRELESS COMMUNICATION FACILITIES will be determined by the Development Review Board through the review and approval process described in Appendix B of these regulations, entitled *Wireless Communication Facilities Regulations*.

SECTION 570 *SEWAGE DISPOSAL*

No building or STRUCTURE shall be erected or altered unless an appropriate sewage disposal system is provided in compliance with all applicable regulations of the State of Vermont, or other governmental authorities.

SECTION 580 *ACCESSORY USES AND STRUCTURES*

~~Normal~~ ACCESSORY USES and STRUCTURES, as defined in Section 1010 of this Ordinance, shall be allowed in all districts, subject to the following provisions:

580.1 They do not conflict with any other provision of this Ordinance.

580.2 They do not constitute a threat or nuisance to the health, safety, and welfare of neighboring property owners.

580.3 ACCESSORY STRUCTURES shall comply with FRONT SETBACK requirements for the district in which they are located.

580.4 Required SIDE and REAR SETBACKS for ACCESSORY STRUCTURES with an area of not more than 100 square feet and a HEIGHT of not more than 10 feet shall be five (5) feet, or the minimum required SIDE and REAR SETBACKS for the district in which they are located, whichever is less.

580.5 Required SIDE and REAR SETBACKS for ACCESSORY STRUCTURES with an area exceeding 100 square feet or a HEIGHT exceeding 10 feet shall be fifteen (15) feet, or the minimum required SIDE and REAR SETBACKS for the district in which they are located, whichever is less.

580.6 ACCESSORY STRUCTURES shall be located at least five (5) feet from any other STRUCTURE if not ATTACHED to such STRUCTURE.

580.7 ACCESSORY USES shall not exceed 10% or 2,000 sq. ft., whichever is the lessor, of the total GROSS FLOOR AREA of the PRINCIPAL STRUCTURE. ~~This section shall not pertain to ACCESSORY APARTMENTS and HOME OCCUPATIONS (as they are addressed in Section 880 and Section 600 respectively). These uses shall be subject to "Site Plan Review" in accordance with Section 800.~~

580.8 Only a permitted or CONDITIONAL USES allowed in a district can be an ACCESSORY USE in that district. ~~The purpose is to provide a small level of diversification to non-residential uses.~~

580.9 ACCESSORY USES shall comply with all other requirements of these Regulations.

580.10 This section shall not pertain to ACCESSORY APARTMENTS and HOME OCCUPATIONS (as they are addressed in Section 880 and Section 600 respectively).

SECTION 581 ***Swimming Pools***

Swimming pools shall be considered as an ACCESSORY USE. The following safety precautions must be in place for the duration of the swimming pool. No swimming pool with a maximum potential depth of two feet or more shall be used or located within any district without conformance to the following standards:

581.1 All pools shall be completely enclosed by a wall, fence, or other STRUCTURE not less than four (4) feet in HEIGHT with a self-closing and self-latching gate. These precautions must be in place prior to issuance of a Certificate of Compliance and prior to any use of the pool.

581.2 Above-ground pools with essentially smooth, vertical exterior walls at least four (4) feet in HEIGHT above grade for the entire perimeter need not meet the fencing requirement of Section 581.1, provided that:

(a) The ladder access area is enclosed by a wall, fence, or other structure not less than four (4) feet in HEIGHT with a self-closing and self-latching gate, or
(b) Entrance to the pool is possible only through the use of steps or stairs which are portable, and removed when the pool is not in use.
(c) These precautions must be in place prior to issuance of a Certificate of Compliance and prior to any use of the pool.

SECTION 590 ***ROADS AND DRIVES***

All roads and drives shall conform to the requirements of this Section.

SECTION 591 ***Public Roads***

New roads shall only be considered for acceptance as a PUBLIC ROAD if all of the following conditions are met:

(1) The road will provide improved traffic circulation to the local PUBLIC ROAD network, or have easements or rights-of-way secured to improve traffic circulation to the local PUBLIC ROAD network in the future; and
(2) The road will create a pattern of interconnecting roads and blocks, that encourages multiple routes from origins to destinations. The road, or network of roads, must have a looped road (roads having more than one separate connection to an existing PUBLIC RIGHT-OF-WAY). This shall not render developments in existence prior to January 15, 2009 as non-conforming; and
(3) The road will be constructed in accordance with the Town of Milton's Public Works Specifications; and
(4) The road will intersect an existing Town or State highway; and
(5) Acceptance of the road is in accordance with the goals of the Milton Comprehensive Plan.

The Selectboard has the ultimate authority on acceptance of PUBLIC ROADs in accordance with Title 19

V.S.A. Chapter 7, Laying Out, Discontinuing and Reclassifying Highways. Meeting the requirements of this Section will not automatically guarantee acceptance of the road as public, however compliance with these conditions must be demonstrated to the Development Review Board through the subdivision review process if the intention is to establish a new PUBLIC ROAD.

SECTION 592 ***Private Roads***

A PRIVATE ROAD is any road that is not offered to and accepted by the Town as a PUBLIC ROAD. Responsibility for construction, maintenance and improvements shall fall entirely upon the owners and operators of each PRIVATE ROAD. The right-of-way is to remain in private ownership and is not intended for dedication as a Town road. PRIVATE ROADs must be certified by a Professional Engineer for conformance with the approved plans.

Standards

592.1 PRIVATE ROADs must be built to the PRIVATE ROAD specifications as defined in the Public Works Specifications.

592.2 Proper drainage facilities shall be constructed to ensure that PUBLIC ROADS are not subject to flooding or other damage from a PRIVATE ROADS.

592.3 Intersections of PRIVATE ROADS and PUBLIC ROADS shall be designed to ensure adequate visibility and safety.

592.4 PRIVATE ROADS shall be constructed so as to permit the safe access of emergency vehicles to all STRUCTURES.

592.5 Units accessed through a PRIVATE RIGHT-OF-WAY must have FRONTAGE on that PRIVATE RIGHT-OF-WAY;

592.6 The width of a PRIVATE RIGHT-OF-WAY shall be at least forty (40) feet, if the subdivision is a PLANNED UNIT DEVELOPMENT. The Development Review Board must approve this reduced width.

592.7 The maximum length of the PRIVATE RIGHT-OF-WAY for any residential subdivision shall be one thousand linear (1000) feet in its entirety; this requirement may be waived by the Development Review Board if it is determined that the roadway proposed can provide safe access for emergency vehicles. This length shall be measured from the intersection with a PUBLIC RIGHT-OF-WAY;

592.8 All PRIVATE RIGHTS-OF-WAY in excess of five hundred (500) feet shall provide at least one pullout area every five hundred (500) feet, the exact location of which shall be determined through the subdivision review process;

592.9 A PRIVATE RIGHT-OF-WAY shall be paved when the grade of the roadbed exceeds 7%;

592.10 No roadway within a PRIVATE RIGHT-OF-WAY shall be constructed with a grade greater than 10%;

592.11 A PRIVATE RIGHT-OF-WAY serving more than 30 lots or 50 dwelling units must have a LOOPED ROAD (roads having more than one separate connection to an existing PUBLIC

RIGHT-OF-WAY). This requirement may be waived by the Development Review Board if it is determined that the roadway proposed can provide safe access for emergency vehicles and efficient layout of utilities. This waiver may not be allowed for PRIVATE RIGHTS-OF-WAY serving more than 60 lots or 100 dwelling units. This shall not render developments in existence prior to January 15, 2009 as non-conforming;

592.12 A dead-end PRIVATE RIGHT-OF-WAY shall have a suitable cul-de-sac or hammerhead at the terminus;

592.13 Deeds or declarations creating PRIVATE RIGHTS-OF-WAY approved by the Development Review Board shall contain legally binding covenants, running with the land, absolving the Town from taking over said right-of-way as a Town highway; such covenants shall be included in the recorded deeds for each parcel created through the subdivision, and this condition shall be clearly indicated on the final subdivision plat for the development; such agreements shall inform all current and future land owners that the Town shall not be asked to maintain or take over the right of way in the future; such agreement shall involve all units that utilize the right-of-way regardless of whether said lot was created through the subdivision;

592.14 The USE of a PRIVATE RIGHT-OF-WAY shall require a legally executed agreement for the perpetual maintenance of the right-of-way by future owners of lots within the subdivision or for any lot utilizing the right-of-way for access regardless of whether said lot was created through the subdivision. A Homeowners Association must be established in order to ensure proper maintenance of the right-of-way in the future;

592.15 When a PRIVATE RIGHT-OF-WAY is proposed, the applicant shall provide a roadway profile by a certified engineer guaranteeing compliance with the terms of this Section; no PRIVATE RIGHT-OF-WAY shall be approved by the Development Review Board without the receipt of a letter of approval from the Town's Fire Chief, Police Chief or Rescue Squad stating that the right-of-way will provide safe access to each DWELLING UNIT that it serves; such profile shall be submitted prior to the final public hearing for the subdivision.

SECTION 593 *Driveways*

All drives on private property shall be considered private. Responsibility for construction, maintenance and improvements shall fall entirely upon the owners and operators of each private drive.

Standards

593.1 DRIVEWAYs shall be used to serve a maximum of three lots and no more than three DWELLING UNITS. Any excess in number of DWELLING UNITS must be served by a road and shall meet the requirements of either Section 591 or Section 592.

593.2 DRIVEWAYs must be built to the DRIVEWAY specifications as defined in the Public Works Specifications.

5943.3 Proper drainage facilities shall be constructed to ensure that PUBLIC ROADS are not subject to flooding or other damage from a private DRIVEWAY.

593.4 Intersections of DRIVEWAYs and PUBLIC ROADS shall be designed to ensure adequate visibility and safety.

593.5 DRIVEWAYs shall be constructed so as to permit the safe access of emergency vehicles to all dwelling units. DRIVEWAYs shall be constructed with a minimum width of 12' with 2' shoulders; a minimum turning radius of 42'; and a maximum DRIVEWAY grade of 15%, unless otherwise expressly stated in these Regulations.

593.6 The USE of a SHARED DRIVEWAY shall require a legally executed agreement for the perpetual maintenance of the DRIVEWAY by future owners of lots within the subdivision or for any lot utilizing the right-of-way for access regardless of whether said lot was created through the subdivision; a Homeowners Association must be established in order to ensure proper maintenance of the right-of-way in the future.

593.7 The private DRIVEWAY shall reach a point near the subject building where fire equipment and personnel can be positioned to effectively fight a fire without inordinate risk to their personnel and equipment. In general the horizontal distance from the fire equipment parking spot to the house shall be no farther than 100 feet and shall include an open corridor suitable in the Rescue Department's judgment to lay out equipment, to approach the subject building, to enter the building, and to fight a fire. In some cases the approved location and accessibility of the residence may not be optimal to effectively fight a fire. However, in no case shall a residence have insufficient accessibility to allow rescue and police to protect human life.

593.8 A private DRIVEWAY shall have a minimum of 15 foot height clearance. This clearance includes the height of tree branches and overhead wiring carrying a normal amount of snow and ice.

593.9 SEASONAL CAMPS may be exempt from complying with Sections 593.5, 593.7, and 593.8 if the SEASONAL CAMP is inhabited on a part-time basis for less than 30 consecutive days at a time; and no more than 120 days in a calendar year.

SECTION 594 *Highway Access Permit*

No Zoning Permit shall be issued for the construction of a PRIVATE ROAD or DRIVEWAY which intersects a Town or State highway without a valid Highway Access Permit in accordance with Title 19, V.S.A., Chapter 1, Section 43 and these Regulations and the Milton Public Works Specifications. A Zoning Permit may be issued by the Zoning Administrator only after completion of a Highway Access Permit application and approval by the Town Engineer or Highway Superintendent.

SECTION 595 *Inspection for Certificate of Compliance*

Before a Certificate of Compliance is granted by the Zoning Administrator under Section 910, all new curb cuts or amended curb cuts to an existing PUBLIC ROAD, or DRIVEWAYS on a future PUBLIC ROAD shall be inspected by the **Town Engineer or Highway Superintendent** to ensure compliance with the requirements of this Section.

SECTION 600 *HOME OCCUPATIONS*

Pursuant to 24 V.S.A. ~~Section~~§ 4412(4), HOME OCCUPATIONS are ~~permitted~~ allowed in all districts in which ~~residences~~ residential USEs are permitted, provided that they are in conformance with the provisions of this Section. No Zoning Permit is required for HOME OCCUPATIONS, except as noted below.

600.1 The HOME OCCUPATION shall be carried on only by full time residents of the dwelling and no more than two employees who are not full-time residents of the dwelling.

600.2 The HOME OCCUPATION shall be clearly incidental and secondary to the residential USE of the dwelling. The area utilized for the HOME OCCUPATION can be up to fifty percent (50%) of the dwelling square footage plus any accessory buildings not to exceed 1,000 square feet. For HOME OCCUPATIONs utilizing greater than 50% of the dwelling square footage plus any accessory buildings or 1,000 square feet, CONDITIONAL USE approval is required.

600.3 The HOME OCCUPATION can be carried on entirely indoors, however, there can be OUTDOOR STORAGE of materials or equipment provided it is covered or screened from view from outside the property boundaries.

600.4 Parking shall be provided off-STREET and shall not be located in FRONT SETBACK areas. Not more than one business-related vehicle not exceeding 15,000 pounds gross vehicle weight as designated by the manufacturer may be kept on a lot as part of a HOME OCCUPATION. No heavy equipment shall be kept on a lot as part of a HOME OCCUPATION.

600.5 A SIGN, as provided for under Section 830, may be displayed in the FRONT SETBACK area.

600.6 HOME OCCUPATIONS which produce objectionable noise, smoke, vibration, dust or odors discernable on any adjoining property or dwelling unit shall not be permitted.

600.7 HOME OCCUPATIONS which create an undue adverse effect upon the character of the neighborhood, substantially or permanently impair the USE of adjacent property or dwelling, or are detrimental to the public welfare shall not be permitted. Hours of operation, outdoor lighting, etc., shall be compatible with the character of the residential neighborhood. Hours of any activities that are discernible beyond the property boundaries (traffic, noise, etc.) shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday.

600.8 RETAIL SALES are permitted, provided they are limited to those items produced as part of the HOME OCCUPATION. Sales of products directly related to the delivery of a PERSONAL SERVICE are also permitted.

600.9 HOME OCCUPATIONS shall not produce traffic that alters the essential character of the neighborhood.

600.10 If the above conditions are not met, a HOME OCCUPATION shall require CONDITIONAL USE approval from the Development Review Board. A Zoning Permit is required for any HOME OCCUPATION that receives CONDITIONAL USE approval. Any CONDITIONAL USE approval for a HOME OCCUPATION is granted to the applicant for the length of time that the applicant occupies the dwelling. Approval shall terminate upon relocation by the applicant and shall neither remain with subsequent occupants of the dwelling nor transfer to a new location with the original applicant.

SECTION 610 ***CHILD DAY CARE HOME AND FACILITY/GROUP HOMES***

610.1 Pursuant to Vermont State Statutes, ~~Title~~ 24 ~~,~~V.S.A. ~~Section~~§ 4412(5), the following shall be considered by right to constitute a single family residential use of property and are allowed in all zoning districts where single family residences are permitted:

a. A state registered or licensed CHILD DAY CARE HOME serving six or fewer children or a state registered or licensed CHILD DAY CARE HOME serving up to six full time and four part time children.

b. A state licensed or registered RESIDENTIAL CARE HOME or GROUP HOME, serving not more than eight persons who ~~are developmentally disabled or physically handicapped~~have a DISABILITY.

610.2 A state registered or licensed CHILD DAY CARE FACILITY serving more than ten children is a permitted use in any M1, M2, M4, M5, M6, DB1 and I2 zoning district. These facilities are required to meet all applicable state licensing and code requirements and shall obtain Site Plan approval from the Development Review Board.

SECTION 620 ***REDUCTION OF LOT SIZE***

No lot shall be so reduced in area so that the total area, SETBACK areas, lot width, FRONTAGE, coverage, or other requirements of these Regulations shall be other than herein prescribed for the district in which the lot is located.

SECTION 621 ***Exception***

Notwithstanding the provisions of Section 620, the Development Review Board may approve a boundary line adjustment between two adjoining existing non-conforming lots, provided that there be no potential for the further subdivision of either lot, subject to the following restrictions:

(1) Neither lot may enjoy additional building or development rights that did not exist prior to the lot line adjustment; for the lot receiving additional land, any STRUCTURE which was permitted prior to the lot line adjustment may be situated any place within the newly formed lot in accordance with the LOT AREA and dimensional requirements of its particular district; and
(2) Neither lot may be further subdivided; and
(3) The boundary line adjustment may not result in a non-conformity that did not previously exist for either lot; and
(4) No land containing a primary STRUCTURE or waste water disposal system may be transferred through this exception; and
(5) A statement must be submitted to the Development Review Board by a certified site technician or engineer verifying that the lot to be diminished in size will have an adequate septic replacement area after the reduction in lot size authorized herein.

SECTION 630 ***EXISTING SMALL LOTS***

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of the first legal Zoning Regulations of the Town of Milton may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than 1/8 ACRE in area with a minimum width or depth dimension of forty (40) feet.

SECTION 631 ***Residential Side and Rear Set-Back Requirements for Existing Small Lots***

Single FAMILY residential USES within legally existing lots that are non-conforming with regard to minimum LOT AREA requirements and that are located within a district that permits single FAMILY residential USES shall be subject to 15 foot minimum side and REAR SETBACKS.

SECTION 640 *LOT WIDTH*

The width of any new lot shall not be less than one-third (1/3) of the depth of the lot. This requirement may be waived by the Development Review Board for any lot occurring within the Forestry/Conservation/Scenic Ridgeline District.

SECTION 650 *TEMPORARY STRUCTURES AND CONSTRUCTION OFFICES OR TRAILERS*

During the period of construction, temporary STRUCTURES, construction offices, and construction trailers used in conjunction with construction work are permitted. Such STRUCTURES as are permitted under this Section shall not be used as dwellings. Zoning Permits for such STRUCTURES shall be issued for a maximum six month period and may be renewed for an additional six months upon request.

SECTION 660 *TEMPORARY DWELLINGS*

During the construction of a PERMANENT DWELLING on a lot, a temporary dwelling is permitted. Such STRUCTURES as are permitted under this Section shall be removed prior to the issuance of a Certificate of Occupancy for the PERMANENT DWELLING.

SECTION 670 *LOTS IN TWO ZONES*

The Development Review Board, under the conditions described herein, is authorized to permit, as a CONDITIONAL USE, the relocation of the Shoreland Residential (R6) district boundary not more than one hundred (100) feet from its location as shown on the OFFICIAL ZONING MAP into an adjoining district. The Board is so authorized only where the district boundary divides a parcel which was in single ownership when these Regulations were adopted. This Section shall not apply where the district boundary is a highway. The applicant for such a change shall be required to submit a survey of the new location of the ZONING DISTRICT boundary.

SECTION 671 *Lots in Forestry/Conservation/Scenic Ridgeline District and Agricultural/Rural Residential District*

When a parcel of land occurs in both the Forestry/Conservation/Scenic Ridgeline District and the Agricultural/Rural Residential District, the portion of the lot occurring in the Forestry/Conservation/Scenic Ridgeline District can be used to satisfy LOT AREA requirements of the Agricultural/Rural Residential District. The minimum area of that lot must satisfy the area requirements of the Agricultural/Rural Residential District. At least two ACRES of land must occur within the Agricultural/Rural Residential District. BUILDABLE ENVELOPES for any permitted or CONDITIONAL USE occurring in the portion of the lot contained within the Agricultural/Rural Residential District must occur entirely within the Agricultural/Rural Residential District, and must conform to the lot dimension requirements of that district, except where permitted as a CONDITIONAL USE under Section 483.

SECTION 680 ***EXCAVATION AND FILL***

In any district, dumping of refuse and waste (rubbish) material for FILL is prohibited, except in a State approved sanitary landfill.

Routine maintenance and landscaping of existing property that does not cause changes in runoff onto an adjacent property is exempt from this regulation.

Excavation and fill are exempt from Site Plan ~~A~~approval and Zoning Permit requirements providing the grading action still satisfies all of the following criteria:

(1) Grading action of less than 100 cubic yards.
(2) Cut, fill or excavation less than 5' in vertical dimension that will maintain a 2' horizontal dimension to 1' vertical dimension slope ratio.
(3) The existing ground slope does not exceed a 2' horizontal to a 1' vertical slope ratio.
(4) The grading action is not within Shoreline, Floodplain, Wetland and Streams.
(5) Complies with zoning setbacks for structure.
(6) Is the only exempt grading action to occur within a 5 year period on an individual lot or series of lots in contiguous ownership.

SECTION 690 ***DISTANCE FROM SURFACE WATERS***

SECTION 691 ***Buildings***

Unless otherwise provided by the Development Review Board in a PLANNED UNIT DEVELOPMENT, no building shall be closer than fifty (50) feet from the ordinary high water mark of any stream, river or brook.

SECTION 692 ***Shoreline***

Existing trees and ground cover along any SHORELINE, body of water or fully carrying spring flood waters shall be maintained for a distance of 25 feet from the SHORELINE or body of water to protect against erosion.

SECTION 700 ***PUBLIC FACILITIES***

The following uses may be regulated only with respect to location, size, HEIGHT, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

(1) State- or community-owned and operated institutions and facilities;
(2) Public and private schools and other educational institutions certified by the state department of education.
(3) Churches and other places of worship, convents, and parish houses.
(4) Public and private hospitals.
(5) Regional solid waste management facilities certified under 10 V.S.A. chapter 159.
(6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

SECTION 710 ***PROHIBITED USES***

710.1 The OUTDOOR STORAGE of more than one (1) vehicle on the same property without a valid Vermont State Inspection Sticker and a valid Registration is specifically prohibited in all districts. All such pre-existing USES shall be required to conform to these Regulations and all applicable State and local regulations.

710.2 No USES shall be permitted which are noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes, or which present a hazard to public health and safety. This Section shall not be interpreted to prohibit agricultural USES in ZONING DISTRICTS in which AGRICULTURE is a permitted USE.

SECTION 720 ***WATERCOURSE AND DRAINAGE AREAS***

No natural water course, drainage area or wetland shall be piped, dammed, filled, dredged, or altered in any way without the written approval of the Milton Development Review Board and, where applicable, the State Department of Water Resources and U.S. Army Corps of Engineers. The Development Review Board may require review of all proposals by a professional engineer at the expense of the applicant. The flood carrying capacity within any altered or relocated portion of a water course shall be maintained.

SECTION 730 ***VACATION TRAILER AND TENT CAMPS***

Any lot on which three or more vacation trailers or tents are occupied for a period greater than one week per year shall be considered a VACATION TRAILER OR TENT CAMP. All such camps shall be required to conform to Vermont Health Regulations and to all applicable provisions of this Ordinance including Site Plan ~~r~~Review. In any ZONING DISTRICT, no portable DWELLING UNIT outside of a VACATION TRAILER OR TENT CAMP shall be occupied in excess of 21 days per year without a valid Zoning Permit.

SECTION 740 ***TEMPORARY SPECIAL SALES***

TEMPORARY SPECIAL SALES (for example, auctions, garage sales, and lawn sales) shall be permitted in all districts with the following restriction: no auction shall last for more than five (5) cumulative days at the same location per year and no garage sale shall last for more than fourteen (14) cumulative days per year. Special sales exceeding these limits shall be considered to be a commercial USE and shall be regulated as such. No lot shall be used for VENDOR SALES for more than one (1) day per year. No activity related to such sales shall be located within any right-of-way. VENDOR SALES in excess of one (1) day shall be considered to be a commercial USE and shall be regulated as such, requiring Development Review Board approval under Site Plan ~~r~~Review.

SECTION 750 ***UTILITY FACILITIES***

Utility facilities shall be permitted USES in all districts, with the exception of WIRELESS COMMUNICATION FACILITIES which shall be conditional USES in all districts and subject to Development Review Board review and approval as described in Appendix B of these regulations, entitled *Wireless Communication Facilities Regulations*. In the FORESTRY/ CONSERVATION/SCENIC RIDGELINE District, utility facilities must comply with the HEIGHT limitation as per Section 560 and Section 481. All utility facilities shall be required to be reviewed under Section 800 of these Regulations. All district SETBACK requirements must be met and

all such USES must be suitably screened against light, fumes, noise, or unsightliness and protected against becoming "attractive nuisances."

Exemptions to Section 750:

- Public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board under 30 V.S.A. Section 248 are exempt from these regulations.
- Residential renewable energy structures and/or facilities on the same or an adjacent lot with, and of a nature customarily and clearly incidental and subordinate to, the PRINCIPAL USE or STRUCTURE, shall be considered an ACCESSORY STRUCTURE and shall be subject to Section 580 of these regulations (unless addressed in Section 160 and ~~9~~1000 of these regulations).

SECTION 760 PUBLIC MONUMENTS AND STATUES

The placement of public monuments and statues accessible to the general public, regardless of property ownership, shall be allowed in all zoning districts with approval by the Select Board. Public monuments shall be exempt from the dimensional requirements of all zoning districts, however shall conform to Section 815.

SECTION 770 ETHICAL CONSIDERATIONS

Members of the Planning Commission and Development Review Board shall comply with the provisions of Section 701 – Conflict of Interest and Section 703 – Code of Ethics of the Town Charter.

SECTION 780 COMMERCIAL RETAIL OCCUPANCY LIMIT

The maximum space that may be occupied by a single ~~commercial retail business~~COMMERICIAL RETAIL BUSINESS in a single building of any size shall not exceed 65,000 square feet.

ARTICLES VIII AND IX
DETAILED REGULATIONS

SECTION 800 ***SITE PLAN REVIEW***

Site Plan approval, granted in accordance with this Section by the Milton Development Review Board, shall be required before a Zoning Permit is issued for any USE in any district with the exception of SINGLE FAMILY DWELLINGS, DUPLEXES, and TRIPLEX – OWNER OCCUPIED on single lots, ACCESSORY residential STRUCTURES, and all agricultural USES.

SECTION 801 ***Administrative Review***

801.1 Minor amendments to Site Plans may be approved by the Zoning Administrator/Acting Zoning Administrator.

801.2 Minor amendments are defined as follows:

(a) A modification of an approved Site Plan, which does not involve changes to curb cuts or traffic circulation patterns. Such modifications shall not result in an increase of more than 10% or 5,000 square feet in a building's GROSS FLOOR AREA or total LOT COVERAGE, whichever is less.

(b) A change of USE, which involves no exterior changes to the property including modifications to building or lot coverage, parking and circulation, landscaping and grading.

(c) Minor exterior changes to a building's façade, such as a vestibule, awning, door or window change.

(d) A PLANNED UNIT DEVELOPMENT which involves the division of an existing STRUCTURE into two or more units but does not involve an increase in the square footage of the building, new curb cut to a public highway, new access to any other lot, additional paved parking areas, or new patterns of circulation.

(e) Exterior ~~and interior~~ changes to a building ~~(e.g., addition of new windows and doors)~~ which do not involve an increase in the TOTAL GROSS FLOOR AREA of the building.

801.3 The Zoning Administrator/Acting Zoning Administrator may decide to forego administrative review of any Site Plan, in which case, the Town Planner shall submit the Site Plan to the Development Review Board for review.

801.4 The Zoning Administrator/Acting Zoning Administrator's decision to approve, deny or send a minor amendment to the Development Review Board shall be made within 60 days after the date upon which a complete Site Plan application is submitted. Failure to act within said period shall be deemed approval. Copies of the Zoning Administrator/Acting Zoning Administrator's decision, along with findings of fact, shall be sent to the applicant. A report summarizing all Site Plan ~~r~~Review decisions by the Zoning Administrator/Acting Zoning Administrator shall be presented to the Development Review Board following such decision.

801.5 A public notice shall be sent to all abutters upon determination that the minor amendment application is complete. The public notice shall describe the proposed minor amendment and inform the abutter that a public hearing can be requested within 15 days of the date the notice was sent out.

801.6 Any interested party may appeal a minor amendment decision of the Zoning Administrator/Acting Zoning Administrator to the Development Review Board within 15 days of the date of the decision. Notice of an appeal shall comply with the provisions of 24 V.S.A. ~~Title 24, Section~~ § 4465. The Development Review Board shall review an appeal in accordance with Section 960 of these Regulations.

801.6 All minor Site Plan amendments for Administrative Review shall be required to submit all information required in Section 803 to the extent that it is applicable.

SECTION 802 ***Site Plan Review Standards and Procedures***

802.1 In reviewing Site Plans, the Development Review Board may impose appropriate conditions and safeguards to meet the standards of this section.

802.2 Once the Planning and Zoning Department Staff determines that a Site Plan application contains all information required in Section 803, the Development Review Board shall act to approve or disapprove any Site Plan within forty-five (45) days after the closing of the final public hearing. Failure to act within this time period shall be deemed approval and shall be effective on the 46th day.

(a) The Development Review Board may consider the following in its review of a Site Plan application:

(b) Maximum safety of vehicular and pedestrian circulation on site, between the site and adjacent roads and sidewalks, and between the site and adjacent land uses.

(c) Adequacy of traffic circulation, parking, and loading facilities.

(d) Impacts on capacity of roadways and other transportation facilities in the vicinity.

(e) Adequacy of landscaping, screening, and outdoor lighting.

(f) Impacts on the Town's ability to provide adequate sewer, water, fire, police, or other municipal services and facilities.

(g) Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.

(h) Consistency with the Comprehensive Plan.

SECTION 803 ***Submission of Site Plans and Supporting Data***

The Applicant must submit four (4) sets of plans drawn to scale with fifteen (15) reductions of the plans and supporting written materials. The Site Plan application shall include the following information:

803.1 Project title and site address. Name and address of the Applicant, the property owner of record, and adjoining landowners. Name and address of the PERSON or firm preparing the map. Scale of the map, north point and date.

803.2 Deed reference(s), Lister's tax map and parcel number, and copies of any deed restrictions or covenants.

803.3 All existing features, including but not limited to, boundaries, total area of the lot, contours, drainage patterns and storm drainage systems, STRUCTURES and land USES, trees, shrubs and other vegetation, wetlands, floodplains, rock outcroppings, STREETS (public and private) and the associated rights of way, driveways, outdoor lighting, signage, sidewalks, alternate transportation paths, easements and rights-of-way.

~~803.4 A survey of the entire property is required.~~

803.5 All proposed improvements, including but not limited to, STRUCTURES, DRIVEWAYS, contours depicting site grading, off-street parking and loading spaces, circulation, sidewalks, alternative transportation paths, and SIGNS.

803.6 A landscaping plan showing locations of all existing and proposed plantings, a plant list with species, size and quantity. A written cost estimate of all landscaping prepared by a professional landscape architect or landscape contractor.

803.7 Building elevations indicating location and HEIGHT of all existing and proposed structures.

803.8 An outdoor lighting plan showing locations and designs of existing and proposed outdoor lighting. This shall include all flood and/or security lights, building mounted lights, and parking and street lights. At a minimum, outdoor lighting specifications shall be provided showing photometric data, types of fixtures and lamps, and mounting height of fixtures.

803.9 A utility plan showing existing and proposed public water and sewer, private sewage disposal systems, wells, storm drainage facilities, fire protection details, electric, gas, telephone, cable and all other utility lines.

803.10 Estimate of daily and peak hour traffic generation and a report on traffic impacts at project access points, major intersections nearby and other locations.

803.11 Any other data or information that the Development Review Board shall view as necessary in applying the Site Plan ~~r~~Review standards.

803.12 The Development Review Board may waive any of the above requirements of Site Plan Review.

803.13 A certification that there are no outstanding violations with respect to the property, or a detailed, written description of any and all outstanding violations.

SECTION 804 ***Special Provisions Applicable to the M1, M2, M4 and DB1 Zoning Districts***

The provisions of Section 804.1 – 804.5 shall be met for PUD Mixed Use, PUD Residential, and developments with ten (10) or more multi-family residential units.

804.1 Uses may mix as long as they are sited and designed of LIKE KIND QUALITY with neighboring properties. Houses, offices and stores may be above, next to, or in the general vicinity of each other; but consideration should be given to elements of common concern - hours of operation, lighting, shared parking, etc.

804.2 Buildings should be placed close to the sidewalks. Street trees and green belts along sidewalks should be constructed to provide a pedestrian-friendly environment.

804.3 Site design should accommodate pedestrian movements. Sidewalks/bike paths will be encouraged along all public streets in the district. Buildings, parking lots and internal walkways should be located to encourage connections to those public sidewalks and bike paths.

804.4 Street trees should be encouraged along major connecting roads and pedestrian spaces to be placed within a green belt of at least 6 feet in width and spaced no more than 50' apart. Tree grates may be used in places with limited width.

804.5 Parking should not be allowed to dominate the site. Parking spaces should be limited to the needs of the use. Some front yard parking may be allowed at the discretion of the DRB, but parking lots should be behind or on the side of buildings. Where parking lots are visible from the public street, appropriate landscaping should be included. On-street parking may be possible along some roadways.

804.6 OPEN SPACE Requirements for developments with ten (10) or more multi-family residential units. The proposal shall provide for the preservation and maintenance of OPEN SPACE which is designed to be an integral part of the whole development. The size, shape and locations of OPEN SPACE shall be approved by the Development Review Board. The OPEN SPACE shall be protected by appropriate legal devices to ensure the continued USE of such lands for the purpose of AGRICULTURE, FORESTRY, recreation or conservation. Such mechanisms include dedication of development rights, conservation easements, homeowners associations, restrictive covenants, conveyance to land trusts, or other appropriate grants or restrictions approved by the Development Review Board. Permitted future USES and maintenance of the OPEN SPACE shall be specifically identified as part of the approval of development with ten (10) or more multi-family units. An improved or unimproved right-of-way to the OPEN SPACE must be provided so that all residents of the development shall have access to the OPEN SPACE.

(1) Minimum OPEN SPACE Requirements:

(a) In the M1, M2, M4, DB1 Zoning Districts, a minimum of 20 percent of the land shall be required as OPEN SPACE for all developments with ten (10) or more residential units.

(b) In the M1, M2, M4 Zoning Districts, a minimum of 50% of the OPEN SPACE shall be considered community recreation space, where the intent is to encourage the creation of places for recreation and civic activities that foster neighborliness and the space shall be contiguous. This space shall not consist of BUFFER STRIPS, parking lots, areas between buildings, or undevelopable land as listed in Section 856.1(b). This area shall be maintained by the development, unless accepted by the town as public

property. Appropriate legal devices to ensure the continued USE of such lands for continued neighborhood use shall protect it. The DRB shall approve the location and use of this community recreation space.

SECTION 805 ***Special Provisions Applicable to the M3 Zoning District***

805.1 All of the special provisions noted in Section 804 shall apply to the M3 Zoning District.

805.2 Where possible, access drives and parking areas should be placed under existing VELCO transmission lines to avoid using open land areas for such uses. Access to this area should also support pedestrian circulation and drop-off areas for use of recreational facilities. Handicapped accessibility and connections to existing trails should be carefully considered for all projects within this district.

805.3 Additional access points to this area should be considered. Proposed access roads should be encouraged to align with existing roads.

SECTION 806 ***Landscape Plan Requirements***

806.1 A landscaping plan, as required by Section 803.6, shall be required to accompany all Site Plans. The Development Review Board shall determine the appropriateness of the proposed landscaping and screening. In considering a Site Plan application, the Development Review Board may require modifications to the proposed landscaping plans in order to more fully implement the purpose of this Section.

806.2 All landscaping plans shall include the following information: all existing plantings, woodlands, etc. on the site, the location of all proposed landscaping, and planting specifications for all proposed landscaping to include the common name, botanical name, size, and quantity.

806.3 All landscaping plans shall be accompanied by a written cost estimate prepared by a professional landscape architect or landscape contractor. The applicant shall provide a performance bond or other form of security to the Town to guarantee the completion of all required landscaping. The bond, or other form of security, shall also guarantee all plantings for a period of three years from installation.

806.4 The Development Review Board may require landscaping in accordance with the following schedule. The minimum planting cost shall not include the cost of seeding, mulching, sodding, etc. for lawns or grassed areas.

Total Land Development Cost	Minimum Planting Cost (% of Development Cost)
0 - $250,000	3%
$250,001 to $500,000	2%
> $ 500,000	1%

806.5 In evaluating landscaping requirements, some credit may be granted for existing trees or for site improvements other than tree plantings as long as the objectives of this section are not

reduced.

806.6 The FRONT SETBACK area shall be landscaped in accordance with the approved Site Plans and maintained in good appearance.

