

# **Town of Millis**

## **Massachusetts**

### ***Zoning By-Law***

**Adopted Annual Town Meeting  
May 14, 1975**

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NOTE: The dates appearing in parentheses following various sections and subsections herein refer to the date or dates the section or subsection was amended or added.

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## **Section I Title and Authority**

This By-Law shall be known and may be cited as the "Millis Zoning By-Law", which herein is called "this By-Law", and is adopted by virtue of and pursuant to the authority granted the town by Chapter 40A of the General Laws of the Commonwealth of Massachusetts as now existing or hereafter amended (herein called "The Zoning Act").

## Section II Definitions

(Amended May 22, 1979)

(Amended May 14, 1980)

(Amended May 15, 1990)

(Amended May 10, 1999)

(Amended May 11, 1982)

(Amended May 18, 1985)

(Amended May 11, 1998)

For the purpose of this By-Law certain terms and words shall have the meaning given herein. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular; the words "building", "structure", "lot", "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory.

The word "person" includes a firm, association, corporation, organization, partnership, trust, company, or organization, as well as an individual. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied". The word "lot" includes the words "plot" or "parcel".

Abandonment: The visible or otherwise apparent intention of an owner to discontinue permanently a nonconforming use of a structure or premises, or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or structure by a conforming use or structure.

Accessory Family Unit: A dwelling within a single family structure for use by a person or persons related by blood or marriage to the person or persons who are both the legal owners of record and living on the premises of the single family structure.

Advisors: The Board of Selectmen, Department of Public Works, Board of Health, Conservation Commission or such others as the Planning Board shall consider to have special concerns in individual multi-family development proposals.

Adult Bookstore and Adult Motion Picture Theater: As defined in Section 9A of Chapter 40A of the Massachusetts General Laws.

Alteration: Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories, size, use, or location of a structure.

Appeal: A request for a review of the Board of Appeals' interpretation of any provision of this By-Law or a request for a variance or a special permit.

Applicant: The person submitting any application under the provisions of this By-Law including a firm, association, organization, partnership, trust, company or corporation, as well as an individual. A

representative may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporation.

Architect: A person who is permanently registered by the State of Massachusetts, or out-of-state registrant, who is legally permitted, on a temporary basis, by the State of Massachusetts, to practice professional architecture services in the Commonwealth of Massachusetts.

Area of special flood hazard: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Automatic Carwash: Any facility, its structures, accessory uses, paved areas or grounds used wholly or in part to wash and clean the exterior of passenger automobiles, vans, pick-up and panel trucks using conveyors to move the vehicle or equipment that moves over or around the vehicle or other automated equipment intended to mechanically wash such vehicles.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Buffer: An open space, landscaped strip, earth mounds or natural woodlands utilized to separate uses or to separate a Planned Development or Residential Cluster Development site from all boundary uses.

Building: A combination of any materials, whether portable or fixed, having a roof or similar covering, to form a structure for the shelter of persons, animals or property.

Building, Accessory: A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building Area: The aggregate of the maximum horizontal plane area of all buildings on a lot measured to their outer walls, but exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies, and terraces.

Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.

Building, Coverage: The building area expressed as a percentage of the total lot area.

Building, Detached: A building having open space on all sides.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Building, Semi-Detached: A building connected on one side to a building by a common or party wall with a separate exterior entrance for each dwelling unit.

Carrier: A company that provides personal wireless communication services.

Certificate of Use and Occupancy: A written form signed by the Inspector of Buildings certifying that the stated and described use, structure and/or lot conforms with this By-Law or, in the case of an appeal, with the written instructions of the Board of Appeals.

Co-location: The use of a single mount on the ground by more than one carrier.

Common Land: All land within the multi-family development tract or tracts which is not covered by principal structures or which is not set aside as private yards, patios, or gardens for residence. Common land includes all Common Open Space and any developed areas such as drives, ways, parking lots, recreation facilities or similar areas which are open to common use by all residents of the Multi-Family Development.

Common Open Space: A restricted parcel or parcels of land or an area of water, or a combination of land and water within a site, designed and intended for the common use and enjoyment of the residents of a Multi-Family Development, Planned Development or Residential Cluster Development, exclusive of rear, side and front yards, and owned or controlled as provided under Section XIII.B.3.p hereunder.

Community Facilities: Land and buildings owned, maintained and operated by a governmental or other chartered nonprofit organization, such as a school, hospital, or church, but not including a membership club or public utility.

Conceptual Plan: A generalized map that is prepared by a developer to let the developer save time and expense in reaching agreement with the Planning Board as to the form of the site plan and the purposes of Special Permit provisions of the Zoning By-Law. The purpose of the conceptual plan is simply to serve as a basis for discussion without either side making commitments.

Coverage Ratio: The average maximum proportion of impervious (building paving) ground coverage permitted per acre of land in a Planned Development or Residential Cluster Development.

Developer: The person, persons, corporation, trust firm or partnership or other legal entity who shall be responsible for the development of land and/or structure(s) or is charged with the execution of a Planned Development or Residential Cluster Development under this By-Law.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

Development Schedule: A schedule of the rate of construction of housing, business and industrial units and improvements.

Driveway: A way for passage of vehicles, located on a lot. Such way may be paved or unpaved, and shall not be more than twenty-four feet in width, and shall have as its principal purpose vehicle access to a garage or off-street parking area.

"Dwelling": A privately-or-publicly-owned permanent structure for residential occupancy. The terms "one-family, two-family, multi-family, condominium or cooperative dwelling" shall not include motel, guest house, hospital, membership club, trailer or dormitory.

Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including rooms for living, sleeping and eating.

"Dwelling, Multi-Family - Multi Dwelling Unit": A detached building or buildings, occupied by three or more families and including apartment house, garden apartment house, town house, multi-row house, condominium or cooperative.

Dwelling, One-Family: A detached building occupied by one family only.

Dwelling, Two-Family: A detached building occupied by not more than two families whether they live side-by-side, over each other, or in any other combination.

Engineer: A person who is permanently registered by the State of Massachusetts or out-of-state registrant who is legally permitted, on a temporary basis, by the State of Massachusetts, to practice professional civil engineering services in the Commonwealth of Massachusetts.

Essential Services: Services and appurtenant equipment and installations provided by public utility or governmental agencies through underground or overhead gas, electrical, telephone, sewerage, drainage, refuse, water, traffic, fire and police systems. Specifically excluded from this definition are building or overhead transmission towers.

'Fall Zone': A safety setback designed to protect adjacent areas from falling ice, debris or other objects.

Family: An individual or two or more persons related by blood or marriage living together as a single housekeeping unit and including necessary domestic help such as nurses or servants. A group of individuals not related by blood or marriage, but living together as a single housekeeping unit may constitute a family. For purposes of controlling residential density, each such group of five individuals shall constitute a single family.

Findings: A written report of a decision reached by the Special Permit Granting Authority as required by this By-Law.

Flood: A general and temporary condition or partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or

- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floodproof: Watertight with walls substantially impermeable to passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

"Floodway": The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Net: The sum of the areas of the several floors of a building, measured from the exterior faces of the walls but not including cellars, enclosed or unenclosed porches, attics not used for human occupancy, or any floor space in accessory buildings or in the principal building designed for the parking or motor vehicles in order to meet the parking requirements of this By-Law.

Height: The vertical distance from the average of all sides of the adjacent ground measured at the foundation to the top of the structure of highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof.

Home Occupation: An accessory use which customarily is carried on entirely within a dwelling unit, incidental and subordinate thereto, and is carried on by the occupants of the building and not in any manner changing the residential character of the building.

Homeowner's or Resident's Association: A legal organization approved by this By-Law composed of all resident owners in a Multi-family Development, Planned Development or Residential Cluster Development responsible for owning or maintaining common property, providing for compulsory membership for such residents, equitable voting rights and effective participation opportunities.

Hospital: A building providing medical service, including 24-hour in-patient services used for the diagnosis, treatment, or other care of human ailments and may include a sanitarium, sanatorium, rest home, nursing home, or convalescent home. Not to be interpreted to include a doctor's office (see "Medical Clinic").

Hotel: A building or any part of a building containing rooming units with or without individual cooking facilities for transient occupancy and having a common entrance or separate entrances including an inn,

motel, motor inn, and tourist court, but not including an apartment house, boarding house, lodging house, or rooming house.

Juice Bar: A place of business for the retail or wholesale sale of beverages derived wholly or in part from cereals or substitutes thereof and containing less than one half of one percent of alcohol; unfermented grape juice, ginger ale, root beer, sarsaparilla, tonic, pop, artificial mineral waters, carbonated waters or beverages, all other so-called soft drinks, fruit juices or frozen concentrates thereof and non-intoxicating beverages of any kind, whether pursuant to an admission charge or not, and whether designated a public gathering place, a private club or otherwise, and whether entertainment of any kind is provided or not, into which patrons are either allowed or encouraged to bring their own liquor, beer, wine or other spirituous beverages. The term "Juice Bar" shall not include those premises licensed as common victuallers pursuant to G.L. Chapter 140, ss. 1 through 21, inclusive, those premises licensed for the sale of certain non-intoxicating beverages pursuant to G.L. Chapter 140, ss. 21A through 21D, inclusive, or premises licensed for the dispensing of alcoholic beverages pursuant to G.L. Chapter 138.

Land Area: The horizontal area of the lot exclusive of any area in a public or private way open to public use.

Land Improvement: An improvement involving the allocation of certain lands and/or buildings for utilization by the public.

Landowner: The record owner of the fee simple title to a parcel, tract of lot of land.

Landscape Architect: A person who is permanently registered by the State of Massachusetts, or out-of-state registrant who is legally permitted, on a temporary basis, by the State of Massachusetts, to practice professional landscape architecture services in the Commonwealth of Massachusetts.

Loading Space: An off-street space at least 14 ft. in width, 50 ft. in length, and with a vertical clearance of at least 14 ft., having an area of not less than 1,300 sq. ft., including access and maneuvering space.

Lot: A parcel of and with boundaries identical with those recorded in the Norfolk Registry of Deeds and having frontage on a public street and may consist of:

- a. A single lot of record.
- b. A combination of complete lots of record.
- c. A parcel of land described by metes and bounds; provided that in case by division or combination shall any residual lot or parcel be created which does not meet the requirements of this By-Law.

Lot, Corner: A lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection of the street lot line, or in case of a curbed street extended tangent lines, being not more than 135 degrees.

Lot Depth: The shortest horizontal distance between the front lot line and the rear lot line.

Lot Frontage: The distance measured along the front lot line between the points of intersection of the side lot lines with the front lot line(s) (measured so as every point along the line is at the same elevation).

Lot Line, Front: The property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line, except in those cases where a private deed restriction specified another line as the front lot line.

Lot Line, Rear: The lot line opposite from the front line. For the purposes of measuring lot depth in the case of a triangular lot, the rear lot line shall be a line measured from the midpoint of the longest side lot line, and parallel to the front lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot, Nonconforming: A lot lawfully existing at the effective date of this By-Law or any subsequent amendment thereto, which is not in accordance with all provisions of this By-Law.

Lot, Through: An interior lot, the front and rear lot lines of which abut streets, or a corner lot two opposite lines of which abut streets.

Lot, Width: The shortest horizontal distance between the side lot lines as measured at the required front yard setback. Lot width shall measure a minimum of 80 percent of the required lot frontage.

Low and Moderate Income Housing: A residential structure or structures constructed and financed for the purpose of providing ownership or rental living space for persons who qualify under Town of Millis Housing Authority and State of Massachusetts eligibility requirements as low and moderate income households.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision: A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent, lease, or sale.

Mean Sea Level (MSL): The mean marine surface water level observed over a specific 19-year metonic cycle (the National Tidal Datum Epoch), expressed in feet, and referenced to National Geodetic Vertical Datum of 1929 (NGVD). For purposes of the National Flood Insurance Program, "mean sea level" means the NGVD to which base flood elevations shown on the Town of Millis, Massachusetts, Flood Insurance Rate Map are referenced.

Medical Clinic: Building providing out-patient services used for the diagnosis, treatment, or other care of human ailments.

Membership Club: A building used to house a nonprofit social, veterans, sports, or fraternal organization not connected or associated with any business, which is used by members and their guests, and usually contains bar facilities.

Monopole: A self-supported tower designed as a single pole with a single point of ground contact.

Multi-Family Development: The construction of one or more buildings or other structures, each of which is divided into three or more residential dwelling units, and which may be located upon one or more lots.

Municipal Services: Public utilities furnished by the Town in which a development is located, such as water, sewerage, gas and electricity.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Non Residential Uses: Uses other than residential intended to be utilized in conformance with an approved Planned Development Application.

Open Space: Land area which is not covered by buildings or impervious material.

Open Space Ratio, Common: The minimum number of square feet of open space required per dwelling unit in a Residential Cluster Development.

Owner: The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure, or lot in question.

Parking Space: An off-street space at least 9 ft. in width and 21 ft. in length, having an area of not less than 189 sq. ft., plus access and maneuvering space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle.

Permit Granting Authority: Shall mean the Board of Appeals of the Town of Millis, Massachusetts.

Personal Wireless Communications Facilities: All structures and equipment installed for the purpose of providing personal wireless communications services including towers or other support structures, ground based equipment and equipment shelters and antennas.

Plan: A graphic description with information required by various sections of this By-Law.

Planned Development: A development involving the construction of two or more principal buildings on the same lot for any permitted use.

Preliminary Qualifications: The determination of the suitability of a site, and conditions for the submission of a Development.

Projections: Cornices, eaves, gutters, outside chimneys, steps, stoops, bay windows, terraces and bulkheads.

Public Donation: A technique of preserving common open space by its donation either by a perpetual conservation or preservation restriction or in fee to the Town for conservation purposes or to a public agency or private charitable organization whose purposes include the acquisition and holding of land for open space purposes.

Report: A written description with information required by various sections of this By-Law.

"Register of Deeds": The Register of Deeds of Norfolk County and, when appropriate, shall include the Recorder of the Land Court.

Screening: A natural or constructed buffer that will serve to reduce noise levels, odors and/or act as an appropriate visual barrier of such size, kind and location as will protect the public, the neighboring properties and the occupants of the site.

Self-Service Carwash: Any facility with two (2) or more bays, its structures, accessory uses, paved areas or grounds used wholly or partly to wash, clean and dry the exterior of passenger automobiles, vans, pick-up and panel trucks using hand held equipment.

Setback: An area of specified dimensions extending from the property line to the building line, which may be utilized for paving, landscaping and utilities.

Sign: Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or

direction, or is designed to attract the eye by any means including intermittent or repeated motion or illumination.

Sign, Business: A sign used to direct attention to a service, product sold, or other activity performed on the same premises upon which the sign is located.

Sign, General Advertising: Any sign advertising products or services other than products or services available on the lot on which the sign is located, or any sign which is not located within 200 feet of the building or other structure at which the products or services advertised thereon are available.

Sign, Identification: A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located.

Sign, Wall: A sign affixed to the exterior wall of the building and extending not more than 15 inches therefrom.

Site: A land area submitted for Planned Development or Residential Cluster Development.

Site Plan: A site plan shall mean a plan/proposal Multi-Family or Multi-Unit Development drawn in accordance with Section XIII.B.5 of this Zoning By-Law and all Applicable Rules and Regulations of the Planning Board.

Sludges: Any mixture of solid and liquid waste materials resulting from any industrial or sewage disposal or chemical or water treatment processes. Such materials that have been "dewatered" to remove most or all liquid materials shall also be defined as sludge.

Special Permit Granting Authority: Shall include the Board of Selectmen, Board of Appeals or Planning Board as designated in Section V - Use Regulations, Table 1. The Special Permit Granting Authority under Section X, Watershed Protection District and Section XI, Flood Plain District shall be the Board of Appeals.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Story: That part of a building comprised between a floor and the floor or roof next above. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to

be a story. A basement shall be classified as a story when its ceiling is six or more feet above the average finished grade.

Story, Half: A story under a gable, hipped, or gambrel roof, the floor area of which does not exceed two-thirds of the floor immediately below when measured where the vertical distance between the floor and ceiling is four feet or more.

Street: A way which is over 20 ft. in right-of-way width, which is dedicated or devoted to public use by any lawful procedure, and is publicly maintained as a public way for the operation of vehicular traffic. A street includes all public ways, a way which the town clerk certifies is maintained and used as a public way, a way shown on a plan approved and endorsed in accordance with the "Subdivision Rules and Regulations" of Millis, Massachusetts or a way having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, pool, reviewing stand, platform, bin, sign, or the like.

Structure, Nonconforming: A structure lawfully existing at the effective date of this By-Law, or any subsequent amendment thereto, which does not conform to one or more provisions of this By-Law.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Surveyor: A person who is permanently registered by the State of Massachusetts or out-of-state registrant who is legally permitted to practice land surveying in the Commonwealth of Massachusetts.

Townhouse: A row of at least three (3) and not more than eight (8) one family attached dwelling units, each separated from other dwelling units by a fire wall or walls and each with direct access to the outside.

Trailer: Any vehicle which was originally or is still immediately portable or mobile, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate including a mobile home, house trailer, or camper. Such vehicle which is not longer immediately portable by virtue of having its wheels removed or skirts attached, still shall be considered a trailer for the purposes of this By-Law.

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use not the principal use which is located on the same lot as the principal structure. Accessory use by area shall be interpreted not to exceed 40 percent of the area of the total use of the structure or not on which it is located.

Use, Nonconforming: A use lawfully existing at the time of adoption of this By-law or any subsequent amendment thereto which does not conform to one or more provisions of this By-Law.

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied, or maintained under this By-Law.

Use, Substantially Different: A use not indicated as a use of right under the same item in the Table 1. Use Regulations, as the use first considered or being compared to.

Use Intensity: The maximum number of housing, business and industrial units per acre overall of that portion of a site allocated for that purpose.

Use Restriction: A qualification placed upon any or all parts of a site which shall define the uses permitted on the land.

Variance: A grant of relief from the requirements of this By-Law which permits construction in a manner that would otherwise be prohibited by this By-Law.

Wet Area: An area of standing water or one which is subject to flooding at least once every five years.

Wetlands: Wetlands shall be as defined by Massachusetts General Laws, Chapter 131, Sections 40 and 40A.

Yard: A portion of a lot, other than the principal building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

Yard, Front: The yard extending for the full width of the lot between the front line of the nearest wall of the principal building and the front lot line.

Yard, Rear: The yard extending for the full width of the lot between the nearest wall of the principal building and the rear lot line.

Yard, Side: The yard extending for the full length of a principal building between the nearest building wall and side lot line.

## Section III Establishment of Zoning District

### A. **Division Into Districts.**

The Town of Millis, Massachusetts is hereby divided into Zoning Districts to be designated as follows:

<u>Full Name</u>	<u>Short Name</u>
Residential-Town	R-T
Residential-Suburban	R-S
Residential-Village	R-V
Commercial-Village	C-V
Industrial-Park	I-P

### B. **Superimposed Zoning Districts.**

The Watershed Protection Zoning District and the Special Flood Hazard Zoning District (SFH Zoning District) are considered to be superimposed over the other districts shown on the Zoning Map, as a recognition of the special conditions which exist in such areas. See Section X and XI for applicable regulations.

### C. **Zoning Map.**

The location and boundaries of the Zoning Districts are hereby established as shown on a map titled "Zoning Map of the Town of Millis, Massachusetts", dated March 9, 1959, as amended, and at a Scale of 1 inch = 1,000 feet, which accompanies and is hereby declared to be a part of this By-Law. The authenticity of the Zoning Map, the original of which shall be filed with the Town Clerk, shall be certified by the signature of the Town Clerk and the imprinted Town Seal, together with the words: "This is to certify that this is the Zoning Map referred to in Section III of the Zoning By-Law of the Town of Millis, Massachusetts", together with the effective date of this By-Law. Photographic reductions of the original map may be used for printing purposes. The original map shall be the final determinant in all matters of dispute. Changes to the map shall be authenticated by the Town Clerk in the same manner as the authentication of the initial adoption.

### D. **Boundaries of Districts.**

Where any uncertainty exists, with respect to the boundary of any district, as shown on the Zoning Map, the following rules apply:

1. Where a boundary is indicated as a street, alley, railroad, watercourse, or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a town boundary, then to the limits of the town boundary.

2. Where a boundary is indicated as following approximately or parallel to a street, alley, railroad, watercourse, or other body of water, it shall be construed to be parallel there to and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.
3. Where a dimensioned boundary coincides within 10 ft. or less with a lot line, the boundary shall be construed to be the lot line.
4. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse, or other water body, it shall be construed to intersect at right angles to said centerline, or in the case of a curved centerline, at right angles to the tangent to the curve at the point of intersection.
5. The boundary limits of the Watershed Protection and Special Flood Hazard Zoning Districts are as described in Sections X and XI.
6. The abbreviation "PL" means property line as shown on the Town Assessor's Maps as in effect at the effective date of this By-Law. The abbreviation "PL", when used in conjunction with a subsequent amendment to this By-Law, shall mean a property line as shown on the Town Assessor's maps as in effect at the effective date of such amendment.
7. The abbreviation "CL" means "Centerline" and "CI" means "Center of Intersection".

## Section IV Interpretation and Application

### A. **Interpretation.**

The provisions of this By-Law shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals, or the general welfare of the Town of Millis, Massachusetts, and, except for the By-Law, approved by the Attorney General on \_\_\_\_\_, and all subsequent amendments thereto, the provisions of this By-Law are not intended to repeal, abrogate, annul, or in any way impair or interfere with any lawfully adopted by-law, covenants, regulations, or rules. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, by-law, or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.

### B. **Application.**

Except as herein provided, or as specifically exempted by the Zoning Act, the provisions of this By-Law shall apply to the erection, construction, reconstruction, alteration, or use of buildings and structures or use of land. Except as herein provided, any existing conforming use, structure, or lot shall not, by any action, become nonconforming and any existing nonconforming use, structure, or lot shall not become further nonconforming.

### C. **Existing Buildings and Land.**

This By-Law shall not apply to existing buildings or structures, nor to the existing use of any building or structure or of land, to the extent to which it is legally used at the time of adoption of this By-Law, but it shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension, or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent.

### D. **Mixed Uses.**

In cases of mixed occupancy, the regulation for each use shall apply to the portion of the building or land so used.

## Section V Use Regulations

### A. **Applicability of Use Regulations.**

Except as provided by the Zoning Act or in this By-Law, in each district, no building, structure, water body or lot shall be used or occupied except for the purposes permitted in the district as described in this section. Any use not listed shall be construed to be prohibited.

### B. **Permitted Uses.**

In the following Table 1. Use Regulations, the uses permitted by right in the district shall be designated by the letter (P). Those uses that may be permitted by special permit in the district, in accordance with Sections XII-Q and XIII, shall be designated as follows:

(SPB) Planning Board as Special Permit Granting Authority.

(SBA) Board of Appeals as Special Permit Granting Authority.

(SS) Selectmen as Special Permit Granting Authority.

Uses designated (N) shall not be permitted in the district.

### C. **Uses Subject to Other Regulations.**

Uses permitted by right or by special permit shall be subject, in addition to use regulations, to all other provisions of this By-Law.

### D. **Table of Use Regulations.**

See Table 1. on accompanying pages, which are declared to be part of this By-Law.

### E. **Site Plans.**

In addition to permitted and conditioned uses as indicated in the Table of Use Regulations (Table 1 herein), and Uses Subject to Other Regulations under Section V.c., site plans for proposed commercial and industrial uses shall be submitted to the Planning Board for review and approval subject to the provisions of Section XIII.C. of this By-Law.

#### **Amended May 16, 1988**

Site plans for proposed commercial and industrial uses, which are subject to review and approval of the Planning Board, shall include but not necessarily be limited to any new structure or development, including expansion and/or modification of any existing commercial or industrial structure or development.

**F. Moratorium.**

**PURPOSE:** The purpose of this temporary moratorium shall be to permit the Town an opportunity to act carefully in a field with rapidly evolving technology and to promulgate reasonable regulations.

**MORATORIUM.** No commercial wireless communications facility or personal wireless service facility, as defined by 47 U.S.C. S332 (c) (7), including but not limited to towers, satellite dishes over three feet in diameter and antennas, shall be placed or constructed in the Town nor shall a permit be issued for such placement or construction for a period of six months from the effective date of this provision. This by-law shall not apply to the placement or construction or modification of facilities by a federally licensed amateur radio operator protected under M.G.L. C.40A, S3, or modifications to a facility permitted prior to the adoption of this moratorium.

The term “commercial wireless communications facility” shall include any and all materials, equipment, storage structures, satellite dishes over three (3) feet in diameter, towers, and antennas, other than customer premises equipment, used by a telecommunications service provider to provide telecommunications services, including, but not limited to, cellular telephone service, personal communications and enhanced specialized mobile radio service.

Building Permit applications not processed during the moratorium period, because of this limitation shall be held and acted upon in chronological sequence based upon the time of complete application to the Building Inspector’s office, or act in any manner relating thereto.

**(Added May 12, 1997)**

## Table 1. Use Regulations

(Amended May 22, 1979)

(Amended May 13, 1985)

{PRIVATE }Principal Uses	Residential			Commercial	Industrial
	R-T	R-S	R-V	C-V	I-P
<b><i>RESIDENTIAL</i></b>					
1. One-family detached dwelling	P	P	P	N	N
2. Two-family dwelling	N	N	P	N	N
3. Multi-family dwelling (see Section XIII.B.)	N	N	SPB	N	N
4. Housing for the elderly	N	SPB	SPB	SPB	N
5. A trailer to be used for living purposes in excess of thirty days, provided that adequate provision is made for water, sewage disposal, electric power, and off-street parking, that all yard requirements applicable to a dwelling in the district are met and that any permit shall be issued for a period of twelve months and shall be subject to annual renewal thereafter.	SBA	SBA	SBA	N	N
6. Conversion of any existing structure to a multi-family dwelling use (see Section XIII.B.).	N	N	N	N	N
7. Accessory Family Unit <b>(Added May 10, 1999)</b>	SBA	SBA	SBA	N	N
<b><i>COMMUNITY FACILITIES</i></b>					
1. Church or other religious purposes	P	P	P	P	P
2. Educational purposes which are religious sectarian, denominational or public	P	P	P	P	P
3. Nursery school	P	P	P	P	P
4. Public park, conservation area and preserved open spaces including areas for passive recreation, but not including active recreational facilities	P	P	P	P	P
5. Nonprofit recreational facility, not including a membership club	SBA	SBA	SBA	N	N
6. Country, hunting, fishing, tennis, boating, or golf club	SBA	SBA	SBA	SPB	N
7. Day camp or other camp for children	SBA	SBA	SBA	N	N
8. Town building except public works equipment garage, and fire stations	P	P	P	P	P

{PRIVATE }Principal Uses	Residential			Commercial	Industrial
	R-T	R-S	R-V	C-V	I-P
9. Cemetery	SBA	SBA	SBA	N	N

{PRIVATE }Principal Uses	Residential			Commercial	Industrial
	R-T	R-S	R-V	C-V	I-P
10. Public library, museum, historical association or society	P	P	P	P	P
11. Hospital, sanitarium, or philanthropic institution	SBA	SBA	SBA	N	N
12. Nursing, rest, or convalescent home	SBA	SBA	SBA	SPB	N
13. Street and bridge	P	P	P	P	P
14. Town equipment garage	N	N	N	N	P
15. Public utility including water filter plant, sewage treatment plant, and refuse facility	SPB	SPB	SPB	SPB	SPB
16. Community Residential facility (such as those for mentally ill or retarded people coming out of institutions)	SBA	SBA	SBA	N	N
17. Essential services	P	P	P	P	P
<b>AGRICULTURAL</b>					
1. Agriculture, horticulture and floriculture, except a greenhouse or stand for retail sale	P	P	P	P	P
2. Year-round greenhouse or stand for wholesale and retail sale of agricultural or farm products raised primarily on the same premises	P	P	P	P	P
3. Temporary (not to exceed erection or use for a period exceeding three months in any one year) greenhouse or stand for retail sale or agricultural or farm products raised primarily on the same premises	P	P	P	P	P
4. Raising and for keeping livestock, horses, and poultry, not including the raising of swine or fur animals for commercial use (allowed on parcels of land over five acres without a special permit)	SBA	SBA	SBA	SBA	SBA
5. Commercial stables, kennels, or veterinary hospital in which all animals, fowl or other forms of life are completely enclosed in pens or other structures	SBA	N	N	SBA	N
6. Noncommercial forestry and growing of all vegetation	P	P	P	P	P
7. Commercial forestry	SBA	N	N	N	SBA

{PRIVATE }Principal Uses	Residential			Commercial	Industrial
	R-T	R-S	R-V	C-V	I-P
<b>RETAIL AND SERVICE</b>					
1. Retail establishment selling principally convenience goods including, but not limited to: food, drugs, and proprietary goods	N	N	N	P	N
2. Retail establishment selling general merchandise, including but not limited to dry goods, apparel and accessories, furniture and home equipment, small wares, and hardware, and including discount and limited price variety stores	N	N	N	P	N
3. Eating and drinking places not including drive-in establishments	N	N	N	P	N
3a. Juice bars	N	N	N	N	N
4. Drive-up windows including but not limited to drive-in eating establishments (a premise wherein food is served to or consumed by patrons while they are seated in parked cars)	N	N	N	SPB	N
5. Sales by vending machines as a principal use	N	N	N	P	N
6. Establishment selling new or new and used automobiles and trucks, aircraft, motorcycles, and household trailers	N	N	N	SPB	N
<b>Amended May 16, 1988</b>					
6a. Establishment selling used automobiles and/or trucks, aircraft, motorcycles, household trailers					
7. Establishments principally selling boats and boat accessories	N	N	N	SPB	N
8. Establishments selling, renting aircraft and aircraft accessories, or repairing aircraft	N	N	N	SPB	N
9. Hotels and motels	N	N	N	P	N
10. Lodging house	N	N	SBA	N	N
11. Bank	N	N	N	P	N
12. Other personal and consumer service establishment	N	N	N	P	N
13. Funeral establishment	N	N	SBA	SPB	N
14. Membership club	N	N	SBA	P	N
15. Professional and business offices and services	N	N	N	P	SPB

{PRIVATE }Principal Uses	Residential			Commercial	Industrial
	R-T	R-S	R-V	C-V	I-P
16. Automotive repair, automobile service station, self-service gas station or garage (not including a junkyard or open storage of abandoned automobiles or other vehicles)	N	N	N	SPB	SPB
17. Boat marina or boat yard	N	N	N	N	SPB
18. Miscellaneous business repair services	N	N	N	SPB	SPB
19. Motion picture establishment, outdoor	N	N	N	N	SPB
20. Motion picture establishment, indoor	N	N	N	P	N
21. Other amusement and recreation service, outdoor	N	N	N	SPB	SPB
22. Other amusement and recreation service, indoor	N	N	N	SPB	SPB
23. Communications and television tower	SPB	SPB	SPB	SPB	SPB
24. Commercial parking lot (see Section VIII)	N	N	SBA	P	P
25. Filling of land or water area (see Section XIII.G.)	SBA	SBA	SBA	SPB	SPB
26. Planned business development (see Section XIII.D.)	N	N	N	SPB	SPB
27. Construction of drainage facilities (other than essential services) or damming up or relocating any watercourse, water body, or wetlands	SPB	SPB	SPB	SPB	SPB
28. Adult Bookstore and Adult Motion Picture Theater	N	N	N	SPB	N
29. Automatic and/or Self-Service Carwash	N	N	N	SPB	N
<b><i>WHOLESALE, TRANSPORTATION AND INDUSTRIAL</i></b>					
1. Removal of soil, loam, sand, gravel, quarry or other earth material (see Section XIII.F.) <b>(Amended June 20, 1989)</b>	SPB	SPB	SPB	SPB	SPB
2. Processing and treating of raw materials, including operations appurtenant to the taking, such as grading, drying, sorting, crushing, grinding, and milling operations (see Section XIII.F.)	N	N	N	N	SS
3. Construction industry, including suppliers	N	N	N	SPB	P
4. Manufacturing	N	N	N	N	P

{PRIVATE }Principal Uses	Residential			Commercial	Industrial
	R-T	R-S	R-V	C-V	I-P
5. Bakery, laundry, or dry cleaning plant	N	N	N	P	SPB
6. Motor freight terminal and warehousing	N	N	N	N	P
7. Bus passenger terminal	N	N	N	P	P
8. Heliport	N	N	N	N	SPB
9. Airport and airport facilities	N	N	N	N	P
10. Other transportation service	N	N	N	SPB	SPB
11. Wholesale trade and distribution	N	N	N	SPB	P
12. Open storage of raw materials, finished goods, or construction equipment and structures for storing such equipment	N	N	N	N	SPB
13. Research offices or establishments devoted to research and development activities	N	N	P	P	P
14. Planned industrial development (see Section XIII.E.)	N	N	N	N	SPB
15. Disposal of low-level radioactive waste	N	N	N	N	N

**ACCESSORY USES**

1. Home occupation (see Section XIII.H.)	SBA	SBA	SBA	P	N
2. Private day nursery provided it shall not occupy more than 40 percent of the gross floor area of the structure and there shall be a minimum of 75 square feet of outside play area for each enrolled child	SBA	SBA	SBA	SPB	N
3. Accessory professional office of a licensed medical or dental practitioner, lawyer, or engineer in an existing dwelling	SBA	SBA	P	P	N
4. Accessory building such as a greenhouse, tool shed, animal shelter for domestic pet, private swimming pool, or similar accessory structures. Subject to provisions of Section VI.	P	P	P	P	SPB
5. Accessory private garage for not more than three noncommercial motor vehicles, and, except on a farm, not more than one ton rated or less in size commercial motor vehicle	P	P	P	P	N
6. Accessory storage of a boat, trailer, or unregistered automobile, provided it shall either be stored within a principal or accessory building or not less than 40 feet from any side lot line, and it shall not be	P	P	P	P	N

{PRIVATE }Principal Uses	Residential			Commercial	Industrial
	R-T	R-S	R-V	C-V	I-P
used for dwelling or sleeping purposes. Maximum number - two trailers or autos or boats.					
7. Accessory repair and storage facilities in any retail sales or consumer establishment provided: it shall not occupy more than 25 percent of the gross floor area	N	N	N	P	N
8. Accessory outside storage clearly necessary to the operation and conduct of a permitted principal wholesale, transportation, industrial, and/or commercial use.	N	N	N	SPB	P
9. Accessory manufacturing use provided: it shall not occupy more than 25 percent of the gross floor area of the building; and it shall not be located within 100 feet of any "R" District or within 50 feet of any street lot line	N	N	N	SPB	P
10. Accessory building to a nonresidential principal use occupied by a person employed on the premises and his immediate family, unless such structure is located in the rear of the principal building and has no immediate street frontage	N	N	N	SPB	P
11. Newsstand, barber shop, dining room or cafeteria and similar accessory services primarily for occupants or users thereof within a hotel, office, or industrial building, hospital containing more than 50 sleeping rooms, or transportation terminal facility	N	N	P	P	P
12. Up to two lodging units in an existing dwelling	SBA	SBA	P	SBA	N
13. Accessory signs subject to the provisions of Section VII	P	P	P	P	P
14. Accessory off-street parking and loading spaces as required in Section XIII	P	P	P	P	P
15. Sales by vending machines as an accessory use, within a building	N	N	N	P	P
16. Accessory building for keeping of livestock, horses, or poultry (noncommercial). Provided that they are not housed or penned within 40 feet of property line	SBA	SBA	SBA	N	N
17. Accessory uses which are necessary in connection with scientific research or scientific development or related production	SBA	SBA	SBA	SPB	SPB

{PRIVATE }Principal Uses	Residential			Commercial	Industrial
	R-T	R-S	R-V	C-V	I-P
which use does not substantially derogate from the public good					
18. Personal Wireless Communications Facilities <b>(Added May 11, 1998)</b>	SPB	SPB	SPB	SPB	SPB

## Section VI Area, Height, and Bulk Regulation

**A. Applicability of Area, Height, and Bulk Regulations.**

The regulations of each district pertaining to minimum lot area, minimum lot frontage, maximum height of buildings, maximum number of stories, minimum side yard width, minimum rear yard depth, and minimum residential net floor area shall be as specified in this section and set forth in the Tables of Area Regulations and Height and Bulk Regulations, and subject to the further provisions of this Section.

**B. Tables of Area and Height and Bulk Regulations.**

See Tables 2. and 3. on accompanying pages, plus attached notes, which are declared to be a part of this By-Law.

**C. Reduction of Lot Areas.**

The lot, yard areas, or open space required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this By-Law, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this By-Law, if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.

C.1. No lot in any district shall be reduced or changed in size or shape so that the lot fails to comply with the lot area, frontage, coverage, setback, yard, or other provisions of this by-law applicable to the use of the lot. Notwithstanding the foregoing, this prohibition shall not apply when a portion of the lot is taken or conveyed for a public purpose. However, relief provided by this section shall not exceed the effect or impact which the aforesaid taking or conveyance for a public purpose has any lots' size or shape.

**D. Separation of Lots.**

Lots shall not be so separated or transferred in ownership so as not to comply with the provisions of this By-Law.

**E. Calculation of Lot Areas.**

At least 75 percent of the required minimum lot area, as set forth in Table 2, shall not be within the Watershed Protection or Flood Plain Districts or shall not include any wetlands.

**F.** All lots shall have a ratio of perimeter to area of less than 0.08. Lot width shall measure a minimum of 80 percent of the required lot frontage line.

**(Added May 15, 1990)**

## Table 2. Area Regulations

(See following page for notes.)

**(Amended May 13, 1985)**

Minimum required lots (1)

{PRIVATE } District	Use	Area  (sq. ft.)	Lot (2) Frontage.  ft.	Lot depth  (ft.)	Yards (3-7)		
					Front (ft.)	Side (ft.)	Rear (ft.)
R-T	Any permitted principal structure or use	60,000	200	300	40	40	40
R-S	Any permitted principal structure or use	25,000	125	200	40	20	40
R-V	One-family dwelling	15,000	100	150	40	15	20
	Two-family dwelling	18,750	125	150	40	15	20
	Multi-family dwellings	217,800 <small>(for developments of up to twenty-two dwelling units)  Each dwelling unit thereafter 10,000</small>	250	400	50	50	50
C-V	Any permitted principal structure or use	30,000	150	200	40	20	30
I-P	Any permitted principal structure or use	43,560 (1 acre)	200	250	40	20	30

**Notes:****(Amended May 13, 1985)**

1. Except for multi-family dwelling units, planned business developments, industrial developments, community facilities, and public utilities, only one principal structure shall be permitted on one lot. Minimum distance between buildings shall be twice the required side yard, except for multi-family.
2. No private way shall be used to meet minimum lot frontage requirements in order to avoid the creation of a public way.
3. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots.
4. At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.
5. Projections into required yards or other required open spaces are permitted subject to the following:
  - a. Balcony or bay window, limited in total to one-half the length of the building, not more than 2 feet.
  - b. Open terrace or steps or stoop, under 4 feet in height, up to one-half the required yard setback.
  - c. Step or stoop over 4 feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features, not more than 2 feet.
6. In any District, a detached accessory building shall conform to the following provisions:
  - a. It shall not occupy more than 25 percent of the required rear yard.
  - b. It shall not be located within the required front yard area, nor less than 10 feet from any other lot line or from any principal building except for accessory farm buildings which shall not be less than 50 feet from any lot line.
  - c. It shall not exceed 30 feet in height.
  - d. An accessory building attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side, and rear yard requirements applicable to the principal building.

- e. Accessory buildings in the "C" and "I" Districts may be located on the lot so as not to violate the maximum building coverage requirements set forth in the Table of Height and Bulk Regulations.
- f. No permanent swimming pool shall be located within any required front yard nor within 10 feet from any side or rear lot line.

### Table 3. Height and Bulk Regulations

(Amended May 13, 1985)

(See notes)

{PRIVAT E } District	Maximum Permitted Height (1) (ft.)	Maximum Permitted Height (stories)	Maximum Building Coverage of Lot (covered area as percent of total lot area)	Minimum residential net floor area per unit for Multi-family use (sq. ft.)
R-T	35	2 1/2	20	
R-S	35	2 1/2	25	
R-V	35	2 1/2	35	500
C-V	30	2	50	Not permitted
I-P	45	3	40	Not permitted

**Notes for Table 3:**

1. Any maximum height permitted in this By-Law shall not apply to:
  - a. Community facility and public utility structures provided the side and rear yards or setbacks required in the district for the highest permitted principal structure shall be increased two feet in width for each foot by which the height of such structures exceeds the height permitted in the district.
  - b. Necessary appurtenant structures, such as church-spire, smoke-stack, monument, flagpole, radio or television tower, aerial, airplane hangar, chimney or parapet wall, or any similar appurtenances not in any manner used for human occupancy.
  - c. Special industrial structures, such as a cooling tower and other similar structure, where the industrial process requires a greater height.

## Section VII Signs

### A. Purpose

The purpose of the provisions of this section shall be:

1. To promote the public health, safety and general welfare;
2. To protect public and private investments in buildings and open spaces;
3. To prevent potential hazards to motorists and pedestrians;
4. To minimize confusion and distraction resulting from excessive and disorganized sign displays.

### B. Applicability

This section shall apply to the erection, attachment, structural alteration, use and installation of all exterior signs, and those interior signs that are intended to be visible from the outside of a building. Structural alteration shall not pertain to maintenance and/or repair of a sign to its original condition, except as provided in Section K.2. Both temporary and permanent signs shall comply with this section.