806.7 In all districts other than the MIXED USE Zoning Districts, where non-residential USES are located adjacent to residential buildings, there shall be plantings or attractive solid fencing to screen all outdoor lighting and parking from the view of the ground floor of adjacent residential buildings. In residential districts, non-residential USES shall be screened from adjacent properties. This provision shall apply even though the adjoining property is not developed. In all districts where permitted, auto service stations shall be screened in the same manner from all abutting properties.

806.8 Landscaping and/or fencing shall be provided to screen trash/garbage containers/dumpsters from view of adjoining properties and roads. Screening shall surround the trash/garbage containers/ dumpsters on three sides.

SECTION 810 *PARKING AND LOADING REQUIREMENTS*

The number and location of parking and loading spaces associated with any lot or USE shall comply with the following requirements.

SECTION 811 *Parking Plans*

A dimensioned plan showing the intended location and amount of area allocated to each parking space, the required access, the type of drainage facilities, and the location of barriers shall be submitted for Development Review Board approval with each Site Plan.

SECTION 812 *Parking Specifications*

812.1 The size of parking spaces shall have minimum dimensions of 9 feet in width and 18 feet in length.

812.2 The following number of parking spaces shall be provided for each USE listed below unless waived by the Development Review Board. Where the number of parking spaces is based on GROSS FLOOR AREA, the GROSS FLOOR AREA of the entire STRUCTURE shall be the basis for the calculation of parking requirements. If a USE is not listed below, the required parking spaces will be as required by the Development Review Board.

Use	Parking Spaces Required
ASSISTED LIVING FACILITIES	1 per 3 occupants plus 1 for each 2 employees
AUCTION	1 for each 200 sq. ft. devoted to the auction
AUTOMOBILE REPAIR AND FILLING STATIONS	3 for each working space plus 1 for each employee
AUTOMOTIVE SALES	2 for every 1,000 square feet of GROSS FLOOR AREA
BAKERY/DELICATESSEN	1 for each employee plus 3 for each 1,000 sq~~f~~ ft of gross floor area

BED AND BREAKFAST	1 per room
CHILD DAY CARE CENTERS	1 for each employee plus 1 per 5 children
CHURCH	1 per 4 seats
CLINIC	3 for every 1,000 sq ft of GROSS FLOOR AREA
COMMERCIAL PLANT NURSERIES, GREEN HOUSES LANDSCAPING SERVICE	1 for each employee plus 3 for each 1,000 square feet of GROSS FLOOR AREA
CONSTRUCTION AND AGRICULTURAL EQUIPMENT SALES AND SERVICE	1 for each working space plus 1 for each employee
DISTRIBUTING	2 for each 3 employees
DRY CLEANING FACILITIES	3 for every 1,000 square feet of GROSS FLOOR AREA
DRY CLEANING PLANT	1 for every employee
ELDERLY HOUSING COMPLEX	Section 881.3 for requirement
HOSPITALS	1 per 3 beds
INDOOR RECREATION	1 space for every 200 square feet of GROSS FLOOR AREA
KENNEL	2 plus 1 per employee
LAUNDROMAT	3 for every 1,000 square feet of GROSS FLOOR AREA
MANUFACTURING	1 for each 3 employees
MOTEL	1 per room plus 1 per employee
NEIGHBORHOOD CONVENIENCE STORES	1 space for every 150 square feet of GROSS FLOOR AREA
OFFICE, GENERAL	3 for every 1,000 square feet of GROSS FLOOR AREA
OFFICE, MEDICAL	3 for every 1,000 square feet of GROSS FLOOR AREA
OUTDOOR RECREATION	1 space for each 3 persons accommodated by outside facilities
PERSONAL SERVICES	3 for every 1,000 square feet of GROSS FLOOR AREA
PRINTING FACILITY	3 for every 1,000 000 square feet of GROSS FLOOR AREA
PRIVATE FACILTY	1 for every 400 000 square feet of GROSS FLOOR AREA
PUBLIC FACILITY	1 per 4 seats, 1 per each teacher and staff for elementary and junior high, 1 per 4 students for high

	school and colleges
RESEARCH AND DEVELOPMENT LABORATORIES	1 for each employee
RESIDENTIAL USES	These spaces shall be unobstructed. A parking space within a garage that is blocked by another space in the driveway will not qualify for a required parking space. (a) 2 spaces per dwelling unit for single family and multifamily units; (b) 1 space per STUDIO; and visitor parking as follows: (c) 1 visitor parking space for every 4 residential units (d) 1 visitor parking space for every 3 units for developments with 10 or more units. (e) Visitor parking is not required for developments containing exclusively single-family homes.
RESTAURANT RESTAURANT, FAST FOOD	1 per 4 seats plus 1 per employee
RETAIL ~~STORES~~SALES	1 for each employee plus 3 for each 1,000 square feet. of GROSS FLOOR AREA
SCHOOL	1 per each teacher and staff for elementary and junior high; 1 per 4 students for high school and colleges
SLAUGHTER HOUSE	.5 per 1,000 square feet of GROSS FLOOR AREA
UTILITIES AND UTLITY OFFICES - PUBLIC AND PRIVATE	1 per employee, minimum of 2 spaces
VACATION TRAILER CAMPS	2 per trailer site
WAREHOUSING, PUBLIC or PRIVATE	2 for each 3 employees

812.3 Parking lots for other than single FAMILY, DUPLEX, TRIPLEX – OWNER OCCUPIED, and multifamily residential dwellings shall include parking for ~~handicapped~~DISABLED PERSONS according to the following specifications and shall comply with the latest standards of the Americans with Disabilities Act. Parking spaces for the ~~handicapped~~ DISABLED shall be set aside in close proximity to entrances and identified with SIGNS for USE by individuals with physical disabilities. Building entrances shall be designed for access by individuals with ~~physical disabilities~~physical DISABILITIES. Handicapped parking spaces shall have minimum dimensions of 14 feet in width and 18 feet in length. The parking spaces for the ~~handicapped~~ DISABLED shall be included in the total number of spaces required.

812.4 Parking spaces shall be arranged and physical barriers provided so that no part of any vehicle will encroach into any public right-of-way.

812.5 All open parking lots shall be surfaced with at least eight (8) inches of compacted gravel or

an equivalent material. In addition, the Development Review Board may require paving.

812.6 All parking lots shall be properly drained. The parking plan shall also indicate the location and type of stormwater drainage facilities. There shall be no increase in stormwater run-off as a result of any development approval. To the greatest extent possible, on site stormwater drainage facilities are encouraged.

SECTION 813 ***Driveways***

813.1 As part of the Site Plan ~~r~~Review, the location and design of DRIVEWAYS and their intersections with STREETS or highways shall require review by the Town Engineer. Where applicable, a letter of intent shall be submitted to the Development Review Board from the Vermont Agency of Transportation.

813.2 Number of DRIVEWAYS - Unless specifically approved by the Development Review Board, there shall be not more than one DRIVEWAY for each lot.

SECTION 814 ***Parking Lot Design Standards***

All parking lots shall comply with the following minimum design standards. The Development Review Board may require higher standards.

814.1 Minimum DRIVEWAY Spacing Requirements:

(1) Common DRIVEWAYS - Joint access and common/shared DRIVEWAYS are encouraged to minimize the number of DRIVEWAYS and curb cuts.

(2) Minimum spacing between DRIVEWAYS on the same side of the STREET - For ARTERIAL STREETS, the minimum distance between DRIVEWAYS shall be 150 feet for two-way DRIVEWAYS, where practical. Distances between one-way DRIVEWAYS shall be 75 feet. If DRIVEWAYS are signalized, a minimum spacing of 500 feet shall be required.

(3) Minimum distance between DRIVEWAYS and opposite sides of the STREET - DRIVEWAYS should be in direct alignment. If direct alignment cannot be provided, a minimum separation of 150 feet between DRIVEWAYS is required.

814.2 DRIVEWAY Intersection Clearance - The minimum distance between an intersection and a DRIVEWAY shall be:

ARTERIAL STREET - 200 feet
COLLECTOR STREET - 75 feet
LOCAL STREET - 50 feet

Where corner clearances cannot be maintained due to narrow property FRONTAGE, a minimum corner clearance of 50 feet is required, with a prohibition against left turns from the DRIVEWAY by providing DRIVEWAY or median channelization.

814.3 Minimum Internal Road, DRIVEWAY and Aisle Widths:

(1) For parking lots with fewer than five spaces, the minimum width for DRIVEWAYS and aisle shall be twelve feet.

(2) For parking lots with five or more spaces, the minimum width for DRIVEWAYS, which do not directly access parking spaces, shall be twelve feet for one-way traffic and 24 feet for two-way traffic.

(3) For parking lots with five or more spaces, the minimum aisle width between parking spaces shall be:

90 degree parking -		24 feet
60 degree parking -	one-way -	15 feet
	two-way -	24 feet
45 degree parking -	one-way -	12 feet
	two-way -	24 feet

(4) For parking lots with fifty or more spaces, an internal circulation road, which meets the minimum design and construction standards of a PUBLIC ROAD, shall be provided. Parking will not be permitted on an internal circulation road.

814.4 Width of Access DRIVEWAYS - For parking lots with five or more spaces, the minimum width of DRIVEWAYS at their intersection with public STREETS shall be:

One lane - 15 feet (one-way)
Two lanes - 24 feet
Three or more lanes - 12 feet per lane

814.5 Minimum Curb Return Radius - For parking lots with five or more spaces a minimum curb return radius of 20 feet is required.

814.6 Landscaping for Parking Lots - For parking lots with thirty or more spaces, landscaped islands at least five (5) feet in width shall be installed at intervals not exceeding every 100 feet. A minimum of 10 percent of the total parking lot area, excluding perimeter areas, shall be landscaped.

814.7 Minimum DRIVEWAY QUEUE STORAGE LENGTH - For parking lots with thirty or more spaces, the following minimum QUEUE STORAGE LENGTHS shall be provided.

(1) Residential Development
Fewer than 25 units - 40 feet
25 or more units - 60 feet

(2) Commercial Development
Under 20,000 sq. ft. of GROSS FLOOR AREA - 40 feet
20,000 to 200,000 sq. ft. of GROSS FLOOR AREA - 60 feet
Over 200,000 sq. ft. of GROSS FLOOR AREA - 100 feet

(3) Industrial Development - 50 feet

SECTION 815 ***Visibility Triangles***

815.1 In all districts on a CORNER LOT, there shall be no obstruction to vision within the triangular area formed by the intersection of the edge of the two (2) STREETS and a third line joining them at points twenty-five (25) feet away from their intersection.

815.2 For all developments requiring Site Plan ~~r~~Review, a visibility triangle shall be maintained at the intersection of all DRIVEWAYS and public STREETS. The visibility triangle is the triangular area formed by the edge of the STREET, the edge of the DRIVEWAY, and a third line joining them at points twenty-five (25) feet from their intersection. No parking shall be permitted within this visibility triangle.

SECTION 816 ***Access Management***

816.1 In order to minimize the amount of congestion and turning movements on state and principal highways by future commercial, industrial, residential, and MIXED USE development, the following shall apply:

(a) The Development Review Board shall require common access roads to serve multiple properties and/or lots located along state highways.

(b) In the event that the Development Review Board finds that meeting the above requirement is impracticable, the Board may allow curb cuts onto such highways. Wherever possible, such curb cuts shall be not less than 300 feet from the intersection of a road or highway. Wherever possible, common access points and additional connections to adjacent properties, roads and/or highways are encouraged.

(c) If a proposed development is anticipated to generate an amount of vehicles per day which may and/or will involve improvements to existing roadways, the Development Review Board may require the proposed development to include a right-of-way easement for a future access road. At such time as the developer is required to install the traffic improvements, the common access road will be constructed to the Town of Milton Public Works Specifications. Costs of such construction shall be borne by the owners of the developments affected and shall be distributed according to the share of total traffic generated as estimated by traffic counts or the most recent trip generation rates published by the institute of Transportation Engineers.

(d) The Development Review Board may require fewer access points be provided and access be combined by common parking areas and/or common access roads internal to the lots. Such access roads and parking areas shall be placed on the side and rear of developments.

SECTION 817 ***Pedestrian Circulation***

817.1 In the M1, M2, M3, M4, M5, M6, DB1, and R1 zoning districts, sidewalks or multi-use paths shall be required along public streets and roads and may be required along private streets and roads. Sidewalks shall be constructed to the Town of Milton Public Works Specifications.

817.2 In other zoning districts, the DRB may require pedestrian walkways to facilitate pedestrian movements to shopping, schools and recreation areas.

SECTION 818 ***Off-Street Loading and Unloading Space***

Every STRUCTURE constructed or used for business, trade or industry shall provide adequate space on the premises for the unloading and loading of vehicles in addition to the required parking. A minimum of one space (10 feet by 60 feet) shall be required for each 10,000 square feet of GROSS FLOOR AREA.

SECTION 819 ***Bicycle Parking Space***

At least one bicycle parking or storage facility shall be provided for all uses subject to Site Plan Review. Additional such facilities may be required as deemed necessary by the Development

Review Board.~~The Development Review Board, as part of Site Plan review, shall require the applicant to provide facilities for bicycle parking. USES which may require bicycle racks include, but are not limited to, shopping centers, RESTAURANTS, grocery stores, recreation facilities, MOTELS, government offices, schools, hospitals, industries, and mass transit terminals.~~

SECTION 820 ***OUTDOOR LIGHTING***

820.1 Outdoor lighting should be designed, installed and maintained to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, along streets and sidewalks, and not cause glare or direct illumination onto adjacent properties or streets.

820.2 All lighting fixtures should be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA), whenever possible. The design for an area may suggest the use of outdoor lighting fixtures of a particular "period" or architectural style, or there may be existing fixtures to be retained. In such cases, the non cut-off fixtures may be used either as alternates or supplements.

820.3 The maximum HEIGHT for parking and streetlights should not exceed 20 feet from the ground to top of fixture.

820.4 All lamps shall be metal halide, color corrected high pressure sodium, LED, fluorescent or compact fluorescents. Wherever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.

820.5 Electrical service to outdoor lighting fixtures should be underground. Outdoor lighting fixtures should not be mounted on utility poles.

SECTION 830 ***SIGNS***

It is the purpose of this Section to permit the USE of SIGNS for both identification and limited advertisement. No SIGN, billboard or exterior graphic display shall be permitted except as provided in this Section.

SECTION 831 ***Permitted Signs***

The following SIGNS are authorized:

831.1 Business Identification SIGNS:

(1) Business identification SIGNS are permitted for the purpose of identifying public or community facilities, commercial, MANUFACTURING or recreational businesses, and subdivisions. The following table shows the permitted number and size of SIGNS based on the FRONT SETBACK of the primary STRUCTURE.

Front Setback of Primary Structure	Signs Permitted (See Section 834 for Restrictions)
< 100 feet	One building-mounted SIGN not exceeding twenty-four (24) square feet in area and one free-standing SIGN not exceeding twenty-four (24) square feet in area.
> 100 feet	One free-standing SIGN not exceeding twenty-four (24) square feet in area and one building-mounted SIGN

	which may not exceed the greater of twenty-four square feet or one (1) square foot of area for each two (2) linear feet of the width of the building face to which it is ATTACHED, provided however that no such SIGN shall exceed sixty (60) square feet in area

(2) A business identification SIGN may contain a product name but no pricing or other advertising information.

831.2 Advertising SIGNS:

(1) One free-standing on-premise advertising SIGN not exceeding six (6) square feet in area per side is permitted.

(2) At any business selling gasoline, there shall be permitted one additional on-premise SIGN not exceeding sixteen (16) square feet in area per side for the purposes of advertising the brand of gasoline sold at such service station. Additional gasoline pricing SIGNS are also permitted provided that the total area of these SIGNS does not exceed sixteen (16) square feet per side.

831.3 Other Business SIGNS:

(1) One on-premise TEMPORARY SIGN is permitted, not to exceed twenty-four (24) square feet in area per side, in conjunction with the opening or closing of a business, a special sale, promotional event, or change of ownership or management, not to exceed sixty-five (65) cumulative days in any 12-month period. Grand opening banners are permitted for forty-five (45) days in addition to the 65 cumulative calendar days limit. Grand opening banners must comply with all other requirements of this section.

(2) One sandwich board sign is permitted per business, not to exceed nine (9) square feet in area per sign face and shall be placed no closer than ten (10) feet from a front property line and must be removed daily.

(3) For CORNER LOTS or through lots (i.e., lots having FRONTAGE on two public STREETS), the Development Review Board may permit three SIGNS, provided that at least one of the SIGNS is a building-mounted SIGN.

(4) For SIGNS requiring its approval, the Development Review Board shall consider the aesthetic impact of proposed SIGNS, including the size and shape of the SIGN, the compatibility of the SIGN with the other SIGNS on the same building or within the same complex, the harmony of the color and design of the proposed SIGN with neighboring SIGNS and buildings, and the compatibility of the SIGN with natural aesthetic features.

831.4 Business Signs for Commercial or Industrial Subdivisions and Planned Unit Developments:

(1) Business directory signs may be permitted by the Development Review Board for each commercial or industrial subdivision and PLANNED UNIT DEVELOPMENT. Said business directory signs may consist of an identifying SIGN plus a SIGN for each business located in the commercial or industrial subdivision or PLANNED UNIT DEVELOPMENT.

(2) Business directory signs for commercial or industrial subdivisions and planned unit developments shall not have an undue adverse impact on the character of the area. When reviewing a sign proposal, the Development Review Board shall review the following in relation to the site and the surrounding area:

(a) Compatibility with the overall master plan for the proposed property;

(b) Visual impacts;

(c) Lighting;
(d) Landscaping; and
(e) Location and size.

(3) For commercial or industrial subdivisions and PLANNED UNIT DEVELOPMENTS, each business may install one building-mounted SIGN not exceeding the dimensions specified in Section 831.1.

(4) Such business directory and building-mounted SIGNS for commercial or industrial subdivision and PLANNED UNIT DEVELOPMENT shall be required to conform to a set of design criteria, submitted by the owner or developer of the development and approved by the Development Review Board. Such criteria shall limit SIGNS to specified typescript, minimum and maximum letter height, SIGN type, SIGN placement by specifying SIGN panel location or elevations, and SIGN colors.

(5) Each business within the commercial or industrial subdivision or PLANNED UNIT DEVELOPMENT is allowed a TEMPORARY SIGN, not to exceed sixteen (16) square feet in area, and a sandwich board sign, not to exceed nine (9) square feet in area per sign face. See also Section 831.3.

831.5 Other SIGNS:

(1) One on-premise SIGN not exceeding four (4) square feet per side identifying a private residence or a permitted HOME OCCUPATION.

(2) SIGNS to be maintained for not more than two weeks erected by fairs or expositions or SIGNS announcing an event of a civic, political, philanthropic, educational, cultural or religious nature.

SECTION 832 ***Permits not Required***

A Sign Permit is not required for the following types of SIGNS:

(1) Traffic, directional, warning, or information SIGNS erected by any public agency.

(2) Official notices issued by any court, public agency, or officer.

(3) One non-illuminated "For Sale," "For Rent," or "For Lease" SIGN not exceeding six (6) square feet in area.

(4) Small on-premise SIGNS, not exceeding four (4) square feet in area per side for the direction, instruction or convenience of the public (e.g., SIGNS identifying rest rooms, freight entrances, posted areas, danger areas, methods of payment).

(5) One non-illuminated SIGN for TEMPORARY SPECIAL SALES (refer to Section 740) not exceeding six (6) square feet in area.

(6) Building-mounted business entrance identification SIGNS not exceeding two (2) square feet in area.

(7) Sandwich board signs (refer to sections 831.3(2) and 831.4(5).

SECTION 833 ***Prohibited Signs***

(1) No SIGN shall prevent a clear and unobstructed view of official highway SIGNS or approaching or merging traffic.

(2) No SIGN shall be permitted within the sight area defined by Section 815.

(3) No SIGN shall obstruct or present a danger to pedestrian or vehicular traffic.

(4) No SIGN or display shall contain string lighting, pennants, moving parts or similar attention gathering devices nor may they contain or support any device capable of emitting noise. No SIGN or display shall be illuminated by flashing, moving, or intermittent light.

(5) No SIGN displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles shall be permitted, nor shall

any SIGN use the words "STOP," "DANGER," or any other word, phrase, symbol, or character in a manner that might mislead or confuse a vehicular driver.

(6) No SIGN shall be erected, ATTACHED, or maintained upon any tree or drawn or painted on a rock or any other natural feature or upon any utility pole or Town or State SIGN post.

(7) No SIGN shall be permitted which identifies or advertises a business, product, or service no longer available in the Town. Any such SIGN shall be removed within fifteen (15) days of the date of termination of the business, product, or service.

(8) No SIGN shall be erected which is not on the premises of the activity served by the SIGN. The only exceptions to this provision are directional SIGNS permitted under stated statute.

SECTION 834 ***Restrictions***

All SIGNS shall conform to the requirements listed in this Section.

(1) Sign Area: The sign area is the area of smallest geometric figure, which encompasses the facing of the sign including the copy, insignia, logo, symbol, photograph, background, and borders. (See Figures 834a, 834b, and 834c.)

(a) In the case of signs mounted back-to-back, only one side of the sign is to be used for computation of the area. Back-to-back signs shall be defined as double-faced signs. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other sign substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces is included in the computations of area.

(b) If a sign is attached to a ground mounted sign serving as an entrance wall, only the portion of the wall onto which either the sign faces or letters are placed shall be calculated in the sign area. Entrance wall area outside of the sign area height and width shall not be considered a part of the sign.

(2) Sign Height: The height of a sign shall be the vertical distance from the average grade level taken at the fronting street to the highest point of the sign or its supporting equipment, whichever is highest, not including the sign's ornamentation.

(a) Ornamentation, such as caps, spires, and finials, shall not extend more than one (1) foot from the top of the sign.

(b) The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.

(c) The maximum sign height for a freestanding sign for a single business shall be fifteen (15) feet.

(d) The maximum sign height for a ground mounted multi-tenant sign shall be ten (10) feet. (See Figure 834c.)

(3) Lighting of SIGNS shall be so placed and so shielded that rays there from will not be directly cast into the eyes of any driver.

(4) No SIGN which is ATTACHED to a building shall extend above its roof line.

(5) No freestanding SIGN shall be erected closer than ten (10) feet from a front property line.

Figure 834a: Sign Panel with Letters, Numbers, and Symbols

Note: Logos and symbols are considered the same for sign area measurement.

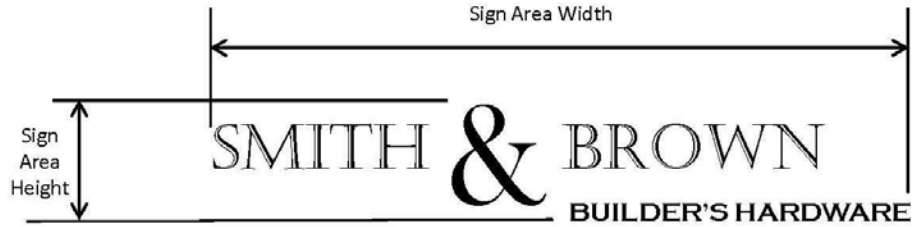


Figure 834b: Sign Characters mounted on wall with no panel

Note: Sign Characters include letters, numbers, symbols, logos, lines, and other graphics. The sign area height and width are determined by the extent of all elements of the sign. The height and width of multi-line signs consider all lines to be included in the sign area.

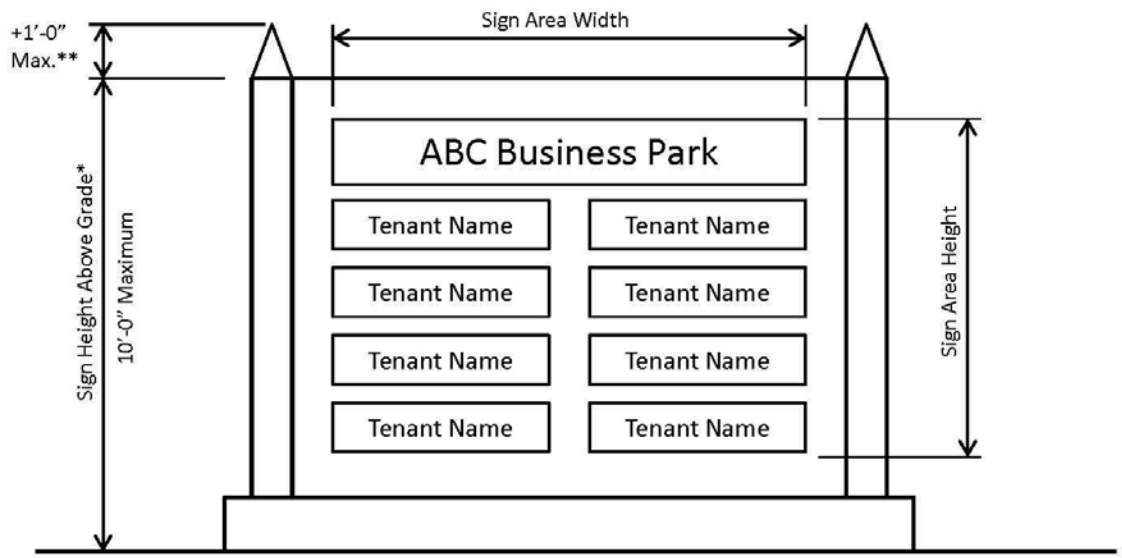


Figure 834c: Ground Mounted Multi-Tenant Sign

* Sign Height Above Grade is the height from mean grade to the top of the sign structure.

**1'-0" Maximum Height of Ornamentation Allowed above Sign Height.

SECTION 835 ***Other Displays***

For the purposes of these Regulations, the following types of displays shall not be considered SIGNS:

(1) displays located wholly within the interior of a building;

(2) displays for the convenience of drive-up or walk-up customers, such as menus at a RESTAURANT, provided that such display is not used to inform or attract the attention of PERSONS off-site;

(3) bulletin boards or similar displays for announcing community affairs, political activities, and the like, provided that such display is not used to inform or attract the attention of PERSONS off-site;

(4) building-mounted barber poles no greater than 36 inches in height and 9 inches in width;

(5) devices such as clocks displaying the time, temperature, and/or date.

SECTION 836 ***Maintenance***

All SIGNS shall be well-maintained as provided in this Section. Any SIGN which is deemed to be structurally unsafe by the Zoning Administrator shall be removed or repaired by its owner or permittee. Removal or repair shall be completed within thirty (30) days of notification by the Zoning Administrator. If the owner or permittee fails to remove or repair the SIGN within the specified period, the Zoning Administrator may cause the SIGN to be removed at the owner's or permittee's expense.

SECTION 837 ***Non-conforming Signs***

A non-conforming SIGN which is altered, extended, enlarged, or moved must be brought into full compliance with these Regulations. Non-conforming SIGNS may be removed for repair provided they are replaced within thirty (30) days of removal. Only the following SIGNS are considered non-conforming SIGNS:

(a) SIGNS which were erected prior to Milton's first set of SIGN regulations (1972);

(b) SIGNS which were erected in full compliance with Milton's SIGN regulations since the effective date of SIGN regulations; and,

(c) SIGNS which were erected in full compliance with a permit from the Zoning Administrator, a waiver from the Development Review Board, or a variance from the Development Review Board.

SIGNS which were installed prior to December 31, 1987, shall be considered "grandfathered," that is, permitted to continue as if they were a non-conforming SIGN, subject to the same restrictions and privileges of legally-installed non-conforming SIGNS.

SECTION 838 ***Administration***

838.1 Sign Permits: All SIGNS shall require a Sign Permit, except as provided in Section 832. All applications for Sign Permits shall be made in writing on forms supplied by the Town. The fee for a Sign Permit shall be five dollars ($5.00). A Sign Permit shall take effect immediately; upon issuance by the Zoning Administrator. The Zoning Administrator shall, within thirty (30) days of the submission of an application, issue either an approval, a denial, or a request for additional supporting information. If additional information is required, the Zoning Administrator shall, within thirty (30) days of the final submission, issue either an approval or denial. Failure to act within these time limits shall constitute automatic approval.

838.2 Removal of SIGNS: SIGNS illegally placed upon Town property or within a Town or State right-of-way may be removed by the Zoning Administrator or other representative of the Town of Milton. Such SIGNS shall be retained by the Zoning Administrator for a period of at least thirty (30) days during which time the owner may reclaim the SIGN. The removal of such SIGNS shall not preclude further enforcement proceedings by the Town.

SECTION 850 ***PLANNED UNIT DEVELOPMENTS (PUD)***

In accordance with the provisions of ~~Title 24, V.S.A., Chapter 117, Section~~24 V.S.A. § 4407(12), PLANNED UNIT DEVELOPMENTS may be permitted in all ZONING DISTRICTS in which such development is identified as a permitted USE. No PLANNED UNIT DEVELOPMENT will be approved by the Development Review Board until the applicant has demonstrated complete compliance with the intentions and requirements of this Section and the Town of Milton's Comprehensive Plan.

The purpose of PLANNED UNIT DEVELOPMENTS is to provide for flexibility in site and lot layout, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the Comprehensive Plan and bylaws; conservation of OPEN SPACE; efficient use of public facilities and services; to encourage energy efficient development and to meet the purposes, goals and objectives of the Milton Comprehensive Plan.

PLANNED UNIT DEVELOPMENTS may involve single or multiple properties, one owner or multiple owners, and may be limited to project sites that have a minimum area as set forth in these Regulations.

The following categories of PUDs may be permitted in all ZONING DISTRICTS in which such development is identified as a permitted USE, as authorized in Articles II and III. Each category may have unique purposes and requirements, as set forth below in this article. The categories are:

Planned Unit Development – Industrial (PUD-I)
Planned Unit Development – Commercial (PUD-C)
Planned Unit Development – MIXED USE (PUD-MU)
Planned Unit Development – Residential (PUD-R)

SECTION 851 ***Application Requirements***

851.1 An application for a PLANNED UNIT DEVELOPMENT shall include all elements required for a subdivision under the Milton Subdivision Regulations~~ of the Town of Milton~~ and all elements required under Section 800 ~~"~~Site Plan Review~~"~~ of the Milton Zoning Regulations~~ of the Town of Milton~~, except as noted.

851.2 The Development Review Board may waive the requirement for a metes and bounds survey, prepared by a certified land surveyor, if the Planned Unit Development does not involve the subdivision of land. However, if a metes and bounds survey is necessary for an accurate location and description of the BUILDABLE ENVELOPE and/or easements then the survey shall be required.

851.3 The Subdivision Plan, as prepared by a licensed professional civil engineer, certified land surveyor or landscape architect, must identify those lands that are clearly undevelopable due to environmental limitations, such as but not limited to, designated WETLANDS and wetland buffers as defined in the Vermont Wetland Rules, slopes in excess of 15%, streams and watercourses, rock formations, UNDEVELOPABLE SOILS, and flood and earth movement hazard areas. All BUILDABLE ENVELOPES must occur outside of these features.

851.4 The Subdivision Plan must also identify open fields, wooded areas, prime and Statewide agricultural lands.

851.5 The Subdivision Plan shall include all proposed lot lines, BUILDABLE ENVELOPES, the location, HEIGHT and space of all existing and proposed buildings, OPEN SPACE, landscaping, streets, driveways and off-street parking spaces and all other physical features. Elevations prepared by an architect or landscape architect shall depict the relationship of buildings, landscaping and parking areas.

851.6 In addition to the plan requirements noted above, the application submission shall also include the following narrative:

(a) A description of how the design provides for the purposes of the PLANNED UNIT DEVELOPMENT, as identified in Section 850 and in the applicable ZONING DISTRICT in which the development is proposed;

(b) A description of the proposed number of units and how the design preserves the natural features of the land and site characteristics as identified above;

(c) An identification of benefits to the Town of the PLANNED UNIT DEVELOPMENT over a conventional development; and

(d) The proposed USE of the OPEN SPACE lands and possible mechanisms for its protection.

851.7 Requests for waivers and their justification shall be submitted in writing by the applicant for consideration by the Development Review Board in its final approval decision.

851.8 After submission of an application for a PLANNED UNIT DEVELOPMENT, and before sketch plan approval, the applicant shall have temporary markers placed on the lands in order to enable the Development Review Board to locate readily and appraise the basic layout of the proposed PLANNED UNIT DEVELOPMENT in the field during their site visit.

851.9 The applicant shall schedule a site visit with the Development Review Board. The purpose of this site visit shall be to confirm the locations of natural features identified above, and to assist the applicant with the identification of BUILDABLE ENVELOPES.

SECTION 852 ***General Standards***

852.1 All PLANNED UNIT DEVELOPMENTS shall be subject to review and approval by the Development Review Board under the ~~Town~~ Milton Subdivision Regulations. The proposed PLANNED UNIT DEVELOPMENT shall be considered a minor subdivision when the proposed total number of units is six or less; the proposal shall be considered a major subdivision when the total number of units is seven or more. Applications for PLANNED UNIT DEVELOPMENTS, which are considered major subdivisions, shall only be required to hold one statutory public hearing at the preliminary stage. The Development Review Board, at its discretion, may require that a second public hearing be held at the final stage. The Development Review Board reserves the right, however to require additional supporting information from applicants as would typically be required if the application was being reviewed in accordance with the Milton Subdivision Regulations (e.g., traffic studies, drainage plans).

852.2 All PUDs shall be required to undergo Sketch Plan Review and obtain a special conceptual approval from the Development Review Board prior to pursuing subdivision approval in accordance with the Milton Subdivision Regulations. PUDs, regardless of their type, shall be granted only when the Development Review Board finds that the project conforms with the purposes of this provision, as identified in Section 850 herein.

852.3 All PLANNED UNIT DEVELOPMENTS shall be subject to Site Plan ~~r~~Review in accordance with Section 800 of these regulations.

852.4 PLANNED UNIT DEVELOPMENTS may contain any combination of permitted and CONDITIONAL USEs, and uses that do not differ substantially from the permitted and CONDITIONAL USEs within the ZONING DISTRICT in which it is located. If the proposed PLANNED UNIT DEVELOPMENT contains CONDITIONAL USEs, CONDITIONAL USE approval will be required by the Development Review Board. PLANNED UNIT DEVELOPMENTS may be within one or more STRUCTURES on a singular lot, except as noted in this section. To allow for consolidated appeals and to expedite the permitting process site plan and conditional use review may be conducted concurrently with the process for final subdivision approval, as long as the notice, hearing and decision requirements are issued simultaneously.

852.5 A PLANNED UNIT DEVELOPMENT may be developed in anticipation of a general range of

USES. Individual USES occupying a planned commercial and/or industrial park shall be subject to the receipt of a Zoning Permit for USES occupying an individual unit for the first time. Changes of USE shall be subject to all applicable provisions of these Regulations. CONDITIONAL USES for which approvals are sought after a preliminary subdivision or final subdivision approval has been granted by the Development Review Board shall be subject to CONDITIONAL USE review by the Development Review Board.

852.6 The Development Review Board may waive any requirements noted in the "Dimensional Requirements" section of the applicable ZONING DISTRICT and the requirements of Section 640 "Lot Width", if, in its opinion, the proposal clearly fulfills the intentions and requirements of this Section, with the following exceptions:

852.6.1 The minimum SHORELINE SETBACK requirements of applicable ZONING DISTRICTS shall not be waived.

852.6.2 OPEN SPACE and BUFFER STRIP requirements shall not be waived.

852.6.3 The maximum allowable number of residential units, as determined by Section 856.1, shall not be waived (unless a bonus density is awarded in accordance with Section 853).

852.7 PUDs within existing buildings may be reviewed under Section 801 if they meet the requirements of that section; otherwise PUDs within existing buildings must be reviewed under Section 850.

852.8 The Development Review Board may allow greater concentration or density of land USE within some sections of the development than in others, if they determine that it is necessary to enable innovation in design and layout and more efficient USE of land. In granting approval of a greater concentration or density of land USE, the Development Review Board may require that it be offset by a lesser concentration in another section, or sections, of the PLANNED UNIT DEVELOPMENT.

852.9 Ownership within a PLANNED UNIT DEVELOPMENT can be conveyed or leased along building lines. In addition, PLANNED UNIT DEVELOPMENTS may be configured as FOOTPRINT LOTS. Such transfers will not violate lot coverage, minimum lot area, frontage or setback requirements. For the purposes of a PLANNED UNIT DEVELOPMENT, lot is defined as a parcel of land dedicated to the entire PLANNED UNIT DEVELOPMENT, and not any subdivision or leasing of land and/or building within the PLANNED UNIT DEVELOPMENT.

852.10 Connection to municipal sewer or the development of a community sewage disposal system may be required by the Development Review Board.

852.11 Connection to municipal water or the development of a community water supply system may be required by the Development Review Board.