Any sign permitted under this section may, in lieu of any copy specified herein, contain any otherwise lawful, noncommercial message that does not direct attention to a business or to a service or product for sale.

### C. Definitions

Accessory Sign: Any device that advertises, calls attention to, or indicates the person occupying the building or lot on which the sign is erected, the merchandise for sale, the activity conducted thereon, or advertises the building or lot itself or any part thereof as for sale or to let.

Non-Accessory Sign: Any sign not an accessory sign.

Sign: Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement or direction or is designed to attract the eye by any means, including intermittent or repeated motion or illumination, which is on a public way or on private property within public view from a public way. Public way shall include a private way that is open to public use.

Sign, Business: An accessory sign used to direct attention to a service, product sold, or other activity performed within the same building or lot.

Sign, General Advertising: A non-accessory sign advertising products or services other than products or services available within the building or lot, or any sign which is not located within two hundred feet of the building or accessory building at which the products or services advertised thereon are available.

Sign, Identification: An accessory sign used simply to identify the name, address, and title of an individual, family or firm occupying the building or lot.

Sign, Wall: An accessory sign affixed to the exterior wall of a building and extending not more than fifteen inches therefrom.

Sign, Standing: An accessory sign which is affixed to the land with vertical supports.

**D. Administration and Enforcement**

1. A permit must be obtained from the Inspector of Buildings before any sign, temporary or permanent, may be erected, attached, expanded or structurally altered, unless specifically exempted from the permit process.
2. An application for a sign permit shall be submitted on a form to be provided by the Inspector of Buildings, and shall include a drawing of the proposed sign and its location on a lot or building.
3. The Inspector of Buildings shall act to issue or deny the permit within 30 calendar days of the receipt of the complete application, and payment of any applicable fee.
4. Violations shall be dealt with in accordance with the provisions of Section XII, Par J. and K., of this Zoning By-Law.
5. The Inspector of Buildings may remove or cause to be removed any sign that endangers public safety, or for which no permit has been issued.
6. Signs that are found to violate this By-Law may be cited by the Inspector of Buildings, either by notice to be affixed to the sign, or by notification of the sign owner or property owner by certified mail.
7. If signs that are found to be in violation of this By-Law are not removed or corrected within thirty (30) days, as provided in M.G.L. Chapter 40A, Sections 8 and 15, of the receipt of the notification of the violation, they may be removed at the expense of the owner.
8. Actions and determinations of the Inspector of Buildings concerning signs may be appealed to the Board of Appeal in writing within thirty (30) days, as provided in M.G.L. Chapter 40A, Sections 8 and 15. The Board of Appeal shall have the authority to overrule or uphold any such actions or determinations.

9. The Board of Appeal shall notify the Inspector of Buildings of any action taken by them under this By-Law.

**E. General Regulations**

1. Any traffic or directional sign owned or installed by a governmental entity is allowed without a permit.
2. No private signs may be placed on Town property without written permission of the Board of Selectmen. Such permission shall designate the type, location, duration of display, and responsibility for removal of each sign or poster. Town property includes, but is not limited to, public buildings, rights-of-way, trees, utility poles, posts, poles, signs and other structures owned or otherwise under the custody and control of the Town of Millis. A permit from the Building Inspector is not required.
3. Roof signs and signs that extend above the roof line of a building to which they are attached are prohibited.
4. Flashing, moving or animated signs are prohibited.
5. Traffic, directional, or informational signs that are provided for the safety and direction of residents, employees, and customers or visitors, in vehicles or on foot, are allowed without a permit in any district.
6. Any sign or its illuminator, including window displays, shall not be reason of its location, shape, size, message, or color interfere with traffic or be confused with any traffic sign, or obstruct the view or effectiveness of any official sign, traffic signal, or traffic markings.
7. General advertising signs and projecting signs are prohibited.

**F. Illumination**

1. In residential districts, signs shall be illuminated only with white light by indirect method.
2. In commercial and industrial districts, signs may be illuminated internally or with white light by indirect method.

**G. Temporary Signs**

1. Interior window signs are allowed without a permit, provided they do not cover more than forty percent of the window area on the wall on which they are placed.
2. Temporary "grand opening" banners or pennants are allowed without a permit, provided they do not exceed 100 square feet in size and are displayed for a period not to exceed fourteen consecutive days. Written notification shall be provided to the Building Inspector specifying the duration of the display.
3. One unlighted temporary sign relating to a new residential subdivision shall be allowed without a permit during the actual period of construction. The sign shall be set back at least ten feet from any street lot line and shall not exceed twenty square feet in surface area.
4. One unlighted temporary sign of an architect, engineer, landscape architect or contractor is allowed without a permit, provided that:
  - a. the sign is displayed only during the period such person is performing work on the premises;
  - b. the sign does not exceed four square feet in area;
  - c. the sign is set back at least ten feet from the street lot line.
5. One unlighted temporary sign offering the premises for sale or lease is allowed without a permit. The sign shall not exceed six square feet in surface area for a residential zone, and shall not exceed twenty square feet in surface area in a commercial or industrial zone. These signs shall be set back at least ten feet from any street lot line.
6. Temporary political signs advertising candidates or issues are allowed without a permit provided that:
  - a. each sign does not exceed six square feet in surface area;
  - b. the signs are erected no more than thirty days before the appropriate elections and are removed no more than seven days after the election, with one exception: signs for candidates who win State Primaries may continue on display between the Primary and the General Election.

**H. Residential District Standards**

The following permanent, accessory signs shall be allowed in the Residential Districts:

1. One professional nameplate is allowed without a permit for each home occupation. Such sign shall not exceed two square feet in surface area and shall be set back at least ten feet from any street lot line.
2. One identification sign for each dwelling unit is allowed without a permit. Such sign shall not exceed two square feet in surface area and shall be set back at least ten feet from any street lot line.
3. One identification sign is allowed for each permitted principal use (as defined in Section V, Table 1: Use Regulations). Such sign shall not exceed ten square feet and shall be set back at least one-half of the required depth of the front yard.
4. No more than one of the above signs shall be allowed for any one premises in the residential district.

**I. Commercial District Standards**

The following permanent, accessory signs shall be allowed in the Commercial Districts:

1. Those signs allowed in residential districts are allowed, subject to the same standards.
2. One wall sign is allowed for each establishment located on the property, attached and parallel to the main wall of the building. Such sign shall not exceed forty-five square feet in surface area or ten percent of the area of the wall on which it is displayed (whichever is lesser).
3. One standing sign is allowed for each side of a lot which abuts a public way (see definitions). Such sign shall not exceed fifty square feet in surface area on any one side. No portion of the sign shall be more than fifteen feet above the ground or sidewalk, and it shall be set back at least ten feet from any street lot line.
4. For any building complex comprising three or more enterprises on a single lot, the surface area of one standing sign may be increased to sixty square feet on any one side. No portion of the sign shall be more than fifteen feet above the ground or sidewalk, and such sign shall be set back at least ten feet from the street lot line.
5. For any building complex consisting of three or more enterprises on a lot or lots comprising five or more acres, one directory sign is permitted provided that:

- a. the sign contains the name or other identification of the area and enterprises occupied by the complex;
  - b. the sign shall be no larger than sixty square feet in surface area;
  - c. no portion of the sign shall be more than fifteen feet above the ground or sidewalk;
  - d. the sign shall be set back at least ten feet from any street lot line.
6. No more than two of the signs described in Section I. shall be allowed for any one business or establishment in the commercial district, except that corner lots which abut two public ways shall have no more than three of the signs.

**J. Industrial District Standards**

The following permanent, accessory signs are allowed in the Industrial District:

1. Those signs permitted in residential districts are allowed, subject to the same standards.
2. Wall signs of the type permitted in commercial districts are allowed subject to the same standards.
3. Standing signs of the type permitted in commercial districts are allowed except that such sign shall be set back at least twenty-five feet from any street lot line.
4. For any building complex comprising three or more enterprises on a single lot the surface area of one standing sign may be increased to sixty square feet of surface area on any one side.
5. For any building complex consisting of three or more enterprises on a lot or lots comprising five or more acres, one directory sign is permitted provided that:
  - a. the sign contains the name or other identification of the area and enterprises occupied by the complex;
  - b. the sign shall be no larger than sixty square feet in surface area;
  - c. no portion of the sign shall be more than fifteen feet above the ground or sidewalk;
  - d. the sign shall be set back at least twenty-five feet from any street lot line.

6. No more than two of the signs described in Section J. shall be allowed for any one business or establishment in the industrial district, except that corner lots which abut two public ways shall have no more than three of the signs.

**K. Nonconforming Signs**

1. Any accessory sign in any of the categories listed below which was legally erected prior to the adoption of this By-Law, and which is subject to the provisions of M.G.L. Chapter 93, Sections 29-33, or M.G.L. Chapter 93D, may continue to be maintained for a period of not longer than five years after the effective date of this section:
  - a. roof signs;
  - b. projecting signs, unless such sign was approved by variance or special permit since July 1, 1986;
  - c. any other sign, including facade and free standing signs, which exceeds by more than fifty percent the applicable size limitations in the zoning By-Laws as of the effective date of this paragraph, unless such sign was approved by variance or special permit since July 1, 1986.
2. Any non-accessory sign legally erected prior to the adoption of this By-Law, and which is subject to the provisions of M.G.L. Chapter 93, Sections 29-3, or M.G.L. Chapter 93D, may continue to be maintained for a period of not longer than five years after the effective date of this By-Law, provided, however, that during said five year period no such sign shall be enlarged, redesigned or altered except in accordance with the provisions of this By-Law and provided further that any such sign which has been destroyed or damaged to such an extent that the cost of restoration would exceed thirty-five percent of the replacement value of the sign at the time of destruction or damage, shall not be repaired or rebuilt or altered except in accordance with the provisions of this By-Law.
3. The exemption herein granted shall terminate with respect to any sign which:
  - a. shall have been abandoned;
  - b. advertises or calls attention to any products, businesses or activities which are no longer carried on or sold for at least sixty days; or,
  - c. shall not have been repaired or properly maintained within sixty days after notice to that effect has been given by the Building Inspector.
4. All other signs legally erected prior to the adoption of this By-Law may continue to be maintained, but shall not be enlarged, redesigned or altered except in accordance with the provisions of this By-Law.

## Section VIII Off-Street Parking and Loading Regulations

(Amended May 13, 1985)

### A. Off-Street Parking and Loading Requirements.

If any structure is constructed, enlarged, or extended, and any use of land established, or any existing use is changed, after the effective date of this By-Law, off-street parking and loading spaces shall be provided in accordance with Tables 4 and 5. When the computation of required spaces results in the requirement of a fractional space, a fraction of one-half or more shall require an additional space. An existing structure which is enlarged or an existing use which is extended after the effective date of this By-Law shall be required to provide off-street parking and loading spaces in accordance with the following table for the entire structure or use, unless the increase in units or measurements amounts to less than 25 percent, whether such increase occurs at one time or in successive stages.

### B. General

1. Parking or loading spaces being maintained in any district or connection with any existing use on the effective date of this By-Law shall not be decreased so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the following tables, provided: this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables. The Board may grant a special exception to permit the change of the size of the loading space where such reduced size is consistent with the dimensions of the vehicles servicing the premises.
2. Except in a "C-V" District, or for community facilities, the parking spaces required for the uses listed in Table 4 shall be on the same lot as the use they are intended to serve or, when practical difficulties prevent their establishment upon the same lot, as determined by the Inspector of Buildings, they shall be established no further than 300 feet from the premises to which they are appurtenant. In no case shall the required parking space be part of the area used to satisfy any loading requirements of this By-Law.
3. In any "C-V" District, or for community facilities, off-street parking requirements may be fulfilled by use of common off-street parking areas so long as the common area is located no further than 300 feet from the use it is intended to serve and that the total off-street parking provided is equal to that which would be required by normal application of Table 4.
4. The loading spaces required for the uses listed in Table 5 shall, in all cases, be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the off-street parking requirements of this By-Law.

**Table 4. Off-Street Parking Standards**

<b>{PRIVATE } Use</b>	<b>Number of Parking Spaces per Unit</b>
Dwelling	Two per unit
Housing for the elderly	One per unit
Lodging house, motel or hotel	One and one-half per rental unit
Automotive retail and service establishment and other retail and service establishments utilizing extensive display areas, either indoor or outdoor which are unusually extensive in relation to customer traffic	One per 200 sq. ft. of gross floor space. In the case of outdoor display areas, one additional for each 1,000 sq. ft. of lot area in such use
Other retail, service, finance, insurance, or real estate establishment or eating place	One per each 150 sq. ft. of gross floor area
Lumber yard or similar building materials establishment	One per each 75 sq. ft. of retail sales area
Transportation terminal establishment	One per each 600 sq. ft. of heavy equipment parking area
Wholesale establishment, warehouse, or storage establishment	One per each 800 sq. ft. of net floor area
Manufacturing or industrial establishment	One per each 600 sq. ft. of net floor area
Theater, restaurant, auditorium, church, or other place of public assembly	One for each 4 seats of total seating capacity
Hospital	Two per bed at design capacity
School or college	Two per classroom in an elementary and junior high school and four per classroom in a senior high school plus one space for each four seats in any auditorium or gymnasium, whichever has the larger capacity
Other community facility (Town building, recreation, etc.) or public utility	Dependent on individual needs but not less than one per each 300 sq. ft. of floor space

**Table 5. Off-Street Loading Standards**

<b>{PRIVATE } Use</b>	<b>Number of Loading Spaces per Unit</b>
Business, industrial, community facility (school, church, town building, recreation, etc.) or public utility establishment with over 5,000 sq. ft. of floor space	One per 15,000 sq. ft. of any fraction thereof of net floor area

**C. Parking and Loading Lot Standards.**

1. All parking or loading areas containing over three spaces in commercial and industrial districts, including automobile service and drive-in establishments, shall be either contained within structures, or subject to the following:
  - a. The area shall be effectively screened on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" district. The screening shall consist of a solid fence or wall not less than 3 feet nor more than 6 feet in height or shrubbery planted not more than 3 feet apart on center, at least 2 feet from the lot line, and all maintained in good conditions. The screening required by this Subsection shall be set back 15 feet from each street lot line.
  - b. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation.
  - c. A substantial bumper of masonry, steel, or heavy timber, or a concrete curb or berm curb which is backed shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties, and sidewalks.
  - d. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
  - e. Any permitted repair or service facility such as gas, oil or water, for use by vehicles, shall not be less than 25 feet from any lot line.
2. In all zoning districts any parking or loading areas shall be also subject to the following:
  - a. There shall not be any motor vehicle parked within 20 feet of any side or rear lot line.
  - b. There shall not be any business operation for vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, on any parking or loading area which is required to meet the provisions of the By-Law. Any gasoline or oil facilities shall be at least 25 feet from any lot line.
  - c. There shall not be any storage of materials or equipment or display of merchandise within the required parking or loading area.
  - d. No junk vehicles or unregistered vehicles shall be parked or stored on any lot in a residential district other than in carports or completely enclosed buildings; provided, however, that one such vehicle may be kept behind the building line

of the principal structure in any side or rear yard not in view of the public. No tractor trailers, trucks in excess of 5 tons; vehicles with continuously running motors; buses (with the exception of school buses), or construction equipment shall be parked in any yard between the building line and a public street in any residential zone.

- e. In any zone or property adjacent to or facing any residential area or across a street, all loading areas and all areas accommodating more than three cars shall be visually screened to a height of 6 feet by thick planting and/or a suitable wall or fence as approved by the Board.
- f. No portion of any parking area shall be permitted closer than 15 feet from any street right-of-way line. This setback area shall be landscaped (with a minimum of one tree per 30 feet, at least 12 feet in height and 2 1/2 inches in caliper, which may be expected to reach a mature height of greater than 30 feet).
- g. Sufficient maneuvering space shall be provided such that vehicles shall not have to back into a public way from any parking or loading area other than those required for single-family dwellings, nor shall any vehicle have to back more than once in maneuvering into or out of a parking space.
- h. Driving lanes shall be a minimum of 24 feet for perpendicular parking. Angled parking spaces may be allowed but only by special approval of the Planning Board. Turnaround spaces shall be provided in all dead-end parking lanes.
- i. A substantial granite, concrete curb or bituminous concrete curb, which is backed by earth, shall be placed in order to protect abutting structures, properties and sidewalks and screening materials.
- j. The layout of the parking area shall allow sufficient space for the storage of plowed snow, unless removal by some other means is assured.
- k. All roadways, parking areas, sidewalks and associated facilities shall be illuminated to accepted levels as approved by the Board. Any fixture used to illuminate any area shall be so arranged as to direct the light away from adjoining premises used for residential purposes.
- l. Any portion of a driveway for a parking or loading area associated with a nonresidential use which enters or leaves any state highway or Chapter 90 street shall be at least 75 feet from any street intersection. For other streets, the distance shall be at least 55 feet.
- m. Any two driveways leading to or from a street or to or from a single area shall not be within 50 feet of each other when the premise is located on any state

highway or Chapter 90 street. Such distance shall be measured between their nearest edges at their intersections with the front lot line. For other streets, the distance shall be 50 feet.

- n. Any entrance or exit driveway shall not exceed 24 feet in width at its intersection with the front lot line.
- o. No more than two driveways shall be allowed on any street frontage, unless such frontage exceeds 150 feet, in which case more driveways may be authorized by the Board of Appeals. (A pair of one-way drives separated by a median may be considered one driveway.)
- p. Parking lots and loading areas shall contain visual relief from vast expanses of unbroken blacktop and cars. In parking areas and loading areas exceeding 1/4 acre but less than 1 acre in area, landscaping islands shall be constructed containing trees greater than 2 1/2 inches in caliper and 12 feet in height. Trees shall be provided at a rate of at least one tree for every four spaces. These trees shall be expected to mature to a height greater than 30 feet.

When the total amount of parking area and/or loading area on a lot or building site exceeds 40,000 square feet, the parking shall be separated into smaller lots or segments of not more than 20,000 square feet each with dividers at least 5 feet wide and containing vegetation as specified above.

In auto merchandising lots or similar such uses in business districts in which visibility from the street of items in parking areas is a necessary part of the business, dense screening of the lot is not required. However, a peripheral strip of at least 10 feet in depth and planted with ground cover and tall trees with little understory shall be required to give definition of the lot from the right-of-way and provide visual relief for the passerby.

- q. Common driveways are prohibited except in the case of multi-family developments, planned business developments and planned industrial developments. Each lot shall have its own driveway for exclusive use and access. No driveways shall provide access to more than one lot.

**(Added May 15, 1990)**

## Section IX Nonconforming Uses, Structures, and Lots

### A. **Nonconformity by Initial Enactment or Amendment.**

The provisions of this section apply to nonconforming uses, structures, and lots as created by the initial enactment of this By-Law or by any subsequent amendment thereto.

### B. **Extension and Alteration**

1. Any nonconforming use, except primarily for agriculture (including the raising and keeping of livestock, horses and poultry but excluding the raising of swine or fur animals for commercial use), horticulture, or floriculture, of a portion of any open space on a lot outside a structure, shall not be extended unless there is a finding by the Board of Appeals or by the Special Permit Granting Authority designated by this By-Law that such extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.
2. Any nonconforming use, except primarily for agriculture (including the raising and keeping of livestock, horses and poultry but excluding the raising of swine or fur animals for commercial use), horticulture, or floriculture, of a lot not occupied by a structure other than a sign, shall not be extended unless there is a finding by the Board of Appeals or by the Special Permit Granting Authority designated by this By-Law that such extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.
3. Any nonconforming principal use of a structure, except primarily for agriculture (including the raising and keeping of livestock, horses and poultry but excluding the raising of swine or fur animals for commercial use), horticulture or floriculture, shall not be extended unless there is a finding by the Board of Appeals or by the Special Permit Granting Authority designated by this By-Law that such extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.
4. Any conforming principal use of a nonconforming structure may be extended throughout the existing structure.
5. Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of 40 percent of the floor area of the existing structure, unless there is a finding by the Board of Appeals or by the Special Permit Granting Authority designated by this By-Law that such extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

6. Any nonconforming structure may be altered and the use extended throughout the altered portion provided: any conforming use shall not be made nonconforming, any resultant alteration shall not cause the structure to violate the maximum building area and yard regulations of the district in which it is located, unless there is a finding by the Board of Appeals or by the Special Permit Granting Authority designated by this By-Law that such alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming use.
7. Any nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.