852.12 ACCESS – PUDs may be approved with either a PUBLIC ROAD, PRIVATE ROAD, or DRIVEWAY in accordance with Section 590 of these Regulations, and Section 800 when applicable.

852.13 DRIVEWAYS and accesses to individual lots shall be planned to minimize direct access to Town highways and STREETS. To this extent, the USE of frontage roads for PLANNED UNIT DEVELOPMENTS shall be encouraged by the Development Review Board.

852.14 The Development Review Board may require that a PLANNED UNIT DEVELOPMENT be

phased.

852.15 OPEN SPACE Requirements for PLANNED UNIT DEVELOPMENTS-Residential and MIXED USE. The proposal shall provide for the preservation and maintenance of OPEN SPACE which is designed to be an integral part of the whole development. The size, shape and locations of OPEN SPACE shall be approved by the Development Review Board. The OPEN SPACE shall be protected by appropriate legal devices to ensure the continued USE of such lands for the purpose of AGRICULTURE, FORESTRY, recreation or conservation. Such mechanisms include dedication of development rights, conservation easements, homeowners associations, restrictive covenants, conveyance to land trusts, or other appropriate grants or restrictions approved by the Development Review Board. Permitted future USES and maintenance of the OPEN SPACE shall be specifically identified as part of the approval of any PLANNED UNIT DEVELOPMENT-Residential and MIXED USE. An improved or unimproved right-of-way to the OPEN SPACE must be provided so that all residents of the PLANNED UNIT DEVELOPMENT-Residential or MIXED USE have access to the open space.

Minimum OPEN SPACE Requirements:

The following minimum OPEN SPACE requirements shall be met for all PLANNED UNIT DEVELOPMENTS-Residential and MIXED USE:

Zoning District	Percent of Land in Open Space
R1, M1, M2, M3, M5, M6, DB1	20%
R2, M4, R7	25%
R6	35%
R3, R4, R5, FC	50%

(a) For PLANNED UNIT DEVELOPMENTS-Residential and MIXED USE that occur in two ZONING DISTRICTS, the figures noted in the table above shall be used for the purposes of calculating the total OPEN SPACE necessary for the subdivision, which shall be calculated based on these specifications for the portions of land occurring in each district; any portion of the OPEN SPACE or the development site may occur within either ZONING DISTRICT with the approval of the Development Review Board.

The following shall be required for PLANNED UNIT DEVELOPMENTS-Residential and MIXED USE located in the M1, M2, M4, M5, and M6 districts:

(b) A minimum of 50% of the OPEN SPACE shall be considered community recreation space, where the intent is to encourage the creation of places for recreation and civic activities that foster neighborliness and the space shall be contiguous. This space shall not consist of BUFFER STRIPS, parking lots, areas between buildings, or undevelopable land as listed in Section 856.1(b). This area shall be maintained by the development, unless accepted by the town as public property. Appropriate legal devices to ensure the continued USE of such lands for continued neighborhood use shall protect it. The DRB shall approve the location and use of this community recreation space.

SECTION 853 ***Bonus Density***

853.1 An applicant seeking PUD approval may request a bonus density from t~~T~~he Development

Review Board along with their Preliminary Plat Application for a Major Subdivision or their application for a Minor Subdivision. Requests for bonus densities will not b accepted in the first instance in a Final Plan Application for a Major Subdivision. Applicants intending to seek bonus densities shall notify the Development Review Board of such intent within their Sketch Plan Application. ~~, at its discretion, may provide for bonus densities not to exceed a total of 25% more units than can be provided in Sections 856.1(c)[1], 856.1(c)[2], 856.1(c)[3], and 856.1(c)[4]. The number of bonus units to be granted shall be rounded up to the nearest whole number. For commercial or industrial uses the Development Review Board, at its discretion, may waive the lot coverage or provide a greater percentage lot coverage than can be provided based on the underlying zoning district.~~

853.2 The Development Review Board shall only grant a bonus density ~~The granting of bonus density shall not be guaranteed, but shall be limited to the certain proposals that the Development Review Board finds would facilitate~~be in conformance with the goals of the *Comprehensive Plan of the Town of Milton* ~~. The Development Review Board shall consider impacts~~and will not have an adverse impact on the capacities of community facilities ~~and~~or services and the character of the area affected. The Development Review Board also shall consider the following in reviewing a proposed density and may grant a bonus density subjects to conditions affixed to its approval of a subdivision application: ~~in making its determination regarding the granting of a bonus density; such determination must be made in the form of a finding by resolution during the sketch plan review (also known as conceptual review of a PLANNED UNIT DEVELOPMENT, and subject to conditions to be affixed to the final plan approval for the subdivision. In addition, the finding must include an evaluation of the following:~~

(1) Preservation of Agricultural USE - A bonus not greater than twenty-five percent (25%), as limited in Section 853.1 herein, may be awarded to a PLANNED UNIT DEVELOPMENT that results in the preservation of an active farm or agricultural USE.

[a] The project must be designed in order to diminish its visual impact from outside the site and to allow an active agricultural USE to continue.

[b] PLANNED UNIT DEVELOPMENTS eligible for consideration for this bonus density must incorporate the following factors:

[1] The proposed project must not include development in the middle of open fields; BUILDABLE ENVELOPES shall be located on the edges of fields and within wooded areas; and

[2] The proposed project must utilize existing stands of trees in order to screen the project from existing roadways where applicable; and

[3] The proposed project must be designed in such a manner that agricultural USES may be continued after the development of the project. Appropriate legal restrictions applied to deed of the OPEN SPACE must be provided, as well as provisions for the perpetual maintenance of the agricultural area.

(2) Provision of Public Access or Dedication - A bonus not greater than twenty five percent (25%) bonus, as limited in Section 853.1 herein, may be granted toward proposals that will result in the following:

[a] The proposal provides for the dedication of the OPEN SPACE of the project or future municipal utility and facility improvements, such as road or recreational path rights-of-way, parkland, utility rights-of-way, and other

public improvements to the Town; in granting the bonus density a legally binding agreement between the developer and the Town must be made contingent upon the finalization of the subdivision in the form of an offer of dedication. Such offers, in draft form, must be submitted with the preliminary application. Such offers of dedication must include provisions for improvements to the site made by the developer which will enhance public USE of the property if in the opinion of the Development Review Board the nature of the dedication would warrant such improvements; such improvements include but are not limited to the following: parking areas, playgrounds, and nature trails; or

[b] The applicant must provide public access easements and infrastructure necessary to facilitate public enjoyment of the OPEN SPACE for the project if such OPEN SPACE is to remain in private ownership; such improvements include but not limited to the following: parking areas, playgrounds, and nature trails; or

[c] The proposal must include the conveyance of land or a conservation easement over the OPEN SPACE of the project to a land trust or the State for the perpetual preservation and care of the land; such conveyance must provide provisions that will guarantee no further residential, commercial, or industrial development on the land.

[d] These bonuses shall be available to the subject property for up to five (5) years from the date of the Development Review Board approval.

(3) Provision of a Green Building - A bonus density of no greater than 25%, as limited in Section 853.1, may be granted for a PUD Residential or MIXED USE in exchange for a commitment to construct at a LEED Silver certification or higher.

(4) Provision of Under Building Parking – A bonus density of no greater than 25%, as limited in Section 853.1, may be granted for a development with underground or under-building parking associated with a PUD Residential or MIXED USE.

853.3 No bonus density shall exceed a total of 25% more units than can be provided in Sections 856.1(c)[1], 856.1(c)[2], 856.1(c)[3], and 856.1(c)[4] for a proposed PUD. The number of bonus units to be granted shall be rounded up to the nearest whole number. For commercial or industrial uses the Development Review Board may waive the lot coverage or provide a greater percentage lot coverage than can be provided based on the underlying zoning district.

Section 854 ***PUD-Industrial and PUD-Commercial***

854.1 PLANNED UNIT DEVELOPMENTS- Industrial and Commercial shall select appropriate BUILDABLE ENVELOPES and building HEIGHTs which will minimize the visual impact of proposed developments from existing STREETS and adjacent residential developments, and where applicable, retain rural community characteristics. The use of landscaping is a key element of the design of PLANNED UNIT DEVELOPMENTS-Industrial and Commercial, and shall assist with preserving and enhancing site aesthetics, buffering developments from adjacent residential developments, and for noise and lighting attenuation. In all cases, PLANNED UNIT DEVELOPMENTS-Industrial and Commercial shall result in the creation of BUILDABLE ENVELOPES which are situated in the best

possible location after an evaluation of the unique characteristics and natural features of the site in which it is to be located.

854.2 The PLANNED UNIT DEVELOPMENT-Industrial and Commercial shall provide for the preservation of OPEN SPACE which is designed to be an integral part of the development. The size, shape and locations of OPEN SPACE shall be approved by the Development Review Board. Landscaped areas required for parking areas in accordance with Section 814.6 "Landscaping for Parking Lots" shall not be included in the calculation for required OPEN SPACE.

854.3 The OPEN SPACE shall be protected by appropriate legal devices to ensure the continued USE of such lands for the purpose of AGRICULTURE, FORESTRY, recreation or conservation. Such mechanisms include dedication of development rights, conservation easements, property owners' associations, restrictive covenants, conveyance to land trusts, or other appropriate grants or restrictions approved by the Development Review Board. Permitted future USES of the OPEN SPACE shall be specifically identified as part of the final approval decision of any PLANNED UNIT DEVELOPMENT-Industrial and Commercial.

854.4 A BUFFER STRIP shall be maintained along the lot line(s) of all PLANNED UNIT DEVELOPMENTS-Industrial where they abut residential properties. The Development Review Board, at its discretion, may require an increase in the size of the BUFFER STRIP. The required BUFFER STRIP shall be kept free of buildings or STRUCTURES and the Development Review Board shall require that this area be landscaped, screened or protected by natural features such that buffering exists during all seasons of the year. The BUFFER STRIP may be included in the calculation for required OPEN SPACE.

Zoning District	Required BUFFER STRIP
I1	15 feet
I2	25 feet
I3	100 feet

854.5 The granting of waivers shall result in a design, which is sensitive to the preservation of natural features identified in this Section.

854.6 BUILDABLE ENVELOPES in the Industrial Zoning Districts shall be designed in order to minimize visual impacts associated with the development. To the greatest extent practicable, BUILDABLE ENVELOPES shall be situated on the edges of fields, within wooded areas, and away from tops of ridgelines.

SECTION 855 ***PUD-MIXED USE***

In addition, to the purposes stated in Section 850, the purpose of PLANNED UNIT DEVELOPMENTS-MIXED USE is to promote a mix of residential uses and nonresidential uses, and to provide for compact, pedestrian-oriented MIXED USE development.

855.1 PLANNED UNIT DEVELOPMENTS-MIXED USE in MIXED USE Zoning Districts may incorporate a mix of all permitted or CONDITIONAL USES as defined in Articles III and IV.

855.2 The density analysis established in Section 856.1 shall be used to determine the allowable number of residential units within a PLANNED UNIT DEVELOPMENT-MIXED USE.

855.3 PLANNED UNIT DEVELOPMENTS-MIXED USE in the MIXED USE Zoning Districts shall select appropriate BUILDABLE ENVELOPES and building HEIGHTS, which will enhance the downtown as outlined in Sections 804 and 805 of these regulations.

855.4 In the M1, M2, M4 and DB1 Zoning Districts, the proposed density also shall meet the special provisions of Sections 804.1 – 804.5.

855.5 The use of landscaping is a key element of the design of PLANNED UNIT DEVELOPMENTS-MIXED USE, and shall assist with preserving and enhancing site aesthetics, and for noise and lighting attenuation. In all cases, PLANNED UNIT DEVELOPMENTS-MIXED USE shall result in the creation of BUILDABLE ENVELOPES which are situated in the best possible location after an evaluation of the unique characteristics and natural features of the site in which it is to be located.

855.6 PLANNED UNIT DEVELOPMENTS-MIXED USE shall provide for the preservation of OPEN SPACE, which is designed to be an integral part of the development. This may take the form of more urban OPEN SPACEs such as outdoor public parks, indoor public atriums, enhanced streetscape incorporating outdoor seating areas. The size, shape and locations of OPEN SPACE shall be approved by the Development Review Board. See also Section 852.15.

SECTION 856 ***PUD-Residential***

In addition, to the purposes stated in Section 850, the purpose of PLANNED UNIT DEVELOPMENTS-Residential is to promote compact, pedestrian-oriented residential developments; and to encourage any development in the countryside to be compatible with the use and character of surrounding rural lands. In all cases, PLANNED RESIDENTIAL DEVELOPMENTS result in the creation of BUILDABLE ENVELOPES that are situated in the best possible location after an evaluation of the unique characteristics and natural features of the site in which it is to be located.

For PLANNED UNIT DEVELOPMENTS-Residential that occur outside of the Town's core, in areas zoned Agricultural/Rural Residential, Shoreland Residential and *Forestry/Conservation/Scenic Ridgeline*, a key goal for PLANNED UNIT DEVELOPMENTS-Residential shall be to retain rural community characteristics through the selection of appropriate BUILDABLE ENVELOPES that will minimize the visual impact of proposed developments from existing roadways. Included within the realm of rural community character is the preservation of existing farms and prime agricultural soils.

In addition, major PLANNED Unit DEVELOPMENTS-Residential are intended to provide for more intensive development. Major PLANNED UNIT DEVELOPMENTS-Residential must contain at least seven DWELLING UNITS. Major PLANNED UNIT DEVELOPMENTS-Residential are intended to result in subdivision designs that complement site specific characteristics, while providing for a more efficient USE of public services. OPEN SPACE is another key element to this type of subdivision, and provisions must be made in order to provide for access to the OPEN SPACE by all residents of the development. Bonus densities may be provided as incentives for planning that will facilitate the goals of this Section and of the *Comprehensive Plan of the Town of Milton*.

In addition, minor PLANNED UNIT DEVELOPMENTS-Residential are intended to result in site planning that will enable the developer and the Development Review Board to identify suitable BUILDABLE ENVELOPES for STRUCTURES that more closely conform with site characteristics. Of particular concern for these subdivisions is the preservation of rural characteristics in the Town's rural development area, and the retention of community character in all ZONING DISTRICTS. Minor PLANNED UNIT DEVELOPMENTS-

Residential may be approved only if such development will result in diminished visual impacts from a Town highway when compared with a conventional subdivision layout. Therefore, it is the intention of this type of subdivision to enable the Development Review Board to make waivers from conventional zoning criteria, where such waivers will result in a development that will facilitate the goals of the Comprehensive *Plan of the Town of Milton*.

856.1 Density Analysis/Allowable Number of Units

This density analysis shall be deemed to be the maximum number of units that could be sustained within the PLANNED UNIT DEVELOPMENT - Residential. The Development Review Board, at its discretion, may require that the number of units permitted be less than the maximum number if it finds that fewer units than the maximum will be necessary to fulfill the purposes of such developments, as indicated in Section 850, Section 855 and the *Comprehensive Plan of the Town of Milton*, or if the Development Review Board finds that development constraints on the land prevent the number of units generated through the density analysis. The Development Review Board may grant a bonus density above the maximum number of units deemed by the density analysis in accordance with Section 853.

Density Analysis - The number of residential units permitted within PLANNED UNIT DEVELOPMENTS - Residential shall be computed in the following manner:

(a) The area of the entire tract of land affected by the PLANNED UNIT DEVELOPMENTS- Residential shall be calculated in square feet.

(b) The area in square feet of undevelopable land shall be calculated by a certified engineer. Such lands are those that contain the following characteristics: those lands that are clearly undevelopable due to environmental limitations, such as but not limited to designated WETLANDS and wetland buffers as defined in the Vermont Wetland Rules, slopes in excess of 15%, navigable streams, rock formations, UNDEVELOPABLE SOILS, easements or rights-of-way that restrict development, and flood and earth movement hazard areas.

(c) The maximum number of permitted DWELLING UNITS shall be calculated in the following manner:

[1] The area in square feet of undevelopable land, as identified in 856.1(b) above shall be subtracted from the total square footage of the tract affected by the proposed PLANNED UNIT DEVELOPMENT - Residential, as identified in 856.1(a) above; and

[2] For PLANNED UNIT DEVELOPMENTS - Residential the difference established in 856.1(c)[1] above shall be multiplied by ten percent (10%), in order to account for the area of land necessary for roads, sidewalks or other infrastructure;

[3] For PLANNED UNIT DEVELOPMENTS - Residential the sum identified in 856.1(c)[2] above shall be subtracted from the area identified in 856.1(c)[1] above;

[4] For PLANNED UNIT DEVELOPMENTS – Residential:

[a] For SINGLE FAMILY DWELLINGS and DUPLEXES the sum identified in 856.1 (c)[3] above shall be divided by the minimum LOT AREA in the ZONING DISTRICT in which the PLANNED UNIT DEVELOPMENT - Residential is located. This figure, rounded up to the nearest whole number, shall reflect the maximum number of DWELLING UNITS permitted within the PLANNED UNIT DEVELOPMENT – Residential;

[b] For MULTIFAMILY DWELLINGS the sum identified in 856.1 (c)[3] above shall be divided by 40,000 sq.ft. and then multiplied by the maximum DENSITY if maximum DENSITY is established in the ZONING DISTRICT in which the PLANNED UNIT DEVELOPMENT - Residential is located. If no maximum DENSITY is established in the ZONING DISTRICT in which the PLANNED UNIT DEVELOPMENT - Residential is located, the sum identified in 856.1 (c)[3] above shall be divided by the minimum LOT AREA. This figure, rounded up to the nearest whole number, shall reflect the maximum number of DWELLING UNITS permitted within the PLANNED UNIT DEVELOPMENT – Residential.

[5] In the case of a PLANNED UNIT DEVELOPMENT - Residential that occurs within two ZONING DISTRICTS, the procedure outlined in 856.1(c)[1], 856.1(c)[2], 856.1(c)[3], and 856.1(c)[4] above shall be conducted separately for the portions of land that occur within each ZONING DISTRICT. The total density shall be the sum of the density analysis for the portion of land occurring within each ZONING DISTRICT, rounded up to the nearest whole number.

856.2 Design and Preservation:

The proposal shall present an effective and unified treatment of the development possibilities on the project site, and the proposed development plan shall make appropriate provision for the preservation of streams and stream banks, steep slopes, wet areas, soils unsuitable for development, forested areas, and unique natural and man-made features. No BUILDABLE ENVELOPES shall occur in areas deemed undevelopable as defined in 856.1(b) above. The proposal shall integrate OPEN SPACE and developed areas to create a balance between natural and man-made environments. See also Section 852.15. The proposal shall be compatible with existing and future patterns of development in the area. In the M1, M2, M4 and DB1 Zoning Districts, the proposal shall also meet the special provisions of Sections 804.1 – 804.5.

856.3 Other Requirements:

(a) Buffer - A BUFFER STRIP shall be maintained around the perimeter of all major PLANNED UNIT DEVELOPMENTS-Residential, except along the front property lines of lots with FRONTAGE on a public or private STREET or right-of-way. The width of the BUFFER STRIP shall be at least twice the required SIDE SETBACK for the district in which the major PLANNED UNIT DEVELOPMENT-Residential is located. The required BUFFER STRIP shall be kept free of buildings or STRUCTURES and the Development Review Board may require that it be landscaped, screened or protected by natural features.

(b) Future Subdivision - No land included within a PLANNED UNIT DEVELOPMENT-Residential may be included in any future subdivision of land. Covenants and deed restrictions to this effect shall be provided.

(c) USES Permitted - Only those USES specifically listed as permitted USES in the ZONING DISTRICT in which a PLANNED UNIT DEVELOPMENT-Residential is located shall be permitted, except where indicated in this Ordinance.

(d) BUILDABLE ENVELOPES - All DWELLING UNITS must occur within BUILDABLE ENVELOPES. BUILDABLE ENVELOPES must be identified in all plans submitted, and on the final plat mylar that is filed with the Town Clerk.

SECTION 860 ***EXTRACTION OF NATURAL RESOURCES***

The removal of sod, soil, sand, gravel or stone for commercial purposes shall be prohibited except by approval of the Development Review Board. Before the approval is granted the applicant must:

860.1 Submit an acceptable plan showing the location and magnitude of the proposed operation, the location and composition of access roads, the existing grades and contours in the area from which the material is to be taken and finished grades at the conclusion of the operation.

860.2 Submit an acceptable plan which provides for adequate fencing of excavation areas, landscape buffer zones, and measures to control dust, noise or other effects which may be harmful to the surrounding area.

860.3 Submit an acceptable plan with measures to protect soil fertility, drainage and lateral support of abutting land; and provisions to cover the finished grades with at least four inches of topsoil and seed with a suitable crop cover.

860.4 Post surety with the Town of Milton sufficient to guarantee conformity with the approved plans. The amount of the surety shall be determined by the Development Review Board.

SECTION 861 ***Limitations***

No removal of soil, sod, loam, sand, gravel or stone shall be permitted:

861.1 Within any Flood hazard or *Forestry/Conservation/Scenic Ridgeline* District (unless expressly permitted in Appendix A of the Milton Zoning Regulations: *Inundation Hazard Area Regulations*).

861.2 Within seventy-five (75) feet of any property line.

861.3 Within fifty (50) feet of the mean high water level of any stream, river or lake.

861.4 Within any SETBACK or buffer zone required by these Regulations.

SECTION 862 ***Exceptions***

This Section shall not apply to normal agricultural or FORESTRY operations, road construction by a public agency, or the operation of a cemetery, to the extent reasonably necessary for such purposes.

SECTION 870 ***AGRICULTURE***

AGRICULTURE is the preferred USE in the Low Density Residential (R3), Transitional Residential (R4), and Agricultural/Rural Residential (R5) Districts. All agricultural operations in these districts shall be permitted at any time as long as they comply with all the requirements of this Ordinance and all applicable State laws. No agricultural USE in these districts shall be subject to restrictions because it creates a nuisance or because it interferes with the other USES permitted in the districts.

SECTION 871 ***Agricultural Roadside Stands***

Roadside stands for the sale of agricultural products shall be permitted in all zoning districts in accordance with the following requirements:

871.1 They shall meet the front setback requirements of the zoning district.

871.2 They shall be used principally for the sale of agricultural products produced on local farms.

871.3 Parking spaces shall be provided outside of the road right-of-way.
871.4 SIGNS shall conform to the provisions set forth in Section 830.

SECTION 872 ***Accessory Dwelling***

In the case of an operating farm, an ACCESSORY dwelling may be permitted provided that the farmhouse and ACCESSORY dwellings are used for full-time laborers or for tenants who operate the farm on a full-time basis.

Such ACCESSORY dwellings shall be required to meet the dimensional requirements of the district in which they are located as though they were a PRINCIPAL STRUCTURE. Such ACCESSORY dwellings may be, but are not limited to, a detached SINGLE FAMILY DWELLING, ATTACHED to the principal dwelling to create a DUPLEX, or an apartment in the principal dwelling.

SECTION 880 ***ACCESSORY APARTMENTS***

Accessory apartments shall be allowed as permitted uses in detached, single family dwellings wherever detached, single family dwellings are allowed or exist subject to the following criteria:

1. The detached, single family dwelling shall be owner-occupied.
2. The accessory apartment shall not contain more than one bedroom.
3. The HABITABLE FLOOR AREA of the accessory apartment shall not exceed 40 (forty) percent of the HABITABLE FLOOR AREA of the detached, single family home as it existed at the time of creation of the accessory apartment.
4. The accessory apartment shall have an adequate potable water supply, an adequate wastewater disposal system, and adequate facilities for living, cooking, dining, sleeping, and bathing.
5. The accessory apartment shall be constructed in accordance with the applicable setback, coverage, and parking requirements of its zoning district.
6. The accessory apartment shall be clearly accessory and subordinate to the detached, single-family dwelling.
7. The Zoning Administrator/Acting Zoning Administrator shall be responsible for verifying that all of the above conditions have been met.

SECTION ~~881~~890 ***ELDERLY HOUSING COMPLEX***

~~881.1~~SECTION 891 ***Purpose***

~~A.~~891.1 The need for elderly housing has grown substantially since the 1990's. In recognition of this need and in furtherance of the public interest and general welfare of the Town of Milton, these regulations have been established to encourage the construction of dwelling units suitable for occupancy by ~~elderly~~ persons 55 years old and older. An ~~elderly housing complex~~ELDERLY HOUSING COMPLEX may be constructed so as to provide for assisted living and continuing care components for the elderly. Where the regulations of this section differ from other sections of the zoning, subdivision, and site plan regulations, the provisions of this section shall take precedence. An elderly housing complex shall also comply with the provisions of the Fair Housing Act, as amended, 42 U.S.C. Sec. 3601 et seq. Applicable elderly housing regulations, as amended, of the U.S. Department of Housing and Urban Development shall also be complied with.

~~B.~~ ~~891.2~~ The purpose of an ELDERLY HOUSING COMPLEX~~elderly housing complex~~ shall be to provide safe, affordable, comfortable, and efficient housing for elderly residents in an easily accessible, centrally located, pedestrian friendly environment in proximity to necessary support services such as food stores, pharmacies, medical facilities, public transportation, voting places, post offices, libraries, senior centers, and places of worship.

~~***881.2 Definitions***~~

~~A. Elderly Housing Complex – a development of one or more dwelling units in detached or multi-unit buildings on the same lot under common ownership that is dedicated as a housing complex for elderly persons and includes legal covenants or restrictions designed to ensure the occupancy of such buildings principally by persons 55 years of age or older or disabled persons of any age. All buildings, dwelling units and sites shall comply with all applicable state and federal handicapped accessibility requirements. Handicapped individuals of any age shall be eligible to live in an elderly housing complex.~~

~~B. Elderly Person – a person at least 55 years old or older at the time of initial occupancy.~~

~~C. Handicapped Person – a person of any age who has:~~

~~1. a physical or mental impairment which substantially limits one or more of such person's major life activities,~~

~~2. a record of having such an impairment, or~~

~~3. been regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. Section 802.~~

~~D. Senior Center – a community facility intended to service the needs and activities of elderly persons.~~

SECTION 892~~881.3~~ Standards

~~1.~~892.1 Each ELDERLY HOUSING COMPLEX~~Elderly Housing Complex~~ shall comply with the following standards:

~~A.~~(1) The site, all buildings and dwelling units shall comply with all applicable state and federal handicapped accessibility requirements.

(2) Density

(a) Minimum Buildable Lot Size Per ~~Elderly Housing Complex~~ELDERLY HOUSING COMPLEX

Town Water & Sewer	Town Water Or Sewer	On-Site Water & Sewer
20,000 square feet	30,000 square feet	40,000 square feet

(b) Minimum Buildable Land Area Per Dwelling Unit

Town Water & Sewer	Town Water Or Sewer	On-Site Water & Sewer
2,500 S.F./Efficiency Unit	5,000 S.F./Efficiency Unit	8,000 S.F./Efficiency Unit
2,500 S.F./1-Bedroom Unit	5,000 S.F./1-Bedroom Unit	8,000 S.F./1-Bedroom Unit
3,000 S.F./2-Bedroom Unit	6,000 S.F./2-Bedroom Unit	9,000 S.F./2-Bedroom Unit

(c) Minimum and Maximum Gross Floor Area Per Dwelling Unit

Dwelling Unit Type	**Minimum Gross Area**	**Maximum Gross Area**
Efficiency Unit	400 gross square feet	800 gross square feet
1-Bedroom Unit	450 gross square feet	1,000 gross square feet
2-Bedroom Unit	600 gross square feet	1,200 gross square feet

(d) Occupancy Limits

Dwelling Unit Type	
Efficiency Unit:	No More Than 1 (One) Occupant
1-Bedroom Unit	No More Than 2 (Two) Occupants
2-Bedroom Unit	No More Than 2 (Two) Occupants

~~(3) All Elderly Housing Complexes and dwelling units shall comply with federal and state handicapped accessibility requirements.~~

~~(4)~~

~~(5)~~(3) All buildings in an ELDERLY HOUSING COMPLEX ~~Elderly Housing Complex~~ shall be located on the same lot. The lot shall be under common ownership.

~~B.~~(4) Parking Requirements

~~1~~(a)~~.~~ Resident Parking Requirements:

~~1~~ One parking space is required per unit.

~~2.~~(b) Visitor Parking Requirements:

~~i. 1~~One parking space shall be required per every ~~4~~four dwelling units of any type. The DRB, as a condition of Site Plan approval, may permit that designated areas be reserved and maintained as undeveloped green space to accommodate visitor parking. Adequate signage shall be provided for the visitor parking areas and it shall be properly maintained in the winter. Maintenance shall be through appropriate legal mechanisms.

~~3.~~(c) Location

~~i.~~ All parking spaces shall be located on site in places that provide convenient access to the dwelling units.

(5)~~C.~~ Site Plan Review

~~1.~~(a) Site Plan approval shall be required for ~~Elderly Housing Complexes~~ELDERLY HOUSING COMPLEXes ~~shall be reviewed under the Site Plan Review regulations of this ordinance with~~and particular attention shall be~~being~~ given to adequate lighting, sufficient sidewalks, and safe ingress/egress for vehicular traffic.

~~2.~~(b) A canopied drop-off area may be permitted within the required setback area or front yard of the complex for the convenience of the elderly residents.

~~3.~~(c) The architectural design and arrangement of buildings shall be residential in character and consistent with the appearance of the community in general and the neighborhood in particular.

~~4. The perimeter of each Elderly Housing Complex shall be reserved as a 20-foot wide landscape buffer zone with new plantings or existing natural vegetation.~~

(d)~~5.~~ The Development Review Board may require that all roads within the Complex be built in accordance with the "Public Works Road Specification Standards."

~~D. Setback & Heght Requirements~~

~~1. All buildings within an Elderly Housing Complex shall be located at a minimum distance of 20 feet from all property lines and other buildings on the same lot.~~

~~2. All buildings within an Elderly Housing Complex shall comply with the HEIGHT requirements of the zoning district in which they are located.~~

~~E.~~(6) Open Space Requirements

The following OPEN SPACE requirements shall be met for an ~~Elderly Housing Complex~~ ELDERLY HOUSING COMPLEX with ten (10) or more units within the following Zoning Districts.

Zoning District	Percent of Land in OPEN SPACE
R1, M1, M2, M3, M5, M6, DB1	20%
R2, M4, R7	25%
R6	35%
R3, R4, R5, FC	50%

~~1.~~(a) For an ELDERLY HOUSING COMPLEX~~Elderly Housing Complex~~ that occurs in two ZONING DISTRICTS, the figures noted in the table above shall be used for the purposes of calculating the total OPEN SPACE necessary for the subdivision, which shall be calculated based on these specifications for the portions of land occurring in each district; any portion of the OPEN SPACE or the development site may occur within either ZONING DISTRICT with the approval of the Development Review Board.

~~2~~(b)~~.~~ The following shall be required for an ELDERLY HOUSING COMPLEX~~Elderly Housing Complex~~ located in the M1, M2, M4, M5, and M6 districts:

~~i.~~ A minimum of 50 percent of the OPEN SPACE shall be considered community recreation space, where the intent is to encourage the creation of places for recreation and civic activities that foster neighborliness and the space shall be contiguous. This space shall not consist of BUFFER STRIPS, parking lots, areas between buildings, or undevelopable land as listed in Section 856.1(b). This area shall be maintained by the development, unless accepted by the town as public property. Appropriate

legal devices to ensure the continued USE of such lands for continued neighborhood use shall protect it. The DRB shall approve the location and use of this community recreation space.

~~E~~(7)~~.~~ Legal Documentation

~~1.~~(a) Homeowners' Association

~~a.~~ The developer of each ~~Elderly Housing Complex~~ ELDERLY HOUSING COMPLEX shall be responsible for establishing a homeowners' association and bylaws under applicable state law. The document shall give special attention to the unique needs of elderly people and shall ensure that the elderly residents of the complex will receive adequate and appropriate services. If the development is approved with unimproved visitor parking as permitted by Section 892(3)(b), the maintenance of such space, including winter maintenance, shall be included in the document. The document shall be submitted during S~~s~~ite ~~p~~Plan ~~r~~Review to the Development Review Board and the Town Attorney for their review and approval. The developer shall bear the sole expense of creating the document and for its review by the Town Attorney. The Homeowners' Association document shall at all times comply with relevant local, state, and federal regulations.

~~2.~~(b) Federal Compliance

~~a.~~ As part of the ~~s~~Site ~~p~~Plan ~~r~~Review process, the developer of each Elderly Housing Complex shall be responsible for filing a report with the Development Review Board describing how the project complies with the provisions of all applicable federal regulations that affect the project.

SECTION ~~890~~900 ***RECYCLING YARDS***

This Section shall pertain to any RECYCLING YARD that is **not** registered with the Town of Milton and the State of Vermont that was in existence on January 1, 1994, for a period of twelve (12) months or longer. Such RECYCLING YARDS may apply within twelve (12) months of the effective date of this Ordinance for a CONDITIONAL USE from the Development Review Board; if the CONDITIONAL USE is granted, that RECYCLING YARD shall be considered to comply with local Zoning Regulations and shall be eligible to apply for a "Certificate of Approval for Location of a Junkyard" from the Select Board and other subsequent procedures, including Site Plan approval.

Any RECYCLING YARD created after January 1, 1993, and prior to the effective date of this amendment shall not be eligible for a CONDITIONAL USE by the Development Review Board, and its operation must cease. A RECYCLING YARD commencing operations after the effective date of this amendment shall be located within a ZONING DISTRICT permitting the USE and shall require CONDITIONAL USE approval and Site Plan approval by the Town in accordance with Sections 500 and 800 through 830, as well as an approved "Certificate of Approval for Location of a Junkyard" from the Select Board.

Notwithstanding the above, RECYCLING YARDS which have been granted a CONDITIONAL USE approval for a RECYCLING YARD or have been issued a "Certificate of Compliance" pertaining to a junkyard from the Development Review Board prior to the effective date of this amendment are exempt from the provisions of this Section, and are eligible to apply for a "Certificate of Approval for Location of a Junkyard" from the Select

Board. Non-conforming, licensed RECYCLING YARDS shall still be subject to the provisions of Sections 510 through 514, "Non-conforming Uses". Changes in ownership of licensed RECYCLING YARDS shall still be subject to obtaining a "Certificate of Approval for Location of a Junkyard" for the new owner from the Select Board.

SECTION ~~891~~901 Required Findings for Conditional Use

In addition to those findings required under Section 500 of the Zoning Regulations, the Development Review Board must find in the affirmative that the subject RECYCLING YARD complies with the following standards and criteria:

(1) The application must qualify as a RECYCLING YARD as defined in Article X of this Ordinance.

(2) The RECYCLING YARD must be found to have been created prior to January 1, 1994, and must further be found to have been in existence for a period of twelve (12) months or longer, as determined by evidence provided by the applicant; such as, but not limited to, purchase and sales tax receipts or other income tax documentation, dated videotapes, dated photographs.

(3) The RECYCLING YARD must be found not to contribute to water or air pollution, to the extent that it presents a hazard to public health and safety, as determined by a Level I Site Assessment and site inspection by a certified engineer who is qualified to conduct hazardous waste surveys. A Level II Site Assessment will be required if recommended by the Level I Site Assessment submitted as part of Section ~~892~~902(4) and the results of the site inspection.

(4) The RECYCLING YARD will not adversely affect the scenic character or quality of the area in the immediate vicinity, as viewed from any PUBLIC ROAD, highway, PRIVATE RIGHT-OF-WAY or adjacent property, nor will it adversely affect the health or safety of the community.

SECTION ~~892~~902 Application Submission Requirements for Conditional Use

The following information is required to be submitted by the applicant in order to assist the Development Review Board in making its findings that the USE satisfies the criteria indicated in Section ~~891~~901:

(1) Number of vehicle trips per day based on peak seasons;

(2) A survey of the lot by a licensed land surveyor containing the RECYCLING YARD, with detailed information showing:
   - (a) lot dimensions and acreage,
   - (b) all STRUCTURES and storage areas,
   - (c) SETBACKS and LOT COVERAGE of all STRUCTURES and storage areas, including BUILDABLE ENVELOPE,
   - (d) existing and proposed landscaping and fencing,
   - (e) DRIVEWAYS and traffic circulation,
   - (f) parking and loading spaces,
   - (g) names of owners of record of adjacent properties,
   - (h) location of water and wastewater,
   - (i) location of "control area" for waste disposal (such as, but not limited to, disposal of radiators, batteries, petroleum), and location and construction specifications of existing and proposed waste storage containers;

(3) Information from a certified engineer indicating the capacity of the existing wastewater system, and its capability to handle the present and/or future USE of the RECYCLING YARD;

(4) A copy of the Level I and/or Level II Site Assessment as required in Section ~~891~~901(3), as prepared by the Town's consulting engineer, retained by the Town and paid for by the applicant. The applicant shall establish an escrow account of a minimum of $2,500.00 prior to the engineer commencing the Level I Site Assessment and site inspection. In the event that the Level I Site Assessment and site inspection amount to less than $2,500.00, the applicant shall be reimbursed the amount remaining in escrow. In the event that the applicant does not wish to use the services of the Town's consulting engineer, the Town and applicant shall mutually agree to using a different consulting engineer. In this case, the applicant shall pay the engineer directly. The applicant shall forward copies of the Site Assessment(s) to the State Health Department, Agency of Natural Resources--Environmental Conservation Department, Regional District Environmental Board Office, Agency of Transportation--Department of Motor Vehicles, and Emergency Management--Hazardous Materials Division, only in the event that the Site Assessment(s) identified groundwater contamination; and

(5) Photographs and/or videotapes of the currently existing RECYCLING YARD operation.