**C. Residential Lots of Record**

1. Any increase in area, frontage, width, yard or depth requirements of this Zoning By-Law shall not apply to a lot for single and two-family residential use, if such use is permitted, which, at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirements but at least five thousand square feet of area and fifty feet of frontage.
2. Any increase in area, frontage, width, yard or depth requirements of this Zoning By-Law shall not apply for a period of five years from its effective date to a lot for single and two-family residential use, if such use is permitted, provided the plan for such lot was recorded or endorsed and such lot was held in common ownership with any adjoining land and conformed to the existing zoning requirements as of January first, nineteen hundred and seventy-six, and had less area, frontage, width, yard or depth requirements than the newly effective zoning requirements but contained at least seven thousand, five hundred square feet of area and seventy-five feet of frontage; provided, however, that the provisions of this sentence shall not apply to more than three of such adjoining lots held in common ownership.

**(Amended May 12, 1992)**

**D. Reduction or Increase**

1. Any nonconforming lot or open space on the lot (yards, setbacks, courts, or building area) if already smaller or greater, as the case may be than that required shall not be further reduced or increased so as to be in greater nonconformity.
2. Any off-street parking or loading spaces, if already less than the number required to serve their intended use shall not be further reduced in number.

**E. Change**

1. Any nonconforming use of a structure may be changed to another nonconforming use, provided that such change shall not be substantially more detrimental to the neighborhood than the existing nonconforming use.
2. Any nonconforming use which has been once changed to a permitted use or another nonconforming use, which is not a substantially different use shall not again be changed to another nonconforming use.
3. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.

**F. Restoration.**

Any nonconforming structure damaged by fire or other cause may be rebuilt within the limits only of its original location and reused for its original use of a conforming use.

**G. Abandonment.**

Any nonconforming use, except for agriculture, horticulture or floriculture use, of a structure and/or lot which has been in nonuse for a continuous period of two years or more, or abandoned, shall not be used again, except by a conforming use. For agricultural uses, the nonuse period shall be five years.

**H. Moving.**

Any nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of such structure, the use thereof and the lot shall be conforming.

**I. Unsafe Structure.**

Any structure determined by the Inspector of Buildings to be unsafe may be restored to a safe condition, provided such work on any nonconforming structure shall not place it in greater nonconformity.

## Section X Watershed Protection District

### A. Watershed Protection District ("WP" District)

#### 1. Purpose.

The purpose of this district is:

- a. To preserve and protect the streams and other courses in the town and their adjoining lands.
- b. To protect the health and safety of persons and property against the hazards of flooding and contamination.
- c. To preserve and maintain the ground water table for water supply purposes.
- d. To protect the community against the detrimental use and development of lands adjoining such water courses.
- e. To conserve the watershed areas of the town for the health, safety and welfare of the public.

#### 2. Definitions.

The "WP" District is superimposed over any other district established by this By-Law. The "WP" District is defined as all wetlands and all other land area along the streams and brooks for a horizontal distance of at least 25 feet on each side of the centerline thereof and adjacent low, marshy areas, as shown on the Zoning Map and any additional wetlands or lands within any area of the special flood hazard.

The "WP" District shall include all land that lies within a horizontal distance of 25 feet from the normal high water line of the major water bodies as shown on the Zoning Map.

The term "wetlands", as used in this section, shall mean wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year; emergent and submergent plant communities in inland waters: all consistent with the meanings established by Chapter 131 of the Massachusetts General Laws.

"Area of Special Flood Hazard", as used in this section, shall mean the land in the flood plain subject to a one percent or greater change of flooding in any given year.

3. Permitted Use.

Land in the "WP" District may be used for any purpose otherwise permitted in the underlying district except that:

- a. No building, wall, dam or other structure shall be erected, constructed, altered, enlarged or otherwise created or moved for any purpose unless a Special Permit from the Special Permit Granting Authority is issued.
- b. Dumping, filling, excavating or transferring of any earth material within the District is prohibited unless a Special Permit from the Special Permit Granting Authority is issued.
- c. No ponds or pools shall be created or other changes in water courses, for swimming, fishing or other recreational uses, agricultural uses, scenic features or drainage improvements or any other uses unless a Special Permit from the Special Permit Granting Authority is issued.
- d. Proper operation and maintenance of dams and other water control devices are permitted uses under this section by Special Permit.
- e. Municipal use, such as waterworks, pumping stations and parks, is permitted under this section.

4. Application for Special Permits

- a. Any person desiring a Special Permit for any use set out in Section X.3 above within the "WP" District shall submit an application to the Special Permit Granting Authority in accordance with the provisions of Chapter 40A of the Massachusetts General Laws as amended, and a copy thereof to the Inspector of Buildings. The application shall be accompanied by plans of any construction and of the premises on which it is to be situated. All plans shall show existing and proposed finished ground contours at 2-foot intervals. Contours shall be delineated within 200 feet of the proposed construction.
- b. Copies of the application for Special Permit to the Special Permit Granting Authority with accompanying plans shall also be sent to the Inspector of Buildings, Board of Health, Conservation Commission and Planning Board for their recommendations to the Special Permit Granting Authority, as to their approval, disapproval or appropriate recommendations.
- c. All such plans shall be certified by a Registered Land Surveyor and a Registered Professional Civil Engineer.

5. Issuance of Special Permits

- a. The Special Permit Granting Authority, after holding a public hearing, shall issue a special Permit under this section if it finds that the use of the premises will not endanger the health or safety of the occupants thereof or of other land in the "WP" District. In deciding applications for a Special Permit under this section, but without limiting the generality of the foregoing, the Special Permit Granting Authority shall assure:
  - (1) That the basement floor elevation for any structure having sustained living occupancy shall be at least 2 feet above the elevation of the adjacent "WP" District and that the top of the foundation wall shall be at least 9 feet above the elevation of the adjacent District.
  - (2) That structures be so designed and secured that during flooding:
    - (a) The foundation would not be undermined.
    - (b) The structure will not be floated off, battered off, or swept away.
  - (3) That safe vehicular and pedestrian movement to, over and from the premises is provided on ways having a profile no less than 2 feet above the elevation of the adjacent District.
  - (4) That because of the location or elevation of the building flooding, filling of the area, or for other reasons, there will be no danger of pollution to public or on-site water facilities.
  - (5) That the containment of sewage; safety of gas, electric, fuel and other utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocuting, or any other dangers due to flooding will be adequately protected.
  - (6) That the methods of drainage are adequate.
  - (7) That other land in the "WP" District is protected against detrimental or offensive uses of the premises.
- b. No building permit shall be issued until the Board of Health has issued a permit under this section approving the proposed sanitary and storm drainage system or has allowed 45 days to elapse after receipt of the application.

- c. No occupancy permit shall be issued until the Special Permit Granting Authority, the Inspector of Buildings, the Board of Health, the Conservation Commission and the Planning Board have received a certified plan showing the foundation and floor elevations, grading of the premises, elevations of the completed construction, and all elevations of the various elements that make up the sewage disposal system, and that all requirements of all permits are satisfied.
- d. In consideration of any of the items under "Section X.5 - Issuance of Special Permits", the Board of Health and the Special Permit Granting Authority shall consider the minimum groundwater level in the Watershed Protection District to be 2 feet less than the elevation above Mean Sea Level of the adjacent District, unless data indicates a higher groundwater level.

6. Water Bodies.

All water bodies encircled by the "WP" District are hereby included within said District.

7. Limits of Authority.

Nothing contained in this Section X shall limit the authority of the Board of Health with respect to premises in the Watershed Protection District.

## Section XI Special Flood Hazard District

### A. Special Flood Hazard District ("SFH" District)

#### 1. Purpose.

The purpose of this district is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- f. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. To insure that potential buyers are notified that property is in an area of special flood hazard; and,
- h. to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- i. To promote the preservation of the natural flood control characteristics and the water storage capacity of the areas of special flood hazard.
- j. To promote the safety and purity of water;
- k. To promote the control and containment of sewage.

2. Definition.

**(Amended May 11, 1998)**

The "SFH" District is superimposed over any other district established by this By-Law. This district consists of the areas of the special flood hazard, Zones A, A<sub>1</sub>-A<sub>30</sub> identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "Flood Insurance Study, Town of Millis, Norfolk County, Massachusetts", dated February 5, 1985, with accompanying Flood Insurance Rate Maps dated August 5, 1985, and FEMA Flood and Flood-way Boundary Map dated August 5, 1985, are hereby adopted by reference and declared to be a part of this By-Law. The Flood Insurance Study, the Flood Insurance Rate Map and the FEMA Flood and Flood-way Boundary Map are on file in the Office of the Town Clerk, Town of Millis, County of Norfolk, Massachusetts.

3. Methods of Reducing Flood Losses

- a. Located within areas of special flood hazard established in Section XI.2. are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  - (2) If Section XI.3.a. (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section XI.6. "Issuance of Special Permit".
  - (3) Flood-way Data. In Zone A, A<sub>1</sub>-A<sub>30</sub> and AE, along watercourses that have not had a regulatory flood-way designated, the best available State, local or other flood-way data shall be used to prohibit encroachments in flood-ways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - (4) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other development greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

4. Permitted Uses.

Land the "SFH" District may be used for any purpose otherwise permitted in the underlying district except that:

- a. No building, wall, dam, or other structure shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the Special Permit Granting Authority is issued.
- b. Dumping, filling, excavating, or transferring of any earth material within the District is prohibited unless a Special Permit from the Special Permit Granting Authority is issued.
- c. No ponds or pools shall be created or other changes in watercourses for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements, or any other uses unless a Special Permit from the Special Permit Granting Authority is issued.
- d. Proper operation and maintenance of dams and other water control devices are permitted uses under this section.
- e. Municipal use, such as water works, pumping stations and parks, is permitted under this section.

5. Application for Special Permit

- a. A Special Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section XI.3. above. Any person desiring a Special Permit for any use set out in Section XI.4. above within any "SFH" District shall submit an application to the Special Permit Granting Authority in accordance with the provisions of Chapter 40A of the Massachusetts General Laws, as amended. The application shall be accompanied by plans of any construction and of the premises on which it is to be situated. All plans shall show existing and proposed site features and major vegetation, existing and proposed finished ground contours at 2 foot intervals for the entire parcel or lot under consideration or within a minimum of 200 feet of the proposed construction. All plans shall include:
  - (1) elevation, in relation to mean sea level (MSL), of the lowest floor, including basement, of all structures;
  - (2) elevation, in relation to mean sea level, to which any structure has been floodproofed;

- (3) certification by a professional engineer or architect, who is registered to practice by the Commonwealth of Massachusetts, that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section XI.6.
- b. All applications for Special Permits shall include a description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- c. Copies of the application for special permit shall be submitted to the Special Permit Granting Authority with accompanying plans which shall also be sent to the Inspector of Buildings, Board of Health, Conservation Commission and Planning Board for their recommendations to the Special Permit Granting Authority.
- d. All such plans shall be certified by a Registered Land Surveyor and a Registered Professional Engineer who are registered to practice by the Commonwealth of Massachusetts.

#### 6. Issuance of Special Permit

- a. The Special Permit Granting Authority, after holding a public hearing, shall issue a permit under this section if it finds that the use of the premises will not endanger the health or safety of the occupants or of other land in any "SFH" District. In deciding applications for a special permit under this section, but without limiting the generality of the foregoing, the Special Permit Granting Authority shall assure:
  - (1) That new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least 2 feet above base flood elevation, and that the top of the foundation shall be at least 9 feet above the base flood elevation.
  - (2) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
    - (a) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
    - (b) have structural components capable to resisting hydrostatic and hydrodynamic loads and effects to buoyancy; and,

- (c) be certified by a Professional Engineer or architect, who is registered to practice by the Commonwealth of Massachusetts, that the standards of this subsection are satisfied.
- (3) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
  - (4) Within Zones A<sub>1</sub>-A<sub>30</sub>, all manufactured homes and manufactured home parks shall be provided that:
    - (a) the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored permanent foundation system in accordance with provisions of this Subsection;
    - (b) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level;
    - (c) adequate surface drainage and access for a hauler are provided; and
    - (d) in the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart, and reinforcement is provided for piers more than six feet above ground level.
  - (5) That all structures be so designed and secured that during flooding:
    - (a) The foundation would not be undermined.
    - (b) The structure will not be floated off, battered off, or swept away.
  - (6) That safe vehicular and pedestrian movement to, over, and from the premises is provided on ways having a profile no less than above the base flood elevation defined in Section XI.2. above.
  - (7) That, because of the location or elevation of the building, filling of the area, or for the other reasons, there will be no danger of pollution to public or on-site water facilities.

- (8) That the containment of sewage; safety of gas, electric, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocuting, or any other dangers due to flooding will be adequately protected.
- (9) That the methods of drainage are adequate.
- (10) That other land in any "SFH" District is protected against detrimental or offensive uses of the premises.
- (11) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (12) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (13) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (14) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- (15) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- (16) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (17) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (18) Base flood elevation data shall be provided for all subdivisions and other proposed developments within the "SFH" District.
- (19) Within Zones A<sub>1</sub>-A<sub>30</sub>, no new construction, substantial improvement to existing structures, filling, or other land development shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point in the Town.
- (20) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be

designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer or architect registered within the Commonwealth of Massachusetts or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (22) The Special Permit Granting Authority shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A meet the requirements of Paragraphs (1) through (4) above as contained within this Subsection and also the provision of Subsection A.3.a(1) of this Section.
- b. If any land included in any "SFH" District is found by the Special Permit Granting Authority not in fact to be subject to seasonal or periodic flooding. The Special Permit Granting Authority may grant a Special Permit for the use of such land for any purpose permitted in the underlying district.
    - (1) In the absence of specific engineering and subsurface data, the Board of Health and the Special Permit Granting Authority, in consideration of the items under Section XI.6., shall consider that the minimum groundwater elevation in the "SFH" District to be 2 feet below existing surface elevations within any area of special flood hazard.
  - c. No building permit shall be issued until the Board of Health has issued a permit under this section approving the proposed sanitary and storm drainage system or has allowed 45 days to elapse after receipt of the application.
  - d. No occupancy permit shall be issued until the Special Permit Granting Authority, the Inspector of Buildings, Board of Health, Conservation Commission and Planning board have received a plan as certified in accordance with Subsection 5.d. showing the foundation and floor elevations, grading of the foundation and floor elevations, grading of the premises, elevations of the completed construction, and all elevations of the various elements that make up the sewage disposal system, and that all requirements of all permits are satisfied.

7. Limits of Authority

- a. Nothing contained in this section shall limit the authority of the Board of Health with respect to premises in any "SFH" District.

8. Notification of Watercourse Alteration

Applicant shall provide written notification to the following of any alteration or relocation of a watercourse:

- (1) Planning Board of adjacent communities
- (2) NFIP State Coordinator  
Massachusetts Office of Water Resources  
100 Cambridge Street  
Boston, MA 02202
- (3) NFIP Program Specialist  
FEMA Region I, Room 462  
J. W. McCormick Post Office and Courthouse  
Boston, MA 02109

**(Added May 11, 1998)**

## Section XII Administration and Enforcement

**A. Administrative Official.**

The Inspector of Buildings is hereby appointed and authorized to administer and enforce the provisions of this By-Law.

**B. Permit Required.**

It shall be unlawful for any person to erect, construct, reconstruct, convert, or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, sign, other structure, or lot without applying for on the forms provided, and receiving from the Inspector of Buildings the required permit therefor. For purposes of administration, such permit and application procedure involving a structure may be made at the same time and combined with the permit required under the Building Code. Where the application does not involve a structure but only a lot, a permit shall be applied for and may be issued.

**C. Other Approvals Required.**

Where authorization of a use of land or of a structure is required by the Board of Appeals or the Special Permit Granting Authority, a copy of such written authorization shall be sent by the clerk of the Board of Appeals or the Special Permit Granting Authority to the Inspector of Buildings within ten days of granting of the approval by the Board of Appeals or the Special Permit Granting Authority and shall be received by the Inspector of Buildings prior to the issuance of a permit. In addition, the Inspector of Buildings in such case shall not issue a permit until the applicant submits an affidavit from the Norfolk County Register of Deeds that the authorization of the Board of Appeals or the Special Permit Granting Authority is recorded. Where approval under the Subdivision Control Law by the Planning Board is required; and/or by the Board of Selectmen; Conservation Commission, State Department of Environmental Quality Engineering, and the State Department of Environmental Quality Engineering, and the State Department of Public Works for the filling of wetlands; no permit shall be issued by the Inspector of Buildings until these requirements are also met in writing. Within ten days of the completion of all these actions, the Inspector of Buildings shall act upon the application. Authorization for a permit shall be null and void after one year from the date of application for a permit or application for appeal, whichever is the later date. In addition, before any private driveway or parking or loading area is connected to a Town road, permission in writing shall be obtained from the Millis Department of Public Works.

**D. Flood Insurance Program.**

In order to insure the proper administration of the Special Flood Hazard Zoning District established under this By-Law, the Inspector of Buildings shall:

1. Review proposed development to assure that all necessary permits have been or are in the process of being obtained from those governmental agencies from which approval is required by federal or state law.

2. Obtain and maintain records of: the elevations to which any structure has been floodproofed; the floodproofing certificates required under Section XI, and whether or not the structure has a basement.

No building permit shall be issued for construction of any building if determination is made by the Inspector of Buildings that flooding of any part of the building will occur either from the underground water table or from the surface runoff from streets and roads, or from the overflowing of bogs, ponds, or streams.

Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Inspector of Buildings for its reasonable utilization toward meeting the elevation of floodproofing requirements, as appropriate, of the State Building Code.

**E. Plot Plan.**

All applications for permits shall be accompanied by four copies of a plot plan. One copy of such plan shall be returned to the applicant, if approved by the Inspector of Buildings. Such plot plan shall be drawn to scale showing the actual dimensions of the lot to be built upon, the size and location on the lot of the building and accessory buildings to be erected, location and design of off-street parking and loading spaces, signs, all zone lines including Wetland Protection and Special Flood Hazard Districts, and such other information as may be necessary to determine and provide for the enforcement of this By-Law. The information required on the plot plan shall be combined with the information required under Section XI for any site plan. The Inspector of Buildings may refuse the application for permit because of an inadequate or inaccurate plot plan.

**F. Previously Approved Permit.**

The status of any previously approved permit shall be as determined by Section 6 of the Zoning Act.

**G. Certificate of Use and Occupancy Required.**

It shall be unlawful for any person to use or occupy any structure or lot for which a permit is required herein without the person applying for and receiving from the Inspector of Buildings a certificate of use and occupancy. The Inspector of Buildings shall take action within ten days of receipt of a written application for a certificate of use and occupancy. Such application shall be made upon completion of construction for a structure prior to occupancy and for use of a lot not involving construction at the same time as the application for a permit. Failure of the Inspector of Buildings to act within the ten days shall be considered approval. The certificate of use and occupancy must be applied for and granted to the holder of the building permit prior to the transfer of property.

**H. Permit and Application Fees.**

Fees shall be as established by the Board of Selectmen.

**I. Construction or Operations under a Permit.**

Construction or operations under a building or special permit shall conform to any subsequent amendment of this By-Law unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in cases involving construction unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

**J. Violations.**

The Inspector of Buildings shall serve a notice of *Violation and Order* to any person responsible for the erection, construction, reconstruction, conversion, alteration of a structure or change in use, or extension or displacement of use of any building, sign, other structure or lot in violation of any approved plan, information, or drawing pertinent thereto; or in violation of a permit to certificate issued under the provisions of this By-Law, and such order shall direct the immediate discontinuance of the unlawful action, use, or condition and the abatement of the violation. Any owner who has been served with a notice and ceases any work or other activity, shall not leave any structure or lot in such a condition as to be a hazard or menace to the public safety, health, morals, or general welfare.

**K. Violation Penalty.**

Any person who violates or refuses to comply with any of the provisions of this By-Law may, upon conviction, be fined a sum of One Hundred Dollars (\$100) for each offense. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

Non-criminal disposition. In addition to the procedures for enforcement as described above, the provisions of this zoning by-law may also be enforced by the Building Inspector, by non-criminal complaint pursuant to the provisions of MGL, Chapter 40, Section 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of any provisions of this By-Law shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense and \$100.00 increments for subsequent offenses up to a maximum of \$300.00.

**(Added May 15, 1990)**

**L. Board of Appeals.**

There is hereby created a Board of Appeals of three members and also two associate members. Members of the Board of Appeals in office at the effective date of this By-Law shall continue in office. Hereafter, as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to the Zoning Act. The Board of Appeals shall have those powers and duties granted under the Zoning Act, by this By-Law and all other pertinent acts of the Commonwealth. The Board of Appeals shall adopt rules to govern its proceedings pursuant to the Zoning Act.

**M. Appeals.**

Appeals to the Board of Appeals shall be taken in accordance with the Rules of the Board of Appeals and the Zoning Act. Any appeal which has been unfavorably acted upon by the Board

of Appeals shall not be reheard for a period of two years except upon the consent of all but one of the members of the Planning Board.

**N. Application for Appeals.**

Written application for authorization for a permit by action of the Board of Appeals shall be made on forms provided by the Board of Appeals and include a copy of all information submitted to the Inspector of Buildings in the application for a permit.

**O. Action on Appeals.**

The Board of Appeals shall advertise, hold a public hearing, act on and give notice of its decision on the appeal in accordance with the Rules of the Board of Appeals and the Zoning Act.

**P. Interpretation of By-Law.**

On appeal from an order or decision made by the Inspector of Buildings, or on request by any officer or board of the Town, the Board of Appeals shall have the power to decide any of the following questions:

1. Determination of the meaning of any provision of the text of this By-Law.
2. Determination of the exact location of any district boundary shown on the Zoning Map.

**Q. Special Permits.**

Certain uses, structures, or conditions are designated as permitted only by special permit in Section V, Table 1. Use Regulations and elsewhere in this By-Law. Upon written application duly made to the Special Permit Granting Authority the Special Permit Granting Authority may, in appropriate cases subject to the applicable conditions set forth in Sections XI and XII of this By-Law and elsewhere and subject to other appropriate conditions and safeguards, grant a special permit for such exceptions and no others.

1. Before granting an application for a special permit, the Special Permit Granting Authority, with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall find all of the following general conditions to be fulfilled.
  - a. Special permits shall only be issued following public hearings held within 65 days after filing of an application with the Special Permit Granting Authority, a copy of which shall be given forthwith to the Town Clerk by the applicant.
  - b. The use requested is listed in the Table 1 Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this By-Law.
  - c. The requested use is essential or desirable to the public convenience or welfare.

- d. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
  - e. The requested use will not overload any public water, drainage, or sewer system or any other municipal service to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety, or the general welfare.
  - f. Any special regulations, for the use set forth in Section XI, are fulfilled.
  - g. The requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals, or welfare.
  - h. A special permit granted under this By-Law shall lapse within one year, and including such time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
2. The Special Permit Granting Authority shall also impose, in addition to any applicable conditions specified in this By-Law, such applicable conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this By-Law, including, but not limited to, the following: front, side, or rear yards greater than the minimum required by this By-Law; screening buffers or planting strips, fences, or walls, as specified by the Special Permit Granting Authority; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities, regulation of number and location of driveways, or other traffic features; and off-street parking or loading or other special features beyond the minimum required by this By-Law. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the Special Permit Granting Authority.
  3. In order that the Special Permit Granting Authority may determine that the above-mentioned restrictions are to be met, a site plan shall be submitted, in quadruplicate, to the Special Permit Granting Authority by the applicant. Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas, and other open uses, all facilities for sewage, refuse, and other waste disposal, and for surface water drainage, and all landscape features, such as fences, walls, planting areas, and walks.

If the Special Permit Granting Authority is not the Planning Board, the Special Permit Granting Authority shall, within ten days after receipt thereof, transmit one copy of such

plan to the Planning Board. The Planning Board may, in its discretion, investigate the case and report in writing its recommendations to the Special Permit Granting Authority.

If the Special Permit Granting Authority is not the Planning Board, the Special Permit Granting Authority shall not take final action on such plan until it has received a report thereon from the Planning Board or until said Planning Board has allowed 30 days to elapse after receipt of such plan without a submission of a report thereon.

**R. Variances.**

**(Amended May 11, 1981)**

The Board of Appeals shall have the power, after public hearing, for which notice has been given by publication and posting and by mailing to all parties in interest, to grant, upon appeal or upon petition, with respect to particular land or structures, a variance, including a variance for a particular use, from the terms of the applicable zoning ordinance or By-Law where such Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located; a literal enforcement of the provision of the ordinance or By-Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or By-Law. Notwithstanding the above, the Board of Appeals shall not grant use variances as to multi-dwelling units in those areas in which they are now prohibited.

Before any variance is granted, the Board must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's lot, structure, or building and do not apply to the neighboring lands, structures, or buildings in the same district.
2. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this By-Law.
3. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this By-Law.
4. If a variance is granted, the Board of Appeals shall notify the applicant in writing over their signature that:
  - a. the issuance of such variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance, and
  - b. such construction below the base flood level increases risks to life and property.

5. The Board of Appeals will maintain a record of all variance actions, including justification for their issuance and report such variances issued in the Annual Report submitted to the Federal Insurance Administration.
6. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or on State Inventory of Historic Places, without regard to the procedures set forth above.

**S. Other Requirements:**

The granting of any application of appeal by the Special Permit Granting Authority or Board of Appeals shall not exempt the applicant from any provision of this By-Law not specially ruled upon or specifically set forth as excepted in this particular case by a provision of this By-Law. It shall be unlawful for any person to reconstruct, convert or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed in authorizing a special permit or variance or without applying or appealing to the proper Special Permit Granting Authority or Board of Appeals shall have complete administrative power to deny, approve or modify.

**T. Associate Member to the Planning Board**

An associate Member to the Planning Board shall be appointed by the Board of Selectmen for a term of one year, such Associate Member to act on Special Permits.

**(Added May 15, 1990)**

## Section XIII Special Permit Conditions

### A. Special Conditions.

In addition to the general conditions set forth in Section XII.Q. of this By-Law for all special permits, the following special conditions shall apply to the following uses in this Section listed as special permits in various districts in the Table 1. Use Regulations.

### B. Multi-Family Development

(Added May 13, 1985)

#### 1. Intent

The intent of this section is to preserve the character of all residential zones within the town, to protect land values, to preserve valuable watersheds, and to prevent erosion and other wholesale damage to landscape and topography and related valuable and non-renewable natural resources of the Town of Millis. The conditions described herein embody the basic goals of the zoning By-Law. They are intended to minimize the possibility of poor design and site planning and, therefore, to insure that the character of specific developments is, in fact, consistent with the overall development objectives of the Town and the particular neighborhood.

The following Multi-Family Development requirements and procedures for complying therewith are designed to satisfy the needs of the present and future inhabitants of the Town for multi-family dwelling units while ensuring that such development provides for the health, safety and welfare of both the residents of the multi-family units and the town as a whole. Except as otherwise specifically provided for in the Zoning By-Laws, multi-family developments in Millis shall be allowed only according to the terms of a Special Permit and the provisions of this Subsection B.

#### 2. Objectives

In all actions taken hereunder, the Planning Board and its advisors shall be guided by the following objectives:

- a. To provide safe and comfortable multi-family dwelling units for all persons regardless of race, creed, religion or national origin.
- b. To insure proper use and conservation of land and its environment by relating proposed multi-family housing to the natural and man-made features and conditions of the development site, including:

1. slope and topography;
  2. surface and sub-surface bedrock and soil drainage conditions;
  3. location and compatibility with respect to adjacent streets and buildings;
  4. vegetative cover, bodies of water and wetlands;
  5. other features of recognized conservation or historical significance;
- c. To encourage owners and developers to design and build high quality multi-family developments with accompanying conveniences and appropriate site improvements by promoting proper consideration of physical planning factors such as:
1. recreational areas and facilities;
  2. outdoor lighting and screening thereof;
  3. parking areas, driveways, streets and traffic flow;
  4. protection of open space including wooded and wetland areas;
  5. suitable placement of buildings and facilities in relation to the site and surrounding influences;
  6. design and layout of building interiors and exteriors;
  7. adequacy of tenant services and conveniences.
- d. To promote orderly physical, social and economic development in the Town of Millis.

### 3. Standards

In reviewing a Site Plan under this section, the Building Inspector, Planning Board, and the Board of Appeals, shall consider, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located, the following:

- a. Minimum Tract Size - Multi-family development shall be permitted upon a single tract, in one ownership with definite boundaries ascertainable from a recorded deed or record plan, which has an area of not less than 217,800 sq. ft.

Existing public or private ways need not constitute boundaries of the tract but the area within such ways shall not be counted in determining tract size.

- b. Building Separation - As a practical design goal, the desired distance between buildings shall be 50 feet. However, depending upon architectural, aesthetic, land planning, topographical and ground factors, the Planning Board may permit such distance to be less than 50 feet, but in no case shall such distance be less than 35 feet. Attachments of two buildings with breezeways or other architectural extensions to avoid the required separation of structures as determined by the Boards shall not be allowed.
- c. Parking and Access Roads - All roads, drives, parking areas, walks, municipal services and improvements shall be designed and constructed in accordance with the Land Subdivision Rules and Regulations of the Planning Board of the Town of Millis on file in the office of the Town Clerk at the time the application for Special Permit is filed. Multi-family developments shall have adequate access with minimum 24 foot roadways to accepted ways without substantial intrusion on areas zoned for single family use. Proper maintenance of all private roads, drives, parking areas and walks on the project site, including snow removal, shall be the responsibility of the owner or Homeowners Association. Sidewalks shall be a minimum of 4 feet in width, 4 inch thick reinforced concrete and shall be provided along one side of all access drives and in other areas as required by the Planning Board. Roads and access drives shall provide acceptable access and maneuvering areas for fire and other truck traffic. No parking lot or access drive or parking area with a length over 500 feet shall have a single access. No paved area will be closer than 20 feet to any building.

On-site paved parking areas, including at least two parking spaces for each dwelling unit with minimum dimensions as specified in Section VIII of this By-Law and provisions for 24 foot aisles, 24 foot drives, adequate visitor parking, and snow removal and disposal, shall be provided. Separate buildings for parking garages may be permitted if located and designed so as to complement the building design and site layout. Parking shall not be allowed within 50 feet of the property line. The Board may permit such distance to be reduced to 25 feet if adequate screening by planting and fencing is provided. All paved areas shall be curbed with granite, concrete, or bituminous concrete in a manner acceptable to the Planning Board. Driving lanes shall be a minimum of 24 feet for perpendicular parking. Angled parking spaces may be allowed but only by special approval of the Planning Board. Turnaround spaces shall be provided in all dead-end parking lanes.

The layout of the parking area shall allow sufficient space for the storage of plowed snow, unless removal by some other means is assured.

When the total amount of parking area and/or loading area on a lot or building site exceeds 40,000 square feet, the parking lot shall be separated into smaller lots or segments of not more than 20,000 square feet each with dividers at least 5 feet wide and containing vegetation as specified by the Planning Board.

- d. Building Height - No building shall exceed two and one-half stories in height, exclusive of basements, nor thirty-five (35) feet in height. Dwelling units located in part below the upper finished grade on sloping sites in accordance with subsection hereof shall be counted as one story. No more than two (2) stories shall be allowed for living space.
- e. Dwelling Units per Building - No townhouse unit shall contain fewer than three (3) nor more than eight (8) dwelling units. No other multi-family structure shall contain fewer than eight (8) nor more than twenty (20) dwelling units except that fewer than eight (8) but not less than three (3) dwelling units may be allowed by the Planning Board, if such Board approves of such reduction as being compatible with architectural, aesthetic and other planning considerations.
- f. Dwelling Unit Space - All dwelling units within multi-family buildings shall have minimum floor areas as follows:
- |    |                    |                   |
|----|--------------------|-------------------|
| 1. | efficiency unit    | 500 square feet   |
| 2. | one bedroom unit   | 800 square feet   |
| 3. | two bedroom unit   | 1,000 square feet |
| 4. | three bedroom unit | 1,200 square feet |
- g. No multi-family development shall have more than 25 percent of the total number of units with three (3) bedrooms. In no case shall there be more than three (3) bedrooms per unit. In addition to considering a combined sleeping and living room in an Efficiency Unit as one bedroom, any other room in any apartment which is not a single living room or equipped kitchen, and is shown on a plan as being for other than bedroom use but which, because of location, size or arrangement, could, in the opinion of the Planning Board, be used as a regular bedroom or adapted to such use, shall be considered as a bedroom for density calculations. No attic or other storage or similarly usable space shall ever be used as or altered to create regular bedroom space nor shall the construction of other aspects thereof be such as would facilitate such use or alteration.
- h. Landscaping and Screening - The site shall be preserved and enhanced by retaining and protecting trees, shrubs, ground cover, stone walls and other site features insofar as practicable. Additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable

features such as sewage facilities, parking areas, dumpster or other solid waste disposal facility locations, service areas, and equipment conveniences and recreational areas. Plantings shall also be provided to buffer adjacent land uses as directed by the Board.

- i. Buffer Areas - No portion of any multi-family building or accessory building shall be less than two hundred (200) feet from any other zoning district or single family residence and such area shall be undeveloped except for parking, drives, walks and landscaping.
- j. Relation to Surroundings - The location, scale, and characteristics of proposed land uses on the site; the design, siting, and scale of structures; and circulation and other characteristics of the development shall be in harmony with surrounding properties and land uses. All structures shall be of high design and construction quality and shall be compatible with existing on-site structures within the neighborhood and the town as to design characteristics including, but not limited to, scale, massing, proportions, height, roofs, exterior detailing, colors and materials.

All service areas, loading areas, outdoor storage, utility structures, mechanical equipment, refuse disposal facilities, or other service or utility facilities shall be located or visually screened so as not to create hazards or visual or other nuisances. Light fixtures, walls, fences, benches, recreation facilities and other such site appurtenances shall be harmoniously designed, constructed, and located in relation to other site features.

- k. Exterior Antennas - Outdoor antennas or other apparatus for radio or television reception or transmission are not permitted, except that master antennas servicing multiple numbers of units may be allowed subject to approval of the Board of Appeals.
- l. Exterior Lighting and Screening - All roadways, parking areas, sidewalks and associated facilities shall be illuminated to acceptable and standard levels as approved by the Board. Any fixture used to illuminate any area shall be so arranged as to direct the light away from adjoining premises used for residential purposes.

Non-glaring exterior lighting shall be planned, installed and operated so as to provide optimal service to each building or group of buildings and all parking areas and roadways. Parking areas, drives and other roadways shall be designed and landscaped so as to minimize the effect upon all dwelling units from motor vehicle headlights. Street and parking lot lighting shall be with approved standards in accordance with the Land Subdivision Rules and

Regulations of the Planning Board of the Town of Millis or as directed by the Planning Board.

- m. Rubbish Disposal - Rubbish and garbage disposal facilities with screening shall be provided in full conformity with all applicable health or other laws and regulations and shall be protected against scattering of contents, rodent or other unhealthy infestation or condition and odor transmission. Dumpsters shall be reasonably located and have reasonable access from all units. Dumpsters shall be located in areas with acceptable truck access and not within 40' of any building. Dumpster foundations shall be constructed of a 6" reinforced concrete pad with a 6 foot fence on 3 sides of the pad. The developer shall indicate the dumpster size and insure adequate space on the pad.
  
- n. Sloping Conditions - No living space shall be below ground except that under sloping conditions dwelling units may be constructed if the story housing such units does not have:
  1. more than fifty percent (50%) of its exterior wall facing the upper slope below the grade of that slope;
  2. any portion of its exterior wall facing the lower slope below the grade of that slope;
  3. more than twenty-five percent (25%) of the total area of all its exterior walls below any grade.

Slopes of all paved areas shall be consistent with those provided in the Land Subdivision Rules and Regulations of the Planning Board of the Town of Millis or as approved by the Board.

- o. Water, Sewerage, Power and Other Utilities - All Multi-Family developments shall be serviced by municipal sewerage. All supply lines for all utilities shall be underground and placed with access drives in accordance with the Land Subdivision Rules and Regulations of the Planning Board of the Town of Millis.
  
- p. Common Open Space - An area of Common Open Space shall be provided by the applicant and shall equal at least 35% of the total area of the development tract. No more than 50% of the minimum required Common Open Space shall be situated within the Flood Plain/Watershed Protection District. The Common Open Space shall have a shape, dimension, character and location suitable to enable its enjoyment and use for passive recreation, conservation or agricultural purposes by the residents of the multi-family development. Provisions shall be made so that the Common Open Space is owned by the owners of the

development or otherwise as the Board may direct and be readily accessible to all residents within the development.

All Common Land and Common Open Space hereunder shall either be owned:

- 1) by a Homeowners Association whose membership includes the owners of all units contained in the tract. The developer shall include, in the deed to owners of individual lots, beneficial rights in said common land, and shall grant a separate conservation restriction to the Town of Millis, satisfactory to the Millis Conservation Commission, over such land pursuant to Chapter 184, Sections 31-33, General Laws, to insure its perpetual use for those purposes specified in Section 31 of Chapter 184, General Laws. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by Section 32 of Chapter 184, General Laws. In addition, the developer shall be responsible for the maintenance of the common land until such time as the Homeowners Association is capable of assuming said responsibility. In order to ensure that the Association will properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Norfolk County Registry of Deeds a Declaration of Covenants and Restrictions which shall, at a minimum, provide for the following:
  - a) mandatory membership in an established Homeowners Association, as a requirement of ownership of any lot or dwelling unit in the tract;
  - b) provisions for maintenance assessments on all lots or dwelling units in order to ensure that all common land is maintained in a condition suitable for the uses approved by the Homeowners Association. Failure by the responsible party or parties to pay such assessments shall create a lien on the property assessed, enforceable by either the Homeowners Association or the owner of any lot;
  - c) provisions which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the common land will not terminate by operation of law;
- 2) or, by the Town of Millis, for park or open space use, subject to approval by vote of the Town Meeting;

- 3) or, by a non-profit organization, satisfactory to the Planning Board, the principal purpose of which is the conservation of open space in perpetuity;
- 4) or, by a combination of the above.

In all cases, a perpetual restriction of the type described in G.L. c 184 sec. 31 (including future amendments thereto and corresponding provisions of future laws) shall be recorded in respect to such Common Open Space. Such restrictions shall provide that the Common Open Space shall be retained in perpetuity for use by residents in the development and the inhabitants of the Town for the purposes of conservation or agriculture. The restriction shall specifically prohibit the use of Common Open Space for all motorized terrain vehicles, snowmobiles, motorbikes, motorcycles and similar vehicles. It shall prohibit the construction of any above ground structures, buildings, roads and paved areas except for the construction and maintenance of walks, bicycle, equestrian and foot paths or similar facilities for the benefit of the residents. Such restrictions shall be in such form and substance as the Board shall prescribe and may contain such additional restrictions on development and use of the Common Open Space as the Board may deem appropriate.

#### 4. Bonus Provision

**(Added May 20, 1986)**

Upon application, the Planning Board may permit additional dwelling units in the proposed multi-family development, provided that:

- a. the otherwise allowable density not be exceeded by more than ten (10) percent,
- b. such additional dwelling units are to be purchased by the Millis Housing Authority at the price at which the applicable state or other agency has committed funds for the purchase, for the purpose of meeting low and moderate income housing needs of the Town,
- c. a purchase and sale agreement has theretofore been executed by the developer and the Millis Housing Authority with respect to such additional dwelling units,
- d. such additional dwelling units are similar in character to other dwellings in the proposed multi-family development,
- e. such additional dwelling units comply with the same requirements and regulations applicable to other dwelling units in the proposed multi-family development,

- f. the Planning Board finds that the development meets all other conditions of this By-Law.

#### 5. Administration

##### a. Conceptual Plan -

- 1) General. A Conceptual Plan of the Multi-Family Development may be submitted by the applicant to the Board for discussion and approval by the Board. The submission of such a Conceptual Plan will enable the developer, the Board, other municipal agencies and owners of property abutting the Development to discuss and clarify the development plans before a Site Plan is prepared. It is, therefore, recommended that a Conceptual Plan be filed in every case. Submittal of a Conceptual Plan does not constitute submission of a Special Permit Application as defined under Chapter 40A, Section 9 of the General Laws of the Commonwealth of Massachusetts. If a developer elects to submit a Conceptual Plan, that plan should include those requirements of the Multi-Family Development Rules and Regulations of the Planning Board of the Town of Millis.

##### b. Site Plan -

- 1) General. A Site Plan shall be governed by the Multi-Family Development Rules and Regulations of the Planning Board of the Town of Millis in effect at the time of submission of such plan or in effect at the time of the submission of a Conceptual Plan provided that a Site Plan evolved therefrom shall have been submitted to the Planning Board within seven (7) months from the date of submission of the Conceptual Plan.

A Site Plan shall also be governed by the zoning in effect at the time of submission of such plan or a Conceptual Plan from which a Site Plan is evolved in accordance with the provisions of Section 6 of Chapter 40A of the General Laws of the Commonwealth.

- 2) Submittal Requirements. Submittal Requirements for Special Permits for Multi-Family Developments shall be in accordance with all applicable provisions of Section XII of this Zoning By-Law. The Site Plan shall contain those items as prescribed by the Planning Board in their adopted Rules and Regulations in effect at the time of submittal of the Site Plan to the Planning Board by the applicant. A filing fee shall be payable at the time of submission. The fee shall be established by the Planning Board and published in a schedule of fees.