SECTION ~~893~~903 Other Application Requirements

In addition to all required procedures for CONDITIONAL USE review, the applicant shall send the official legal warning for the CONDITIONAL USE review via certified mail, return receipt requested, to the owner of each lot that is within a three hundred (300) foot radius of the boundary of the lot containing the RECYCLING YARD; this mailing must occur not less than fifteen (15) days prior to the public hearing.

The applicant shall provide a list of all property owners within the required radius to the Zoning Administrator who shall ensure satisfactory compliance with this Section prior to the mailing of the certified letters. Prior to the public hearing for the CONDITIONAL USE approval, the applicant shall provide the acting Chair of the Development Review Board with all certified mailing receipts and any returned envelopes. The Zoning Board shall check to ensure that all property owners have either received a copy of the meeting warning via certified mail, or have attempted to have been reached by certified mail.

SECTION ~~894~~904 Requirements for All Recycling Yards Granted Conditional Use Approval by the Development Review Board

In addition to the conditions and safeguards attached to the granting of the CONDITIONAL USE by the Development Review Board as indicated in Section 501 of the Zoning Regulations, any RECYCLING YARD qualifying under Sections ~~8~~900 through ~~895~~905 that is granted CONDITIONAL USE approval by the Development Review Board shall be subject to the following conditions which may not be waived:

(1) The RECYCLING YARD shall not be expanded in terms of square feet of operable space, number of vehicle trips generated or volume of service, unless otherwise specified in the approval of the Development Review Board as to maximum permissible EXPANSION.

(2) RECYCLING YARDS shall be screened from view from any PUBLIC ROAD, PRIVATE RIGHT-OF-WAY and adjacent property during all seasons of the year. Screening may be in the form of a natural barrier (such as, vegetation or topography), or an artificial barrier (such as, an earthen berm, fence, or other method approved by the Development Review Board). The Development Review Board may recommend a combination of both.

Screening shall be a minimum ten (10) feet in height and of a material satisfactory to the Development Review Board in order to screen all of the JUNK contained within the

RECYCLING YARD from view. The Development Review Board may require the RECYCLING YARD be entirely ENCLOSED by fencing if, in its opinion, the existing or proposed screening does not shield the RECYCLING YARD from view. All existing vegetation outside and proximate to a fence or other artificial barrier shall be retained to aid in maintaining a natural appearance. If no natural vegetation is present, or is inadequate to buffer the artificial barrier, the Development Review Board may require the planting of vegetation in order to achieve a natural appearance of the barrier.

A performance bond or other form of security shall be required to guarantee the completion of the screening in accordance with Section 806.3, during the Site Plan process.

(3) The crushing of automobiles shall be done only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.

(4) No open fire for the burning of rubbish, trash, automobile parts, or other waste matter shall be permitted at any time without the prior written approval of the Chief of the Town of Milton Fire Department.

(5) Noise in excess of ninety (90) decibels shall be prohibited during the hours of operation of the RECYCLING YARD.

(6) The applicant shall be required to obtain a "Certificate of Approval for Location of a Junkyard" from the Select Board in accordance with Section 895, and Site Plan approval from the Development Review Board in accordance with Sections 800 through 830, upon CONDITIONAL USE approval by the Development Review Board.

SECTION ~~895~~905 ***Licensing Requirements***

RECYCLING YARDS granted CONDITIONAL USE approval from the Development Review Board in accordance with Sections ~~8~~900 through ~~8~~904 shall obtain a "Certificate of Approval for Location of a Junkyard" from the Select Board. RECYCLING YARDS are also required to renew their "Certificate of Approval for Location of a Junkyard" with the Select Board within the timeframe indicated in the "Certificate of Approval for Location of a Junkyard". In the event that the applicant does not renew the "Certificate of Approval for Location of a Junkyard" within the specified timeframe, the applicant shall be required to obtain CONDITIONAL USE approval from the Development Review Board in accordance with Sections ~~8~~900 through ~~8~~904, prior to the reissuance of the "Certificate of Approval for Location of a Junkyard" by the Select Board.

SECTION ~~896~~906 ***Violation and Penalties***

Nothing in Sections ~~8~~900 through ~~8~~905 shall be deemed to exclude any applicant from all requirements of subsequent or previous articles of the Milton Zoning Regulations. Any PERSON violating Sections 890 through 895 shall be subject to fines and penalties as provided in Section ~~9~~1050 of the Zoning Regulations. Any PERSON violating any of the provisions of the Zoning Regulations shall become liable to the Town for any expense, loss or damage occasioned in Town by reason of such violation. Any fines imposed under Sections ~~8~~900 through ~~8~~905 above may be recovered in a civil action brought to enforce the terms of the Zoning Regulations, which may also include an application for injunctive relief and the recovery of all costs and legal fees incurred by the Town in any such enforcement proceeding.

SECTION 910 ***ADULT ORIENTED BUSINESSES***

The purpose of the bylaw is to promote the public health, safety, welfare, and convenience of the residents of the Town of Milton, while accommodating the reasonable provision of locations for Adult Oriented

Businesses. The intent of this bylaw is to establish reasonable and uniform regulations for Adult Oriented Businesses, which, unless closely regulated, cause adverse secondary impacts on the community, including increases crime, blighting of neighborhoods, decreased property values, depressed real estate markets, and an overall decline in the quality and character of surrounding neighborhoods. The provisions of this bylaw have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult entertainment materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to adult entertainment materials protected by the First Amendment, or to deny access by the distributers and exhibitors of sexually oriented entertainment to their intended market.

SECTION 911 Adult Oriented Business

Adult oriented businesses are defined as any use falling within one of the following three definitions:

911.1 Adult Retail, defined as an establishment that rents and/or sells media or other goods and meets any of the following:

(1) 10% or more of the public floor area is devoted to Adult Media and/or the display of instruments, devices or paraphernalia which are designed for use in connection with Specified Sexual Activities or

(2) 10% or more of the stock-in-trade consists of Adult Media and/or instruments, devices or paraphernalia which are designed for use in connection with Specified Sexual Activities; or

(3) It advertises itself out in any forum as: “XXX,” “adult,” “sex,” or otherwise as a sexually oriented adult business other than an Adult Cabaret or Adult Theater.

911.2 Adult Cabaret, defined as an establishment which features dancing or other live entertainment which constitutes the primary live entertainment and is distinguished or characterized by an emphasis on the exhibition of Specified Sexual Activities and/or Specified Anatomical Areas for observation by patrons.

911.3 Adult Theater, defined as an establishment showing sexually oriented movies, which are distinguished or characterized by an emphasis on the exhibition of Specified Sexual Activities and/or Specified Anatomical Areas for observation by patrons.

SECTION 912 Definitions

The following additional definitions shall apply to this Section, Section 910.

914.1 Specified Anatomical Areas mean any of the following:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola; or

(2) The human male genitals in a discernibly turgid state, even if completely and opaquely covered.

914.2 Specified Sexual Activities means any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; or

(2) Sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.

914.3 Adult Media means books, magazines, periodicals or other printed material, or photographs,

films, motion pictures, video cassettes, laser or digital video discs, or video reproductions, slides, or other visual representations which are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities.

SECTION 913 Standards

In addition to all other applicable standards set forth in these regulations, including district SETBACK requirements, Adult Oriented Businesses shall meet the following additional standards:

913.1 An Adult Oriented Business shall be located a minimum of 500 feet from any zoning district within which Adult Oriented Business is not an allowed use. Such 500 feet distance shall be measured from the district boundary to the nearest portion of the parcel upon which the Adult Oriented Business is located.

913.2 An Adult Oriented Business shall be located a minimum of 1,000 feet from any other Adult Oriented Business already in existence. Such 1,000 feet distance shall be measured from parcel boundary to parcel boundary.

913.3 An Adult Oriented Business shall be setback a minimum of 150 feet from a PUBLIC ROAD right-of-way.

913.4 An Adult Oriented Business shall be located a minimum of 1,000 feet from any existing residential use, CHURCHES, public or private school, CHILD DEVELOPMENT CENTER, CHILD DAY CARE FACILITY, CHILD DAY CARE HOME, and/or public OUTDOOR RECREATION facility. Such 1,000 feet distance shall be measured from parcel boundary to parcel boundary.

913.5 Sexually oriented toys or novelties, Adult Media, or live performances shall not be displayed or be visible from the exterior of the establishment. Exterior windows shall not, however, be made opaque through the use of paint, newspaper or other paper covering, or exterior wood surface (e.g., plywood); rather, interior curtains, blinds or similar conventional window treatment shall be used to prevent visual access into the premises.

913.6 Retail establishments which offer Adult Media for sale but are not Adult Oriented Businesses are allowed in any district in which RETAIL SALES is an allowed use but are subject to the following additional requirements:

(1) Adult Media shall be kept in a separate, specified portion of the establishment which:

(a) Is physically or visually separated from the rest of the store by an opaque wall of durable material; and
(b) Is located as far from the entrance(s), and from media or goods likely to be of interest to persons less than 18 years of age, as is reasonably practical; and
(c) Is clearly identified as not being open to persons under the age of 18.

913.7 No lascivious sounds associated with sexual conduct shall be audible outside the building or portion of the building in which Adult Oriented Business is conducted.

SECTION 914 Signs

All signs associated with Adult Oriented Businesses shall meet the standards set forth in Section 830 and the following additional standards:

913.1 No image or depiction of, or linguistic reference to, nudity, Specified Anatomical Areas, Specified Sexual Activity, or any devise or paraphernalia designated for use in connection with Specified Sexual Activity shall be displayed;

913.2 No internal illumination is permitted;

913.3 The sign shall not be visible outside of the DB1 District;

913.4 The building entrance shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises; and

913.5 Each Adult Oriented Business shall be limited to no more than one building mounted sign, which shall not exceed a maximum of 12 square feet and one freestanding sign as specified in Section 831.1.

ARTICLE ~~I~~X
ADMINISTRATION AND ENFORCEMENT

SECTION ~~900~~1000 ***ZONING PERMITS***

No LAND DEVELOPMENT, excavation or construction shall be started on any land or building; and no EXPANSION, ALTERATION or change of USE shall be started within any existing STRUCTURE without a Zoning Permit issued by the Zoning Administrator.

No Zoning Permit is required for the following (with the exception of development in the Special Flood Hazard Area which is regulated in Appendix A):

(1) Routine maintenance and repairs, and structural ALTERATIONS to an existing STRUCTURE which will not result in a change or EXPANSION of USE.

(2) Construction or placement of one residential accessory structure with an area of not more than 100 square feet and a HEIGHT of not more than 10 feet, which is not on a permanent foundation, and which complies with the provisions of Section 580, provided there are no other exempt accessory structures on the property already.

(3) Fences.

(4) Roof mounted solar panels not to extend beyond the roof; and roof mounted wind turbines not to exceed the maximum HEIGHT as defined in Articles III and IV.

(5) Conversion of a SEASONAL DWELLING to a PERMANENT DWELLING, provided such conversion is done in compliance with the State Water/Wastewater Rules and Section 570, Sewage Disposal. Any expansion of the STRUCTURE proposed in association with such conversion shall require a Zoning Permit unless the expansion is otherwise exempted by these Regulations.

SECTION ~~901~~1001 ***Application of Zoning Permit***

All applications for Zoning Permits shall be made in writing on forms supplied by the Town and shall be accompanied by the following information if applicable:

~~9~~1001.1 A map showing the actual shape, property lines and dimensions of the land on which the development is planned.

~~9~~1001.2 The shape, size and location of all building or other STRUCTURES either existing or proposed on the property.

~~9~~1001.3 The existing and intended USES and areas of USE of the land and all buildings.

~~9~~1001.4 The depth of all SETBACK areas and such other features of information concerning the parcel as may be essential for determining whether the plans comply with the provisions of this Ordinance.

~~9~~1001.5 All other municipal permits and approvals required for the proposed development, including but not limited to: Road Agreement and Waiver, Site Plan approval, Driveway Permit, *Development Review Board* approval, and conditions of subdivision approval as established

by the *Development Review Board*.

SECTION ~~910~~02 ***Issuance of a Zoning Permit***

The Zoning Administrator shall not issue a Zoning Permit unless an application, fee, plot plan and any other approvals required by these or other regulations have been properly submitted. The Zoning Administrator shall not issue a Zoning Permit except in conformance with these Zoning Regulations.

~~9~~1002.1 The Zoning Administrator shall within thirty (30) days of the submission of a~~n~~ complete application, act to ~~request for additional supporting information to complete the application,~~ make referral (to State agencies or the Development Review Board)~~,~~ or issue an approval or denial. Failure to act within these time limits will constitute automatic approval.

~~9~~1002.2 No Zoning Permit shall take effect until fifteen (15) days after the date of issuance.

~~9~~1002.3 No Zoning Permit shall be issued with respect to any lands or USES specified in ~~Title~~ 24~~,~~ V.S.A., §~~Section~~ 4409(c), as listed below, until the Zoning Administrator has notified the appropriate agency and allowed thirty (30) days for a response as required by State law.

(1) Forest, Parks and Recreation Department - An USE in or within 1000 feet of any State-owned or leased property. This provision does not apply within any incorporated village or city.

(2) Department of Environmental Conservation - Any of the following USES or activities affecting ground or surface water resources:

(a) any area designated as a floodplain or wetland,

(b) the damming of streams so as to form an impounding area of five ACRES or more for reservoir or recreational purposes, and

(c) the drilling of wells deeper than fifty feet or with a potential yield greater than twenty-five thousand gallons per day, except this shall not apply to a well drilled by the owner of a farm or residence for his own USE, or the USE of the farm.

(3) Fish and Wildlife Department - Game lands and stream bank area owned or leased by the State.

(4) Vermont Agency of Transportation - Airports.

(5) Forests, Parks and Recreation Department - The following recreational areas:

(a) ski areas with lifts or other equipment other than tows, with total capacity of more than five hundred PERSONS per hour,

(b) camps with accommodations for more than fifty PERSONS,

(c) MARINAS with accommodations for twenty or more boats with lengths in excess of twenty feet,

(d) public beaches, or lands within one thousand feet thereof, and

(e) natural areas as defined in Section 2010 of Title 10.

(6) Agency of Transportation - Any USE within five hundred feet of the intersection of any entrance or exit ramp providing access to any limited access highway.

~~9~~1002.4 If a permit is granted the Zoning Administrator shall provide three (3) written copies as follows:

(1) One copy shall be retained in a permanent file by the Zoning Administrator.

(2) One copy shall be delivered to the applicant citing all restrictions and special agreements, and describing the mandatory appeal period.

(3) One copy shall be delivered to the listers of the municipality within three (3) days of

the date of issuance.

~~9~~1002.5 If a permit is denied, the Zoning Administrator shall provide in writing the findings on which such a decision is based and shall provide instruction to the applicant on the appropriate process for appeal (Section 960).

SECTION ~~9~~1003 Transfer of Zoning Permits

No Zoning Permit shall be transferred from one party to another unless the party acquiring the permit certifies with the Zoning Administrator that all development will be made in accordance with the approved permit.

SECTION ~~9~~1010 CERTIFICATE OF COMPLIANCE/OCCUPANCY

All projects for which a Zoning Permit is required shall be required to receive a Certificate of Compliance which documents that all work has been completed in accordance with the Zoning Permit, ~~and~~ all other local ordinances and 30 V.S.A § 51 and § 53, related to the Vermont Energy Code~~.~~.

No new STRUCTURE, or existing STRUCTURE which has been vacated for the purpose of ALTERATIONS, and for which a Zoning Permit was required, shall be occupied or used in any way until a Certificate of Occupancy has been issued by the Zoning Administrator. For the purposes of this Ordinance with Certificate of Compliance shall serve as the Certificate of Occupancy where it is required.

SECTION ~~9~~1011 Application for Certificate of Compliance

Upon completion of any work requiring a Zoning Permit, the owner or permittee shall apply in writing to the Zoning Administrator for a Certificate of Compliance.

SECTION ~~9~~1012 Issuance of Certificate of Compliance

Within fourteen (14) days of receipt of such application, the Zoning Administrator shall inspect the premises and issue a written "Statement of Condition" as to compliance with the Zoning Permit, ~~and~~ other applicable local permits and approvals and 30 V.S.A. § 51 and § 53, related to the Vermont Energy Code.

~~9~~1012.1 If the Statement of Condition shows compliance with the Zoning Permit, any DRB approvals and other applicable local permits and approvals, the Zoning Administrator shall issue a Certificate of Compliance.

~~9~~1012.2 If the Statement of Condition shows non-compliance with the Zoning Permit, or DRB approvals or other applicable local permits or approvals, the Certificate of Compliance shall be denied. The owner shall make such changes as the "Statement of Condition" indicates to be necessary and shall reapply for the Certificate of Compliance.

SECTION ~~9~~1013 Partial Issuance of Certificate of Compliance

For mulit-unit buildings in which one Zoning Permit is granted for the building; the Zoning Administrator may issue a partial Certificate of Compliance for individual units if they meet Section 912.1.

SECTION ~~9~~1020 EXPIRATION OF PERMITS AND APPROVALS

A Zoning Permit, variance or CONDITIONAL USE approval shall expire one year from the date of issue. If the work has not been completed, the applicant shall apply to the Zoning Administrator for an extension. The Zoning Administrator may grant a single one-year extension for the identical project only.

SECTION ~~9~~1030 REVOCATION OF APPROVALS AND PERMITS

In addition to any other remedies provided for by law, a Zoning Permit, Sign Permit, variance, CONDITIONAL USE approval, or Site Plan approval may be revoked by the Zoning Administrator or Development Review Board, whichever granted the permit or approval, for violation of these Regulations or the terms and conditions of the permit or approval.

Omission or misstatement of any material fact by the applicant or agent on the application or at any hearing which would have warranted refusing the permit or approval shall be grounds for revoking the permit or approval at any time.

SECTION ~~9~~1040 FEES

The Legislative Body of the Town shall prescribe and may revise by resolution reasonable fees to be charged with respect to the administration of these Regulations.

SECTION ~~9~~1050 VIOLATION AND PENALTIES

~~9~~1050.1 In accordance with ~~Title~~ 24~~,~~ V.S.A.~~, Sections 4444~~ § 4451 and ~~4445~~§ 4452, any PERSON who violates the provisions or intentions of this Bylaw shall be fined not more than $~~100~~200.00 for each offense. Each day that a violation is continued shall constitute a separate offense. All fines collected for violations of this Bylaw shall be paid over to the Municipality.

~~9~~1050.2 No action may be brought under this Section unless the alleged offender has had at least seven (7) days notice by certified mail that a violation exists. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding twelve months.

SECTION ~~9~~1060 APPEALS

Any interested PERSON may appeal any action or denial of action under these Regulations as provided in ~~Title~~ 24~~,~~ V.S.A.~~,~~ §~~Sections~~ 4464 through~~to~~ § 4467. The Development Review Board shall act to approve or disapprove any appeal within forty-five (45) days after the close of the final public hearing. Failure to act within this time period shall be deemed approval and shall be effective on the 46th day.

SECTION ~~9~~1070 VARIANCES

A variance from provisions of these Zoning Regulations may be granted only after appeal to the Development Review Board in accordance with the following provisions. The Development Review Board shall act to approve or disapprove any appeal within forty-five (45) days after the close of the final public

hearing. Failure to act within this time period shall be deemed approval and shall be effective on the 46th day.

SECTION ~~910~~71 ***Required Findings***

The Development Review Board may grant variances, and render a decision in favor of the appellant, if all the following facts are found and the finding is specified in its decision.

~~9~~1071.1 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Regulations in the neighborhood or district in which the property is located;

~~9~~1071.2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Regulation and that the authorization of a variance is therefore necessary to enable the reasonable USE of the property;

~~9~~1071.3 That such unnecessary hardship has not been created by the appellant;

~~9~~1071.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate USE or development of adjacent property, reduce access to RENEWABLE ENERGY RESOURCES, nor be detrimental to the public welfare; and

~~9~~1071.5 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Regulations and from the *Plan*.

SECTION ~~910~~72 ***Renewable Energy Resource Structures***

The Development Review Board may grant variances from the provisions of these Zoning Regulations for a STRUCTURE that is primarily a renewable energy resource STRUCTURE, and render a decision in favor of the appellant, if all the following facts are found and the finding is specified in its decision.

~~9~~1072.1 It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource STRUCTURE in conformance with the Regulations; and

~~9~~1072.2 That the hardship was not created by the appellant; and

~~9~~1072.3 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate USE or development of adjacent property, reduce access to RENEWABLE ENERGY RESOURCES, nor be detrimental to the public welfare; and

~~9~~1072.4 That the variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Regulation and from the *Plan*.

SECTION ~~9~~1080 TITLE 24, V.S.A., CHAPTER 117

SECTION ~~91~~081 Applicability

The provisions of Chapter 117 of Title 24, Vermont Statutes Annotated, as now provided or as hereafter amended shall govern all matters related to these Regulations, including but not limited to the following:

(1) Administration and enforcement of these Regulations;
(2) Effect of the adoption of these Regulations;
(3) Powers of the Zoning Administrator acting as the Administrative officer;
(4) Requirements for Zoning Permits;
(5) Penalties and remedies;
(6) Administration and finance;
(7) PUBLIC NOTICE; and
(8) Appeals and the granting of variances.

SECTION ~~91~~082 Relationship

These Regulations shall be read in the context of Chapter 117 of Title 24, Vermont Statutes Annotated, as the same may be amended from time to time. Any provision of these Regulations which is found to be in conflict with that Chapter shall be read in conformance with it.

SECTION ~~9~~1090 MISCELLANEOUS PROVISIONS

SECTION ~~91~~091 Severability

The validity of any section or provision of these Regulations will not be held to invalidate any other section or provision.

SECTION ~~91~~092 Development Review Board

The Development Review Board shall consist of the members who are appointed by the Legislative Body of the Town. Individual terms shall commence July 1 for a period of three (3) years and shall continue until June 30 or until a successor has been duly appointed. All appointments shall be made by the Legislative Body of the Town so that, as nearly as may be, no more than one-third of the terms shall expire in any one year. The powers and duties of the Development Review Board and the internal organization and procedures of the Board shall be as prescribed in Chapter 117 of Title 24, ~~, V.S.A., Chapter 117~~Vermont Statutes Annotated.

SECTION ~~91~~093 Implementation

All Zoning Regulations or interim Zoning Regulations heretofore-in effect in the Town of Milton shall be deemed repealed upon the effective date of the adoption of these Regulations.

SECTION ~~91~~094 FLOODPLAIN REGULATIONS

Appendix A of the Milton Zoning Regulations: *Inundation Hazard Area Regulations* shall take precedence over all sections within the main Articles of the Milton Zoning Regulations for flood hazard areas as described in Section IV of Appendix A.

ARTICLE XI
DEFINITIONS

SECTION 1~~0~~100 *APPLICABILITY AND GENERAL RULES*

The following definitions apply to terms used in these Regulations and in any application forms, permits, certificates, approvals, variances, denials or other documents issued or used in connection with these Regulations unless otherwise specified.

(1) Definitions contained in ~~Title 24, V.S.A.,~~ Chapter 117 of Title 24, Vermont State Statutes Annotated are applicable throughout these Regulations.
(2) Words used in the present tense include the future, words in the plural number include the singular number and words in the singular, the plural.
(3) The words "shall" and "must" are always mandatory.
(4) The word "lot" includes the word "parcel."
(5) The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied."
(6) Ownership of property means fee simple ownership or a leasehold interest of at least ninety-nine (99) years.

SECTION 1~~0~~110 *DEFINITIONS*

ABANDONED VEHICLE A motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for more than 48 hours, and has a valid registration plate or public vehicle identification number which has not been removed, destroyed, or altered; or a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for any period of time if the vehicle does not have a valid registration plate or the public vehicle identification number has been removed, destroyed or altered.

ABANDONMENT The cessation of maintenance, practice, or USE, whether with the intention to resume or not.

ACCESSORY A USE or STRUCTURE on the same lot with, and of a nature customarily and clearly incidental and subordinate to, the PRINCIPAL USE or STRUCTURE. See the definition for PRINCIPAL STRUCTURE and PRINCIPAL USE.

ACCESSORY APARTMENT A one-bedroom, independent dwelling unit that is located within or appurtenant to an owner-occupied, detached, single-family dwelling and that is clearly subordinate to the single-family dwelling. The gross floor area of the accessory apartment shall not exceed 40 (forty) percent of the HABITABLE FLOOR AREA of the detached, single family home as it existed at the time of creation of the accessory apartment. The accessory apartment shall have an adequate potable water supply, an adequate wastewater disposal system, and adequate facilities for living, cooking, dining, sleeping, and bathing. The accessory apartment shall be constructed in accordance with the applicable setback, coverage, and parking requirements of the zoning district in which it is located.

ADULT DAY CARE FACILITY An establishment operated as a business or service on a regular basis, whether for compensation or not, to provide meals, personal care, and supervision of medication, protections, supervision and/or education for elderly and/or DISABLED adults who require assistance and supervision or those who need restorative or rehabilitative services. They may provide other services, such as recreational activities, financial services, and transportation. For the purposes of these regulations, the following are not adult day care facilities: group homes, fraternities, sororities, convents, communes, boarding and rooming homes, prison or correctional facilities.

AGRICULTURE The production of farm products, including, but not limited to, dairy farming, animal husbandry, horticulture, tree farming, maple sugaring, the USE of farm STRUCTURES, the storage of agricultural products raised or acquired for USE on the premises, and direct sales of products so raised.

ALTERATION Structural changes, rearrangement, change of location, or addition to a STRUCTURE other than repairs and modification in building equipment.

ANIMAL SHELTER A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated or maintained by a public body or nonprofit organization devoted to the welfare, protection and humane treatment of animals.

ASSEMBLY The fitting together of manufactured parts into a complete machine, STRUCTURE, item, or unit of a machine, STRUCTURE, or unit.

ASSISTED LIVING FACILITY Residences for the elderly and/or DISABLED adults that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide services, such as recreational activities, financial services and transportation.

ATTACHED As applied to STRUCTURES, means to share a common wall or walls for a distance of at least five (5) feet.

BAKERY/DELICATESSEN A building or STRUCTURE, or part thereof, whose principal business is the sale of sandwiches, baked goods or beverages for consumption primarily off the premises, and whose peak hours of operation typically coincide with the morning rush and lunch time hours.

BASE FLOOD The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood.

BED AND BREAKFAST A single-family residential structure, with up to ten guest rooms, for short-term lodging rooms by the day or by the week. The single-family residential structure must be the primary residence of the owner or operator of the bed and breakfast facility. Meals may be provided to the guests only.

BUFFER STRIP An area of land designated as green space along a property line used to lessen the impact of LAND DEVELOPMENT upon adjacent property. No

STRUCTURES, other than fences, shall be located within a BUFFER STRIP.

BUILDING Any STRUCTURE having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING COVERAGE That part or percent of a lot occupied by buildings, accessory buildings, porches, decks, and in-ground and above ground swimming pools. Building coverage applies to single-family, duplex and three-unit residences.

BUILDABLE ENVELOPE The area of an approved lot within which all permitted STRUCTURES, ACCESSORY STRUCTURES, taking into account the applicable maximum LOT COVERAGE, exclusive of SETBACKS, areas on an excessive grade and natural features that may not be disturbed.

BUILDING FOOTPRINT That portion of a lot circumscribed by the foundation walls and roof drip line of all primary and ACCESSORY STRUCTURES.

CHILD DAY CARE FACILITY A state licensed or registered facility for the care of more than ten children. This operation is a permitted use in zoning districts where it is allowed and requires ~~s~~Site ~~p~~Plan ~~r~~Review before the Development Review Board.

CHILD DAY CARE HOME A state licensed or registered operation for the care of either six or fewer children or not more than six full-time children and four part-time children. These operations are permitted uses that do not require ~~s~~Site ~~p~~Plan ~~r~~Review.

CHILD DEVELOPMENT CENTER A building, or part thereof, which provides educational training and developmental guidance to one or more children on a continuous basis not exceeding 24 hours, whether for compensation or not. This USE may also include a CHILD DAY CARE CENTER.

CHURCH A place of worship that is established and maintained by a religious organization for the purpose of practicing its faith. It includes accessory structures and uses customarily associated with its religious practices. Types of buildings used as a place of worship include but are not limited to cathedrals, chapels, convents, parish houses, synagogues, temples, mosques, and other such places designed to house religious activities.

CIVIC OR FRATERNAL CLUB An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, or like activities, operated for the benefit of its members and not open to the general public.

CLASS 4 ROAD Any publicly controlled or owned road, street, or highway not meeting any of the State definitions for Class 1, 2, and 3 highways. In Milton, the Select Board has determined Class 4 roads to be:

TOWN OF MILTON, VERMONT
OFFICIAL CLASS 4 ROAD LIST

T.H.#	T.H. NAME	GRID# ON 911 MAP	LENGTH
11	Swamp Road	K08	1.20 MI.
17	Timber Lane	J 11	0.20 MI.
24	Dixon Road	J 09	0.47 MI.
25	Bezio Road	I 08	0.14 MI.
26	Marcoux Road	I 08	0.10 MI.
29	Slim Brown Road	I 10	0.06 + 0.10 MI.
35	Kingsbury Road	F 10	0.16 MI.
36	Hardscrabble Road	F 11	0.70 MI.
39	Devino Road	E 12	0.50 MI.
41	Lamphere Road	G 08	0.65 MI.
42	Dugout Road	G 08	0.20 MI.
56	Lady Slipper Lane	E 08	0.25 MI.
58	PreCast Road	F 08	0.10 MI.
60	Petty Brook Road	F 09	0.13 MI.
69	Kienle Road	H 11	0.13 MI.
72	Ritchie Avenue	G 10	0.20 MI.
78	Erling Drive	G 11	0.03 MI.
94	Doris Drive	F 10	0.06 MI.

CLINIC Means a building, or part thereof, used by qualified medical practitioners, dentists, opthamologists, osteopaths, and alternative medicine practitioners, and veterinarians having treatment rooms and facilities for more than two practitioners and used for public or private medical, surgical, physiotherapeutic or other human health purposes, except when included within or ACCESSORY to a hospital.

CLUSTER A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for natural areas, recreation, OPEN SPACE, and preservation of environmentally sensitive features.

COMMERCIAL An endeavor having profit as its chief aim.

COMMERCIAL PLANT NURSERIES, GREENHOUSES, AND LANDSCAPING SERVICES
The USE of land or STRUCTURES for the purpose of cultivating, raising, harvesting, selling, or maintaining plants.

COMMERCIAL RETAIL BUSINESS A store owned and operated as a single legal entity whose principal purpose is to provide direct retail sales of goods, merchandise, and/or food products to the public and which may include service and storage facilities for any items sold on the premises.

COMMUNITY SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE

A residence providing food, shelter, medical care, legal assistance, personal guidance, and other services to persons who have been victims of domestic violence, including children of such victims, who temporarily require shelter and assistance in order to protect their physical

or psychological welfare.

COMPOST Plant debris from yard waste including tree, shrub, flower, vegetable, grass and other herbaceous and woody plant clippings which is arranged in a way that encourages rapid decomposition to produce a safe soil-like substance for beneficial use when applied to the land.

CONDITIONAL USE A USE which may be permitted in a district only by approval of the Development Review Board after PUBLIC NOTICE and public hearing if the Development Review Board determines that the proposed USE conforms to Section 500 of these Regulations.

~~**COMPOST** Plant debris from yard waste including tree, shrub, flower, vegetable, grass and other herbaceous and woody plant clippings which is arranged in a way that encourages rapid decomposition to produce a safe soil-like substance for beneficial use when applied to the land.~~

CONSTRUCTION AND AGRICULTURAL EQUIPMENT SALES AND SERVICE
The USE of land or STRUCTURES for the sale and service of construction, agricultural, or other heavy equipment.

CORNER LOT A lot located at the intersection of two or more STREETS which meet at an angle of less than 120 degrees.

DISABLED or DISABILITY In reference to an individual, an individual who has a physical or mental impairment that substantially limits one or more of the major life activities; or who has~~:~~ a record of such an impairment~~:~~; or who is regarded as having such an impairment. The term DISABLED or DISABILITY does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802. Interpretation of DISABLED or DISABIILITY shall be consistent with the use of the term under the Americans with Disabilities Act and its implementing regulations, particularly 28 C.F.R. Parts 35 and 36. ~~This definition shall refer to the U.S. Department of Justice Code of Federal Regulations, 28 CFR Part 36, Subpart A 36.104 Definitions~~

DISTRIBUTING The storage, receipt, or transportation of goods, products, cargo and/or materials for the purpose of distribution to other locations.

DRIVE-UP FACILITY An accessory structure or addition that may be detached from or attached to a principal business structure for the purpose of providing vehicular access to the purchase of the goods or services of the business.

DRIVEWAY A private roadway providing access to a PUBLIC ROAD or PRIVATE RIGHT-OF-WAY from a maximum of three lots and no more than three DWELLING UNITS. The Town of Milton shall not responsible for the maintenance and repair of DRIVEWAYS.

DRIVEWAY, SHARED A driveway providing two or more DWELLING UNITS access to a PUBLIC ROAD or PRIVATE RIGHT-OF-WAY.

DRY CLEANING PLANT A facility for dry cleaning of fabrics, textiles, wearing apparel, or articles of

any sort by immersion and agitation, or by immersions only, in volatile solvents, and the processes incidental thereto. This is not to include premises where the dry clean articles are to be dropped off or picked up directly by the customer.

DUPLEX A detached residential STRUCTURE containing two SINGLE FAMILY DWELLING UNITS which share one or more walls.

DWELLING UNIT A room or rooms connected together constituting a separate, independent housekeeping unit physically separated from any other rooms or DWELLING UNITS which may be in the same STRUCTURE, and containing independent cooking and sleeping facilities, but excluding lodging facilities such as MOTELS and COUNTRY INNS.

EARTH AND MINERAL EXCAVATION The removal of loam, rock, stone, gravel, sand or soil from a site so as to change the natural contours.

ELDERLY HOUSING COMPLEX A development of one or more dwelling units in detached or multi-unit buildings on the same lot under common ownership that is dedicated as a housing complex for persons 55 years of age or older and includes legal covenants or restrictions designed to ensure the occupancy of such buildings principally by persons 55 years of age or older. DISABLED persons of any age shall be eligible to live in an ELDERLY HOUSING COMPLEX. ~~Multifamily housing designed for elderly and/or DISABLED people.~~

EMPLOYEE TRAINING CENTER The USE of land or STRUCTURES for the education and instruction of employees to perform job-related functions on the same job site as the education and instruction is provided, or within a PLANNED UNIT DEVELOPMENT which contains the job site.

ENCLOSED Located entirely within a STRUCTURE.

ENCLOSED OUTDOOR STORAGE The storage of materials fully or partially enclosed by a STRUCTURE such that the materials are not visible from off-site or from STREETS and provide adequate safeguards.

EXPANSION Any change to a STRUCTURE which results in any increase in the GROSS FLOOR AREA of the STRUCTURE. Any change to a USE which results in an increase in area devoted to a USE or an intensification of the USE.

FAMILY An individual or group of PERSONS related by blood, marriage, or legal adoption; or a group of not more than five unrelated PERSONS living together as a single housekeeping unit.

FILL Any material or substance used to raise the natural contours.

FINANCIAL ESTABLISHMENT A bank, savings and loan, credit union, or other similar establishment that provides financial services to its customers.

FOOTPRINT LOT A parcel of land which consists solely of the area directly under a structure.

FORESTRY The growing, cutting or harvesting of commercial timber or other forest products; the growing, maintenance or preservation of forest cover for watershed protection or wildlife habitat.