- 3) Contents. The Site Plan shall be clearly and legibly drawn in black India ink upon mylar or similar stable base material. The plan shall be at a scale of 1" = 40' (one inch equals forty feet) or other such scale as the Planning Board may accept to show all details clearly and adequately. The contents of the Site Plan shall include those items as prescribed by the Planning Board in their adopted Multi-Family Development Rules and Regulations in effect at the time of submittal of the Site Plan to the Planning Board by the Applicant. Any Site Plan not conforming to the aforementioned Rules and Regulations shall be returned to the Applicant as incomplete.
- c. Public Hearing. Before approval, modification and approval, or disapproval of a Site Plan is given, a public hearing shall be held by the Board. The public hearing shall be held within sixty-five (65) days after filing a complete Site Plan with the Board that meets the requirements of the Board. Notice of the time and place of the hearing, and of the subject matter, sufficient to identification, shall be given by the Board at the expense of the applicant by advertisement in an official publication or newspaper of general circulation in the Town of Millis in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing. A copy of said notice shall be sent by U.S. Mail to the applicant and to all owners of land abutting the proposed development or separated from such land only by a street as appearing in the most recent tax list.
- d. Approval, Modification and Approval, Approval with Conditions, or Disapproval. The Board shall take action on the Site Plan within ninety (90) days after the required hearing. The Board may approve, modify and approve, approve with conditions, or disapprove said plan as provided by statute. The action of the Board, in respect to such plan, shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery, registered or certified mail, postage prepaid to the applicant at his address stated on the application. Favorable action shall require a vote of four of five Board members.

If the Board modifies or disapproves such plan, it shall state with its vote the reasons for its action. Final approval, if granted, shall be endorsed on the reproducible drawings of the Final Plan by the signatures of four of five Board members but not until a 20-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed, or if appeal has been taken not until the entry of adjudication sustaining the approval of such plan. After the Site Plan has been approved and endorsed, the applicant shall furnish the Board, the Agent, Board of Public Works, Board of Selectmen, and the Assessors with one print each.

- e. Recording of Plan for Common Land and Homeowners Associations. In order to ensure that the corporation, non-profit organization or trust will properly maintain the Common Land, an instrument(s) shall be recorded at the Norfolk County Registry of Deeds. The instrument(s) shall provide those elements and follow such schedule as prescribed by the Planning Board in their adopted Multi-Family Development Rules and Regulations.
- f. The Planning Board may enact Multi-Family Development Rules and Regulations to effectuate the purposes of the Millis Zoning By-Laws relative to multi-family developments.

**C. Site Plan Review and Approval for Commercial and Industrial Structures and Developments**

**(Added May 18, 1987)**

1. Provisions of this subsection apply in accordance with the provisions of Section V.E. of this By-Law.
2. In all instances specified under Section V.E., and Table 1 - Use Regulations, a special permit from the Planning Board is required in any case where a commercial or industrial structure or development is to be erected or externally enlarged or any parking lot, loading area or driveway is to be constructed or changed. Site plan approval can only be granted after a public hearing has been held by the Planning Board, as set forth in Section 11 of Chapter 40A of the Massachusetts General Laws. All development, construction, enlargement or reconfiguration shall be in conformity with a Site Plan bearing an endorsement of approval by the Planning Board.
3. Site plan approval shall not be required for extensions or expansions to a building which, in total, shall not exceed more than 200 square feet or 10 percent of gross floor area, whichever is less.

For structures of less than 750 square feet requiring site plan review, the Planning Board may issue a waiver of complete requirements. Such a waiver may be granted after review of a sketch plan of the project with limited supporting information about the major features and impact of the project. The sketch plan should show buildings, proposed construction, abutting properties and railroad access. Drainage and landscape features, if any, can be shown in a general way on such a sketch plan. The sketch plan need not be prepared by a professional engineer or architect, but it should be legible and accurate and drawn to a consistent scale.

Application for such a waiver may be by letter from an applicant, with the sketch plan and supporting materials attached. Upon favorable vote by the Planning Board, the Board shall issue a certificate of waiver from further site plan review. The Board shall act on all applications for such waivers within thirty (30) days of their receipt. Failure to

grant such a waiver means the applicant must proceed with a full site plan review if they want appropriate town permits.

**(Amended May 15, 1990)**

4. Procedure for Review by the Planning Board
  - a. Application forms for site plan review and approval shall be provided by the Planning Board. Each application for site plan shall be submitted to the Planning Board with seven (7) copies of the site plan. The Planning Board shall promptly transmit a copy of the site plan and any accompanying information to the Building Inspector, the Board of Health, the Board of Public Works and the Conservation Commission for their review and comments. Said boards and officers shall render any report or recommendations within 35 days of receipt of site plans and/or supplementary information by the Planning Board. Failure to do so shall be deemed a lack of opposition to the site plan.
  - b. The site plan shall include information as to the proposed use of the structures or development. The site plan shall include that portion of any adjacent land owned or used by the applicant on which the use is similar to or connected with the use of which the special permit is being sought.
  - c. The site plan shall show, among other things, zoning boundaries, zoning district designation of the affected property(s), existing and proposed topography in two (2) foot contours, existing and proposed buildings, their uses, elevations, parking areas, loading areas, driveway openings, service areas and all other open spaces, all facilities for sewerage, refuse and other waste disposal, all surface and subsurface water drainage, wetlands, surface water, areas subject to the 100-year flood, maximum groundwater elevation as determined between December 1st and April 30th, private or public wells and drinking water supplies in relation to the site, and all landscape features (such as walks, planting areas with size and type of stock, trees and fences), both existing and proposed. The site plan shall show also the relation of the above features to adjacent ways and properties.

The site plan shall include specific measures to control erosion and sedimentation, maximize groundwater recharge, protect groundwater quality, and maintain aesthetic character.
  - d. The site plan shall also show all contiguous land owned by the applicant or the owner of the property which is subject of the application, and shall indicate the names and addresses of other owners of record of continuous property, to be determined from the Norfolk County Registry of Deeds.
  - e. Requirements for specific items to be shown on the site plan may be waived or added to at the discretion of the Planning Board.

- (1) The applicant shall submit such material as may be required by the Planning Board regarding measures proposed to prevent pollution of surface or groundwater, soil erosion, increased runoff, changes in groundwater level, and flooding.
  - (2) The applicant shall submit such material as may be required by the Planning Board regarding design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors.
  - (3) The applicant shall submit such material as may be required by the Planning Board regarding the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.
  - (4) Where deemed appropriate to relieve traffic congestion, the Planning Board may require that a portion of the site to be developed be used for the development of auxiliary roads which may or may not be linked to the development of similar roads or adjacent properties.
5. In considering a special permit application under this section, the Planning Board shall evaluate the technical quality of the site plan to assure the advisability of approval after considering the following matters:
- (a) Protection of adjoining premises against detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light and air;
  - (b) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;
  - (c) Protection and enhancement of existing site features;
  - (d) Adequacy of the arrangement for parking and loading spaces in relation to the proposed uses of the premises;
  - (e) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site; and

- (f) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this By-Law.
  - (g) Protection of environmental features, particularly groundwater resources, on the site and in adjacent areas, adequate protection to prevent pollution of surface and groundwater, soil erosion, increased runoff, changes in groundwater recharge or elevation and flooding.
6. The Planning Board shall insure a reasonable use of the site consistent with the uses permitted in the district in which a site is located. The Planning Board shall give due consideration to any reports from the Building Inspector, Conservation Commission, Board of Health, Board of Public Works, or other Town officials, and where the Planning Board's decision differs substantially from the recommendations of other officials or Boards, the reasons, therefore, shall be stated in writing within seven (7) days of the decision.
  7. No certificate of occupancy shall be issued for any structure or development subject to the site plan review procedure unless it substantially conforms to the approved site plan. The applicant shall submit to the Building Inspector, with a copy to the Planning Board, a written certification from the professional engineer, architect or landscape architect who prepared the final site plan, the work has been completed in accordance with the approved site plan. The Building Inspector shall deny the issuance of a certificate of occupancy if a professional engineer's, architect's or landscape architect's certification is not so provided. A certificate of occupancy, issued by the Building Inspector for any activity requiring site plan approval under this section shall constitute a certificate that such construction was performed and completed in compliance with an approved final site plan and such certification shall be conclusive for all purposes, unless it was issued in disregard of the requirement for certification by a professional engineer, architect or landscape architect as provided for herein. Prior to the issuance of a certificate of occupancy, documents for all easements to be granted to the Town shall be duly recorded as required by law.

**D. Planned Business Development.**

For planned business development of land subject to maximum building coverage more than the maximum permitted in the Table 3. Area and Bulk Regulations and less than the parking requirements contained in the Table 4. Off-Street Regulations, provided:

1. The tract shall be in single or consolidated ownership at the time of application and shall be at least 5 acres in size.
2. A site plan shall be presented for the entire tract showing two-foot finished contours, existing and proposed drainage, sewerage, water, parking, street access and

- landscaping, and shall be subject to approval by the Planning Board where it constitutes a subdivision as per the Subdivision Control Law.
3. Uses shall be contained in one continuous building, except that groups of buildings may be allowed by the Special Permit Granting Authority where such groupings are consistent with the safety of the users of the development and are further consistent with the overall intent of this section; the development shall be served by one common parking area, exit, and entrance.
  4. The maximum building coverage of the lot shall be 50 percent.
  5. The development shall be served by one common parking area and by common exit and entrance areas.
  6. Any reduction in parking space requirements shall not exceed more than 10 percent of those required under normal application of requirements for the particular uses proposed.
  7. The development would be served by both a public water and sewerage system.

**E. Planned Industrial Development.**

For the planned development of land for industrial purposes subject to area regulations less than the minimum required in Table 3. Area and Bulk Regulations, provided:

1. The tract in single or consolidated ownership at the time of application shall be at least 6 acres in size.
2. A site plan shall be presented for the entire tract showing two-foot finished contours, existing and proposed drainage, sewerage, water, parking, street access and landscaping, and shall be subject to approval by the Planning Board where it constitutes a subdivision as per the Subdivision Control Law.
3. Individual lot sizes shall not be reduced more than 10 percent below that normally required for manufacturing or service industrial purposes in the district.
4. The total number of lots in the development shall not exceed the number of lots which could be developed under normal application requirements of the district.
5. The permitted uses shall be limited to manufacturing or service industrial uses with the total use completely within the building.
6. The development shall be served by both a public water and sewerage system or private system approved by the Board of Health.

7. At least 10 percent of the total tract area (of which at least 80 percent shall not be wetlands or land with a slope of over 5 percent) shall be set aside as common land and shall be either deeded to the town or covenanted to be maintained as permanent "open space" in private or cooperative nonprofit ownership. The common land shall be either in a single contiguous parcel or in several separated parcels as deemed appropriate by the Permit Granting Authority.
8. Such common land shall be deeded to the town or permanently covenanted simultaneously with the Planning Board's approval of the Subdivision Plan, if any.
9. Such common land shall be restricted to open space, playfield, golf course, or conservation area.
10. Such common land shall have suitable access to a street.

**F. Removal of Soil, Loam, Sand, Gravel, Quarry, or Other Earth Materials**

**(Amended June 20, 1989)**

1. The removal of top soil and loam from any land in the Town is prohibited, except by special permit.
2. The removal of soil, loam, sand, gravel, or other earth materials from land in any district which falls within the superimposed Watershed Protection or Special Flood Hazard Districts is prohibited, except where such removal is in connection with drudgery being carried out by a governmental agency.
3. Exceptions. The removal of earth material in any of the following operations shall be exempt from this section:
  - a. The removal of less than 10 cubic yards of material in the aggregate in any year from any one lot.
  - b. The transfer of material from one part of a lot to another part of the same lot.
  - c. The removal of material necessarily excavated in connection with lawful construction of a building, structure, street, driveway, sidewalk, path, or other appurtenance provided the quantity of material removed does not exceed that actually displaced by the portion of such building, structure, street, driveway, sidewalk, path, or other appurtenances below finished grade.
4. For the removal of soil, loam, sand, gravel, quarry, or other earth materials other than that specifically exempt above, and for the processing and treating earth materials, the following conditions shall govern:

- a. Removal operations shall not be conducted closer than 200 feet to a public street, except with the prior written consent of the Planning Board and subject to any reasonable conditions which the Planning Board may impose but such consent may only be given in connection with the lawful construction of a building, structure, street, driveway, sidewalk, path or other appurtenance.
- b. All equipment for sorting, washing, crushing, grading, drying, processing, and treating, or other operation machinery, shall not be used closer than 100 feet from any public street or from any adjoining lot line.
- c. Off-street parking as required in the Table 4. Off Street Parking Regulations shall be provided.
- d. Any access to excavated areas or areas in the process of excavation will be adequately posted with **KEEP OUT - DANGER** signs.
- e. Any work face or bank that slopes more than 30 degrees downward adjacent to a public street will be adequately fenced at the top.
- f. Adequate provision is to be made for drainage during and after the completion of operations.
- g. Lateral support shall be maintained for all adjacent properties.
- h. The use of explosives shall be done in accordance with the regulations for storage or handling of explosives as published by the Commonwealth of Massachusetts.
- i. All operations shall be conducted in such a manner so as to comply with the laws of the Commonwealth of Massachusetts regulating water pollution and air pollution.
- j. Before approval of a permit for any excavation, the owner shall file a performance bond, or deposit money, or other negotiable securities in an amount determined by the Planning Board to be sufficient to cover costs of all, or any part of cleaning the site upon completion of work, such as removing stumps, large boulders, general cleanup, and other miscellaneous debris.
- k. Before granting approval, the Planning Board shall find that the proposed operation will not be injurious or dangerous to the public health; will not produce noise, dust or other effects observable from adjacent property in amounts seriously objectionable or detrimental to the normal use of the property; will not result in a change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation

is conducted and will not have a material adverse effect on the water supply, health, or safety of persons living in the neighborhood or on the use of or amenities of adjacent land.

- l. The permit issued shall be granted only to the owner of the record and shall not be transferable.
  - m. In granting a permit hereunder, the Planning Board shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which may include conditions as to the overall operation set forth above and as relating to the site plan and land reuse plan requirements set forth in the paragraphs in triplicate below.
5. Site Plans. Site plans shall be filed in triplicate with the Planning Board for any land which is sued or intended to be used for the extraction of sand, gravel, rock, and associated earth materials. Site plans of the removal areas shall be prepared by a Registered Professional Civil Engineer and a Registered Land Surveyor at a scale of 40 feet to the inch and shall be in accordance with and indicate the following:
- a. Lot lines, zone lines, including Wetland Protection and Special Flood Hazard Districts and ownership.
  - b. Existing topography and proposed elevations at two-foot contour intervals.
  - c. Names of abutters as found on the most recent tax list.
  - d. Adjacent public streets and private ways.
  - e. Proper provisions for safe and adequate water supply and sanitary sewerage and for temporary and permanent drainage of the site.
  - f. A location plan at a scale of 1" = 1,000'.
  - g. Plan for regrading of all or parts of the slopes resulting from such excavation or fill.
  - h. Plan for replacement of at least four inches of topsoil over all excavated, filled or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
  - i. Hours of operation and plan for lighting, if night operation is contemplated.
  - j. Proposed lateral support to all adjacent property.

- k. Proper provision for vehicular traffic, service roads, control of entrances and exits to highways.
  - l. The relation of future buildings, temporary buildings, and operations machinery to the removal areas.
  - m. Delineation of removal areas and depths.
  - n. Provision for a substantial fence enclosing the excavation of quarry where any excavation of quarry will extend under original ground level or will have a depth of ten feet or more and create a slope of more than one foot in two feet. Such fence shall be located ten feet or more from the edge of the excavation of quarry, and shall be at least six feet in height.
  - o. Method of removal.
  - p. Distance of excavation to street and lot lines.
  - q. Disposition of boulders and tree stumps.
  - r. Cleaning, repair and/or resurfacing of streets used in the removal activities which have been adversely affected by the removal activity.
6. Land Restoration Plan(s). Land restoration plan(s) must be submitted and approved by the Planning Board subject to the regulations set forth in the following paragraphs:
- a. The Planning Board may require up to three approved alternative future land restoration plans be submitted for such land as is used for the extraction of sand, gravel, rock, and associated earth materials. It is recognized that land restoration of the removal areas is in the public interest.
  - b. Said land restoration plan and its implementation applies to the conversion of the abandoned site and its planned restoration. It is, therefore, required that any land restoration plan correspond to a situation which could reasonably occur in the immediate future (zero to five years), and be revised as necessary as the existing physical character of the removal area changes.
  - c. The land restoration plan or any part thereof, which reasonably applies to an area which has been abandoned from removal use, shall be put into effect within one year of the abandonment of said operation.
7. Bonding. The Planning Board shall require a bond or other security to insure compliance with its conditions of authorization, unless, in a particular case it specifically

finds that such security is not warranted and so states its decision giving the reasons for its finding.

8. Permits in Proposed Subdivision. It is the intention of this section that the removal of earth materials in an amount in excess of that permitted in paragraph 3a above from any parcel of land for which a definitive subdivision plan has been prepared shall be allowed only in the same manner as removal from other parcels of land in the Town. Consequently, approval of a subdivision plan by the Planning Board shall not be construed as authorizing the removal of materials in excess of ten cubic yards from the premises, even though in connection with the construction of streets shown on the plan, unless the material removed is below the finished grade of the constructed street as provided in paragraph 3c.
9. Penalties. The penalty for the violation of this section of this By-Law, or the removal of any soil, loam, sand or gravel, within the Town without a permit hereunder, except as hereinbefore provided, shall be as follows:
  - a. For the first offense, fifty dollars;
  - b. For the second offense, one hundred dollars;
  - c. For each subsequent offense, two hundred dollars, and/or revocation of the permit at the discretion of the Planning Board.
  - d. Each unit or removal, used to remove soil, loam, sand, or gravel, such as a truck load of any size, from the original site constitutes a separate offense under this By-Law.

Such penalties shall be in addition to the existing rights of the Town to enforce its By-Laws.

10. Permit Procedures
  - a. No such permit shall be issued except upon written application therefore to the Planning Board.
  - b. Such application shall be accompanied by such filing and publication fee as the Planning Board may reasonably determine.
  - c. Within 10 days after receipt of such application, the Planning Board shall fix a reasonable time for a hearing upon such application and shall cause the notice of the time and place of such hearing thereof and of the subject matter, sufficient for identification, to be published in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less

than 14 days before the day of the hearing and shall also send notice by mail, postage prepaid to the petitioner and to the owners of all property deemed by the Planning Board to be affected thereby, as they appear on the most recent local tax list, and to the Board of Health, Board of Public Works, Conservation Commission. At the hearing, any party, whether entitled to notice thereof or not, may appear in person or by agent or by attorney.

11. Existing Operations. Any existing sand or gravel removal activity operating under a permit issued by the Planning Board may continue until the expiration of the permit thereof; provided that no such permit shall issue; (1) if such removal shall adversely affect the water table or the natural or engineered drainage in the Town; or (2) if such removal shall create unreasonable noise, dust, fumes, or other effects which are detrimental to the public health or public welfare. Discontinuance for more than 12 consecutive months shall be deemed to constitute abandonment.

**G. Filling of Land or Water Area.**

For the filling of any wetland or water area where such filling is not covered by Sections X and XI of this By-Law, where such filling in requires an amount or fill equivalent to 2,500 cubic yards or more; or where the area to be filled in exceeds 10,000 square feet, the following conditions apply: (Such Conditions shall include, where applicable, prior approval by the Board of Selectmen, the Massachusetts Department of Environmental Quality Engineering and the Massachusetts Department of Public Works under Chapter 130 and 131 of the General Laws.)

1. Submission of a location plan at a scale of 1" = 1,000' showing the area to be filled in or excavated, lot lines within which the filling is proposed and tie-in to the nearest road intersection.
2. Submission of a site plan to a scale 1" = 40' of the lot and surrounding area within 100 feet showing in addition to number 1. above, existing and proposed contour lines at intervals of not more than two feet resulting from the proposed filling in, in relation to the topography of the premises, said plan to be prepared by a Registered Professional Engineer and Registered Land Surveyor.
3. Provision for temporary and permanent drainage of the site.
4. Limitation of fill to terrace fills which are not to exceed ten feet at any one time nor be within ten feet of an adjacent lot line or any cut.
5. Regrading of all parts of the slopes resulting from such fill.
6. Replacement of at least four inches of topsoil over all filled or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
7. Submission of plan for lighting, if night operation is contemplated.

8. Where any fill will have a depth of ten feet or more and create a slope of more than one foot in two feet, there shall be a substantial fence enclosing the fill at least six feet in height with suitable gates. Such fence shall be located ten feet or more from the edge of the fill.
9. In granting a permit hereunder, the Special Permit Granting Authority shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town which may include conditions as to the overall operation and as relating to the submitted items above.