FRONTAGE That portion of a lot, required by Section 530, which abuts on a public STREET, public waters, approved private STREET, or approved public right-of-way. The minimum required FRONTAGE for a lot, as prescribed in Articles III and IV, shall be provided along a continuous front property line of a lot and shall be maintained for a depth of at least one hundred (100) feet. CORNER LOTS, which abut STREETS intersecting at an angle of less than 120 degrees, shall provide the required FRONTAGE and FRONT SETBACK along each STREET. SHORELINE FRONTAGE shall be measured from the ordinary high water mark of a lake or pond.

GROSS FLOOR AREA The sum, in square feet, of the total horizontal areas of all floors of a building measured from the interior face of exterior walls. This shall include all storage and utility areas, basements, attics, and mezzanines.

HABITABLE FLOOR AREA: The temperature-controlled, finished floor area within a dwelling unit exclusive of unfinished garages, attics and cellars.

HAZARDOUS MATERIALS Any substance, material or combination of materials by reason of its explosive, flammable, toxic, acidic, corrosive, an etiologic agent, caustic, pathogenic, radioactive, or otherwise injurious properties, may be detrimental or deleterious or be reasonably assumed to constitute a risk to human safety, air quality or water resources. Refer to Title 10 V.S.A., Ch. 159, Section 6602(4) and (16).

HEIGHT (of a structure) The vertical dimension of a STRUCTURE measured from the average preconstruction grade level at the base of the STRUCTURE to the highest point of the structure (if it has no roof), or to the highest point of the roof (if the roof is flat or mansard) or to the average level between the eaves and the highest point of the roof (if the roof is of any other type), unless modified by more specific provisions in this Ordinance.

HOME OCCUPATION An occupation, **personal service,** profession, or trade customarily and commonly carried out by an occupant of a DWELLING UNIT as a secondary USE which is customary in residential areas and which does not have an undue adverse effect upon the character of the residential area in which the DWELLING UNIT is located, and which, for the purposes of this Ordinance, shall in all cases comply with the requirements of Section 600.

INDOOR RECREATION Public or private recreation facilities which take place principally indoors (for example: gymnasiums, laser tag, arcades, pools, bowling alleys).

INDOOR THEATER An enclosed place of mass assembly designed for the viewing of movies, plays, concerts, live performances, or other cultural events.

JUNK Any scrap copper, brass, iron, steel and other scrap or nonferrous material, including but not limited to rope, rags, batteries, glass, plastic, fiberglass, rubber debris, waste, trash or any

dismantled, wrecked, scrapped or ruined motor vehicles or parts thereof.

JUNK MOTOR VEHICLE A discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof, or one other than an on-premise utility vehicle which is allowed to remain unregistered for a period of ninety (90) days from the date of discovery.

KENNEL Any premises on which caring, breeding, or overnight housing of four or more dogs, cats or other domestic animals is done for monetary purposes.

LAND DEVELOPMENT The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural ALTERATION, relocation or enlargement of any building or other STRUCTURE, or of any mining, excavation or landfill, and any change in the USE of any building or other STRUCTURE, or land, or extension of USE of land.

LIGHT INDUSTRY The assembly, manufacture, processing, packaging, or other industrial operations in such manner that all resulting goods and by-products or waste materials are confined to the premises or properly disposed of in a manner that avoids any type of pollution of air, land, or water and which does not create a public or private nuisance from excess noise, odor, or lighting and is otherwise non-detrimental to abutting properties.

LIGHT MANUFACTURING The processing and fabrication of materials or substances into new products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emissions which will disturb or endanger neighboring properties. LIGHT MANUFACTURING USES include, but are not limited to, home occupations, electrical instruments, office machines, printed materials, plastic goods, pharmaceutical goods, food processing, laundry and dry cleaning plants, and similar USES.

LIKE KIND QUALITY Having characteristics that allow a use to be located in harmony with other adjacent uses and to be compatible with the overall character of the neighborhood. Some elements affecting compatibility include HEIGHT, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

LOT AREA The total area within the property lines of a lot excluding any part thereof lying within the boundary of a public STREET, private STREET, right-of-way or proposed public STREET.

LOT COVERAGE That part or percent of a lot occupied by buildings, STRUCTURES, including accessory buildings, driveways, parking areas, sidewalks, alternative transportation paths, vehicle travel lanes, overhead canopies above unpaved areas, utility facilities, storage tanks for commercial use, and designated storage areas including storage areas for boats, trailers, or other vehicles. For the purposes of these regulations, lot coverage does not include private septic systems or wells.

Additionally, lot coverage does not include aboveground public infrastructure located within easements across private property. Lot coverage applies to all uses other than single-family, duplex and three-unit residences.

LUMBERYARDS A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold. Lumberyards may also process lumber by performing mill work, planing, cutting, and other customizing processes. Lumberyards may provide for the sale of associated products including tools and fasteners.

MANUFACTURING The processing and fabrication of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. Restaurants and Restaurants, Fast Food are not included within this use.

MARINA A harbor or boat basin providing dockage, supplies, and services for small marine pleasure craft.

MIXED USE The development of a structure or one or more tracts of land with a variety of complementary and integrated USES. USES may be comprised of any combination of permitted or CONDITIONAL USES allowed under the designated zoning district, as defined by Articles III and IV of these regulations.

MOBILE/MANUFACTURED HOME A structural dwelling unit designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis, to a building site in one or more sections, and limited to those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, and are 750 or more gross square feet in area, are built on a permanent chassis, and designed to be used as year-round dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

MOBILE HOME PARK A tract of land with a minimum size of two acres under unified ownership which has been planned for the placement of four or more mobile homes for non-transient use and which has been approved by the Development Review Board as a subdivision.

MODULAR HOME A dwelling unit constructed of wood in multiple sections in a factory in accordance with national building codes and shipped to its home site on an independent trailer(s) where it is secured to a permanent foundation and assembled in modules.

MOTEL Any building in which rooms or living accommodations are rented to transients whose stay does not exceed six days. The term MOTEL shall include hotels and rooming houses.

MULTIFAMILY DWELLINGS A residential structure designed and constructed to house three or more individual dwelling units each with its own cooking, dining, living, sleeping, and bathing facilities.

NEIGHBORHOOD CONVENIENCE STORE A general store of not greater than 7,500 square feet

providing for the sale of standard convenience goods for day-to-day living needs, including the sale of gasoline.

NON-COMPLYING STRUCTURE A STRUCTURE or part thereof not in conformance with the Zoning Regulations covering building bulk, dimensions, HEIGHT, area, yards, SETBACKS, density, or off-STREET parking or loading requirements for the district in which it is located, where such STRUCTURE conformed to all applicable laws, ordinances and regulations prior to the enactment of these Regulations.

NON-CONFORMING USE USE of land or STRUCTURE which does not comply with all USE regulations for the district in which it is located, where such USE conformed to all applicable laws, ordinances and regulations prior to the enactment of these Regulations; provided, however, that RECYCLING YARDS, as that term is defined in these Regulations, shall comply with Section 870 of these Regulations.

OFFICE, GENERAL Facilities occupied by consulting firms, clerical services, real estate or insurance agencies, doctors, dentists, lawyers, architects, engineers, accountants, government offices, travel agencies, FINANCIAL INSTITUTIONS (including banks), veterinarians, and establishments providing similar services, but not including manufacturing, repairing, processing, or fabrication of any article, substance or commodity, or the retail sale of goods.

OFFICE, MEDICAL An establishment where patients are examined and treated by doctors, dentists or other medical professionals but not hospitalized overnight. A medical office may include as an ancillary use the assembly, fitting, testing and sale of products directly related to the medical service provided in the same establishment.

OPEN SPACE: Any parcel ~~or~~, area of land, water body over 10 acres, or access to a water body over 10 acres, which is essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. It may include, but not limited to, active recreational facilities such as play equipment, ball fields, court games, and picnic tables.

OUTDOOR RECREATION Private or public outdoor recreation activities, ranging from activities of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, to less energetic activities such as hiking, picnicking, and table games. For the purposes of these regulations, outdoor recreation includes but is not limited to playgrounds, parks with or without sports fields, tennis courts, swimming pools, boating access, skate or bike parks, skating rinks, golf courses, bike paths, cross country ski trails, nature areas, picnic areas, and equestrian trails.

OUTDOOR STORAGE The storage of materials, screened from view in other than a completely ENCLOSED STRUCTURE.

PERMANENT DWELLING A DWELLING UNIT designed, arranged, or intended for USE for at least six months in any one calendar year.

PERSON An individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

PERSONAL SERVICES Establishments primarily engaged in providing services involving the care of a person and/or his/her personal goods or apparel. Sales of products must be clearly incidental to the services provided. Personal services include but are not limited to tailor, photographic processing, travel agent, laundry service, linen supply, diaper service, beauty and barbershops, massage therapy, shoe repair, funeral services, repair services and clothing rental.

PLANNED UNIT DEVELOPMENT The development of one or more lots, involving one or multiple owners, with multiple USES in one or more BUILDINGS on the lot or lots; the plan of which may not correspond to the area, density or dimensional requirements or allowable number of STRUCTURES and USES per lot as established in any one or more ZONING DISTRICTS. The specific requirements of a PLANNED UNIT DEVELOPMENT and the area, density and dimensional requirements which may be modified are defined in each ZONING DISTRICT in which PLANNED UNIT DEVELOPMENTS are allowed.

PRECIOUS METAL Gold, silver, platinum, palladium, coins sold for more than face value, jewelry, or similar items, but does not include an antique.

PRECIOUS METAL DEALER Any premises on which a person with a physical presence in the state, whether temporary or permanent, is engaged in the business of purchasing or selling PRECIOUS METAL and purchases or sells $2,500.00 or more of PRECIOUS METAL in a consecutive 12-month period and in order to conduct such business has obtained Certification from the Department of Public Safety. Refer to 9 V.S.A. Chapter 97A.

PRIMARY UNIT The unit other than an ACCESSORY APARTMENT located within a single FAMILY STRUCTURE containing an ACCESSORY APARTMENT approved by the Development Review Board.

PRINCIPAL STRUCTURE A STRUCTURE having significant or primary USE and justifying its own utilization (such as a dwelling or office building) as contrasted to ACCESSORY STRUCTURES which are incidental or subordinate to primary STRUCTURES and do not alone justify their utilization (such as a tool shed or auto garage used in conjunction with a dwelling). Certain STRUCTURES may be either principal or ACCESSORY depending upon utilization, such as a parking garage as an ACCESSORY STRUCTURE to a high-rise apartment or as a PRINCIPAL STRUCTURE when operated commercially in a business area.

PRINCIPAL USE The significant or primary activities carried out within a STRUCTURE or upon land (such as RETAIL SALES within a store or occupancy of a

DWELLING UNIT as residence) as contrasted to ACCESSORY USES which are incidental or subordinate to primary USES (such as sale of soft drinks at an automobile service station). Certain USES may be either principal or ACCESSORY depending upon their relationship with other USES, as for example, a newsstand as an ACCESSORY USE within a hotel lobby or as a PRINCIPAL USE within a separate STRUCTURE.

PRINTING FACILITY An establishment in which the principal business consists of duplicating and printing services, including publishing, binding and engraving.

PRIVATE FACILITY A building and related facilities owned and/or operated by a corporation association or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members.

PRIVATE RIGHT-OF-WAY Any RIGHT-OF-WAY that is not a public right-of-way. The Town of Milton shall not be responsible for the maintenance and repair of PRIVATE RIGHTS-OF-WAY. PRIVATE RIGHTS-OF-WAY are developed with the understanding that they shall never be offered for dedication to the Town of Milton.

PRIVATE ROAD Any road that is not offered to and accepted by the Town as a PUBLIC ROAD.

PUBLIC FACILITY State or community owned and operated institutions and facilities; public and private schools and other educational institutions certified by the Vermont Department of education; churches and other places of worship, covenants and parish houses; public and private hospitals; regional solid waste management facilities certified under 10 V.S.A. Chapter 159; and hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. §6606a.

PUBLIC NOTICE The form of notice prescribed by ~~Title~~ 24, V.S.A.~~, Chapter 117, Section~~ § 4447, as the same now provides or may hereafter be amended.

PUBLIC ROAD A road, street, or highway legally controlled or owned and regularly maintained by either the Town of Milton or the State of Vermont and which meets a Class 1, 2, or 3 road classification under State law.

QUEUE STORAGE LENGTH The length of an exiting DRIVEWAY, measured from its intersection with a STREET, along which there is no access for vehicles to enter or cross the DRIVEWAY.

RECYCLING YARD Any place of OUTDOOR STORAGE or deposit which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling JUNK or as a scrap metal processing facility. "RECYCLING YARD" also means any place of OUTDOOR STORAGE or deposit, not in connection with a business, which is maintained or used for storing or keeping four (4) or more JUNK MOTOR VEHICLES which are visible from any portion of a public highway or adjacent property. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than ninety (90) days for inspection or repairs. It further does not

mean a bottle redemption center or bottle deposit center.

REFUSE All solid wastes including garbage, rubbish, ashes, street clearings, dead animals, abandoned automobiles and parts thereof, household appliances, and solid market and Industrial wastes.

REINCORPORATION The reintegration of an ACCESSORY APARTMENT into the PRIMARY UNIT, resulting in the removal of its kitchen.

RENEWABLE ENERGY RESOURCES Energy available for collection or conversion from direct sunlight, wind, running water, organically-derived fuels including wood, agricultural sources, waste materials, waste heat, and geothermal sources.

RESEARCH AND DEVELOPMENT LABORATORIES The USE of land or STRUCTURES for the research and development of new or improved goods, products, materials, or processes.

RESTAURANTS A building or STRUCTURE, or part thereof, whose principal business is the preparation and serving of food and refreshments to the public for consumption within the building or STRUCTURE, but does not include a drive-in restaurant or take-out restaurant or fast food restaurant.

RESTAURANTS, FAST FOOD A building or STRUCTURE, or part thereof, whose principal business is the sale of foods or beverages, for consumption either on or off the premises, and whose operation is characterized by (1) service of food or beverage in containers or in paper, plastic or other disposable containers, (2) time, and/or (3) insufficient seating facilities within the restaurant building for the volume of food sold. They may include inside seating, drive through and take-out/carry out services, perhaps all at the same time. This definition shall not include delicatessen or bakeries.

RETAIL SALES A store or shop providing direct retail sale to the ultimate consumer or persons without a resale license, which may include service facilities for merchandise sold on the premises.

SATELLITE DISH ANTENNA A directional antenna having a concave reflector.

SCENIC VIEWS An area visible from a highway, waterway, railway, major hiking, biking or equestrian trail that provides views over water, and across expanses of land such as farmlands, woodlands, coastal wetlands, mountaintops or ridges.

SEASONAL DWELLING A DWELLING UNIT designed, arranged, or intended for USE for period of time of less than six (6) months in any calendar year.

SETBACK A required open area which shall be unoccupied and unobstructed in accordance with Section 550. The SETBACK shall be of a depth prescribed in Articles III and IV and shall run the entire perimeter of a lot.

SETBACK, FRONT An area extending the full width of a lot and measured for the prescribed

depth from the front property line of a lot.

SETBACK, REAR An area extending the full width of a lot and measured for the prescribed depth from the rear lot line of a lot.

SETBACK, SIDE An area extending between the front and REAR SETBACK areas of a lot measured for the prescribed depth from the side lot lines on each side of a lot.

SHORELINE The ordinary high water mark of a lake or pond.

SIGN Any device designed to inform or attract the attention of PERSONS not on the premises which the device is located. For the purposes of these Regulations, such devices located entirely within a PRINCIPAL STRUCTURE shall not be considered SIGNS.

SINGLE FAMILY DWELLING A residential STRUCTURE designed and constructed to house one or more PERSONS living as single housekeeping it. A State licensed or registered residential care home or group home, serving not more than eight PERSONS who ~~are~~have a ~~developmentally disabled or physically handicapped~~DISABILITY, shall be considered by right to constitute a SINGLE FAMILY DWELLING, except that no such home shall be so considered if it locates within 1,000 feet of another such home. A State registered or licensed day care facility serving six or fewer children shall be considered by right to constitute a SINGLE FAMILY DWELLING. MOBILE OR MANUFACTURED HOMES and MODULAR HOMES shall each constitute a single family dwelling.

SLAUGHTER HOUSE A facility for the slaughtering and processing of animals and the refining of their byproducts.

STATE FACILITIES The USE of land or STRUCTURES, not otherwise classified by these Regulations, by the State of Vermont, including, but not limited to, correctional institutions, laboratories, and landfills.

STREET A public or properly approved private thoroughfare for vehicular traffic which serves as the principal means of access to more than three DWELLING UNITS.

STREET, ARTERIAL Those STREETS defined as State highways in the *Comprehensive Land Use Plan*.

STREET, COLLECTOR Those STREETS defined as Class II Town Highways or State Aid Roads in the *Comprehensive Land Use Plan*.

STREET, LOCAL Any STREET not classified as an arterial or COLLECTOR STREET.

STRUCTURE Anything constructed or erected, the use of which requires location on or within the ground or attachment to something having location on or within the ground. For the purposes of these regulations, MOBILE/MANUFACTURED HOMES shall be considered STRUCTURES.

For the purposes of these regulations, a driveway, parking area, sidewalk or bicycle path, sign, bicycle rack, recreational vehicle, trailer or other vehicle on wheels not regularly used for the manufactured purpose, private septic system or well is not considered a structure. For the definition of STRUCTURE in the Special Flood Hazard Area, see Appendix A, Section X1.

STUDIO A single residential unit in which the bedroom, living room and kitchen are all located in the same room.

TEMPORARY SIGN A SIGN used to announce the opening or closing of a business, a change of ownership or management of a business, or a special sale or promotional event. These include but are not limited to banners, building mounted signs and freestanding signs.

TEMPORARY SPECIAL SALES The USE of land or STRUCTURES of the sale of goods or materials for a limited period of time. TEMPORARY SPECIAL SALES include, but shall not be limited to, auctions, garage sales and lawn sales.

TRANSPORTATION FACILITIES Establishments primarily engaged in furnishing transportation services, including but not limited to passenger charter service, bus terminals, heliopads for transporting of personnel only, and train depots.

TRAVELER SERVICES The provision of goods and services primarily to PERSONS traveling through the area, including RETAIL SALES of gasoline, and food, RESTAURANTS, and lodging facilities.

TRIPLEX – OWNER OCCUPIED A building containing three dwelling units; one of which is occupied by the owner of the property.

TRUCKING The USE of land or STRUCTURES for the storage, transportation, and distribution of goods and materials.

TRUCK STOP Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews. This use is not intended to include MOTELS.

UNDEVELOPABLE SOIL Soils classified by the *Soil Survey of Chittenden County, Vermont* as having severe limitations for development as proposed.

USE The specific purpose for which land or a building, or unit thereof, is designed, arranged, or intended; or for which it is or may be occupied or intended. The term "permitted USE" or its equivalent shall not be deemed to include any NON-CONFORMING USE.

UTILITIES AND UTILITY OFFICES The USE of land or STRUCTURES for the provision of public

utilities, such as electricity, telephone service, and water. Utility facilities include transformer stations, water tanks and towers, pump stations, telephone exchanges, and the like.

VACATION TRAILER OR TENT CAMP Any lot on which three or more vacation trailers or tents are occupied for a period of greater than one week per year.

VENDOR SALES The sale of goods or materials along a public STREET, whether in a roadside stand or not and whether located on private property or not.

WAREHOUSING, PRIVATE A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.

WAREHOUSING, PUBLIC A building used primarily for the storage of goods and materials and available to the general public for a fee.

WASTE (RUBBISH) All solid wastes consisting of both combustible and non-combustible wastes such as paper, wrappings, plastics, paint or any other petroleum based products, ashes, cigarettes, cardboards, ferrous and non-ferrous metals, yard clippings, leaves, wood, trees, stumps, branches, glass, bedding, crockery, and similar materials. Yard clippings, leaves, wood, trees, stumps and branches that are used to create compost or buried under clean fill on the site on which they originated shall not be considered waste (rubbish) provided that burial locations are not located within a wetland or within 75 feet of surface water or a well.

WETLANDS Those areas that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas as grow food or crops in connection with farming activities.

WHOLESALE The USE of land or STRUCTURES for the sale of goods or materials in quantity usually for resale, but not to the general public.

WIRELESS COMMUNICATION FACILITY Any tower or other support structure, including but not limited to antennas intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic-spectrum-based transmissions/reception regulated by the FCC; the construction or improvement of a road, trail, building, or structure incidental to a communication facility. This definition does not include amateur radio facilities.

ZONING DISTRICT A geographic area defined by the ZONING MAP within which the provisions and regulations of this Ordinance apply uniformly to each class or kind of situation, USE, and STRUCTURE.

ZONING MAP A map delineating the ZONING DISTRICTS of the Town of Milton, maintained in the Planning and Zoning office.

ARTICLE XI~~I~~I
AMENDMENTS

SECTION 1~~1~~200 ***INITIATION OF AMENDMENTS***

An amendment to these Regulations or to the ZONING MAP may be proposed by the Planning Commission, the Select Board, any department or agency of the Town, or any other individual, corporation, or agency.

A proposed amendment prepared by a PERSON or body other than the Planning Commission shall be submitted in writing to the Planning Commission along with any supporting documents. The Planning Commission may then proceed under this Article as if the amendment had been prepared by the Planning Commission.

SECTION 1~~1~~210 ***PLANNING COMMISSION ACTION***

SECTION 1~~1~~211 ***Planning Commission Review***

1~~1~~211.1 All proposed amendments shall be submitted to the Planning Commission for study and recommendation.

1~~1~~211.2 The Planning Commission shall study proposed amendments to determine the need and justification for the change and the relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of these Regulations, the *Comprehensive Plan*, and any other duly adopted plans and policies. When considering an amendment, the Planning Commission may prepare a written report on the proposal.

1~~1~~211.3 Based on its study, as described in Section 1111.2 and Section 1112, the Planning Commission may decide not to take any further action with regard to any application for amendment.

SECTION 1~~1~~212 ***Report on Zoning Map Amendments***

If a proposed amendment would alter the zoning designation of any land area, a report may be prepared by the Planning Commission which covers the following points:

(1) the probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land USE.

(2) the long-term cost or benefit to the Town, based upon consideration of the probable impact on: (a) the Town's tax base and (b) the need for public facilities.

(3) the amount of vacant land which is: (a) already subject to the proposed new designation and (b) actually available for that purpose, and (c) the need for additional land for that purpose.

(4) the suitability of the area in question for the proposed purpose, after consideration of: (a) appropriate alternative locations, (b) alternative USES for the area under consideration, and (c) the probable impact of the proposed change on other areas similarly designated.

(5) the appropriateness of the size and boundaries of the area proposed for change, with respect to the area required for the proposed USE, land capability, and existing development in the area.

(6) the consistency of the proposed change with any duly adopted plans for the Town, including the *Comprehensive Plan* and the Capital Improvement Program.

SECTION 1~~12~~13 ***Public Hearing Required***

The Planning Commission shall hold at least one public hearing within the Town after PUBLIC NOTICE on the proposed amendment. Such public hearing shall be warned in accordance with the requirements of ~~Title~~ 24~~,~~ V.S.A.~~, Section~~ § 4447.

At least fifteen days prior to the first hearing, a copy of the proposed amendment and any written report shall be distributed in accordance with ~~Title~~ 24~~,~~ V.S.A.~~, Section~~§ 4403(e).

SECTION 1~~12~~14 ***Planning Commission Submittal***

After the public hearing, the Planning Commission may make revisions to the proposed amendment and to any written report, and shall thereafter submit the proposed amendment and any written report to the Milton Select Board. Simultaneously with the submittal to the Select Board, the Planning Commission shall file a copy of the proposed amendment and any written report with the Town Clerk for public review.

SECTION 1~~12~~20 ***SELECT BOARD ACTION***

SECTION 1~~12~~21 ***Public Hearing Required***

The Select Board shall hold the first of one or more public hearings, after PUBLIC NOTICE in accordance with ~~Title~~ 24~~,~~ V.S.A.~~, Section~~ § 4447, on a proposed amendment not less than thirty nor more than 120 days after the amendment is submitted by the Planning Commission. Copies of the amendment and any written report of the Planning Commission shall be made available to the public upon request.

SECTION 1~~12~~22 ***Changes by the Select Board***

The Select Board may change the proposed amendment, but shall not do so less than 15 days prior to the final public hearing. If the Select Board at any time makes substantial changes in the concept, meaning or extent of the proposed amendment, it shall warn a new public hearing or hearings. If any part of the proposal is changed, the Select Board, at least 15 days prior to the hearing, shall file a copy of the changed proposal with the Town Clerk and with the Planning Commission. The Planning Commission may submit a report on the changed amendment to the Select Board at or prior to the public hearing.

SECTION 1~~12~~30 ***ADOPTION OF AMENDMENTS***

Any amendment to these Regulations shall be adopted only by a majority of the members of the Select Board after the final public hearing. The amendment shall become effective 21 days after adoption.

SECTION 1~~12~~40 ***FAILURE TO ACT***

If a proposed amendment is not approved or rejected within one year of the date of the final public hearing of the Planning Commission, it shall be considered disapproved. However, if a petition is filed within 60 days of the end of that year, which petition shall be signed by five percent of the voters of Milton, and which petitions

a meeting of the Town to consider the amendment, then a Town meeting shall be duly warned for the purpose of acting on the proposed amendment by Australian ballot.

SECTION 1~~1~~250 PROTESTS AGAINST AMENDMENTS

A written protest against a proposed amendment may be filed at least 15 days before the vote on the adoption of the amendment by: (1) five percent of the voters, (2) the owners of forty percent of the lots or area included in the proposed amendment, or (3) the owners of forty percent of the lots or area located outside the proposed amendment but within two hundred feet from the outer limits of lots included in the proposed amendment. If such a protest is filed, a proposed amendment shall become effective only when adopted by a two-thirds vote of all members of the Select Board.

SECTION 1~~1~~260 AMENDMENT BY PETITION

Notwithstanding the provisions of Section 1111.3, if a proposed amendment is supported by a petition signed by not less than five percent of the voters of Milton, the Planning Commission shall correct any technical deficiency and shall, without otherwise changing the amendment, promptly proceed in accordance with Section 1111 as if the amendment had been prepared by the Planning Commission. The Planning Commission shall also, after its final public hearing, promptly submit the amendment, with changes only to correct technical deficiencies, to the Select Board, together with any recommendation or opinion it considers appropriate.

SECTION 1~~1~~270 RECONSIDERATION OF PROPOSED AMENDMENTS

The Select Board shall not reconsider a proposed amendment to the OFFICIAL ZONING MAP if such amendment requests a change to the same zoning classification for the same lot, parcel, or portion thereof, for a period of one year from the date for final action of the prior request unless the Planning Commission recommends to the Select Board that such reconsideration be given, after the Planning Commission has found that either: (a) there has been a substantial change in the character of the area, or (b) evidence of factors or conditions exist which were not considered by the Planning Commission or the Select Board in previous deliberations which might substantially alter the basis upon which the previous determination us reached.

SECTION 1~~1~~280 RELATIONSHIP TO TITLE 24

Notwithstanding the provisions of this Article, all amendments to these Regulations shall be completed in accordance with the requirements of Title 24.

Resolution

TOWN OF MILTON

Amendments to the Town of Milton Zoning Ordinance

WHEREAS, the Milton Selectboard held duly warned public hearings on November 17, 2014 and December 15, 2014 at 6:00 p.m. to consider and address comments regarding the proposed amendments to the Zoning Ordinance as submitted to the Selectboard by the Planning Commission on October 20, 2014; and,

WHEREAS, The purpose of this set of amendments is to amend several sections of the Milton Zoning Regulations (main section numbers are listed here): Sections 140, 1010, 1012, Certificate of Compliance/Occupancy; Section 357, Conversion of Seasonal Dwellings; Section 393, Conditional Uses in the I2 Zoning District; Section 468, Conditional uses in the DB1 Zoning District; Section 520.4, Non-Complying Structure; Section 540, Number of Building on Lots; Section 580.7, Accessory uses; Section 801, Administrative Site Plan Review; Section 803.4, Submission of Site Plans and Supporting Data; Section 803.13, report of violations with Site Plan application submittal; Section 804, Special Provisions Applicable to the M1, M2, M4 and DB1 Zoning Districts; Section 819, Bicycle Parking Space; Section 853, PUD Bonus Density; Section 893, Elderly Housing Complex Standards; Section 1002.1, Complete Zoning Permit Applications; Section 1050, Violations and Penalties and Section 1100, Definitions; a new Section, Adult Oriented Businesses, Section 910, has been added; and

THEREFORE, BE IT RESOLVED, the Milton Selectboard, after consideration of the input received at the November 17, 2014 and December 15, 2014 public hearings, hereby adopts the amendments to the Milton Zoning Ordinance to become effective January 5, 2015.

Dated at Milton, Vermont this _____ day of _____, 2014

MILTON SELECTBOARD

_____
Darren Adams, Chairperson

_____
John Gifford, Vice-Chairperson

_____
John Bartlett, Clerk

_____
Brenda Steady

_____
Stuart King

Filed with the Milton Town Clerk's Office this _____ day of _____, 2014

Attest: _____
Milton Town Clerk

Public Works, Recreation, and Municipal Facilities Study

David Roy, Wiemann Lamphere Architects

Roger Hunt, Public Works Director

NOT FOR CONSTRUCTION

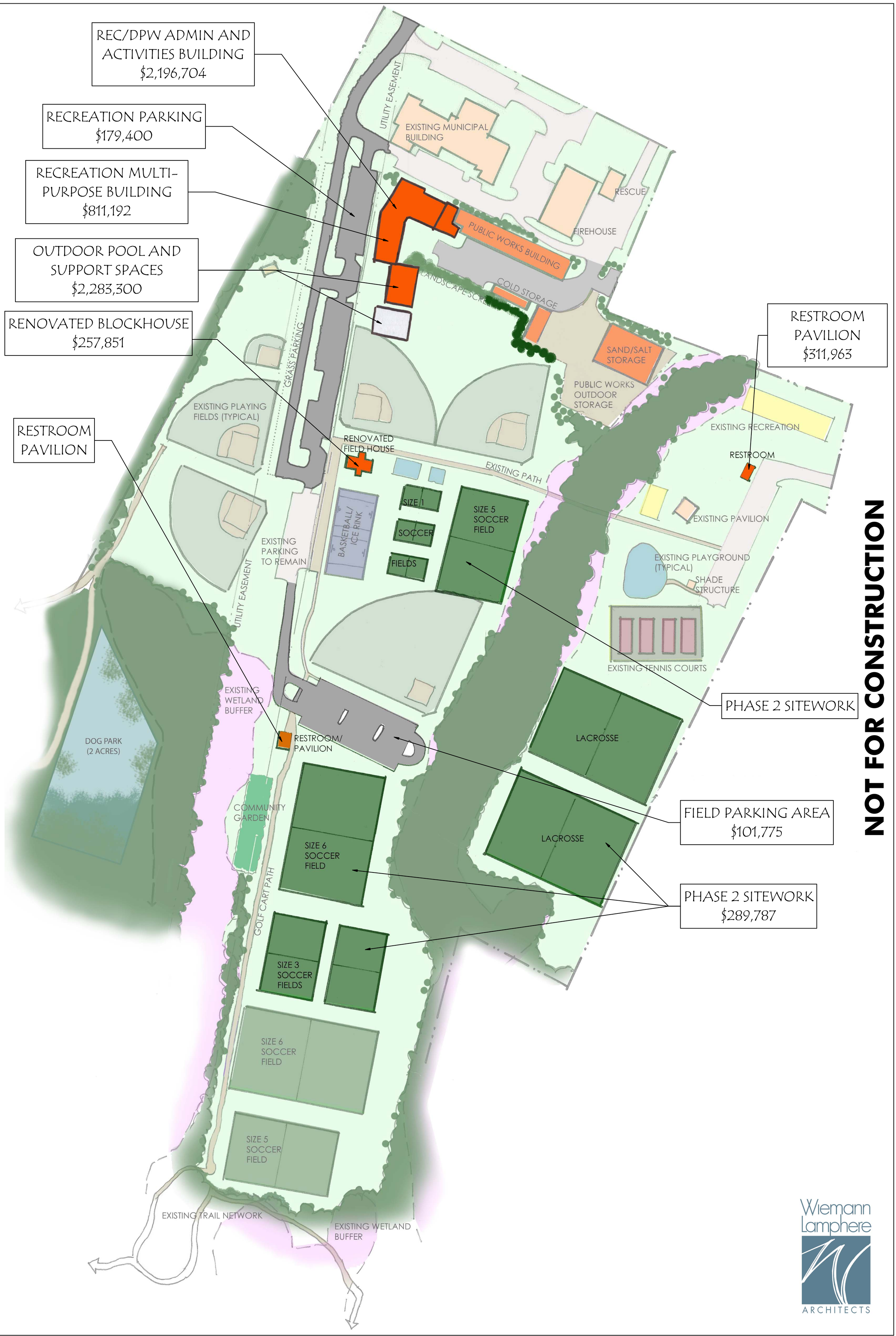
Wiemann Lamphere ARCHITECTS

Ownership of Instruments of Service

All reports, drawings, specifications, computer files, field data, notes and other documents and instruments prepared by the Consultant as instruments of service shall remain the property of the Consultant. The Consultant shall retain all common law, statutory and other reserved rights, including the copyright thereto.

MILTON PUBLIC WORKS FACILITY STUDY | MILTON, VERMONT | PHASE 1

525 Hercules Drive | Suite Two | Colchester, VT 05446 | P: 802.655.5020 | F: 802.655.6567 | wiemannlamphere.com



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Wiemann Lamphere ARCHITECTS

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525 Hercules Drive | Suite Two | Colchester, VT 05446 | P: 802.655.5020 | F: 802.655.6567 | wiemannlamphere.com

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Wiemann Lamphere ARCHITECTS

MILTON PUBLIC WORKS FACILITY STUDY | MILTON, VERMONT | PHASE 4

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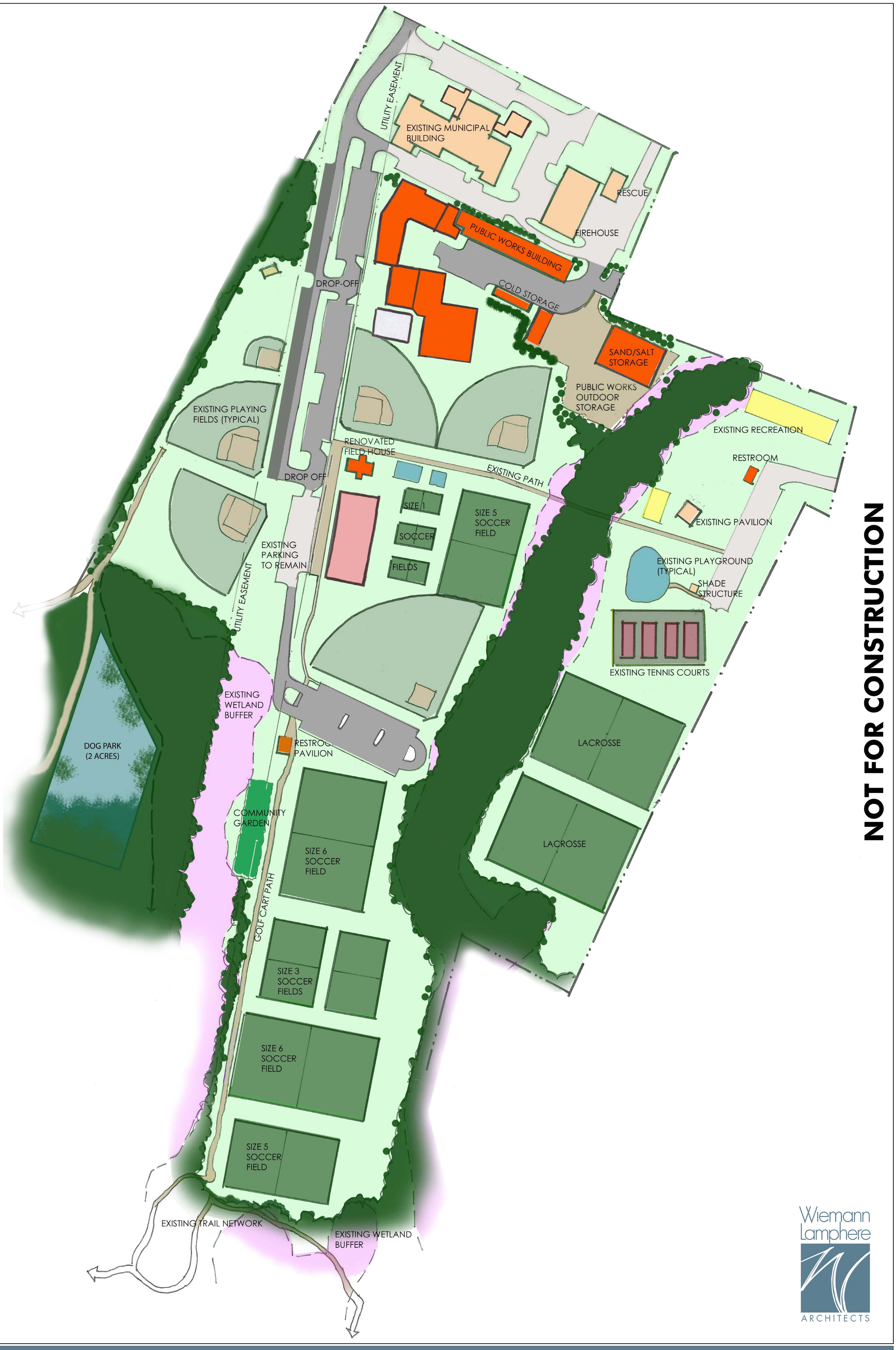

NOT FOR CONSTRUCTION

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						Breakouts				2015	2016	2020	2020	2025		Town Office	
Milton DPW and Recreational complex			**Wiemann Lamphere Architects**		Rec	PW	Fire	Muni	Tentative Phase I	Tentative Phase II	Ice Rink Bldg-Phase 3	Natatorium / Pool	Town Office Additions	Doublecheck Total	Area 1 Addition	Area 2 Addition
Milton, Vermont			12.9.2014													
Proposed New Building																
Project	**Buidlign Name**	**$/SF**	**Area**	**Estimate**												
1.00	DPW - Public Works facility	$145.80	13,350	$1,946,430.00			$1,946,430.00			$1,946,430.00							
2.00	Recreational - Mulit-purpose building	$125.28	6,475	$811,192.00		$811,192.00					$811,192.00						
3.00	Recreational / DPW - Administration/Activities building	$184.21	11,925	$2,196,704.25		$2,196,704.25					$2,196,704.25						
4.00	Salt Shed	$55.64	13,500	$751,090.00			$751,090.00			$751,090.00							
5.00	(2) Storage Sheds	$53.27	5,760	$306,831.00			$306,831.00			$306,831.00							
6.00	MB Renovations	$41.12	1,922	$79,043.00					$79,043.00	$79,043.00							
7.00	Fire and Rescue connection	$94.30	1,380	$130,137.00				$130,137.00		$130,137.00							
8.00	Block House Renovations	$107.44	2,400	$257,851.00		$257,851.00					$257,851.00						
9.00	(2) Restroom buildings	$205.51	1,518	$311,963.00		$311,963.00					$311,963.00						
10.00	Site - Phase 1*			$248,389.38		$248,389.38				$248,389.38							
	DPW Parking Area	$3.45	22,000	$75,900.00			$75,900.00			$75,900.00							
11.00	Site - Phase 2**			$289,787.62		$289,787.62					$289,787.62						
	Recreation parking area	$3.45	52,000	$179,400.00		$179,400.00					$179,400.00						
	Field Parking area	$3.45	29,500	$101,775.00		$101,775.00					$101,775.00						
12.00	Ice Rink Building	$167.00	35,800	$5,978,600.00								$5,978,600.00					
	Additional parking	$3.45	14,400	$49,680.00								$49,680.00					
13.00	Outdoor pool w/ support spaces	$295.00	7,740	$2,283,300.00									$2,283,300.00				
	Natatorium	$295.00	10,080	$2,974,608.00									$2,974,608.00				
14.00	Skate Park Facility	$10.00	14,400	$144,000.00		$144,000.00											
15.00	Town Office Addiitons															$936,000.00	$504,000.00
	Northwest addition (entry)	$180.00	2,800	$504,000.00					$504,000.00					$504,000.00			
	Northeast addition	$180.00	5,200	$936,000.00					$936,000.00					$936,000.00			
	Subtotal			**$20,556,681.25**		**$4,541,062.25**	**$3,080,251.00**	**$130,137.00**	**$1,519,043.00**	**$3,537,820.38**	**$4,148,672.87**	**$5,978,600.00**	**$5,257,908.00**	**$1,440,000.00**		**$936,000.00**	**$504,000.00**
	Builder GC and GR	7.50%		$1,541,751.09		$340,579.67	$231,018.83	$9,760.28	$113,928.23	$265,336.53	$311,150.47	$448,395.00	$394,343.10	$108,000.00		$70,200.00	$37,800.00
	Builder OHP	3%		$662,952.97		$146,449.26	$99,338.09	$4,196.92	$48,989.14	$114,094.71	$133,794.70	$192,809.85	$169,567.53	$46,440.00		$30,186.00	$16,254.00
	Builder Insurances	0.55%		$125,187.62		$27,654.50	$18,758.34	$792.52	$9,250.78	$21,544.88	$25,264.90	$36,408.93	$32,020.00	$8,769.42		$5,700.12	$3,069.30
	Builder P&P bond	1.00%		$228,865.73		$50,557.46	$34,293.66	$1,448.87	$16,912.11	$39,387.96	$46,188.83	$66,562.14	$58,538.39	$16,032.09		$10,420.86	$5,611.23
	Sub-total Construction Cost			**$23,115,438.66**		**$5,106,303.13**	**$3,463,659.93**	**$146,335.58**	**$1,708,123.26**	**$3,978,184.46**	**$4,665,071.76**	**$6,722,775.91**	**$5,912,377.02**	**$1,619,241.51**		**$1,052,506.98**	**$566,734.53**
	Inflation - 1 year (assume 3.0%)	3%		$693,463.16		$153,189.09	$103,909.80	$4,390.07	$51,243.70	$119,345.53	$279,904.31	$1,008,416.39	$886,856.55	$485,772.45		$31,575.21	$17,002.04
	Estimate Contingency	7%		$1,618,080.71		$357,441.22	$242,456.19	$10,243.49	$119,568.63	$278,472.91	$326,555.02	$470,594.31	$413,866.39	$113,346.91		$73,675.49	$39,671.42
	Total Construction Cost			**$25,426,982.53**		**$5,616,933.45**	**$3,810,025.92**	**$160,969.14**	**$1,878,935.58**	**$4,376,002.91**	**$5,271,531.09**	**$8,201,786.62**	**$7,213,099.97**	**$2,218,360.87**		**$1,157,757.68**	**$623,407.98**
	Site Acquisition Costs			$0.00		$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00		$0.00	$0.00
	Fixtures, Furniture and Equipment	1%		$254,269.83		$56,169.33	$38,100.26	$1,609.69	$18,789.36	$43,760.03	$52,715.31	$82,017.87	$72,131.00	$22,183.61		$11,577.58	$6,234.08
	Installation / Moving Costs	0.50%		$127,134.91		$28,084.67	$19,050.13	$804.85	$9,394.68	$21,880.01	$26,357.66	$41,008.93	$36,065.50	$11,091.80		$5,788.79	$3,117.04
	Permitting (x0055%)	0.01%		$139,848.40		$30,893.13	$20,955.14	$885.33	$10,334.15	$24,068.02	$28,993.42	$45,109.83	$39,672.05	$12,200.98		$6,367.67	$3,428.74
	Professional Fee's (x8.5%)	8.50%		$2,161,293.51		$477,439.34	$323,852.20	$13,682.38	$159,709.52	$371,960.25	$448,080.14	$697,151.86	$613,113.50	$188,560.67		$98,409.40	$52,989.68
	Owners Contingency (5%)	5%		$1,271,349.13		$280,846.67	$190,501.30	$8,048.46	$93,946.78	$218,800.15	$263,576.55	$410,089.33	$360,655.00	$110,918.04		$57,887.88	$31,170.40
	Renewable Energy Inititative(s) allowance					$50,000.00	$50,000.00					$150,000.00	$150,000.00				
	Administrative costs / Clerk of the Works (x1%)	1%		$254,269.83		$56,169.33	$38,100.26	$1,609.69	$18,789.36	$43,760.03	$52,715.31	$82,017.87	$72,131.00	$22,183.61		$11,577.58	$6,234.08
	Milton DPW and Recreational Center budget			**$29,635,148.14**		**$6,596,535.93**	**$4,490,585.21**	**$187,609.53**	**$2,189,899.42**	**$5,100,231.39**	**$6,143,969.49**	**$9,709,182.30**	**$8,556,868.01**	**$2,585,499.60**	**$32,095,750.79**	**$1,349,366.58**	**$726,582.00**
															**Includes annual escalation costs out through 2025		
*	Site Phase 1 - Field Relocation, Dog Park, Basketball Ct./Ice Rink																
**	Site Phase 2 - Future Rec Fields, Parking, Middle Road Field House/Restrooms																

TOWN OF MILTON, VERMONT

Legislative and Fiscal Analysis of Requested Selectboard Actions

Asphalt and Concrete Materials Recycling
Bid Award to McCullough Crushing, Inc.

Date: December 15, 2014

Legislative Analysis:
The purpose of this project is to recycle waste asphalt and concrete materials that have accumulated over many years, as a result of municipal and contracted projects within the Town of Milton. This program allows the Town to re-use/recycle this construction debris that would otherwise be disposed of at a landfill, thereby reducing both disposal and materials costs.

Bids were solicited through fourteen vendors known to provide crushing services, with two (2) responding as indicated on the bid form. Reference checks, and discussion with said contractor indicate that this work will be completed during this fiscal year.

The two bids received were in completely different contexts, as one bidder proposed to screen all of the material on site, then determine what products would need to be crushed at additional expense, versus the selected contractor wanting to exclude one end of the pile that should be screened and removed, then crushing the remaining concrete and asphalt into useable material.

Fiscal Analysis:
This project is a budgeted expense through the Capital Improvement Plan as project #: 430-080-S in an amount of $40,000.00 in a Capital Reserve Account. This project has been funded over the last two fiscal years, and has had an associated reduction in the line item of gravel materials in the general fund budget. The proposed contract price by the recommended bidder, McCullough Crushing, Inc., is $35,400.00. This will leave us enough money to rent a portable screen for two (2) weeks to remove and screen the unwanted materials.

Recommended Action:
To authorize the Town Manager to finalize the purchase and sales agreement and execute the necessary documents to award the contract to provide the Town with Asphalt and Concrete Materials Recycling in the amount of $35,400.00 to McCullough Crushing, Inc.

Prepared By: Dustin L. Keelty, Public Works Supervisor

Resolution

TOWN OF MILTON

Asphalt and Concrete Materials Recycling
Bid Award to McCullough Crushing, Inc.

WHERAS, the administrative Code duly adopted by the Selectboard of the Town of Milton effective July 1, 1997, requires competitive bidding whenever possible; and,

WHEREAS, the municipal staff solicited competitive bid proposals from 14 vendors on November 17, 2014 and advertised in the Milton Independent on November 19, 2014; and,

WHEREAS, two (2) qualified bidders, know to provide Crushing Services responded to said advertisement and provided complete bid proposals; and

WHEREAS, the successful qualified bidder being McCullough Crushing, Inc. has made a lump sum bid of $35,400.00 for crushing and recycling Asphalt and Concrete Materials, meeting the specifications in said bid.

THEREFORE, BE IT RESOLVED, by the Selectboard of the Town of Milton that McCullough Crushing, Inc. has successfully satisfied the requirements of the Town of Milton Administrative Code and hereby authorizes the Town Manager to finalize the purchase and sales agreement and execute the necessary documents to award the contract to provide the Town with Asphalt and Concrete Materials Recycling in the amount of $35,400.00

Dated at Milton, Vermont this ____ day of _____, 2014

MILTON SELECTBOARD

_____	_____
Darren Adams, Chairperson	**John Gifford , Vice-Chairperson**
_____	_____
John Bartlett, Clerk	**Stuart King**
_____	
Brenda Steady	

Filed with the Milton Town Clerk's Office this _____ day of _____, 2014

Attest: _____

Milton Assistant Town Clerk

BID TABULATION SHEET

Concrete & Asphalt Materials Crushing Bid closing date: 12/3/14 @ 2:00 pm
Bid Concrete & Asphalt Materials Crushing Expiration Date (Contract):
Opened by: Dustin Keelty, Bruce Trombly & Bev Chapman

Date: 12/3/2014 Time: 2:00 PM

Company/Agent's Name	Unit	Cost/Unit	Total Cost
McCullough Crushing		$5.90 – 1-1/4" Per Yd Crushed $5.50 – 1" Per Yd Crushed	
All Season's Excavating		$4.50 Per Yd Screened, plus crushing	

To be completed by the Department Head:

Recommend Award to:_____

Bid Award Amount $ _____

Budget FY Budget line item:

Signature of Department Head: _____

RECEIVED
DEC 03 2014
PUBLIC WORKS DEPARTMENT
MILTON, VERMONT

TOWN OF MILTON, VERMONT
Concrete and Asphalt Materials Crushing
BID FORM / BID ACCEPTANCE

Proposal of McCullough Crushing INC (herein after called BIDDER), organized and existing under the laws of the State of vermont, conducting business as a (corporation, partnership, or individual).

To Town of Milton (herein after called OWNER).

By submission of this BID, the BIDDER certifies that its BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

BIDDER agrees to hold its BID for sixty (60) calendar days from the date of receipt of BIDS, without withdrawing or revising its BID.

BIDDER acknowledges receipt of the following ADDENDA:

ADDENDUM NO. ___ DATED: _____
ADDENDUM NO. ___ DATED: _____

BIDDER agrees to perform all the WORK for the following lump sum:

Item Description	Unit	Quantity	Unit Price (Figures)	Extended Amount (Figures)
Crushing 1" Blacktop/cement	yd	+-6000	5.90	35,400.00
Crushing 1 1/4" asphalt/cement	yd	+-6000	5.50	33000.00

TOTAL CONTRACT PRICE IN FIGURES $ 1"-: 35,400.00 / 1 1/4"- 33,000.00

Please Note Attachment

TOTAL CONTRACT PRICE IN WORDS 1": Thirty five Thousand, Four Hundred dollars
1 1/4": Thirty Three Thousand dollars

The "TOTAL CONTRACT PRICE IN WORDS" is the basis for Bid Comparison.

BIDDER by signature below, presents this BID for consideration by the OWNER.

FIRM NAME: McCullough Crushing INC

ADDRESS: 548 McCullough Rd Middlesex, VT. 05602

PHONE #: 802-223-5693

FAX #: 802-229-4728

CONTACT PERSON (Print): Fred McCullough

EMAIL ADDRESS: VTcrusher@AOL.com

AUTHORIZED AGENT (Print): Fred McCullough

AUTHORIZED AGENT (Signature): Fred McCullough

DATE: 11/26/14

(Do not write below this line - for use by the OWNER)

The signature below acknowledges acceptance of the BID and award of a CONTRACT to the BIDDER, to perform the work. Compensation for the work to be performed shall be the "TOTAL CONTRACT PRICE IN WORDS". Compensation shall be:

WORDS: _____

OWNER ACCEPTANCE AND AWARD

OWNER: Town of Milton
43 Bombardier Road
Milton, VT 05468

AUTHORIZED AGENT (Print): _____

AUTHORIZED AGENT (Signature): _____

DATE: _____

McCullough Crushing Inc.
802-223-5693

McCullough Crushing, Inc.
548 McCullough Hill Road
Middlesex, VT 05602
Telephone: (802)223-5693
Fax: (802)229-4728

RECEIVED
DEC 03 2014
PUBLIC WORKS DEPARTMENT
MILTON VERMONT

Attachment!

PLEASE NOTE THIS bid IS CONTINGENT ON THE TOWN REMOVING SOME OF the unsuitable MATERIAL FROM the Site. This will Allow For A STAGING AREA FOR The Crushers AS well AS Removing CONTAMINATE FROM the Product AS discussed with Dustin at the 11/25 Pre Bid.

Thanks, Fred McCullough

FINAL ACCEPTANCE OF WORK

Agreement Date: _____

Project Name: _____

Completion Date per Agreement and Change Orders: _____

FINAL CERTIFICATION OF CONTRACTOR

I hereby certify that the Work as identified in the Final Payment for the Construction Contract dated _____, 20_____ represents full compensation for the actual value of Work completed. All Work completed conforms to the terms of the Contract and authorized changes.

Contractor: _____ Date: _____

Signature: _____ Title: _____

FINAL ACCEPTANCE OF OWNER

I, as representative of the Owner, accept the above Final Certifications and authorize Final Payment in the amount of
$_____ and direct the Contractor's attention to Terms and Conditions #6. The guaranty for all Work expires one (1) year from the date of this Final Acceptance (unless there are extended warranties as required elsewhere in the contract provisions).

Owner: _____ Date: _____

Signature: _____ Title: _____

UGH CRUSHING, INC.
cCULLOUGH HILL ROAD
DDLESEX VT, 05602

BURLINGTON VT 054

26 NOV 2014 PM 1

Energy Action Month

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Town of Milton
43 Bombardier Rd
Milton, VT 05468

oncrete And Asphalt Crushing

05468+3205

RECEIVED
DEC 03 2014
PUBLIC WORKS DEPARTMENT
MILTON, VERMONT

TOWN OF MILTON, VERMONT
Concrete and Asphalt Materials Crushing
BID FORM / BID ACCEPTANCE

Proposal of All Seasons Excavating + Landscaping Inc. (herein after called BIDDER), organized and existing under the laws of the State of Vermont, conducting business as a (corporation) partnership, or individual).

To Town of Milton (herein after called OWNER).

By submission of this BID, the BIDDER certifies that its BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

BIDDER agrees to hold its BID for sixty (60) calendar days from the date of receipt of BIDS, without withdrawing or revising its BID.

BIDDER acknowledges receipt of the following ADDENDA:

ADDENDUM NO. N/A DATED: _____
ADDENDUM NO. _____ DATED: _____

BIDDER agrees to perform all the WORK for the following lump sum:

Item Description	Unit	Quantity	Unit Price (Figures)	Extended Amount (Figures)

TOTAL CONTRACT PRICE IN FIGURES $ Please See Attached

TOTAL CONTRACT PRICE IN WORDS _____

The "TOTAL CONTRACT PRICE IN WORDS" is the basis for Bid Comparison.

BIDDER by signature below, presents this BID for consideration by the OWNER.

FIRM NAME: All Seasons Excavating + Landscaping, Inc.

ADDRESS: Po Box 96, Colchester VT 05446

PHONE #: 802-655-3976

FAX #: 802-655-1391

CONTACT PERSON (Print): Robby Mazza

EMAIL ADDRESS: asepit@aol.com

AUTHORIZED AGENT (Print): Robby Mazza, President

AUTHORIZED AGENT (Signature): Robby Mazza

DATE: 12-03-14

(Do not write below this line - for use by the OWNER)

The signature below acknowledges acceptance of the BID and award of a CONTRACT to the BIDDER, to perform the work. Compensation for the work to be performed shall be the "TOTAL CONTRACT PRICE IN WORDS". Compensation shall be:

WORDS: _____

OWNER ACCEPTANCE AND AWARD

OWNER: Town of Milton
43 Bombardier Road
Milton, VT 05468

AUTHORIZED AGENT (Print): _____

AUTHORIZED AGENT (Signature): _____

DATE: _____

All Seasons Excavating & Landscaping, Inc.
1607 Malletts Bay Avenue
P.O. Box 96
Colchester, VT 05446

Phone: 802-655-3976
Fax: 802-655-1391

RECEIVED
DEC 03 2014
PUBLIC WORKS DEPARTMENT
MILTON, VERMONT

December 3, 2014

Town of Milton
Public Works Department
Attn: Dustin Keelty
43 Bombardier Rd
Milton, VT 05468

Re: Concrete and Asphalt Materials Crushing

Dear Dustin,

It was good meeting with you last week to discuss your upcoming crushing work. After looking over the pile of materials that you have accumulated over the years and the order that they were piled in, we have come to the conclusion that the best approach to your project would be to screen the material first to separate the concrete, asphalt, rock, etc. By using this approach you would have a screened material to use as you see fit. From what we saw by eye, it looks like a fair amount of road gravel and plant mix was put in this pile over the years. It looks like 2,000 to 3,000 yards of material (1 inch minus) could be screened for use by the Town. If we ran into a section of more stone than fines, we could take sand from the surrounding bank and mix it in with the stone to make, as best possible, a usable material. After this process is complete you would have a much better idea on the amount of material you would have left over to crush. Perhaps at this point you might decide it's not really worth crushing the remaining material and that bringing it to a recycling facility might be the most suitable, cost effective move.

A. Screening by the yard - $4.50/yd (price includes a 50,000 lb excavator and a 3.5 yard loader)

B. A daily yardage count will be given to the Town at the end of the day.

C. Setup and mobilization is included in the per yard price.

Thank you,

Robby Mazza

Rob Mazza
President

Cell 343-1767

All Seasons Excavating & Landscaping
PO Box 96
Colchester VT 05446

RECEIVED
DEC 03 2014
TOWN MANAGER'S OFFICE
MILTON, VERMONT
9:56 AM
AJ

Town of Milton
Town Manager's Office
43 Bombardier Rd
Milton, VT 05468

BID DOCUMENTS
Concrete and Asphalt Materials Crushing
2:00PM 12/03/14

TOWN OF MILTON, VERMONT
Concrete and Asphalt Materials Crushing
REQUEST FOR BIDS
November 2014

Advertisement and Instructions to Bidders

You are invited to submit a bid for the "**Concrete and Asphalt Materials Crushing**", for the Town of Milton. Copies of the bid documents are available at the Town of Milton Public Works Office.

The sealed bid shall be received at the Town of Milton, Town Manager's Office, 43 Bombardier Rd., Milton, VT 05468 until 2:00pm on Wednesday December 3rd, 2014.

All bids shall be submitted in a separate sealed envelope and marked on the outside with the words "**Concrete and Asphalt Materials Crushing** ". All bids shall be mailed or delivered, prior to the announced time for opening of bids. Failure to submit bids on the required forms or on time may be cause for rejection of the bid.

Before submitting a proposal, bidders shall carefully examine the Request for Bids, visit the work site, and fully inform themselves as to all existing conditions and invitations. Bidders shall include in their bid a sum to cover the cost of all work described in the contract documents.

All bids must be made on the required Bid Form. No lines on the bid may be left blank.

An optional pre-bid meeting and site inspection is scheduled to be held at the former Town of Milton Landfill site 11:00 am on Tuesday November 25th, 2014.

Project Description

The Town of Milton is crushing an existing pile of approximately 8,000 cubic yards of mixed concrete and asphalt waste material located at the former Town of Milton Landfill site. It is estimated to be 90% asphalt and 10% waste concrete. The desired recycled product would meet a 1" minus specification, that has been screened by a magnet, and is suitable to used as road material.

Contents

The following information is attached and included in this Request for Bids:

- *Bid Form/Acceptance*
- *Certificate of Final Acceptance of Work*
- *Technical Specifications*
- *Project Plans*

Schedule

The Contractor shall commence the Work covered by this Contract on the date of issuance of the Notice to Proceed and shall complete the same within 210 calendar days, unless the period for completion is extended as provided for in the General Conditions.

Terms and Conditions

1. The work shall be performed in accordance with the attached plans and specifications.

2. The Contractor will furnish all of the materials and supplies, equipment, and labor and other services necessary in conformance with these contract documents for the construction and completion of the project as described.

3. The contract will be awarded based on the lowest responsible Total Contract Price in Words written on the Bid Form. The Town reserves the right to negotiate the work stated in this proposal as deemed necessary, to reject any and all bids, to waive any informality and to award a contract deemed to be in the best interest of the Town of Milton.

4. The Town of Milton is exempt from sales tax on products permanently incorporated in work. The Contractor may obtain sales tax exemption certificate number from the Town. The Contractor shall pay all legal costs and assessed penalties for improper use of exemption certificate number.

5. The Contractor shall perform and complete in good and workmanlike manner all work required in connection with the project. The Town may terminate this contract at its sole discretion for failure to complete the work in a satisfactory or workmanlike manner and/or failure to comply with instruction of the Town. In such events the Town shall be entitled to collect from the contractor any expenses in completing the work.

6. The Contractor guarantees for a period of one (1) year from the date of completion of the contract that the work is free from defects due to faulty materials or workmanship. The Contractor shall make the necessary corrections or repairs to correct any defects

7. The Contractor shall indemnify and save harmless the Town and the Town's agents and employees, from and against all losses and all claims, demands, payments, suits, actions, recoveries, claims of outstanding indebtedness, and judgments of every nature, and description brought or recovered against them by reasons of any act or omission of the said Contractor, its agents, or employees, in the execution of the work or in guarding the same.

8. The Contractor shall assume primary responsibility for the supervision of work and shall perform any liaison which the Owner deems necessary for the furtherance of this project.

9. The Contractor shall have full responsibility under this contract for any subcontracts which the Contractor may let.

10. The Contractor agrees not to sublet or assign this work without the written consent of the Town.

11. The contractor is responsible for compliance with all applicable State and Federal wage and labor laws.

12. Contractor certifies that it is in compliance with Federal Motor Carrier Safety Administration regulations for Controlled Substances and Alcohol Use and Testing and Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Parts 382 and 40, and that all employee drivers of Contractor who are required to have a

Commercial Drivers License and operate a Commercial Motor Vehicle, as defined in 49 C.F.R. Part 383, for the contracted service described in this agreement are currently participating in a drug and alcohol testing program pursuant to those regulations.

13. In order to protect the lives and health of its employees under the Contractor, the Contractor shall comply with all pertinent provisions of the Occupational Safety and Health Administration (OSHA) , Mine Safety and Health Administration (MSHA), any VOSHA Safety and Health requirements.

14. The Contractor alone shall be responsible for the safety, efficiency, and adequacy of its plant, appliances, and methods, and for any damages, which may result from their failure or their improper construction, maintenance or operation.

15. PAYMENT:
    a. Final payment shall be made to the Contractor when the Work is completed and accepted by the Town. The total amount of the payment shall be the amount of the Contract plus the value of all changes as reflected in approved contract change orders, excepting such sums as may be lawfully retained by the Town.
    b. All changes affecting the project's construction cost or length of time, or modifications of the terms or conditions of the contract, must be authorized by means of a written contract change order which is mutually agreed to by the Town and Contractor.
    c. In the case of a unit cost bid, payment shall be made based on the actual quantities used to complete the project. A contract change order will include extra work, for which quantities have been altered from those shown in the Bid Form, as well as decreases or increases in the quantities of installed units which are different from those shown in the Bid Form because of final measurements. All changes must be recorded on a contract change order before they can be paid. Changes for work, quantities, and/or conditions will include any respective time adjustment, if justified.
    d. When the contract sum is, in whole or in part, based on unit prices, the Town reserves the right to increase or decrease a unit price quantity as may be deemed reasonable or necessary in order to complete the work contemplated by the Contractor.
    e. For lump sum contracts, the Contractor is required to supply a schedule of values. Contract change orders shall be based on the schedule of values provided. Payment shall be based on a percent complete as agreed upon by the Contractor and the Town.
    f. A pay request shall be provided at least 10 calendar days before a scheduled Selectboard meeting for payment subsequent to the Selectboard meeting.

16. TERMINATION:
    a. The Town may, without cause and without prejudice to any other right or remedy, elect to abandon the project and terminate the contract. In such case, the Contractor shall be paid for all work executed.
    b. Upon completion or termination of the work, the Contractor shall remove from the vicinity of the work all equipment and all temporary structures, waste materials and rubbish resulting from its operations, leaving the premises in a neat and presentable condition. In the event of failure to do so, the same may be done by the Town at the expense of the Contractor.

17. INSURANCE:
    a. The Contractor shall purchase and maintain such insurance as will protect him from claims set forth below which may arise out of or result from the Contractor’s execution of the work, whether such execution be by himself or by any subcontractor or by anyone

directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable:

i. Claims under workmen's compensation, disability benefit and other similar employee benefit acts;
ii. Claims for damages because of bodily injury, occupational sickness or disease, or death or his employees;
iii. Claims for damages because of bodily injury, sickness or disease, or death of any person other than his employees;
iv. Claims for damages insured by usual personal injury liability coverage which are sustained (1) by any person as a result of an offense directly or indirectly related to the employment of such person by the Contractor, or (2) by any other person; and
v. Claims for damages because of injury to or destruction of tangible property, including loss of use resulting there from.

b. Certificates of Insurance acceptable to the Town shall be filed with the Town prior to commencement of the work. These Certificates shall contain a provision that coverage afforded under the policies will not be canceled unless at least fifteen (15) days prior written notice has been given to the Town.

Contacts

Any questions on this Request for Bids should be directed to:

Dustin L. Keelty
Public Works Supervisor
43 Bombardier Rd
Milton, VT 05468
(802)893-6030-phone
(802)893-1005-fax
dkeelty@town.milton.vt.us

TOWN OF MILTON, VERMONT
Concrete and Asphalt Materials Crushing
BID FORM / BID ACCEPTANCE

Proposal of _____ (herein after called BIDDER), organized and existing under the laws of the State of _____, conducting business as a (corporation, partnership, or individual).

To Town of Milton (herein after called OWNER).

By submission of this BID, the BIDDER certifies that its BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

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ADDENDUM NO. ___ DATED: _____

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Item Description	Unit	Quantity	Unit Price (Figures)	Extended Amount (Figures)

TOTAL CONTRACT PRICE IN FIGURES $ _____

TOTAL CONTRACT PRICE IN WORDS _____

The "TOTAL CONTRACT PRICE IN WORDS" is the basis for Bid Comparison.

BIDDER by signature below, presents this BID for consideration by the OWNER.

FIRM NAME: _____

ADDRESS: _____

PHONE #: _____

FAX #:

CONTACT PERSON (Print): _____

EMAIL ADDRESS: _____

AUTHORIZED AGENT (Print): _____

AUTHORIZED AGENT (Signature): _____

DATE: _____

(Do not write below this line - for use by the OWNER)

The signature below acknowledges acceptance of the BID and award of a CONTRACT to the BIDDER, to perform the work. Compensation for the work to be performed shall be the "TOTAL CONTRACT PRICE IN WORDS". Compensation shall be:

WORDS: _____

OWNER ACCEPTANCE AND AWARD

OWNER: Town of Milton
43 Bombardier Road
Milton, VT 05468

AUTHORIZED AGENT (Print): _____

AUTHORIZED AGENT (Signature): _____

DATE: _____

FINAL ACCEPTANCE OF WORK

Agreement Date: _____

Project Name: _____

Completion Date per Agreement and Change Orders: _____

FINAL CERTIFICATION OF CONTRACTOR

I hereby certify that the Work as identified in the Final Payment for the Construction Contract dated _____, 20_____ represents full compensation for the actual value of Work completed. All Work completed conforms to the terms of the Contract and authorized changes.

Contractor: _____Date: _____

Signature: _____Title: _____

FINAL ACCEPTANCE OF OWNER

I, as representative of the Owner, accept the above Final Certifications and authorize Final Payment in the amount of
$_____ and direct the Contractor's attention to Terms and Conditions #6. The guaranty for all Work expires one (1) year from the date of this Final Acceptance (unless there are extended warranties as required elsewhere in the contract provisions).

Owner: _____Date: _____

Signature: _____Title: _____

TECHNICAL SPECIFICATIONS

General Requirements

1. The entire work provided for in this Specification and on the Contract Drawings shall be constructed and finished in every respect in a good workmanlike and substantial manner. It is not intended that the Contract Drawings shall show every detailed piece of material or equipment, but such parts and pieces as may be in accordance with the best practices and regulatory requirements, even though not shown, shall be furnished and installed. All materials and equipment shall be new unless specifically stated otherwise in these Contract Documents.

2. Wherever possible throughout the Contract Documents, the minimum acceptable quality of workmanship and materials has been defined either by manufacturer's name or by reference to recognized industry standards. To ensure that the specified quality of product is furnished and installed in accordance with design intent, submittals of design data and materials shall be provided for review for compliance to the specification. The Contractor shall furnish the following submittals: **1" minus materials specification.**

3. The following tests shall be completed by the contractor and supplied to the Town: **No Testing Requirements.**
   No separate payment will be made for this item of work. The cost shall be included by the Contractor in the various other lump sum and unit price items in the project. Any required corrective actions as determined from testing shall be completed by the contractor at no additional cost.

4. The Contractor shall assume full responsibility for the protection of all buildings, structures and utilities (both public and private) whether or not they are show on the contract plans. All damage, injury or loss to any public or private property, by the Contractor, or any sub-contractor, shall be replaced or restored to at least the original condition to the satisfaction of the Town at the contractor's expense.

5. The work and the adjacent areas affected thereby shall be kept cleaned up so as always to be in a neat and sanitary condition and all rubbish, surplus materials, and unneeded construction equipment shall be removed and all damage repaired so that the public and property owners will be inconvenienced as little as possible.

Measurement for Payment

1. Each unit price or lump sum stated in the Bid Form shall constitute full compensation for all materials, labor, tools, equipment and incidentals thereto, to perform the work in accordance with the Contract Documents.

2. Payment for any item of work required by the contract drawings and specifications and/or normally required during the construction of the work herein specified, and not listed as a separate item in the Bid Form shall be considered as included in the lump sum and/or unit prices stated in the Bid Form and will not be paid for as a separate Item.

3. Technical Specifications - General Requirements are considered incidental to the cost of construction**.**

4. MEASUREMENT FOR PAYMENT:

   a. Lump Sum Item. This item shall be a lump sum bid item. This item shall include all material, labor, equipment and other incidentals necessary to Crush Recycled Concrete and Asphalt to a 1" minus product.

ADVERTISEMENT TO BID
TOWN OF MILTON

The Town of Milton is accepting proposals for Recycled Asphalt and Concrete Materials Recycling for our Public Works Department. For a copy of the Request for Proposal please contact the Public Works Office at 802/893-6030 or the Town's website, www.miltonvt.org. All proposals must be received in a sealed envelope in the Town Manager's Office by December 3rd at 2:00 p.m. Any questions concerning this proposal can be directed to Dustin Keelty, Public Works Superintendent at 893-6030.

TOWN OF MILTON, VERMONT 05468-3205

Town Manager's Office • 43 Bombardier Road • 802-893-6655 • FAX: 893-1005
bpalaia@town.milton.vt.us • www.miltonvt.org

MEMORANDUM

TO: Town of Milton Selectboard

CC: Brian Palaia, Town Manager

FROM: Erik Wells, Exe. Assistant to the Town Manager / HR Coordinator

RE: Early Retirement Incentive Program for Milton Police Department

DATE: December 15, 2014

Eligibility Requirements: All full-time represented members of MPBA who over the course of FY '15 or FY '16 will attain at least 20 years of service and will be at least 45 years of age on the Retirement Effective Date.

Incentive Window: The Town will accept up to one early retirement incentive from the rank of Sergeant or lower in the Milton Police Department in both FY '15 and FY '16. The effective date of a second retirement cannot be effective until at least a year from the first retirement.

Program Offerings: The program will offer a payment of $1,000 per month for 36 months.

Section 10. Early Retirement

The Board may periodically, as appropriate, consider the adoption of an early retirement plan. Such plan(s) may include eligibility characteristics such as, years of service, retirement age, and a balance between attractive yet affordable incentives. Such a plan may extend for a specific time and apply to eligible employees.

Section 11.Miscellaneous Provisions

Temporary, Part Time and Acting Appointments

The Manager may make temporary, part time or acting appointments without regard to this Compensation Plan except that in no instance shall the temporary, part time or acting employee receive a rate which is greater than the maximum rate paid to permanent employees in that classification.

Retention of Fees

All fees paid to any employee of the Town on account of services rendered by any part in the course of his/her official duties and which are so paid by virtue of any State or Federal Statute, or Municipal Ordinance, shall be, by the employee receiving them, paid into the Town Treasury. All such employees shall receive in lieu thereof, and in full payment for all services rendered by him/her in his/her employment, such wages as the Board may from time to time establish for such employees.

Pay Periods

Effective with the first pay period of the fiscal year 98 (July 1, 1997) Town employees are paid biweekly (26 pay periods per year) on Friday, for the two (2) week period, or portion thereof, ending the preceding Saturday. The pay period for Public works ends on Saturday at Midnight.

Memorandum

To: Selectboard

From: Erik Wells

Date: 12/15/2014

Re: **Information Technology Use Standards and IPad Use Policies**

The Information Technology Use Standards Policy (2014-4) & iPad Use Guidelines Policy (2014-05) were drafted in part by consulting the City of Montpelier's similar policy covering acceptable use of technology. In creating Policy 2014-05 it came to light that the Town's policy that covers acceptable computer use (99-02; now 2014-4) was also in need of a revision (the last revision took place in 2004). The Vermont League of Cities & Town's model employee policy (section 16) was also consulted in the revision, and I included organizational best practices I am familiar with. This policy has been renamed "Information Technology Use Standards," (2014-04) as a more contemporary title. The reference material I consulted is included.