**H. Home Occupation.**

For the use of a dwelling in any "R" District for a home occupation, the following conditions shall apply:

1. No more than one nonresident shall be employed therein.
2. The use is carried on strictly within the principal building.
3. Not more than 25 percent of the existing net floor area not to exceed 400 square feet is devoted to such use.
4. That there shall be no display of goods or wares visible from the street.
5. No advertising on the premises other than a small nonelectric sign not to exceed two square feet in area, and carrying only the occupant's name and his occupation such as physician, artisan, teacher, day nurse, lawyer, architect, salesman (type), engineer, clergyman, accountant, osteopath, dentist, and similar occupations or professions.
6. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a multi-family dwelling the use shall in no way become objectionable or detrimental to any residential use within the multi-family structure.
7. Any such building shall include no feature of design not customary in building for residential use.
8. Such uses as clinics, barber shops, bakeries, gift shops, beauty parlors, tea rooms, tourist homes, animal hospitals, kennels, and others of a similar nature shall not be considered as home occupations.

**(Added May 9, 1983)**

**I. Adult Bookstore and Adult Motion Picture Theater.**

For an Adult Bookstore and Adult Motion Picture Theater in a "C-V" District, the following conditions must apply:

1. It shall not be located within 500 feet of any district designated by this Zoning By-Law for any residential uses;
2. It shall not be located within 500 feet of any other adult bookstore or adult motion picture theater or any establishment licensed under the provisions of Section 12 of Chapter 138 of the Massachusetts General Laws;
3. No signs or other structures shall be placed on the premises without a prior permit from the Building Inspector, nor shall the building be painted in such fashion as will effectuate the same purpose as a sign, without a prior permit from the Building Inspector;
4. Merchandise, advertisements, displays or other promotional materials shall not be shown so as to be visible to the public from pedestrian sidewalks or walkways or from other areas public or semi-public outside such establishments.
5. Special permits hereunder shall only be issued following public hearings held within 65 days after the filing of an application with the Special Permit Granting Authority, a copy of which shall forthwith be given to the Town Clerk by the applicant.

**J. Temporary Structures**

All temporary structures intended to exist for a period of more than seven days, including air supported buildings, must comply with all provisions of the Massachusetts Building Code. All structures over 500 square feet in floor area must apply to the Planning Board for a special permit. In reviewing applications, the Planning Board shall consider the following factors:

1. Public safety in the event of a building failure or collapse.
2. Proposed maintenance procedures to keep the structures in good order, repair and condition.
3. Activities to be conducted in the structures.
4. Any unusual impacts the structures may have such as light reflection or generation.

In granting a special permit, the Planning Board may require the applicant to submit written materials such as reports and engineering plans and manufacturers specifications to inform them in their review of any proposed temporary structures. In granting a special permit, the Planning Board may require special conditions to protect public safety, health and convenience. Temporary structures erected for the purpose of supporting the construction of permanent structures are exempt from the provisions of this section.

**(Added May 15, 1990)**

**K. Land Clearing**

Land clearing, excavation, sand and gravel removal, or clear cutting of trees and shrubbery, in anticipation of any use permitted or authorized by these zoning By-Laws, or other By-Laws and regulations of the Town of Millis, or laws of the State of Massachusetts, is prohibited, prior to the issuance of all required approvals, permits, variances, licenses and authorization. Limited clearing and excavation and grading is permitted for the purpose of providing access and necessary survey and engineering data.

The following activities are specifically exempt from these regulations:

- a. Agricultural uses provided any cleared areas exceeding the permitted site coverage area are planted with crops or grazing material within ninety (90) days of land clearing.
- b. Necessary land clearing within the layout of an existing road, street or way or a way shown on a plan heretofore approved and endorsed by accordance with the Subdivision Control Law.

**(Added May 15, 1990)**

**L. Automatic Carwash and/or Self-Service Carwash.**

Automatic and/or self-service carwashes constructed after the adoption of this section shall require review and approval in conformance with the provisions of this section. The Planning Board shall be the Special Permit granting authority.

1. Site Plan Application

An applicant proposing to construct an automatic and/or self-service carwash facility shall submit a site plan application which shall conform to (Section XIII, Article C. of the Town of Millis, Zoning By-Laws), including the following criteria:

- a) A locus map.
- b) The location and dimensions of all buildings and structures. Lot, street lines and intersections within 400 feet. Zoning classification, water well and/or storage locations, ownership and use of all parcels immediately abutting the subject site.
- c) The location, dimension and type of all proposed materials.
- d) A traffic impact study which shall include the projected peak hours and daily traffic generated by the carwash on roads and ways in the vicinity of the development; sight roads and ways in the vicinity of the development; sight lines at intersections of proposed driveways and streets; existing and proposed traffic controls in the vicinity of the proposed carwash; and projected post-development traffic volumes and levels of service of the intersections and streets likely to be affected by the proposed carwash.

- e) The location and dimensions of all driveways, maneuvering spaces, queuing areas, parking spaces, employee parking, and proposed circulation of traffic.
- f) The extent of impervious surfaces and the provisions of storm water management, as well as water used to wash vehicles. Drainage computations and limits of floodways shall be shown where applicable. Snow disposal areas shall also be indicated.

2. Standards - Automatic and/or Self-Service Carwashes

Automatic and/or self-service carwashes shall be designed and operated according to, but not necessarily limited to, the following standards:

- a) Entrances and Exits:
  - 1) Entrances and exists shall occupy not more than 40 percent of lot frontage, and shall be clearly channeled through the use of curbed planting areas and/or similar devices.
  - 2) Exiting vehicles shall have at least 400 feet visibility in each travel direction. Vehicle entrances and/or exits shall be designed in accordance with Section VIII, Articles, of the Town of Millis, Zoning By-Laws.
  - 3) Entrances and exits from carwash facilities shall normally be level (minimal slope) along the entire length of vehicle passage, including queuing lanes.
  - 4) The applicant shall install proper safeguards (when applicable, such as sloped areas) in the form of embedded heat coils and/or adequate trench drainage, within the locus, to assure safety during freezing conditions, as prescribed by the Planning Board.
  - 5) Exit drives from every automatic and/or Self-service carwash facility shall be designed to prevent any water from collecting within vehicular or pedestrian rights-of-way in or adjacent to the subject site.
  - 6) Directional signs controlling vehicular movement within the locus shall be provided as determined by the Planning Board.
  - 7) Hours of operation, subject to approval, shall be posted. Proper notification signs shall be displayed so as not to obstruct the on-site vision of moving vehicles.
- b) Queuing:

Every new automatic and/or self-service carwash facility must provide an on-site, defined, paved area for the queuing of motor vehicles awaiting wash. The queuing area shall be designed to achieve the following objectives:

- 1) Accommodate the maximum queue expected during peak operating period. The applicant shall supply the Planning Board with estimates of demand during peak operating periods which form the basis for site design. Space shall be provided for not less than 15 cars per washing lane to queue off-street.
  - 2) No queuing shall be permitted onto a public or private vehicular or pedestrian way open to use by the general public.
- c) Water Reclamation:
- 1) Every automatic and/or self-service carwash must include modern, state-of-the-art water reclamation facilities.
  - 2) Where waste water does not discharge directly into a public sewer, the applicant shall provide means of waste water disposal in compliance with the Massachusetts Department of Environmental Protection Rules and Regulations.
3. Additional Provisions - Automatic Carwash Facilities:

The following additional provisions shall be applicable only to automatic carwash facilities. Every automatic carwash facility must include the following:

- a) A mechanical dryer operation at the end of the wash cycle.
- b) At least one attendant assigned exclusively to the carwash operation during all hours of operation.

4. Additional Provisions - Self-Service Carwash Facilities:

The following additional provisions shall be applicable to self-service carwash facilities:

- a) Every self-service carwash facility shall have an on-site, defined, paved surface for drying and vacuuming vehicles. This area shall be separate from the outside of the wash bays and of sufficient area to accommodate peak period demand.

**M. Adult Entertainment Uses**

**(Added May 12, 1997)**

### Authority

This by-law is enacted pursuant to M.G.L. Chapter 40A and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain adult entertainment enterprises, as defined and designated herein, because of their deleterious effect in generating crime and blight.

### Purpose

It is the purpose of the Adult Entertainment by-law to address and mitigate the secondary effects of the adult entertainment establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town of Millis and its inhabitants.

The provisions of this by-law have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this by-law to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitution of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this by-law to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

### Definitions

ADULT ENTERTAINMENT USES: shall include the following uses:

- (1) Adult Bookstores, as defined by G.L. Chapter 40A, Section 9A;
- (2) Adult Motion Picture Theaters, as defined by G.L., Chapter 40A, Section 9A;
- (3) Adult Paraphernalia Store, as defined by G.L., Chapter 40A, Section 9A;
- (4) Adult Video Store, as defined by G.L., Chapter 40A, Section 9A;
- (5) Establishment Which Displays Live Nudity For Its Patrons, as defined by G.L., Chapter 40A, Section 9A.

Adult Entertainment Uses By Special Permit In Industrial Districts

Adult entertainment uses shall be prohibited in all zoning districts except in Industrial Districts and may be permitted only upon the grant of a special permit by the Planning Board. Such a special permit shall not be granted unless each of the following standards are met.

- (1) The application for a special permit for an adult use shall provide the name and address of the legal owner of the establishment, the legal owner of the property, and the manager of the proposed establishment.
- (2) No adult use special permit shall be issued to any person convicted of violating the provisions of M.G.L. Chapter 119, Section 60 or M.G.L. Chapter 272, Section 28.
- (3) Adult uses shall not be located within:
  - (a) 1,500 feet from the nearest residential zoning district; or
  - (b) 1,500 feet from the nearest church, school, park, playground, play field, youth center or other location where groups of minors regularly congregate; or
  - (c) 500 feet from the nearest adult entertainment use as defined herein; or
  - (d) 500 feet from the nearest establishment licensed under M.G.L., Chapter 138, Section 12.

The distances specified above shall be measured by the straight line from the nearest property line of the premises on which the proposed adult entertainment use is to be located to the nearest boundary line of a residential zoning district or to the nearest property line of any of the other designated uses set forth above.

- (4) All building openings, entries and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.
- (5) No adult use shall be allowed to display for advertisement or other purpose any signs, placards or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent material any sexually explicit figures or words as defined in M.G.L. Chapter 272, Section 31.
- (6) No adult use shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises.
- (7) No adult use shall be allowed within a building containing other retail, consumer or residential uses.
- (8) No adult use shall be allowed within a shopping center, shopping plaza or mall.

- (9) The proposed adult entertainment use shall comply with the off-street parking requirements set forth in Section VIII.
- (10) No adult entertainment use shall have any flashing lights visible from outside the establishment.
- (11) No adult entertainment use shall have a freestanding accessory sign.
- (12) No adult entertainment use shall be established prior to submission and approval of a site plan by the Planning Board. The site plan shall depict all existing and proposed buildings, parking spaces, driveways, service areas and other open uses. The site plan shall show the distances between the proposed adult entertainment use and the boundary of the nearest residential zoning district and the property line of each of the uses set forth in the definitions' section.

#### Conditions

The special permit granting authority may impose reasonable conditions, safeguards and limitations on time and shall require that any such special permit granted shall be personal to the applicant, shall not run with land and shall expire upon sale or transfer of the subject property.

#### Expiration

A special permit to conduct an adult entertainment use shall expire after a period of three calendar years from its date of issuance and shall be automatically renewable for successive three-year periods thereafter, provided that a written request for such renewal is made to the special permit granting authority prior to said expiration and that no objection to said renewal is made and sustained by the special permit granting authority based upon the public safety factors applied at the time that the original special permit was granted.

#### Severability

The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

**N. Personal Wireless Communications Facilities****(Added May 11, 1998)**

Personal wireless communications facilities constructed after the adoption of this section shall require review and approval in conformance with the provisions of this section. The Planning Board shall be the Special Permit Granting Authority.

(1) Purpose

The purpose of this by-law is to provide regulations that minimize any potential adverse impact that the construction of personal wireless communications facilities may have on the Town of Millis while recognizing the needs for the telecommunications industry to develop an adequate infrastructure.

(2) General Regulations

- a. Personal wireless communications facilities constructed or installed in commercial or industrial zones must comply with the regulations contained in this section as well as all other relevant provisions of the Zoning By-Law.
- b. Personal wireless communications facilities installed in residential zones must comply with the regulations contained in this section as well as all other relevant provisions of the Zoning By-law and may only be installed within the right-of-way of a recorded utility easement established for overhead electrical power transmission lines. Antennas may only be mounted on existing structures within the right-of-way.
- c. A safety setback or 'fall-zone' is required for all new antenna installations. The 'fall-zone' is a circular area with a radius equal to two (2) times the height of the tower or supporting structure. The 'fall-zone' requirement may be reduced by the Planning Board in those cases where an existing structure is used in lieu of a new tower.
- d. For personal wireless installations where ground based equipment is to be installed, the applicant shall furnish a landscape plan designed to minimize the visual impact of the installation on adjacent properties.
- e. For personal wireless installations where ground based equipment is to be installed, the applicant shall submit a security plan which will detail measures to prevent unauthorized access to the site.
- f. For personal wireless installations where ground based equipment is to be installed, the applicant shall submit a maintenance plan and schedule detailing the nature and frequency of all maintenance visits including equipment tests.

- g. For all installations, the applicant shall submit a removal plan detailing provisions for the removal of all equipment and structures installed at the site in the event that the applicant discontinues operations at the site. The removal plan should include provisions for removal of all equipment and structures in the event the applicant abandons the operation.
- h. New towers constructed for the purpose of supporting personal wireless communications antennas must be of a monopole design.

3. Height Regulations

- a. For antennas co-located on an existing tower, the antenna may not exceed the height of the existing tower.
- b. For antennas installed on other existing structures, the antenna may not exceed the maximum height permitted in the zone.
- c. Antennas installed on the side of existing buildings or structures may not extend more than 12" from the sidewall.
- d. New towers constructed for the purpose of supporting personal wireless communication antennas may not exceed 150' in height from finished grade.

4. Antennas Located on Municipal Water Tanks

(Added May 14, 2001)

- a. Antennas may be located, upon issuance of a special permit under this section, upon municipal water tanks for radio systems to support municipal uses.
- b. Such antennas shall be installed in accordance with the Department of Environmental Protection's requirements for such installations.

**O. Accessory Family Unit**

(Added May 10, 1999)

1. Purpose

The purpose of this bylaw is to provide regulations that minimize any potential adverse impact that the allowance of an Accessory Family Unit may have on the Town of Millis while recognizing the needs of an Accessory Family Unit in certain situations.

2. General Regulations

- a. Any proposed construction or alteration relating to the Accessory Family Unit must conform to all area, dimensional, height and bulk regulations as outlined in Section VI, Tables 2 and 3, of the bylaws.

- b. Only the person or persons named in the application for a Special Permit pursuant to this section shall be permitted to occupy the Accessory Family Unit.
- c. The Accessory Family Unit shall have no more than one full bathroom and no more than one kitchen.
- d. The Application to the Special Permit Granting Authority for a Special Permit pursuant to this section shall include written certification from both the Fire Chief and the Board of Health that the proposed use will meet all state and local health and safety requirements. It is the obligation of the applicant to obtain this information and to pay for any related costs thereto.

### 3. Findings

In lieu of findings necessary to be fulfilled prior to the issuance of a Special Permit as set forth in Section XII, Q. a. through h., herein, the Special Permit Granting Authority may issue a Special Permit for an Accessory Family Unit in an existing dwelling subject to the findings detailed in Section XII, Q. a through h:

- a. Special Permits shall only be issued following public hearings held within 65 days after filing of an application with the Special Permit Granting Authority, a copy of which shall be given forthwith to the Town Clerk by the applicant.
- b. The requested use will not overload any public water, drainage or sewer system or any other municipal service to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety or the general welfare.
- c. The use regulations are listed in the Table 1 Use Regulations as a special permit in the district for which it is made.
- d. Any special regulations, for the use set forth in Section XI, are fulfilled.
- e. The requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals or welfare of the community.

### 4. Conditions

Said Special Permit may be issued subject to such conditions as the Special Permit Granting Authority may deem appropriate and shall terminate five (5) years upon the granting of the Special Permit or upon the happening of any of the following events, whichever is sooner:

- a. Sale of property;
- b. Death of the person or persons named in the application for a Special Permit and occupying the Accessory Family Unit;
- c. Permanent change of domicile of the person or persons occupying the Accessory Family Unit to some other location.

## SECTION XIV Environmental Performance Standards

### A. Environmental Performance Standards.

Any use Permitted by Right or special Permit in any district shall not be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactivity or other hazard, noise, vibration, smoke, dust, odor, or other form of environmental pollution; electrical or other disturbance; glare; liquid or solid wastes; conditions conducive to the breeding of insects, rodents, or other substance; conditions or elements in an amount as to affect adversely the surrounding environment. The following standards shall apply:

1. Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located.
2. All activities and all storage of flammable and explosive materials at any point, shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire-suppression devices and equipment.
3. No activities that emit dangerous radioactivity, at any point; no electrical disturbance adversely affecting the operation at any point, of any equipment, other than that of the creator of such disturbance, shall be permitted.
4. No emission of visible smoke of a shade equal to or darker than No. 1 on the Ringlemann Smoke Chart, as published by the U.S. Bureau of Mines, shall be permitted for a period or aggregate period of time in excessive of six minutes during any one hour provided that at no time during said six minutes shall the shade, density, or appearance be equal to or greater than No. 2 of the Chart.
5. No emission which can cause any damage to health or animals or vegetation or which can cause excessive soiling at any point shall be permitted.
6. No emission which contains particle matter shall exceed federal standards of the Environmental Protection Agency.
7. No facility, regardless of its size, shall discharge more than 40 pounds per hour of dust and fumes to the atmosphere.
8. No discharge, at any point, into a private sewerage system, stream, the ground, or a municipal sewage disposal system of any materials in such a way, or of such a nature or temperature as may contaminate any running streams, water supply, water body, or

otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.

9. No activity shall be permitted which causes or creates a vibration, at any point on any lot line, with a displacement and respective frequency listed below.

<b>{PRIVATE } Maximum Permitted Steady State Vibration Displacement</b>	
<b>Frequency (cycles per second)</b>	<b>Displacement (inches)</b>
10 and below	.0008
10 - 20	.0005
20 - 30	.0003
30 - 40	.0002
40 - 50	.0001
50 - 60	.0001
60 and over	.0001

<b>{PRIVATE } Maximum Permitted Impact Vibration Displacement</b>	
<b>Frequency (cycles per second)</b>	<b>Displacement (inches)</b>
10 and below	.0016
10 - 20	.0010
20 - 30	.0006
30 - 40	.0004
40 - 50	.0002
50 - 60	.0002
60 and over	.0002

10. Maximum permissible sound pressure levels for noise radiated continuously from a facility between 10 p.m. and 7 a.m. at any lot line shall be as follows:

{PRIVATE } Frequency Band (cycles per second)	Sound Pressure Level (decibel re 0.0002 dyne/cm <sup>2</sup> )
20 - 75	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28

If this sound is not smooth and continuous, one of the following corrections should be added to each of the actual decibel levels given:

- a. Day time operation only +5.
  - b. Noise source operates less than 20 percent of any hour period: +5.
11. No emission of odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 ounces per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., of Washington, D.C. shall be permitted.
12. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as welding shall be permitted when it is determined that it will be hazardous or obnoxious.
13. In the event of conflict between the above performance standards and state standards, the standards of a duly organized regional authority, or local standards the standards which are more stringent shall govern.
14. Disposal of Low Level Radioactive Waste. **(Added May 11, 1982)**  
 No land within any district in the Town shall be used for the collection, treatment, storage, burial, incineration, or disposal of radioactive waste, including but not limited to

wastes classified as low-level radioactive waste, except that on-site produced waste may be temporarily stored pending disposal not exceeding thirty days. For purposes of this By-Law, low-level radioactive waste shall be defined as radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in Section IIe(2) of the Atomic Energy Act of 1954.

## Section XV Groundwater Protection District

(Added November 17, 1986)

(Amended June 20, 1989)

(Amended May 12, 1992)

### 1. Purpose

- a. To protect, preserve and maintain the existing and potential groundwater supply and groundwater recharge areas within the known aquifers of the town.
- b. To preserve and protect present and potential sources of water supply for the public health and safety.
- c. To protect the groundwater and groundwater recharge areas of the town from adverse development of land use practices.

### 2. Special Definitions

The following definitions apply to specialized words or terms associated with this District:

- a. Aquifer - Geologic formation composed of rock or sand and gravel that contains significant amounts of potentially producible potable water.
- b. Area of Influence - The area which experiences drawn down by a pumping well as plotted on a two-dimensional (map) surface, usually ellipsoidal in shape.
- c. Cone-of-Depression - A three-dimensional conical concavity produced in a water table by a pumping well.
- d. Glacioluvial - Pertaining to an unconsolidated geologic deposit which was formed by, or in association with, glacial meltwater streams, typically resulting in the deposition of sand and gravel-sized particles.
- e. Glaciolacustrine - Pertaining to an unconsolidated geologic deposit which was formed by, or in association with, a glacial lake environment typically resulting in the deposition of sand, silt and clay sized particles. References to such deposits within this By-Law refer to the more coarse grained sediments such as would be associated with a delta.
- f. Groundwater - The subsurface water present in aquifers and recharge areas.
- g. Impervious Surface - Material on the ground that does not allow significant amounts of surface water to penetrate into the soil.