The iPad Use Policy outlines the paperless meeting initiative and acceptable use of the iPads by users. The Town of Milton purchased Apple iPad Air2 Tablets for its five Member Selectboard and Town Manager as tools to improve efficiencies in governance through technology implementation. In using the tablet's functions and applications, the Town will look to streamline and enhance government processes by moving to a paperless meeting format and improving information exchange amongst board members by using digital mediums and innovations.

POLICY 2014-04

TO: **Town of Milton Selectboard**

CC: **Brian Palaia, Town Manager**

FROM: **Erik Wells, Exe. Assistant to the Town Manager / HR Coordinator**

RE: **Policy 99-02 as Revised 12/15/14- Information Technology Use Standards**

DATE: **December 15, 2014**

EFFECTIVE UPON ADOPTION BY THE SELECTBOARD

PURPOSE: This policy (first revision September 12, 2005 and this current iteration) is now renamed to change "computer" to "information technology." It protects and ensures the integrity of the Town of Milton's ("Town") data and information systems. Computers, telephones, tablets and any future telecommunication assets are the property of the Town, similar to other tangible assets. The ability of the Town to successfully serve the citizens and employees of Milton depends, in part, upon the continuing availability of computers, mobile devices, data, server space, website, social media platforms and software acquired for the purpose of conducting and administering the business of the Town. Whether online, interconnected or stand alone, these resources represent the municipal information technology system.

SCOPE: This policy applies to employees including full time, part time and temporary workers, independent contractors, consultants, and other workers at the Town, including all personnel associated with third parties. It also applies to volunteers elected or appointed to serve on Boards or Commissions. This policy applies to all the equipment that is owned, leased or registered by the Town. For example, computer hardware and software, internal network drives and related systems, the Town website, social media accounts, voice communication equipment, voice mail, operating systems, storage media, network accounts, email accounts and internet use information are the property of the Town. This list may not be all inclusive, and future assets should be listed in policy revisions. These systems are to be used by the Town as tools for municipal governance and administrative management in serving the interests of the public.

GENERAL USE: The Town information technology network is to be used for the purpose of conducting Town business. For employees, occasional, brief, and appropriate personal use of the Town computer system is permitted during a scheduled break, provided it is consistent with this policy and does not interfere with job duties or responsibilities.

All users should have no expectation of privacy regarding anything created, sent or received using the Town information technology network. The data created on Town systems remains the property of the Town. This includes documents, spreadsheets, presentations, web sites visited, etc… Due to the need to protect the Town's telecommunication and information networks, and for security and network maintenance purposes, third-party contracted service authorized personnel may monitor and need to repair equipment, systems and network configurations at times. The Town reserves the right to audit networks and systems for security and data protection purposes at any time. All files, documents, data and other electronic messages created, received or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Record Law.

CONFIDENTIAL INFORMATION, ACCESS, AND SYSTEM SECURITY:

1. Data that is confidential in nature will be properly stored on network drives and access regulated and protected by user authorization and permissions. This includes software programs used to analyze and manage this information (i.e. NEMRC). Examples of confidential information include but are not limited to: Financial, Employee personnel files and files relating to labor issues. Town Employees should take all necessary and reasonable steps to prevent unauthorized access to this information.
2. Employees should make a reasonable effort to save all necessary files on network drives to ensure the data is backed up. Data saved on user profiles and/or the local computer disk runs the risk of being lost or compromised.
    a. Network users shall keep their passwords secure and not share with other users. The Town Manager's Office may be granted access to files saved on user profiles and local computer drives in the event of an absence of the employee when the data is needed in a time sensitive manner.
3. Employees and Selectboard Members are provided with a Town email address (ending in @town.milton.vt.us). Board and Commission members are also provided with a Town email address (ending in @miltonvt.org). All personal email should be sent from a personal email account, reasonable exceptions (i.e. communicating with family members, partners, roommates, etc… for circumstances that warrant email communication using the Town address for quick access to users is acceptable). This is discretionary for users to determine.
    a. Remote access to Town email accounts is available through a web portal and mobile devices. If access to a Town email account is gained through a

personal device (i.e. smartphone or computer) the data transmitted via the email account is still the property of the Town. All security protocols outlined in this policy are subject to any remote access and use of a Town email account by a user.

b. Employees shall exercise extreme caution when opening email attachments received from unknown senders, which may contain viruses or other intrusive and harmful mechanisms. A software program scans email from questionable sources and provides the user with a summary.
c. It is recommended that employees change their password quarterly for added security.
    i. Users who have a confidential password to access the Town's operating system should be aware that that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person.
d. Town email addresses should not be used to manage personal accounts (i.e. banking, social media, online shopping websites).
e. Transmission of electronic messages on the Town computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence.
f. Email messages that are intended to be temporary, non-substantive communications may be routinely discarded. However, users must recognize that emails sent, received, or stored on the Town computer system are subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention schedule for municipal records.

PROCEDURE: Town technology shall not be used in any manner prohibited by law or disallowed by licenses, contracts, Town or departmental regulations. All employees share responsibility for protecting these files from abuse. The following list of examples of abuse is by no means exhaustive, but it is an attempt to provide a framework for activities which fall into the category of unacceptable use:

- Communication that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing or threatening;
- Unauthorized use of computer or related equipment;
- Attempting to access files other than one's own without permission;
- Interference with any computer system or another's use of any computer system;
- Using technology assets to send or receive messages that may indicate or suggest pornography, unethical or illegal solicitation, racism, sexism or inappropriate language;
- Visiting known pornographic internet sites or returning to pornographic internet sites once the context of the site is known;

- Using a Town technology asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws;
- Making fraudulent offers of products, items and services provided originating from a Town email account;
- Theft, use and distribution of illegally copied software;
- Intentionally damaging software, files or equipment;
- Creating or using software or email designed to destroy data and/or disrupt services;
- Unauthorized access to, or manipulation of service, router, server, hubs and other network resources;
- Modifying, changing or otherwise interfering with the physical and logical configuration of computer hardware and software without authorization;
- More than minimal use of technology, software and internet access for personal business;
- Using someone else's identify (user identification ID, name);
- Intentionally or unlawfully misrepresenting your identify or affiliation in electronic messaging communications;
- Distributing copyrighted materials by electronic messaging without consent from the copyright owner. Failure to obtain consent may violate federal copyright infringement laws and could subject the individual to civil liability or criminal prosecution;
- Downloading information of programs from the internet without following protocols for virus protection;
- Unless it is the employee's assigned job responsibility, providing information about or lists of Town employees, customers or voters to acceptable outside parties;
- Individuals who are neither Town Staff nor otherwise authorized individuals, are prohibited from using Town computing facilities;
- Any other use that may compromise the integrity of the Town and its business in any way.

Unauthorized use of the Town's resources is equivalent to the diversion of any other municipal resource. Under no circumstance will the Town computer resources be used for personal or financial gain.

ACTION: Access and utilization of Town information technology assets is a privilege. Individuals suspected of abusing the use of these assets by violation of these guidelines, related regulations, or laws will be subject to discipline (from Administrative Code, Chapter 15, Article 8- Employee Conduct and Disciplinary Procedures and, Article 9 Section 2 "Grounds for Dismissal and Separations" A-T, specifically, J, "unauthorized use of Town property or equipment.)"

Any employee who is uncertain whether a particular use of information technology assets is permitted should consult with their Department Head. Volunteers should consult with their staff liaison. Final determination as to the appropriateness of any use will be made in consultation with the Town Manager.

Each employee and volunteer of the Town of Milton using information technology assets as part of his/her position and/or appointment will receive a copy of this Policy. An acknowledgement will be signed and placed in the employee's/ volunteer's personnel file.

The Milton Selectboard, acting in regular session on December 15, 2014 voted in favor of the following:

"Voted in favor of the Town Information Technology Use Standards (2014-04) as outlined above." Further that this referenced Policy shall be part of the permanent record by attachment of the same to the Minutes of the aforementioned meeting."

Milton Selectboard

_____ _____

Darren Adams, Chairperson John Gifford, Vice-Chairperson

_____ _____

John Bartlett, Clerk Brenda Steady, Member

_____

Stuart King, Member

Filed with the Milton Town Clerk's Office this ___day of _____, 2014

Attest: _____

POLICY 2014-05

TO: **Town of Milton Selectboard**

CC: **Brian Palaia, Town Manager**

FROM: **Erik Wells, Exe. Assistant to the Town Manager / HR Coordinator**

RE: **Town of Milton Paperless Meeting Initiative and iPad Use Guidelines**

DATE: **December 15, 2014**

EFFECTIVE UPON ADOPTION BY THE SELECTBOARD

PURPOSE: The Town of Milton purchased Apple iPad Air2 Tablets for its five Member Selectboard and Town Manager as tools to improve efficiencies in governance through technology implementation. In using the tablet's functions and applications, the Town will look to streamline and enhance government processes by moving to a paperless meeting format and improving information exchange amongst board members by using digital mediums and innovations. This policy outlines the paperless meeting initiative and acceptable use of the iPads by users.

ARTICLE I- DEVICE SPECIFICATIONS:

November 2014- The initial start-up purchase of six (6) Apple iPad Air2 Tablets. The tablets can hold up to 16GB in storage and are duel Wi-Fi and cellular data compatible. The capability for cellular data plans exists if the Board deems their use necessary in the future. The lower storage capacity was selected because cloud document storage will be utilized so documents can be accessed on an "on-needed" basis.

In addition, AppleCare+ protection plans were purchased for each device. These are two-year protection plans. Storage cases and charging cables will be provided to users.

ARTICLE II- ACCEPTABLE DEVICE USE:

Each user will agree to abide by the terms outlined in the Town of Milton iPad Acceptable Use Policy as follows:

I. Objective

a. Tablet use is intended to optimize and streamline the governance process for the municipality by going paperless. Users will access meeting agendas and materials and collaboratively work on Town business.

i. The tablets, as tools purchased with taxpayer dollars, are not intended for personal use. Their purpose is a tool to aid in the governance processes of the Town.
    1. Tablet use will follow all the provisions set forth in Municipal Policy 2014-04 "Information Technology Use Standards."
ii. As Town property being used to conduct Town business, all information stored and data created on the tablets and in any cloud storage system designed are considered property of the Town of Milton.

II. <u>Centralized Device Management</u>

a. The Town will manage all device set-up and support. This includes:
    i. Installing all applications, either free or fee based. Each tablet will have the same applications installed.
        1. Application purchases will be made with the Town credit card. A system will be set in place to purchase an application once (when allowed) and then install on multiple devices to avoid added cost.
    ii. Settings and device configuration.
    iii. Aid in training and training resource materials.

III. <u>Term Use and Security</u>

a. Initially, iPads will be issued to Selectboard Members and the Town Manager. The user agrees to return the device and any issued accessories when his/her employ or term of office with the Town terminates.
    i. Any damage to the device should be reported to the Town Manager's Office in a prompt manner to ensure maximum damage coverage is utilized.
b. Users will be expected to bring their tablets to meetings fully charged and use them in lieu of paper packets. Paper packets will be provided on a transitional basis, or when otherwise expedient due to unforeseen circumstances. Meeting materials will be available in digital format each Thursday prior to a Board Meeting.
c. Users are expected to maintain a high level of security for device data and the equipment.
    i. A 4 digit access password, or PIN, must be established and set for iPad access by the user, and a record of the PIN securely stored in the Town Manager's Office for reference if needed.
    ii. Users must employ reasonable physical security measures to prevent devices from being lost or stolen.
    iii. The terms of this policy will apply to other elected and appointed individuals who are issued iPads for similar use in the future.

The Milton Selectboard, acting in regular session on December 15, 2014 voted in favor of the following:

"Voted in favor of the Paperless Meeting Initiative and iPad Use Guidelines (2014-05) as outlined above." Further that this referenced Policy shall be part of the permanent record by attachment of the same to the Minutes of the aforementioned meeting."

Milton Selectboard

_____	_____
Darren Adams, Chairperson	John Gifford, Vice-Chairperson
_____	_____
John Bartlett, Clerk	Brenda Steady, Member
_____	
Stuart King, Member	

Filed with the Milton Town Clerk's Office this ___day of _____, 2014

Attest: _____

POLICY

99-02 as revised

To: Select Board

cc: Staff

From: Sanford Miller, Town Manager

Re: Policy 99-02 As Revised September 12, 2005 - ~~Ethical Computer Use Policy~~ Info Technology Use Policy Standards

Date: September 12, 2005

EFFECTIVE DATE - Immediately

PURPOSE: This Policy is to protect and ensure the integrity of its data and information systems. Computers and electronic information are the property of the Town of Milton, similar to other tangible assets. The ability of the Town to successfully serve the citizens and employees of Milton depends, in part, upon the continuing availability ~~of adequate computing resources. These resources are comprised~~ of computers, ~~peripherals,~~ mobile devices, data ~~and~~ software acquired for the purpose of conducting and administering the business of the Town. Whether "on-line", interconnected or stand alone, these resources represent the municipal computing system.

reworded at beginning to put into context of revision

Added: Scope
General Use
Confidential Information, Access and System Security

PROCEDURE: Town computing facilities shall not be used in any manner prohibited by law or disallowed by licenses, contracts, Town or departmental regulations. All employees share responsibility for protecting these files from abuse.

~~Examples of abuse include, but are not limited to:~~ reworded preceding list

- communication that in any way may be construed by others....

- unauthorized use of computers or related equipment;
- attempting to access files or disks other than one's own without permission;
- interference with any computer system or another's use of any computer system;
- using the ~~computer facilities~~ technology assets to send or receive messages that may indicate or suggest pornography, unethical or illegal solicitation, racism, sexism or inappropriate language;
- visiting known pornographic Internet sites or returning to pornographic Internet sites once the context of the site is known;
- theft- use and distribution of illegally copied software;
- intentionally damaging software, files or equipment;
- creating or using software or e-mail designed to destroy data and/or disrupt

- violation of sexual harrassment or hostile workplace law
- fraudulent offers

services;

- unauthorized access to or manipulation of service, router, hubs and other network resources;
- modifying, changing or otherwise interfering with the physical and logical configuration of computer hardware and software without authorization;
- more than minimal use of computers, software and internet access for personal business;
- using someone else's identity (user identification ~~-~~ ID ~~-~~ name) ~~without permission;~~
- intentionally or unlawfully misrepresenting your identity or affiliation in electronic messaging communications;
- distributing copyrighted materials by electronic messaging without consent from the copyright owner. Failure to obtain consent may violate federal copyright infringement laws and could subject the individual to civil liability or criminal prosecution;
- "downloading" information or programs from the internet without following protocols for virus protection;
- ~~using memory media from non-Town P.C.'s without following protocols for virus protection;~~
- ~~accessing/downloading information which may violate the Town's harassment policy.~~ stated earlier to include sexual harrassment
- individuals who are neither Town Staff nor otherwise authorized individuals, are prohibited from using Town computing facilities.

unless employees assigned job responsibility providing information....

— Any other use that may compromise the integrity of the Town and its business

Unauthorized use of the Town's resources is equivalent to the diversion of any other municipal resource. Under no circumstance will the Town computer resources be used for personal or financial gain. ~~All Town developed applications, data, recording media and all resultant output remain the property of the Town of Milton.~~ previously stated in new sections

Action: Accessing the Internet from Town owned equipment is a privilege. Individuals suspected of abusing a computer facility by violation of these guidelines, related regulations, or laws will be subject to discipline (from ~~Personnel Manual Article 8~~ Administrative Code, Chapter 15, Article 8 Employee Conduct and Disciplinary Procedures and, Article 9

Section ~~4249~~ 7 "Grounds for Dismissal and Suspensions" A-T, specifically, J, " Unauthorized use of Town property or equipment".

~~Anyone~~ Any employee who is uncertain whether a particular use of computer facilities is permitted should consult with their Department Head. Final determination as to the appropriateness of any use will be made in consultation with the Town

Manager.

Each employee of the Town of Milton using a computer as part of his/her position will receive a copy of this Policy. An acknowledgement will be signed and placed in the employees personnel file.

POLICY: The Milton Select Board, acting in regular session on September 12, 2005 voted in favor of the following;

> "Voted in favor of the Ethical Computer Use Policy, with attachment(s), as outlined in Policy 99-02 Revised September 12, 2005, above.
>
> Further that this referenced Policy shall be part of the permanent record by attachment of the same to the Minutes of the aforementioned Meeting."

Selectboard:

Betty B. Thompson

David S. Fifield

Kenneth A. Nolan

Louis H. Mossey III

Filed with the Town Clerk this 13th day of September, 2005.

Attest: Loretta R. Demers

Asst. Clerk

The City of Montpelier Acceptable Use of Technology Policy

Purpose

The purpose of this policy is to outline the acceptable use of computer and voice communications equipment at City of Montpelier and the use of personal devices while accessing the City's network or servers. These rules are in place to protect the employee and the City of Montpelier. Inappropriate use exposes the City of Montpelier to risks including virus attacks, compromise of network systems and services, and legal issues. Effective security is a team effort involving the participation and support of every City of Montpelier employee and affiliate who deals with information, communication and associated operating systems. It is the responsibility of every employee to know these guidelines, and to conduct their activities accordingly.

Scope

This policy applies to employees including full time, part time and temporary workers, independent contractors, consultants, and other workers at City of Montpelier, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by City of Montpelier. For example, Internet/Intranet/Extranet-related systems, including but not limited to voice communication equipment, voice mail, computer equipment, software, operating systems, storage media, network accounts providing electronic mail, World Wide Web (WWW) browsing, and File Transfer Protocol (FTP), are the property of the City of Montpelier. These systems are to be used for business purposes in serving the interests of the City of Montpelier , and of our clients and customers in the course of normal operations.

Policy

General Use and Ownership

All municipal users should be aware that the data they create on City of Montpelier systems remains the property of the City of Montpelier. Because of the need to protect the City of Montpelier's telecommunication and information networks, the City does not guarantee the confidentiality of information stored on any system or network device operated by the City of Montpelier. For security and network maintenance purposes, authorized individuals within the City of Montpelier may monitor equipment, systems and network traffic at any time. The City of Montpelier reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

Security and Proprietary Information

1. The user interface for information contained on Internet/Intranet/Extranet-related systems should be classified as either confidential or non-confidential. Examples of confidential information include but are not limited to: Financial data;

Employee personnel files or data; files relating to labor issues, etc. Employees should take all necessary steps to prevent unauthorized access to this information.

2. Users must keep passwords secure and not share accounts. Authorized users are responsible for the security of their passwords and accounts. It is recommended that System level passwords should be changed quarterly and User level passwords should be changed every sixty days. Because information contained on portable computers is especially vulnerable, special care should be exercised to follow these recommended guidelines.
3. Employees are provided with a city email address (ending in @montpelier-vt.org). This address is for city business only and all personal email need to be sent and received under a personal email account. Postings by employees from a City of Montpelier email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of City of Montpelier, unless posting is in the course of business duties such as Muninet.
4. Remote access to the City's network and/or servers by devices owned by the employee should be used only in 'extreme need' situation. All hosts used by the employee that are connected to the City of Montpelier Internet/Intranet/Extranet, whether owned by the employee or City of Montpelier, shall be continually executing approved virus-scanning software with a current virus database. Unless overridden by a written departmental or group policy and approved by the City Manager.
5. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.
6. All Montpelier Police Department personnel shall abide by MPD policies: **Social Networking Policy, Valcour Work Flow Policy, and the CJIS Network Compliance Policies and Sub-Policies**, in addition to the City's Computer Use Policy. In the event of conflicting direction, the MPD policies shall supersede the City's policy.

Unacceptable Use

The following activities are, in general, prohibited. Employees may be exempted from these restrictions if during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services). However, under no circumstances is an employee of City of Montpelier authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing City of Montpelier-owned or leased resources.

All communications, including text and images, maybe disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. In addition, employees may not download any unauthorized software or attach any personal hardware to the City's telecommunication or computer equipment without prior authorization from the Information & Telecommunications Manager.

The lists following are by no means exhaustive, but it is an attempt to provide a framework for activities, which fall into the category of unacceptable use.

System and Network Activities

The following activities are strictly prohibited, with no exceptions:

a. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by City of Montpelier.
b. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which City of Montpelier or the end user does not have an active license is strictly prohibited.
c. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
d. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
e. Using a City of Montpelier computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws.
f. Making fraudulent offers of products, items, or services originating from any City of Montpelier account.
g. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access.
h. Executing any form of network monitoring which will intercept data not intended for the employee's host.
i. Circumventing user authentication or security of any host, network or account.
j. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
k. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
l. Unless it is the employee’s assigned job responsibility, providing information about or lists of City of Montpelier employees, customers, voters or taxpayers to parties outside the City of Montpelier.

Email and Communications Activities

The following activities are strictly prohibited, with no exceptions:

m. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically

request such material (email Spam or unauthorized and/or unsolicited electronic mass mailings).

n. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
o. Unauthorized use, or forging, of email header information.
p. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
q. Creating or forwarding "chain letters" or "pyramid" schemes of any type.

Mobile Devices

The purpose of this section of the policy is to define standards, procedures, and restrictions for end users who have legitimate business uses for connecting mobile devices to the City of Montpelier's network and data. This mobile device policy applies, but is not limited to, **all devices and accompanying medi**a that fit the following classifications:

- Smartphones
- Other mobile/cellular phones
- Tablets
- E-readers
- Portable media devices
- Portable gaming devices
- Laptop / notebook / ultrabook computers
- Wearable computing devices
- Any other mobile device capable of storing municipal data and connecting to the City's network.

The policy applies to any mobile hardware that is used to access municipal resources, **whether the device is owned by the user or by the organization**.

1. Employees using mobile devices and related software for network and data access will, without exception, use secure data management procedures. **All mobile devices must be protected by a minimum 4 digit password**; normally called a PIN.

2. All users of mobile devices **must employ reasonable physical security measures**. End users are expected to secure all such devices against being lost or stolen, whether or not they are actually in use and/or being carried.

3. Any non-municipal computers used to synchronize or back up data on mobile devices will have installed **up-to-date anti-virus and anti-malware software.**

4. Employees, contractors, and temporary staff will follow all enterprise-sanctioned data removal procedures to **permanently erase municipal-specific data from such devices once its use is no longer required**.

In the event of a lost or stolen mobile device, it is incumbent on the user to report the incident to IT immediately.

Social Media Guidelines (examples - LinkedIn, Facebook, Twitter, Google)

Employees that represent themselves as a City Official and/or City spokesperson with social media shall use the following principles:

1. **Reason.** Simply put: use reasonable etiquette, the same as you would offline.
2. **Represent yourself.** Anonymous profiles lend themselves to more negative content.
3. **Responsibility.** Make sure that what you're saying is factually correct, and also that it doesn't violate any legal guidelines.
4. **Respect.** What you say online is a permanent record, so don't say anything online you wouldn't feel comfortable saying to the whole office – with a camera rolling.
5. **Restraint.** Before you hit that send button, pause and reread. If you wouldn't want that particular thought or contribution forever associated with your name, don't post it.
6. **Timing.** If it is not work related don't use it during work hours.

   Note: These are good guidelines for personal uses of social media as well.

Enforcement

Any employee found to have violated this policy would be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including termination of employment.

I have received a copy of the City of Montpelier Acceptable Use of Technology Policy. I understand that it is my responsibility to know these guidelines and to conduct myself accordingly.

_____ _____ _____

Employee Signature Date Print Employee Name

tobacco in any form in all publicly owned buildings, offices and enclosed areas, and in all Town vehicles.[3]

Section 13: Performance Evaluations

Employees may be subject to job performance evaluations at such times and in such manner as the *[Town Manager/Selectboard]* or *[his/her or its]* authorized representative deems reasonable. The results of such evaluations will be submitted to the employee, the employee's supervisor, the *[Town Manager/Selectboard]* and will become a part of the employee's personnel file.

Section 14: Personnel Records

Personnel records will be maintained for each employee of the Town. In accordance with Vermont's Public Records Law, any employee or the employee's designated representative may inspect or copy his or her personnel file at a mutually agreeable time during regular office hours. The Town reserves the right to have its representative present at the time its files are examined or copied.

Section 15: Use of Town Equipment

Except as provided in Section 23, the use of Town equipment or property for personal use is strictly prohibited.

Section 16: Use of Town Computer System[4]

The Town computer system is to be used by employees for the purpose of conducting Town business. Occasional, brief, and appropriate personal use of the Town computer system is permitted, provided it is consistent with this policy and does not interfere with an employee's job duties and responsibilities.

Employees should have no expectation of privacy regarding anything created, sent or received on the Town computer system. The Town may monitor any and all computer transactions, communications and transmissions to ensure compliance with this policy and to evaluate the use of its computer system. All files, documents, data and other electronic messages created, received or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Law.

Employees may not introduce software from any outside source on the Town's computer system without explicit prior authorization from their supervisor. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system.

Employees who have a confidential password to access the Town's operating system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person.

Transmission of electronic messages on the Town computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence. The following are examples of uses of the Town computer system which are prohibited:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening:
- Communications of sexually explicit images or messages;
- Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non job-related solicitations during or after work hours;
- Access to Internet resources, including web sites and news groups, that are inappropriate in a business setting;
- Any other use that may compromise the integrity of the Town and its business in any way.

Email messages that are intended to be temporary, non-substantive communications may be routinely discarded. However employees must recognize that emails sent, received, or stored on the Town computer system are subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention schedule for municipal records.[5]

For purposes of this section, computer system means all computer-related components and equipment including, but not limited to, host computers, file servers, workstation terminals, laptops, software, internal or external communication networks, the world wide web (www), the Internet, commercial online services, bulletin board systems, back up systems and the internal and external e-mail systems accessed via the Town's computer equipment.

Section 17: Eligibility for Benefits[6]

The town offers the following group *[life, health, dental and short term/long term disability]* insurance programs for the benefit of its eligible full and part time employees.

- _____
- _____
- _____

Part-time employees who are regularly scheduled to work at least ___ hours a week are eligible to receive the above benefits on a prorated basis, subject to the eligibility requirements of the insurance carrier.

The town reserves the right to change insurance carriers, or to add, delete or amend insurance benefit programs in its sole discretion. The town also reserves the right to change the amount or percentage of its contribution to the cost of any group health insurance program. Employees will be provided with advance notice of any change in the contribution rate.

Town of Milton
Selectboard Meeting Minutes
December 1, 2014 6:00 PM Board Meeting
Community Room

Selectboard Members Present: Darren Adams, Chair; John Gifford, Vice Chair; John Bartlett, Clerk; Stuart King, and Brenda Steady

Selectboard Members Not Present:

Staff Members Present: Brian Palaia, Town Manager; Ann Janda, Management Fellow; Meghan Bellavance, Library Director; and Roger Hunt, Public Works Director

Others Present: Joe Duncan, Aldrich+Elliot Water Resources Engineers; Charlie Baker, Executive Director of Chittenden County Regional Planning Commission; and Michele Boomhower, Assistant/MPO Director of Chittenden County Regional Planning Commission

I. Call to Order – Adams called the meeting to order at 6:05 p.m.

II. Flag Salute – Adams led the attendees in a Salute to the Flag.

III. Agenda Review – Palaia asked to take E and C out of order. Adams asked to add item I regarding the Town's Legislative Breakfast on December 10.

IV. Public Forum –

V. Appointments/Resignations/Recognition

VI. New Business

A) Water Rate Study Report

Palaia said that the Town Staff and Board authorized a rate study earlier in the year to take a holistic look at the rate structure of Milton's Water utility now that we have gotten away from using the General Fund balance to sustain the Water Fund. Joe Duncan from Aldrich+Elliot Water Resources Engineers said Milton currently has a traditional set-up with a base rate and a quarterly reading. This is a pretty consistent method and he recommends that the Town stay with that. The study also found that 70% of the Water Utility costs are fixed. Duncan said that 30% of costs are recovered by base fees. About 10 to 15% comes in from connection fees. The rest comes from revenue. So the revenue is about 55% variable. If possible, it would be ideal to increase the base rate from 30% guaranteed revenue to more like 35 or 40% guaranteed revenue. Up until now, the Town has been using connection fees to make up the difference, but that should really be put into reserves in case of some major catastrophe or for use as capital reserves to fix capital deficiencies. Currently Milton's rates are in the middle of the pack compared to other nearby water service systems.

B) Everest Road Reconstruction Balancing Change Order, Certification of Work and Everest Road closeout

Public Works Director Roger Hunt stated that the Everest Road project exceeded the approved contract price by $17,333.30 due to the unexpected removal and replacement

of unsuitable materials. Also on the upper part of the curve there were several large tree stumps that had root systems intact, so when those were removed there was more area that needed to be filled. However, overall both projects moved quickly and caused a minimum of disturbance to residents. Hunt has received several compliments about it. The project still came in under budget.

Bartlett motioned to authorize the Town Manager to execute change Order #2, issue final payment in the amount of $156,020.30 to Ormand Bushey & Sons, Inc., and sign the Final Acceptance Certification, second by King. **Approved Unanimously.**

C) Chittenden County Regional Planning Commission Presentation

Charlie Baker and Michele Boomhower reviewed the services that the Chittenden County Regional Planning Commission (CCRPC) performs for Milton. Services include emergency planning, stormwater education, GIS assistance, byways, and transportation projects, which includes studies and project management. Baker said the CCRPC is interested in looking at Milton's proposals for projects in FY16 – due January 23rd. The CCRPC recently adopted a public participation plan that is federally mandated. The plan has a focus on low income and other underrepresented communities. In the next week or so, the CCRPC will send Town Selectboard Chairs an inquiry about interest in regional services to learn how the CCRPC can best serve muncipalities. Boomhower spoke about the Neighbor Rides program that coordinates volunteers to assist with transportation needs for disadvantaged older adults and persons with disabilities. Bartlett asked about new state road signs that are being hit by snow plows or are hidden by weeds, which he said makes us look bad as a state and wondered if there was a budget to address this. Boomhower said yes there is a budget, and she will bring that message back to VTrans. CCRPC's agenda for their legislative breakfast includes stormwater issues, the economy, workforce development, smart growth – the permitting system, and regional services sustainability. Adams asked about the timeline for the Hourglass decision. Boomhower said she thinks we will hear by the end of the month. The construction will take 4 to 5 years to complete. Boomhower said if it is an LTF project, it could move faster.

D) Water Storage Facility Plaque-Dedication Request

Palaia stated that Champlain Water District requested a plaque in honor of George Nelson, the long-time Water Commissioner for the Champlain Water District, be approved. The dedication is planned for December 19th at 2pm.

King motioned to authorize the new plaque honoring George Nelson, second by Steady. **Approved Unanimously.**

E) Request for $2,500 Line of Credit with Amazon Corporate Credit Account

Palaia stated that the Library Trustees requested a line of credit to realize cost savings through Amazon. The Town also makes a few purchases on Amazon and a line of credit would just simplify the process.

Gifford motioned to authorize a $2,500 line of credit with Amazon Corporate Credit for the Library, second by Bartlett. **Approved Unanimously.**

F) Vermont Community Development Grant Agreement

Palaia stated that the Champlain Housing Trust has set up a housing rehabilitation fund. Because the grant will pass through the Town of Milton, the Selectboard needs to authorize the Town Manager to sign the grant agreement paperwork.

Gifford motioned to adopt the resolution PM-1 to authorize the grant agreement for Vermont Community Development Grant and authorize the Town Manager to sign all the associated paperwork, second by Bartlett. **Approved Unanimously.**

G) Certificate of Project Completion – Bond for Village Sewer Expansion and 2001 Sutphan Tower Truck

Palaia said that this is a request to approve the completion of these projects and the associated paperwork for Vermont Bond Bank.

Gifford motioned to approve Vermont Municipal Bond Bank Certificate of Project Completion for the Village Sewer Expansion and the 2001 Sutphan Tower Truck as presented, second by Steady. **Approved Unanimously.**

H) Improvement Committee Resolution

Palaia said that this is a request for a resolution to accept the Improvements Committee recommendations. Gifford said that the resolution is a little ambiguous in terms of how much effort is needed. Palaia said that it is written to agree to put effort into the recommendations, but we may find that some items are just not realistic.

Gifford motioned to adopt the resolution acknowledging the recommendations and focus areas submitted by the Improvements Committee, second by King. **Approved Unanimously.**

I) Legislative Breakfast on December 10 at 8:00AM

Palaia stated that Milton's Annual Legislative Breakfast is scheduled for Wednesday, December 10, 2014. Breakfast will be provided and discussions will start around 8:15 a.m. in the Community Room at the Milton Municipal Building. This year, topics for discussion will likely include: Education Property Tax Reform, Transportation Project Needs, State Permit Reform, and Alternative Economic Development Programs. Each participant will also be allowed to introduce their priorities at the beginning of the meeting. All but three of our legislative delegation plan to attend.

VII. Old Business

VIII. Reconsideration – Nothing

IX. Manager's Updates

<u>Public Works</u>

- McMullen Road Sidewalk – Last month, the project received authorization to enter the ROW phase.
- Cherry Street Sidewalk – Design work is ongoing.
- Railroad Street Sidewalk –We have received the signed contract agreement from Vtrans. RPC is finalizing consultant arrangements

- Working on a project list to submit to the Regional Planning Commission for their Unified Work Program. They can provide funding for approved projects at 80%, the Town has to match 20%
- We had a follow up meeting with Toole Design Group based on the feedback regarding the trails/pathway scoping study discussed at the last meeting, they are getting some additional information and will be able to present a final recommendation in January
- The Route 7 Corridor Study Advisory Committee will be meeting next week in preparation for a 2nd public input session (hopefully in January but not later than February – depending on other agenda traffic)
- Committee assembled to review solar RFP responses, Ken Nolan, offered his assistance which should be valuable. I have been advised that negotiating contracts with solar companies can be challenging, ideally I'd like to have a recommendation before the Board in late January or early February, but we'll have to see how it goes.
- Recreation Commission met with consultant last month to give them feedback on revised facility plans, staff met with them following the meeting, they have included the additional items we discussed at the last meeting. The cost has tripled for all three improvements. They are going to plan to present the revised plan at our December 15th meeting. Staff will be working with the consultant to identify short and long term feasibility and need of improvements and phasing following that presentation.
- Received an updated cost memo for the Railroad Street/Middle Road/Route 7 intersection project. Five different scenarios were addressed. No significant cost difference to state to complete full hourglass if town share's 20% of cost as originally expected. Meeting with parties, VTrans, owner, RPC, and Town expected next week.
- Still expecting to hear on the Park & Ride grant this month.
- Single axle dump truck is being built, delivery expected this week

<u>Planning & Economic Development</u>

- TIF Rules had a semi-productive meeting with Vermont Economic Progress Council (VEPC) staff last week, addressed some of the changes we want. On a low note, they confirmed that these rules could be applied retroactively, although it is not VEPC's intention to do so, another state agency (like the tax department could). On a positive note, some of the rules on how a reappraisal affects the original taxable valuable may proof to be a windfall for the Husky/Catamount District and lower the need to refinance the debt on the wastewater plant in 2018.
- GBIC is working on a couple leads for the Catamount Park. Bove's is coming back for some desired design changes they want.
- Local Investment Advisory Committee – state law passed last session requiring more of the state's cash to be invested in local economic development programs. Was asked by the Treasurer's advisory committee to give them some ideas which seemed well received.

<u>Recreation</u>

- Holiday Tree Lighting: Looking at an evening the week of Dec. 9th at 6p.m.
- Winter/Spring 2015 Brochure will be out Jan. 7, 2105
- Budget Social: Milton Recreation Dept is happy to work with MFCC to provide childcare for this event on Sat, Jan. 24. Drop off at 9:30, pick up by 12:30. The Library community room has been secured for this.
- Winter Festival: The dates will be Feb. 13, 14 & 15.

- Mandatory Reporting: John Salter from DCF and Sally Borden from Kid Safe did a presentation for Town staff re: Mandatory Reporting policies and guidelines on Wed, Nov. 5. This was very beneficial and really helped answer questions and filled in gaps.
- Disengaged Youth: MCYC, MFCC and MHS spearheading this task force. Ben attended the first meeting (Wed, Nov. 12) and there were over 19 in attendance. Next steps are for the task force to meet with kids to get their input, report back to the group via email by the end of the year and then meet again in January. Ben will be setting up a time to meet with Lynne Manley at MHS and a group of students interested in spearheading a Skate Park. Will definitely keep you updated.
- Dog Park (Grant): Application sent October 7 (due Oct. 10). Still waiting to hear.

Other

- Recreational Trails Grant Opportunity – maximum award increased from $20K to $50K, will be coming up for consideration in January.
- Town Audit, still waiting to see management letter and get some data I need to complete the Management Discussion & Analysis, get an updated draft from last visit in October, will try to include audit review with the board during the special budget meetings we have in January. Got a bunch of follow up questions from the auditor today when I prompted them to respond.
- Village Cemetery Association Hearing tomorrow night
- Voluntary Compliance letters we discussed at the last meeting are getting some traction with property owners.
- Working on Budget to present at the next meeting
- Thank the *Milton Independent* for the Monster Mile Contribution to our summer programs

X. Potential and/or Future Agenda Items –

XI. Minutes of November 17, 2014

Gifford moved to approve the November 17, 2014 minutes as presented, second by Steady.
Approved Unanimously.

XII. Warrant/Report #11 and Supplemental Warrants

Bartlett reviewed the FY15 Warrant/Invoice Report #11 for Board orders in the amount of $339,343.83. Bartlett noted some items of interest:

- $29,922.10 to Blue Cross, Blue Shield for Town share employee health care premium
- $3,630.92 to Essex Rental for replacement of worn shaft and bearings on chipper
- $3,957 to LHS Associates for materials, labor and shipping ballots for 2014 general election
- $3,656.69 to Northeast Delta Dental for Town share of dental care premium
- $63,968.03 to Omega Construction for Algonquin Reef road intersection
- $156,020.30 to Ormond Bushey & Sons for Everest Road Reconstruction
- $7,841.58 to Stizel, Page, Fletcher P.C. for legal work on multiple issues/projects
- $19,000 to The Tech Group for bulk hour purchase (200 hours @ $95/hour through 12/31/17)
- $749.34 to Vision Service Plan CT for Town share of employee vision care premium

Bartlett moved to approve Warrant #11 for a total of $339,343.83, second by Gifford.
Approved Unanimously.

XIII. Executive Session per V.S.A. Title 1 Section 313

Gifford motioned that premature public knowledge about a personnel matter would cause the Town or person to suffer a substantial disadvantage, second by Bartlett. **Approved Unanimously.**

Gifford moved to enter into executive session to discuss a personnel matter under the provisions of 1 V.S.A. § 313 (a)(3) of the Vermont Statutes, second by Bartlett. **Approved Unanimously.**

Executive session began at 7:25 p.m.

Gifford motioned to adjourn Executive Session at 8:31 p.m., second by Bartlett. **Approved Unanimously.**

There were no actions as a result of the session.

XIV. Adjournment

Gifford moved to adjourn the meeting at 8:35 p.m., second by Bartlett. **Approved Unanimously.**

These proceedings were live-streamed and filmed by LCATV and audio-recorded by the Town.

Respectfully Submitted,

_____ Date: _____

John Bartlett, Selectboard Clerk

Filed with Milton Town Clerk's Office on this _____ day of _____, _____

ATTEST: _____ Milton Assistant Town Clerk

Reviewed 12/11/14 pre

By due date and vendor name for check acct 1(GENERAL FUND) and due dates 12/16/14 thru 12/16/14

Vendor PO Number	Invoice Number	Invoice Description	Account Number	Account Description	PO Amount	Invoice Amount	Check
17536 ADVANCE AUTO PARTS							
00003446	121614	Vehicle Maintenance	10-30-430-430.10	VEHICLE MAINTENANCE	1,196.22	1,196.22	
00003449	761943308281	General Supplies	10-30-430-612.00	GENERAL SUPPLIES	5.69	5.69	
					1,201.91	1,201.91	✓
17538 ADVANCED DISPOSAL							
00003445	U10000002777	Contracted Services	10-30-430-360.00	CONTRACTED SERVICES	302.50	302.50	✓
19000 BOND AUTO PARTS, INC.							
00001476	17-315151	General Supplies	55-20-420-612.00	GENERAL SUPPLIES	3.59	3.59	
00003441	17-315429	Vehicle Maintenance	10-30-430-430.10	VEHICLE MAINTENANCE	456.95	456.95	
					460.54	460.54	✓
19190 BOUND TREE MEDICAL							
00011832	1026	General Supplies	10-20-422-612.00	GENERAL SUPPLIES	79.09	79.09	✓
19001 BOWL NEW ENGLAND, INC							
00005592	1128-14	Bowling Scholarship Funds	10-50-000-347.22	AFTER SCHOOL BOWLING	500.00	500.00	
00005592	1128-14	Bowling Scholarship Funds	10-50-452-831.00	REVENUE PROGRAMS	2,450.00	2,310.00	
00005592	1128-14	Bowling Scholarship Funds	10-50-452-831.10	SCHOLARSHIP FR REV.PROG	560.00	270.00	
					3,510.00	3,080.00	✓
20500 BUILDING HOME CENTER INC							
00001521	440631	General Supplies	55-20-420-612.00	GENERAL SUPPLIES	11.59	11.59	✓
27806 BUSINESS CREDIT CARD SERVICES							
00008432	111814	Contingency	10-10-415-850.00	CONTINGENCY	179.94	179.94	
00008438	120514	Office Supplies	10-10-401-611.00	OFFICE SUPPLIES	10.59	10.59	
					190.53	190.53	✓
22750 CARGILL, INC							
00003402	2902016768	Winter Salt	10-30-430-601.10	WINTER SALT	16,249.17	16,249.17	✓
44085 CCP INDUSTRIES INC							
00001534	IN01389622	General Supplies	50-10-410-612.00	GENERAL SUPPLIES	190.00	188.67	
00001534	IN01389622	General Supplies	55-20-420-612.00	GENERAL SUPPLIES	190.00	188.67	
					380.00	377.34	✓
23262 CERTIFIED AMBULANCE GROUP, INC.							
	1214	Rescue	10-20-422-360.00	CONTRACTED SERVICES	0.00	540.59	✓
25190 CHAMPLAIN WATER DISTRICT							
	113014	Water Purchase CWD	50-10-410-411.10	WATER PURCHASE CWD	0.00	30,515.68	
00020026	NO INVOICE #	Due to Hookup-Water/Sewer	10-00-000-259.00	Due to Hookup- Water/Sewe	600.00	600.00	

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					600.00	31,115.68	✓
25930 CHITTENDEN COUNTY REGIONAL							
00008440	120814	Milton Sidewalk Scoping	38-30-430-450.27	Milton Sidewalk Scoping	1,503.62	1,503.62	
00008439	15-10-110	Rt 7/Middle/Railroad St	38-30-430-450.23	RT 7/MIDDLE/RAILROAD ST	1,285.34	1,285.34	
					2,788.96	2,788.96	✓
25760 CHITTENDEN COUNTY SUPERIOR COURT							
00004486	61714	Prof. Services-WWF99	55-72-420-330.05	PROFESSIONAL SERV-WWF99	55.00	55.00	
00004485	9514	Prof. Services- WWF99	55-72-420-330.05	PROFESSIONAL SERV-WWF99	55.00	55.00	
					110.00	110.00	✓
26250 CHITTENDEN SOLID WASTE DISTRICT							
	IVC021225	Technical Services	55-20-420-340.00	TECHNICAL SERVICES	0.00	4,316.98	✓
26422 CHOICE COBRA, LLC							
	RC030725	COBRA FEES	10-10-416-210.00	HEALTH INSURANCE - CHOICE	0.00	38.25	✓
26450 CHUCK'S HEATING & A/C INC							
00009201	J001644	Repair & Maintenance	10-30-432-430.00	REPAIR & MAINT-FACILITIES	1,355.00	1,355.00	
00009195	W13862	Repair & Maint-Facilities	10-30-432-430.00	REPAIR & MAINT-FACILITIES	225.00	225.00	
					1,580.00	1,580.00	✓
27266 CLAUSSEN'S ENTERPRISES, INC							
00009203	153400	Repair&Maint-Facilities	10-30-432-430.00	REPAIR & MAINT-FACILITIES	190.95	190.95	✓
27380 COMCAST							
	111814	Communication-Other	10-30-430-530.20	COMMUNICATIONS-OTHER	0.00	78.77	✓
28477 CVC PAGING							
	10301957	Communications-Other	10-20-420-530.20	COMMUNICATIONS-OTHER	0.00	16.50	✓
28543 CYR LUMBER							
00009184	DTD	General Supplies	10-30-432-612.00	GENERAL SUPPLIES	252.00	252.00	✓
29418 DESORCIE EMERGENCY PRODUCTS LLC							
00010937	11989	Vehicle/Equip. Maintenanc	10-20-421-430.10	VEHICLE/EQUIP MAINTENANCE	350.00	314.54	✓
30160 DRAZIN SAMUEL							
00051468	111314	Professional Programs	10-50-451-330.10	PROFESSIONAL PROGRAMS	225.00	225.00	✓
30237 EASTERN SYSTEMS INC							
00004480	00154053	Printing & Binding	10-10-413-550.00	PRINTING & BINDING	469.00	470.34	✓
32958 FISHER SCIENTIFIC							
00001527	1901565	General Supplies	55-20-420-612.00	GENERAL SUPPLIES	118.94	124.44	✓

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55941 FRANCIS, DENISE							
00005597	120214	Revenue Programs	10-50-452-831.00	REVENUE PROGRAMS	1,352.00	870.00	✓
34350 GALE/CENGAGE LEARNING							
	53721702	Large Print	10-50-451-640.35	BOOKS-LARGE PRINT	0.00	68.99	
	53791834	Large Print	10-50-451-640.35	BOOKS-LARGE PRINT	0.00	116.30	
					0.00	185.29	✓
34300 GALL'S INC							
00002893	002738171	Uniforms	10-20-420-650.00	UNIFORMS	357.37	357.37	
00002894	002755695	Uniforms	10-20-420-650.00	UNIFORMS	172.00	136.20	
					529.37	493.57	✓
34913 GEORGIA AUTO PARTS							
00003437	439062	Vehicle Maintenance	10-30-430-430.10	VEHICLE MAINTENANCE	54.35	54.35	✓
36907 GORDON BERNARD COMPANY, LLC							
00011842	97419	Donation Expense	10-20-422-850.00	DONATION EXPENSE	15.00	15.00	✓
36899 GRAYBAR ELECTRIC COMPANY, INC.							
00001523	975966090/2	General Supplies	50-10-410-612.00	GENERAL SUPPLIES	41.75	41.75	
00001523	975966090/2	General Supplies	55-20-420-612.00	GENERAL SUPPLIES	276.67	276.67	
					318.42	318.42	✓
37600 GREEN MOUNTAIN POWER							
	11202014	Electricity	10-30-432-622.50	ELECTRICITY - STREET LIGH	0.00	58.55	
	11212014	Electricity	10-30-432-622.00	ELECTRICITY	0.00	366.68	
	11212014	Electricity	10-30-432-622.50	ELECTRICITY - STREET LIGH	0.00	3,040.97	
	11212014	Electricity	50-10-410-622.00	ELECTRICITY	0.00	711.94	
	11212014	Electricity	55-20-420-622.00	ELECTRICITY	0.00	6,661.46	
					0.00	10,839.60	✓
37575 GREEN MOUNTAIN WATER ENVIRONMENT							
00001525	14-378	Professional Development	55-20-420-820.00	PROFESSIONAL DEVELOPMENT	330.00	330.00	✓
40700 INGRAM LIBRARY SERVICES							
00051451	2078638	Videos	10-50-451-640.50	VIDEOS	63.69	63.69	
00051452	60782267	Books-Juvenile	10-50-451-640.30	BOOKS-JUVENILE	577.53	577.53	
00051457	66542702	Videos	10-50-451-640.50	VIDEOS	37.48	37.48	
00051467	66543089	Books -Juvenile	10-50-451-640.30	BOOKS-JUVENILE	223.88	223.88	
					902.58	902.58	✓
41074 INTERSTATE AUTO SERVICE, INC							
	120214/11301	Cruiser Maintenance	10-20-420-430.10	VEHICLE MAINTENANCE	0.00	604.48	

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	120214/11301	Cruiser Maintenance	10-20-420-430.10	VEHICLE MAINTENANCE	0.00	105.17	
00001533	70784	Vehicle Repair & Maint.	50-10-410-430.10	VEHICLE REPAIR AND MAINTE	20.00	20.00	
00001533	70784	Vehicle Repair & Maint.	55-20-420-430.10	VEHICLE REPAIR & MAINTENA	20.00	20.00	
					40.00	749.65	✓
42550 J & B INTERNATIONAL TRUCKS INC							
00003426	C104263	Vehicle Maintenance	10-30-430-430.10	VEHICLE MAINTENANCE	3,590.00	3,590.90	
00003426	T33192	Vehicle Maintenance	10-30-430-430.10	VEHICLE MAINTENANCE	60.45	60.45	
					3,650.45	3,651.35	✓
49931 JOHNSON HARDWARE & RENTAL							
00009164	K90812	Other Employee Benefits	10-30-432-290.00	OTHER EMPLOYEE BENEFITS	127.49	127.49	✓
47216 LUCKY TRAILER SALES, INC							
00003420	PC3380	Vehicle Maintenance	10-30-430-430.10	VEHICLE MAINTENANCE	15.18	15.18	✓
49001 MCCULLOUGH CRUSHING, INC							
00003450	74494	Plant Mix / Gravel	10-30-430-602.20	PLANT MIX / GRAVEL	2,441.60	2,441.60	✓
49500 MCRAE AUTO SERVICE							
00011827	2704	Vehicle/Equip. Maintenanc	10-20-422-430.10	VEHICLE/EQUIP.MAINTENANCE	300.00	273.74	✓
32590 MIKE ALBERT LEASING INC							
00008436	120414	Vehicle/Equip. Maint.	10-10-416-430.10	VEHICLE/EQUIP MAINTENANCE	244.50	244.50	✓
48467 MILTON ACE HARDWARE LLC							
00009175	10437/4	1/2 Penny for Recreation	10-10-000-321.40	1/2 Penny for Recreation	112.09	148.45	
00009182	10644/4	Repairs Maintenance	10-30-430-430.00	REPAIRS MAINTENANCE	39.96	39.96	
00003428	10793/4	General Supplies	10-30-430-612.00	GENERAL SUPPLIES	63.52	63.52	
00001475	10838/3	General Supplies	50-10-410-612.00	GENERAL SUPPLIES	68.77	22.88	
00001475	10838/3	General Supplies	55-20-420-612.00	GENERAL SUPPLIES	0.57	10.99	
00009192	10911/4	General Supplies	10-30-432-612.00	GENERAL SUPPLIES	14.94	14.94	
					299.85	300.74	✓
53950 MILTON RENTAL & SALES CENTER INC							
00001477	01-331316-02	General Supplies	50-10-410-612.00	GENERAL SUPPLIES	1.32	1.32	
00001477	01-331316-02	General Supplies	55-20-420-612.00	GENERAL SUPPLIES	1.33	1.33	
00003429	01-331407-01	Repairs Maintenance	10-30-430-430.00	REPAIRS MAINTENANCE	16.77	16.77	
00003438	01-331969	General Supplies	10-30-430-612.00	GENERAL SUPPLIES	114.80	114.80	
					134.22	134.22	✓
53407 MILTON VETERINARY HOSPITAL INC							
00002897	307702	Canine Unit	10-20-420-890.00	Canine Unit	71.48	71.48	✓
54180 MINNESOTA LIFE INSURANCE CO							
	12012014	Life Insurance	10-10-410-210.30	GROUP LIFE INS & AD&D	0.00	54.00	

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Vendor PO Number	Invoice Number	Invoice Description	Account Number	Account Description	PO Amount	Invoice Amount	Check
	12012014	Life Insurance	10-10-412-210.30	GROUP LIFE INS & AD&D	0.00	49.32	
	12012014	Life Insurance	10-10-413-210.30	GROUP LIFE INS & AD&D	0.00	40.76	
	12012014	Life Insurance	10-20-420-210.30	GROUP LIFE INS & AD&D	0.00	246.41	
	12012014	Life Insurance	10-20-421-210.30	GROUP LIFE INS & AD&D	0.00	5.78	
	12012014	Life Insurance	10-20-422-210.30	GROUP LIFE INS & AD&D	0.00	12.85	
	12012014	Life Insurance	10-30-429-210.30	GROUP LIFE INS & AD&D	0.00	34.50	
	12012014	Life Insurance	10-30-430-210.30	GROUP LIFE INS & AD&D	0.00	72.01	
	12012014	Life Insurance	10-30-432-210.30	GROUP LIFE INS & AD&D	0.00	26.25	
	12012014	Life Insurance	10-50-451-210.30	GROUP LIFE INS & AD&D	0.00	26.76	
	12012014	Life Insurance	10-60-461-210.30	GROUP LIFE INS & AD&D	0.00	58.76	
	12012014	Life Insurance	50-10-410-210.30	GROUP LIFE INS & AD&D	0.00	27.39	
	12012014	Life Insurance	55-20-420-210.30	GROUP LIFE INS & AD&D	0.00	27.38	
					0.00	682.17	✓
66367 MOORE, ROD							
	112414	Equipment	10-20-422-740.00	MACHINERY/EQUIPMENT	0.00	104.95	✓
57350 NEW ENGLAND MUNICIPAL RESOURCE							
00004466	33155	Printing & Binding	10-10-413-550.00	PRINTING & BINDING	256.20	256.20	✓
57413 NEW HORIZON COMMUNICATIONS CORP							
	12162014	Phone Service	10-10-410-530.10	COMMUNICATIONS-TELEPHONE	0.00	24.14	
	12162014	Phone Service	10-10-410-530.10	COMMUNICATIONS-TELEPHONE	0.00	32.26	
	12162014	Phone Service	10-10-412-530.10	COMMUNICATIONS-TELEPHONE	0.00	24.14	
	12162014	Phone Service	10-10-413-530.10	COMMUNICATIONS-TELEPHONE	0.00	20.12	
	12162014	Phone Service	10-10-414-530.10	COMMUNICATIONS-TELEPHONE	0.00	20.12	
	12162014	Phone Service	10-10-417-530.20	COMMUNICATIONS-OTHER	0.00	318.84	
	12162014	Phone Service	10-20-420-530.10	COMMUNICATIONS-TELEPHONE	0.00	104.66	
	12162014	Phone Service	10-20-420-530.10	COMMUNICATIONS-TELEPHONE	0.00	138.70	
	12162014	Phone Service	10-20-420-530.10	COMMUNICATIONS-TELEPHONE	0.00	86.02	
	12162014	Phone Service	10-20-421-530.10	COMMUNICATIONS TELEPHONE	0.00	31.63	
	12162014	Phone Service	10-20-421-530.10	COMMUNICATIONS TELEPHONE	0.00	16.10	
	12162014	Phone Service	10-20-422-530.10	COMMUNICATIONS-TELEPHONE	0.00	12.07	
	12162014	Phone Service	10-20-422-530.10	COMMUNICATIONS-TELEPHONE	0.00	31.49	
	12162014	Phone Service	10-30-429-530.10	COMMUNICATIONS-TELEPHONE	0.00	4.02	
	12162014	Phone Service	10-30-429-530.10	COMMUNICATIONS-TELEPHONE	0.00	8.05	
	12162014	Phone Service	10-30-429-530.10	COMMUNICATIONS-TELEPHONE	0.00	32.27	
	12162014	Phone Service	10-30-430-530.10	COMMUNICATIONS-TELEPHONE	0.00	33.59	
	12162014	Phone Service	10-30-430-530.10	COMMUNICATIONS-TELEPHONE	0.00	4.02	
	12162014	Phone Service	10-50-451-530.10	COMMUNICATIONS-TELEPHONE	0.00	4.02	
	12162014	Phone Service	10-50-452-530.10	COMMUNICATIONS-TELEPHONE	0.00	4.02	
	12162014	Phone Service	10-60-461-530.10	COMMUNICATIONS-TELEPHONE	0.00	24.14	
	12162014	Phone Service	50-10-410-530.10	COMMUNICATIONS-TELEPHONE	0.00	31.49	
	12162014	Phone Service	50-10-410-530.10	COMMUNICATIONS-TELEPHONE	0.00	2.01	
	12162014	Phone Service	55-20-420-530.10	COMMUNICATIONS-TELEPHONE	0.00	31.49	
	12162014	Phone Service	55-20-420-530.10	COMMUNICATIONS-TELEPHONE	0.00	40.46	
	12162014	Phone Service	55-20-420-530.10	COMMUNICATIONS-TELEPHONE	0.00	31.89	
	12162014	Phone Service	55-20-420-530.10	COMMUNICATIONS-TELEPHONE	0.00	2.01	

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	12162014	Phone Service	55-20-420-530.10	COMMUNICATIONS-TELEPHONE	0.00	31.69	
	12162014	Phone Service	55-20-420-530.10	COMMUNICATIONS-TELEPHONE	0.00	67.63	
					0.00	1,213.09	✓
57495 NEW YORK CLEANERS							
	11302014	Dry Cleaning PO Uniforms	10-20-420-650.00	UNIFORMS	0.00	405.53	✓
18790 OFFICEMAX INC.							
00010936	3421	Machinery/Equipment	10-20-421-740.00	MACHINERY/EQUIPMENT	225.00	134.22	
00010933	3855	Technology	10-20-421-613.00	TECHONOLOGY	60.00	52.99	
					285.00	187.21	✓
60940 PALAIA, BRIAN							
	112514	Professional Development	10-10-410-820.00	PROFESSIONAL DEVELOPMENT	0.00	13.18	✓
61876 PIERCE JAMES & JESSICA							
	12082014	Town Tax Clearing	10-00-000-115.00	TOWN TAX CLEARING	0.00	721.45	✓
61900 PIKE INDUSTRIES, INC.							
00003400	788141	Asphalt	10-30-430-450.20	ASPHALT	1,211.25	1,211.25	✓
62670 PRIMMER PIPER EGGLESTON & CRAMER P							
	B04922-12275	Other Professional Servic	25-00-000-330.00	OTHER PROFESSIONAL SERVIC	0.00	250.00	✓
24501 R.R. CHARLEBOIS INC							
00004484	DTD	Tandem Axle Freight	38-30-430-750.00	2014 Tandem Axle Freightl	184,882.00	184,882.00	
00003422	IC86076	Vehicle Maintenance	10-30-430-430.10	VEHICLE MAINTENANCE	56.75	56.75	
					184,938.75	184,938.75	✓
62120 ROSEN'S UNIFORMS							
00002874	230281-1	Uniforms	10-20-420-650.00	UNIFORMS	385.50	385.50	
00002892	232749	Uniforms	10-20-420-650.00	UNIFORMS	176.00	176.00	
					561.50	561.50	✓
64722 ROUSE TIRE SALES INC							
00011843	1804	Vehicle/Equip. Maint.	10-20-422-430.10	VEHICLE/EQUIP.MAINTENANCE	1,575.00	1,459.44	
00010932	61512	Vehicle/Equip. Maint.	10-20-421-430.10	VEHICLE/EQUIP MAINTENANCE	700.00	716.76	
					2,275.00	2,176.20	✓
67300 ROWLEY FUELS INC							
	11252014	Fuel	10-20-421-625.00	DIESEL FUEL	0.00	146.85	
	11252014	Fuel	10-20-422-625.00	DIESEL FUEL	0.00	512.03	
	11252014	Fuel	10-30-430-625.00	DIESEL FUEL	0.00	5,098.32	
					0.00	5,757.20	✓
73588 SWEENEY DANNY							
	120514	CDL Endorsement	10-30-430-290.00	OTHER EMPLOYEE BENEFIT	0.00	47.00	✓

By due date and vendor name for check acct 1(GENERAL FUND) and due dates 12/16/14 thru 12/16/14

Vendor PO Number	Invoice Number	Invoice Description	Account Number	Account Description	PO Amount	Invoice Amount	Check
61943 SWISH KENCO LTD							
00009202	B081671/S	General Supplies	10-30-432-612.00	GENERAL SUPPLIES	375.88	375.88	✓
48700 SYMQUEST GROUP INC							
	862714	Photo Copier Maintenance	10-10-416-430.20	PHOTOCOPIER MAINTENANCE	0.00	238.60	
	865573	Monthly Copier Bill	10-10-412-430.20	PHOTOCOPIER MAINTENANCE	0.00	58.50	
					0.00	297.10	✓
76719 THE TECH GROUP, INC.							
00007142	65819	Machinery & Equipment	23-10-412-740.00	MACHINERY & EQUIPMENT	7,375.00	7,375.00	✓
76960 U.S. BANK EQUIPMENT FINANCE							
	267348357	Photocopier Maintenance	10-20-420-430.20	PHOTOCOPIER MAINTENANCE	0.00	136.92	
	267348357	Photocopier Maintenance	10-20-421-430.20	PHOTOCOPIER MAINTENANCE	0.00	8.18	
					0.00	145.10	✓
78210 UNIFIRST CORP							
	1647916/3	Rags/Mats/Uniforms	10-30-430-612.00	GENERAL SUPPLIES	0.00	32.84	
	1647916/3	Rags/Mats/Uniforms	10-30-430-650.00	EMPLOYEE UNIFORMS	0.00	40.73	
	1647916/3	Rags/Mats/Uniforms	10-30-432-442.20	BUILDING MAT RENTALS	0.00	32.13	
	1647916/3	Rags/Mats/Uniforms	10-30-432-650.00	EMPLOYEE UNIFORMS	0.00	17.05	
	1647916/3	Rags/Mats/Uniforms	50-10-410-650.00	EMPLOYEE UNIFORMS	0.00	18.15	
	1647916/3	Rags/Mats/Uniforms	55-20-420-650.00	EMPLOYEE UNIFORMS	0.00	18.15	
	1647917/2	General Supplies/Uniforms	10-30-430-612.00	GENERAL SUPPLIES	0.00	17.66	
	1647917/2	General Supplies/Uniforms	10-30-432-650.00	EMPLOYEE UNIFORMS	0.00	17.05	
	1647917/2	General Supplies/Uniforms	50-10-410-650.00	EMPLOYEE UNIFORMS	0.00	18.15	
	1647917/2	General Supplies/Uniforms	55-20-420-650.00	EMPLOYEE UNIFORMS	0.00	18.15	
	1649159/3	Rags/Mats/Uniform Rents	10-30-430-612.00	GENERAL SUPPLIES	0.00	23.66	
	1649159/3	Rags/Mats/Uniform Rents	10-30-430-650.00	EMPLOYEE UNIFORMS	0.00	40.73	
	1649159/3	Rags/Mats/Uniform Rents	10-30-432-650.00	EMPLOYEE UNIFORMS	0.00	17.05	
	1649159/3	Rags/Mats/Uniform Rents	50-10-410-650.00	EMPLOYEE UNIFORMS	0.00	18.15	
	1649159/3	Rags/Mats/Uniform Rents	55-20-420-650.00	EMPLOYEE UNIFORMS	0.00	18.15	
					0.00	347.80	✓
71063 US POSTAL SERVICE(POSTAGE BY PHONE							
	12042014	Postage by Phone	10-00-000-190.00	PREPAID POSTAGE	0.00	3,000.00	✓
75424 USTA							
00005624	12314	Dues & Fees	10-50-452-810.00	DUES & FEES	35.00	35.00	✓
82984 VCJTC							
00002837	141110702	Professional Development	10-20-420-820.00	PROFESSIONAL DEVELOPMENT	48.00	48.00	✓
49013 VERIZON WIRELESS							
	9735619109	Phone Bill	10-20-420-530.20	COMMUNICATIONS-OTHER	0.00	18.95	

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Vendor PO Number	Invoice Number	Invoice Description	Account Number	Account Description	PO Amount	Invoice Amount	Check
	9735619109	Phone Bill	10-20-421-530.20	COMMUNICATIONS-OTHER	0.00	33.66	
	9735619109	Phone Bill	10-20-422-530.20	COMMUNICATIONS-OTHER	0.00	126.62	
	9735619109	Phone Bill	10-30-429-530.20	COMMUNICATIONS-OTHER	0.00	60.57	
	9735619109	Phone Bill	10-30-429-530.20	COMMUNICATIONS-OTHER	0.00	60.57	
	9735619109	Phone Bill	10-30-429-530.20	COMMUNICATIONS-OTHER	0.00	16.81	
	9735619109	Phone Bill	50-10-410-530.20	COMMUNICATIONS-OTHER	0.00	40.01	
	9735619109	Phone Bill	55-20-420-530.20	COMMUNICATIONS-OTHER	0.00	40.19	
	9735619109	Phone Bill	55-20-420-530.20	COMMUNICATIONS-OTHER	0.00	40.18	
	9735912573	Homeland Security Grant	10-20-420-530.20	COMMUNICATIONS-OTHER	0.00	200.05	
					0.00	637.61	✓
80720 VERMONT GAS SYSTEMS INC							
	12192014	Natural Gas	10-30-432-621.00	NATURAL GAS	0.00	1,268.49	
	12192014	Natural Gas	55-20-420-621.00	NATURAL GAS	0.00	1,623.47	
					0.00	2,891.96	✓
81553 VERMONT TONER RECHARGE, INC.							
00006441	11939A	Office Supplies	10-60-461-611.00	OFFICE SUPPLIES	90.00	90.00	✓
83844 W.B. MASON CO INC							
00020025	I22085978	Office Supplies	10-30-429-611.00	OFFICE SUPPLIES	57.95	57.95	✓
85968 WESTFALIA SPEARATOR INC							
00001524	5586516912	General Supply	55-20-420-612.00	GENERAL SUPPLIES	1,786.00	1,812.41	✓
86543 WEX BANK							
	38936619	Gasoline	10-20-420-626.00	GASOLINE	0.00	3,976.65	
	38936619	Gasoline	10-30-429-626.00	GASOLINE	0.00	62.21	
	38936619	Gasoline	10-30-430-626.00	GASOLINE	0.00	182.60	
	38936619	Gasoline	10-60-461-626.00	GASOLINE	0.00	29.52	
	38936619	Gasoline	50-10-410-626.00	GASOLINE	0.00	177.19	
	38936619	Gasoline	55-20-420-626.00	GASOLINE	0.00	177.19	
					0.00	4,605.36	✓
68969 WIEMANN - LAMPHERE ARCHITECTS							
00004483	11579	Facilities Plan Update	38-30-432-440.00	Facilities Plan Update	1,200.00	1,200.00	✓
87159 XEROX BUSINESS SERVICE LLC							
	1099492	Technical	23-10-412-345.00	Technicial-Document Recor	0.00	1,719.85	✓

By due date and vendor name for check acct 1(GENERAL FUND) and due dates 12/16/14 thru 12/16/14

Vendor PO Number	Invoice Number	Invoice Description	Account Number	Account Description	PO Amount	Invoice Amount	Check
			Report Total			309,299.13	

THESE INVOICES HAVE BEEN APPROVED BY THE TOWN MANAGER ON THE FOLLOWING DATE:

_____ APPROVED ON ____/____/____
Brian M. Palaia, Town Manager

To the Treasurer of the TOWN OF MILTON:

We Hereby certify that there are sufficient vouchers
supporting the amounts owed to the above mentioned vendors.

Let this be your order for the payments of the amounts totaling $ ***309,299.13

SELECTBOARD:

Darren Adams, Chair	John C.Gifford, Vice Chair	John W. Bartlett,Clerk	Brenda Steady	Stuart King

GENERAL FUND

Account		Curr Yr Pd 6 Dec Encumbrances	Curr Yr Pd 6 Dec Actual
ASSET			
10-00-000-101.00	PEOPLE'S UNITED BANK CK	0.00	1,007,762.50
10-00-000-106.00	MILTON EMS RECEIPTS	0.00	353,166.14
10-00-000-110.00	PAYROLL CHECKING ACCOUNT	0.00	650.05
10-00-000-111.00	PETTY CASH-LIBRARY	0.00	25.00
10-00-000-112.00	CASH CHARGED FOR EVENTS	0.00	335.00
10-00-000-113.00	CHOICE CARE CHECKING	0.00	41,135.81
10-00-000-117.00	UTILITY CONTROL ACCT	0.00	1,725.56
10-00-000-119.00	UTILITY OVER PAYMENT	0.00	-1,673.06
10-00-000-120.00	Credit Card Checking Acct	0.00	2,217.47
10-00-000-122.00	PENALTIES REC-DEL TAXES	0.00	19,094.47
10-00-000-123.00	INTEREST REC-DEL TAXES	0.00	20,741.53
10-00-000-124.01	POLICE CONTRACTS RECEIVAB	0.00	15,275.50
10-00-000-124.10	CCTA BUS PASS RECEIVABLE	0.00	1,413.00
10-00-000-129..1	Allowance for Ambul	0.00	-86,000.00
10-00-000-129.10	ACCOUNTS REC - AMBULANCE	0.00	179,549.43
10-00-000-129.30	ACCTS REC-POLICE COPS GRA	0.00	21,941.78
10-00-000-129.40	A/R - SRO Officer Grant	0.00	7,159.43
10-00-000-131.00	TAXES CURRENT	0.00	14,704,337.24
10-00-000-132.00	Inventory	0.00	38,708.35
10-00-000-140.00	PRIOR YR DEL TAXES TOWN	0.00	259,076.27
10-00-000-143.00	DEL TAX PROPERTY SALES	0.00	-400.81
10-00-000-144.00	RESERVE-UNCOLLECTED TAXES	0.00	-19,000.00
10-00-000-146.00	DEFERRED TAX REVENUE	0.00	-350,000.00
10-00-000-170.00	DUE FROM/TO OTHER FUNDS	158,238.77	-926,844.84
10-00-000-190.00	PREPAID POSTAGE	0.00	7,383.22
10-00-000-192.00	PREPAID TAXES	0.00	-0.02
Total Asset		158,238.77	15,297,779.02
LIABILITY			
10-00-000-200.00	ACCRUED PAYROLL	0.00	-147,168.02
10-00-000-201.15	FICA PAYABLE	0.00	-9,662.90
10-00-000-201.25	PENSION PAYABLE	0.00	-7,740.92
10-00-000-201.30	MEDI PAYABLE	0.00	-2,259.87
10-00-000-210.00	ACCOUNTS PAYABLE	0.00	-293,633.43
10-00-000-222.15	Def Rev - Ambulance	0.00	-69,000.00
10-00-000-250.02	DUE TO SCHOOL CURRENT TAX	0.00	-10,131,542.74
10-00-000-250.03	DUE TO SCHOOL-LIQUOR LIC	0.00	-265.00
10-00-000-250.09	DUE TO FLAG TRUST	0.00	-1,000.21
10-00-000-250.10	DUE TO CSWD-BINS/TIRES	0.00	-170.12
10-00-000-250.11	DUE TO REC SCHOLARSHIPS	0.00	-1,755.51
10-00-000-252.01	DUE TO STATE/MARRIAGE LIC	0.00	-210.00
10-00-000-252.02	DUE TO STATE/DOG LICENSE	0.00	178.00
10-00-000-253.01	DUE TO GERMAINE TAX	0.00	-194.63
10-00-000-254.00	DUE TAXPAYER-TAX OVERPMT	0.00	-6.60
10-00-000-255.00	DUE TO HIGHWAY PERMITS	0.00	-400.00

Account	Curr Yr Pd 6 Dec Encumbrances	Curr Yr Pd 6 Dec Actual
10-00-000-256.00 DUE TO DEVELOPERS	0.00	-12,580.57
10-00-000-258.00 Due to Highway	0.00	-2,159.00
10-00-000-299.00 ENCUMBRANCE	-437,374.29	0.00
Total Liability	-437,374.29	-10,679,571.52
RESERVES		
10-10-000-321.40 1/2 Penny for Recreation	752.85	22,397.91
Total Reserves	752.85	22,397.91
BUDGETARY		
Total Budgetary	0.00	0.00
FUND BALANCE		
10-00-199-000.00 FUND BALANCE	0.00	-628,180.10
10-00-199-000.10 EMERGENCE MANAGMENT RESER	0.00	-71,474.34
10-00-199-000.20 RESERVED RESCUE	0.00	-1,184.27
10-00-199-000.30 HEALTH INS STABILIZATION	0.00	-156,721.87
10-00-199-000.40 RESERVED FUND BALANCE	0.00	-330,000.00
10-00-199-000.50 FD Equip-Village	0.00	-5,783.19
10-00-199-000.55 Riley Fund-Village	0.00	-525.99
Total Prior Years Fund Balance	0.00	-1,193,869.76
Fund Balance Current Year	278,382.67	-3,446,735.65
Total Fund Balance	278,382.67	-4,640,605.41
Total Liability,Reserves,Fund Balance	-158,238.77	-15,297,779.02