- h. Leachable Wastes - Waste materials, including solid wastes, sludge and agricultural wastes, that are capable of releasing water borne contaminants to the surrounding environment.
- i. Mining of Land - The removal of geologic materials such as topsoil, sand and gravel, metallic ores or bedrock.
- j. Process Wastes - Non-domestic, non-toxic, non-hazardous, liquid or solid waste by-products associated with the manufacture or preparation of a product, including, but not limited to, hardware, dry goods, foodstuffs and printed materials.
- k. Recharge or Recharged on Site - A system for groundwater recharge which does not degrade groundwater quality. For non-residential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.
- l. Recharge Areas - Areas composed of permeable, porous materials that collect precipitation or surface water and transmit it to aquifers. May include recharge areas designated as Zone I, Zone A, Zone B (same as DEP designated Zone II) and Zone C.
- m. Sanitary Waste - Wastewaters arising from ordinary domestic water use as from toilets, sinks and bathing facilities, and containing such concentrations and types of pollutants as to be considered normal waste.
- n. Saturated Thickness - The depth of permeable soil actually saturated with water to the capacity of the soil to contain water under normal conditions of temperature and pressure.
- o. Solid Wastes - Any discarded solid material, putrescible or non-putrescible, consisting of all combustible and non-combustible solid material including, but not limited to, garbage and rubbish.
- p. Toxic or Hazardous Materials - Any substance or mixture of such physical, chemical or infectious characteristics in sufficient quantity as to pose a significant actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this Town. Toxic or hazardous materials include, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalines, pesticides, herbicides, solvents, thinners, oil and hazardous materials as defined by Massachusetts General Law 21E, including Priority Toxic Pollutants established by the United States Environmental Protection Agency.

- q. Sub-Basin - Land area drained by a river, brook, or intermittent stream as determined by the Mass. D.E.Q.E. Division of Water Supply (Water Supply Protection Atlas Handbook, 1982 Edition).

Whereas any special definition set out herein conflicts with any definition set out elsewhere in this By-Law, the definitions set out herein shall apply for the purposes of this section.

### 3. Establishment and Description of Ground Water Protection District

- a. The location and boundaries of the Ground Water Protection District (GWPD) are established as shown on the Zoning Map of the Town of Millis and consist of:
- GWPD - Zone A - all aquifers
- GWPD - Zone II - area delineated by DEP Division of Water Supply
- GWPD - Zone C - watershed areas
- GWPD - Zone I - includes the are within a radius of 400 feet of a public supply well
- b. The geographical extent of GWPD - Zone A is determine by the official overlays of the Commonwealth of Massachusetts Aquifers as prepared by the Massachusetts Department of Environmental Protection (DEP) and the United States Geological Survey (USGS).
- c. The geographical extend of GWPD - Zone II is defined as the area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping as safe yield with no recharge from precipitation), as defined in 310 CMR 22.00.
- d. The geographical extent of GWPD - Zone C is determined by, and identical to, the Watershed Protection District as shown on the Zoning Map of the Town of Millis and as set out in Section X of this By-Law.
- e. Prior to an activity which would be a violation of this section being undertaken on any premises, it is the responsibility of the owner to determine if the premises are within Zones I, II, A, or C of the GWPD. At the request of the owner, the Town (Planning Board) shall engage a professional Hydrogeologist or other soil scientist, at the expense of the owner, to make that determination.
- f. When a Groundwater Protection District boundary crosses a property line, the following shall apply:

If 50% or more of the property is within the Groundwater Protection Zone, then all of the property shall be considered to be in the Groundwater Protection Zone.

If less than 50% of the property is within the zone, then all of the property shall be considered to be out of the Groundwater Protection Zone.

#### 4. Special Use Regulations

- a. The GWPD is superimposed over any other district established by this By-Law. Only those uses specifically allowed by these Special Use Regulations and also allowed in the underlying district by other provisions of this By-Law are permitted in a GWPD zone. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses.

- b. Permitted in Zone I

Land use in Zone I is limited to those uses that are directly related to the public water supply system.

- c. Permitted in Zone A

- (1) Livestock pasturing, haying, gardening, nursery, conservation and forestry on the following conditions:
- (a) fertilizers, herbicides, pesticides and leachable wastes shall not be stored outdoors or in any manner which permits leaking or leaching;
  - (b) if fertilizers, pesticides, herbicides or other potential contaminants are applied, upon direction or order from the Millis Board of Health groundwater quality monitor test wells shall be installed and the groundwater be sampled and analyzed at the expense of the owner or user of the premises. The wells shall be designed and located by a professional geologist, hydrologist, or professional engineer trained and experienced in hydrogeology and sampling shall be conducted by an agent of the Millis Board of Health. For purpose of applicability, this subsection will not apply to normal home and non-commercial uses.
- (2) Public utilities designed and maintained so as to prevent groundwater contamination.
- (3) Residential Development of single family dwellings on the following conditions:

- (a) minimum lot size shall be 80,000 square feet,
  - (b) no more than 10 percent of the building lot shall be rendered impervious,
  - (c) on-site domestic sewerage disposal shall not exceed 55 gallons per day per 10,000 square feet of lot area.
- (4) Commercial and Industrial Development on the following conditions:
- (a) commercial development shall be limited to retail shopping and business or professional offices,
  - (b) industrial development shall be limited to businesses which store non-toxic, non-hazardous materials,
  - (c) minimum lot size shall be 80,000 square feet,
  - (d) no more than 15 percent of the building lot shall be rendered impervious,
  - (e) run-off from roofs, parking lots and other paved areas shall be recharged on site (see Section 2.k.),
  - (f) run-off from parking lots and driveways shall be discharged to oil/ gas catch basins with appropriate sumps prior to recharge (see Section 2.k),
  - (g) on-site sewerage disposal shall not exceed 55 gallons per day per 10,000 square feet of lot area.
- d. Permitted in Zone II
- (1) All uses permitted in Zone A.
  - (2) Residential Development of single-family dwellings on the following conditions:
    - (a) minimum lot size shall be 40,000 square feet,
    - (b) no more than 15 percent of the building lot shall be rendered impervious,
    - (c) on-site domestic sewerage disposal shall not exceed 110 gallons per day per 1/4 acre of lot area or 440 gallons per day per acre.

- (3) Commercial and Industrial Development shall be allowed to the extent otherwise allowed in the Millis Zoning By-Law on the following conditions:
  - (a) commercial development shall be limited to retail shopping and business or professional offices,
  - (b) commercial and industrial development shall be limited to the storage of non-toxic and non-hazardous materials, except for above ground storage of heating oil with adequate approved secondary containment with special permit,
  - (c) minimum lot size shall be 40,000 square feet,
  - (d) no more than 40 percent of the building lot shall be rendered impervious,
  - (e) run-off from roofs, parking lots and other paved areas shall be recharged on site (see Section 2.k.),
  - (f) run-off from parking lots and driveways shall be discharged to oil/gas catch basins with appropriate sumps prior to recharge (see Section 2.k.),
  - (g) on-site sewerage disposal shall not exceed 110 gallons per day per 1/4 acre of lot area or 440 gallons per day per acre.
- e. Permitted in Zone C.
  - (1) All uses permitted in Zone II.
  - (2) All uses permitted in any underlying district subject to the condition that run-off waters from constructed impervious surfaces shall be treated to remove any materials that are prohibited by this section or any other law or regulation, if necessary, and recharged to the groundwater system (see Section 2.k.).

5. Special Prohibitions

## a. Prohibited in Zone A:

- (1) disposal by any means of any waste material, solid or liquid, other than domestic sanitary wastes; burial of stumps and brush will be permitted to the extent that they originate on the property;
- (2) outdoor or underground storage of leachable, potentially noxious materials including, but not limited to, chemicals, fertilizers, manure, petroleum products, road salt, and deicing compounds;
- (3) uses which, as part of normal operating or maintenance procedures, would involve the application, transfer, storage or use of toxic or hazardous materials; this sub-section will not apply to fuel oil used for the purpose of on-premise heating of homes and structures or for fuels used in the operation of the residents' vehicles;
- (4) any use or application of toxic or hazardous materials, even in small application or as accessory to a non-related practice; Refer to Board of Health regulations.
- (5) the commercial mining of land;
- (6) all uses prohibited in Zone II and Zone C not already listed above.

## b. Prohibited in Zone II:

- (1) disposal of solid waste, other than brush and stumps;
- (2) the disposal of domestic or liquid or leachable wastes other than sanitary domestic waste or innocuous process wastes;
- (3) storage of road salt or deicing compounds, unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (4) automotive service and repair shops, junk and salvage yards;
- (5) car washes;
- (6) dry cleaning establishments;
- (7) metal plating or etching;

- (8) chemical and bacteriological laboratories;
  - (9) stockpiling and disposal of snow and ice containing de-icing chemicals if brought in from outside the district;
  - (10) the use of septic system cleaners which contain toxic or hazardous chemicals;
  - (11) underground storage tanks containing petroleum products;
  - (12) above ground storage of petroleum products over 275 gallons are prohibited without a special permit;
  - (13) landfilling of sludge and septage;
  - (14) wastewater treatment facilities except for replacement, repair or systems treating contaminated ground or surface water;
  - (15) any use which involves as a principal or accessory activity the generation, treatment, storage or disposal of toxic or hazardous materials, except for very small quantity generators, as defined under 310 CMR 30.000, household hazardous waste centers and events under 310 CMR 30.390, waste oil retention facilities required by MGL Chapter 21 Section 52A, and water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters;
  - (16) storage of sludge or seepage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
  - (17) storage of animal manure unless covered or contained in accordance with the specifications of the U.S. Soil Conservation Service;
  - (18) earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 4 feet of historical high groundwater, as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works.
- c. Prohibited in Zone C:
- (1) disposal of solid wastes other than brush and stumps;
  - (2) storage of road salt or deicing compounds except as in Section 5.b.(3);

- (3) any use which involves as a principal activity the storage, generation, treatment or disposal of toxic or hazardous materials, except as stated in section 5.b.(15);
- (4) stockpiling and disposal of snow and ice containing de-icing chemicals if brought in from outside the district.

6. Uses by Special Permit

- a. The following uses shall be allowed by Special Permit from the Millis Board of Appeal (SBA) only if they comply with the special provisions of this section and all other provisions of the Millis Zoning By-Laws.

- (1) In Zone A:

- (a) any use involving retention of less than 50 percent of a lot area in its natural state, on the condition that there be no more than minor removal of existing trees and ground vegetation;
- (b) mining of land limited to excavations for construction of building foundations or installation of utility works. Any other mining must be limited to 6 feet above historical high groundwater table by special permit;
- (c) expansion of pre-existing non-conforming uses to the extent otherwise allowed by the Millis Zoning By-Laws;
- (d) uses requiring greater impervious cover than that provided in this section on condition that the additional runoff be properly recharged to the site and maximum impervious cover limited to 15%.

- (2) In Zone II:

- (a) any use involving retention of less than 30 percent of a lot area in its natural state on condition that there be no more than minor removal of existing trees and ground vegetation;
- (b) expansion of any pre-existing non-conforming uses to the extent otherwise allowed in the Millis Zoning By-Laws;
- (c) uses requiring greater impervious cover than that provided in this section on condition that the additional runoff be properly recharged to the site and maximum impervious cover limited to 50%;

- (d) certification to the Board of Appeal from the Board of Health that any use, other than a single family dwelling, with on-site dwelling, with on-site sewerage disposal exceeding 100 gallons per day per 1/4 acre of lot area has been approved by the Board of Health. In no case shall disposal of more than 15,000 gallons of sewerage on-site per day be allowed regardless of lot size;
  - (e) outdoor above ground storage of petroleum products with secondary containment adequate to contain a spill the size of the tank's total storage capacity, and as required to fulfill requirements of Department of Public Safety's Regulations, 523 CMR 9.00 and the Millis Fire Chief.
- (3) In Zone C:
- (a) expansion of any pre-existing non-conforming uses to the extent otherwise allowed by the Millis Zoning By-Laws;
  - (b) uses requiring greater impervious cover than that provided in this section on condition that the additional runoff be properly recharged to the site.

#### 7. Special Permit Procedures

- a. Applications for special permits under this section shall be accompanied by 7 copies of a site plan detailing all existing and proposed construction, as well as parking spaces, driveway openings, driveways, service areas, other open uses, all facilities for sewerage, refuse and other waste disposal, for surface water drainage, and all landscape features such as fences, walls, planting areas and walks. Applications under this section shall also be accompanied by 7 copies of a hydrogeological report which shall be based on the one-hundred year total precipitation average for the appropriate groundwater protection zone in question showing that no less than fifty percent (50%) of the total yearly precipitation that falls on the lot in question will be successfully captured, stored, cleaned of all contaminants (including, but not limited to, biological and chemical contaminants) and recharged to the underlying groundwater system.
- b. Said applications shall be submitted in accordance with the special permit section of the existing Zoning By-Laws.
- c. Within ten days of receipt, the Board of Appeals shall transmit copies of the site plan and hydrogeological report to the Board of Health, Building Inspector, Planning Board, Conservation Commission, Groundwater Protection Committee and the Board of Public Works for their review and recommendations. All engineering related recommendations must be certified by the Planning Board engineer as to workability including, but not limited to, runoff being properly recharged, percent of lot rendered impervious, that proposed expansion shall not be more detrimental to water supply and

the degree of threat to water quality if control measures fail. Failure of Boards to respond to the Board of Appeals within 35 days, shall indicate approval by such Boards. The Board of Appeals shall not take action on the application for special permit until recommendations have been received from the aforementioned boards or 35 days have passed.

**(Amended June 20, 1989)**

8. Existing private residential lots smaller than 40,000 square feet are exempt from the provisions of Sections 4.b.(3) if in Zone A and Section 4.c.(2) if in Zone B, provided they are not split or altered to create a new lot.

## Section XVI Amendment, Validity, and Effective Date

**A. Future Amendment.**

This By-Law may be amended from time to time in accordance with Section 5 of the Zoning Act. During the amendment procedure, subdivision plans in process of review by the Planning Board under the Subdivision Control shall be subject to the provisions of the Zoning Act.

**B. Validity.**

The invalidity, unconstitutionality, or illegality of any provision of this By-Law or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality, or legality of any other provision or boundary.

**C. Amendment in Whole.**

The Zoning By-Law originally dated March 9, 1959, and from time to time amended, is hereby amended in whole and replaced in whole by this By-Law.

**D. Effective Date.**

This By-Law shall take effect upon the date resulting from the procedure provided for in Section 32 of Chapter 40 of the General Laws of the Commonwealth of Massachusetts.

# **Groundwater Protection Map**

(Oversize Groundwater Protection Map is included  
in the Town of Millis Zoning Map currently on  
sale in the Town Clerk's Office.)

# Appendix

## Town of Millis Planning Board

### Scenic Road Rules and Regulations (Pursuant to Massachusetts G.L. Chapter 40, Section 15C)

#### Section 1.

Upon recommendation or request of the Planning Board, Conservation Commission or Historical Commission of the Town of Millis, the Town may designate any road, other than a numbered route or state highway, as a scenic road.

#### Section 2.

After a road has been designated as a scenic road, any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with prior written consent of the Planning Board, after a public hearing duly advertised twice in a newspaper of general circulation in the area, as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing.

#### Section 3. Definitions

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L. Chapter 40, section 15C, the following terms contained in that statute shall be defined as follows:

3.1 "Cutting or Removal of Trees"

"Cutting or removal of trees" shall mean the removal of one or more trees, trimming of major branches or cutting of roots.

3.2 "Repair, Maintenance, Reconstruction, or Paving Work"

"Repair, maintenance, reconstruction, or paving work" shall mean any work done within the right-of-way by any person or agency, public or private. Within this definition is any work on any portion of the right-of-way which was not physically commenced at the time the road was designated as a scenic road. Construction of new driveways or alteration of existing ones is also included, in so far as it takes place within the right-of-way.

### 3.3 "Road"

"Road" shall mean a right-of-way of any way used and maintained as a public way including the vehicular traveled way plus necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks, but not intersecting streets or driveways. When the boundary of the right-of-way is in issue so that a dispute arises as to whether or not certain trees or stone walls or portions thereof are within or without the way, the trees or stone walls shall be presumed to be within the way until the contrary is shown.

### 3.4 "Tearing Down or Destruction of Stone Walls"

"Tearing down or destruction of stone walls" shall mean the destruction of more than one cubic foot of wall material per linear foot above existing grade, but shall not be construed to include temporary removal and replacement at the same location with the same materials.

### 3.5 "Trees" shall include a tree whose trunk has a diameter of four inches or more as measured one foot above the ground.

## **Section 4. Procedures**

### 4.1 Filing

Any person, organization, state or municipal agency seeking the written consent of the Planning Board for the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof on a scenic road shall file a request with the Planning Board, together with the following:

- a. The text of a legal notice identifying the location of the proposed action, describing the proposed changes in reasonable detail.
- b. A statement of the purpose, or purposes for the changes proposed.
- c. A list of owners of properties located in whole or in part within 300 feet of the proposed action.
- d. Cost of notification and advertising shall be borne by the petitioner and shall be payable at the time of the hearing.
- e. Site plan and any further explanatory material as required by the Planning Board.

#### 4.2 Site Plan Contents

The site plan for application under the Town of Millis Scenic Road Rules and Regulations shall be filed in quadruplicate with the Planning Board prepared by a Registered Professional Civil Engineer or a Registered Land Surveyor at a scale of 40 feet to the inch. The site plan shall be in accordance with and indicate the following:

- a. Existing and proposed lines of streets, lots, ways, rights-of-way, driveways, sidewalks, easements and adjacent land to a distance of 50 feet from road on either side.
- b. Indication of zone and all zone lines including Wetland Protection and Flood Plain Districts.
- c. Site features such as existing and proposed stone walls, fences, signs, buildings, storm drains, trees over 4 inches in diameter, rock ridges and out-croppings, historic features, wooded areas, natural waterways, water bodies, wet areas or areas classified as wetlands.
- d. Existing and proposed topography, with 1 foot contour intervals.

4.3 Copies of the required notice shall be sent by the Planning Board to the Selectmen, Conservation Commission, Historical Commission, Tree Warden, Board of Public Works and the owners of property within 300 feet of the proposed action.

4.4 Within 30 days of the public hearing, the Planning Board shall make a decision on the request based on aesthetic considerations. The decision may forbid, in whole or in part, the cutting or removal of any tree or the tearing down or destruction of any stone wall. The decision may attach conditions to the cutting or removal of any tree or the tearing down or destruction of any stone wall.

### **Section 5. Violations**

Upon request of any board or any citizen of the Town or on its own initiative, the Planning Board may investigate and determine whether any provisions of the Town of Millis Scenic Road Rules and Regulations have been violated. The Planning Board may appoint the Superintendent of Public Works or any other qualified person to help make the determination.

### **Section 6. Penalties**

Whoever violates any provision of the Town of Millis Scenic Road Rules and Regulations shall, in cases not otherwise provided for, forfeit and pay, for each offense, a fine not exceeding \$100. Each day, or portion of a day that any violation of any provision of the Town of Millis Scenic Road Rules and Regulations is allowed to continue shall constitute a separate offense. Cutting or removing of each tree over 4 inches in diameter shall constitute a separate offense.

**Section 7. Restoration**

Any person, organization, state or municipal agency found to have violated any provision of the Town of Millis Scenic Road Rules and Regulations shall be responsible for restoring the affected area to the original conditions or reimburse the Town for any expenses related thereto.

**Section 8.**

The invalidity, unconstitutionality or illegality of any provision of the Town of Millis Scenic Road Rules and Regulations shall not have any effect upon the validity, constitutionality, or legality of any other provision.

**Section 9.**

The Planning Board shall maintain an up-to-date list or map of all designated scenic roads in Millis to be on file at the Town Clerk's office.

**Section 10.**

The Planning Board may waive strict enforcement of any provision of the Town of Millis Scenic Road Rules and Regulations.

**Section 11.**

These Rules and Regulations shall take effect on December 6, 1979.

## Scenic Roads Designations

Year Adopted By the Town	Scenic Roads	Location
1974	Causeway Street  Orchard Street  Forest Road  Island Road	From Ridge Street to Medway line  From Walnut Street to Holliston line  From Village Street to Medfield line  From Ridge Street to Exchange Street; From Exchange Street to Dover Road
1975	Ridge Street  Acorn Street  Himelfarb Street  Myrtle Street	Entire Road  Entire Road  Entire Road  Entire Road
1976	Baltimore Street  Larch Road  Pleasant Street  Spencer Street	Entire Road  Entire Road  Entire Road  Entire Road

Note: Scenic Road designations are current as of 8/1/97. Consult the Building Department for any subsequent changes.