Town of Millis

Massachusetts

Zoning By-Law

Adopted Annual Town Meeting
May 14, 1975

Amended May 16, 1978
Amended May 22, 1979
Amended May 14, 1980
Amended May 11, 1981
Amended May 11, 1982
Amended May 9, 1983
Amended Sept. 12, 1983
Amended May 13, 1985
Amended May 20, 1986
Amended Nov. 17, 1986
Amended May 18, 1987
Amended May 16, 1988
Amended June 20, 1989
Amended May 15, 1990
Amended May 12, 1992
Amended May 10, 1993
Amended May 10, 1994
Amended Sept. 25, 1995
Amended May 14, 1996
Amended May 12, 1997
Amended May 11, 1998
Amended May 10, 1999
Amended May 14, 2001
Amended May 13, 2002
Amended May 12, 2003
Amended May 10, 2004
Amended May 9, 2005
Amended Nov. 7, 2005
Amended May 8, 2006
Amended Nov. 5, 2007
Amended May 12, 2008
Amended Nov. 3, 2008
Amended June 15, 2009
Amended Nov. 2, 2009
Amended June 14, 2010
Amended May 9, 2011
Amended May 14, 2012
Amended Nov. 5, 2012
Amended May 13, 2013
Amended Nov. 4, 2013
Amended May 12, 2014
Amended June 8, 2015
Amended May 9, 2016
Amended June 5, 2017
Amended Nov. 6, 2017
Amended Nov. 5, 2018
Amended May 13, 2019
Amended Nov. 4, 2019
Amended Nov. 7, 2020
Amended May 1, 2021
Amended May 2, 2022
Amended Nov. 19, 2024
Amended May 5, 2025

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.

TABLE OF CONTENTS

Section I Title and Authority 1

Section II Definitions 2

Section III Establishment of Zoning District 20

A. Division Into Districts. 20
B. Superimposed or Overlay Zoning Districts 20
C. Zoning Map. 20
D. Boundaries of Districts 21

Section IV Interpretation and Application 23

A. Interpretation. 23
B. Application. 23
C. Existing Buildings and Land. 23
D. Mixed Uses. 23

Section V Use Regulations 24

A. Applicability of Use Regulations. 24
B. Permitted Uses 24
C. Uses Subject to Other Regulations. 24
D. Table of Use Regulations. 24
E. Site Plans. 24
F. Moratorium. 25
G. Temp. Moratorium on Recreational Marijuana Establish. (Repealed 11/5/18) 25
G. Marijuana Retailers 25
H. Accessory Dwelling Units 25
A. Use Regulations 25
B. Dimensional Requirements 26
C. Parking 26
D. Site Plan Review 26
E. Relationship to Non-Conformities 27

Table 1: Use Regulations. 28

Section VI Area, Height, and Bulk Regulation 39

A. Applicability of Area, Height, and Bulk Regulations. 39
B. Tables of Area and Height and Bulk Regulations. 39
C. Reduction of Lot Areas. 39
D. Separation of Lots. 39
E. Calculation of Lot Areas. 39
F. 39

Table 2: Area Regulations. 40
Table 3: Height and Bulk Regulations. 43

Section VII Signs 45

A. Purpose 45
B. Applicability 45
C. Definitions 45
D. Administration and Enforcement 46
E. General Regulations 47
F. Illumination 47
G. Temporary Signs 48
H. Residential District Standards 49
I. Commercial District Standards 49
J. Industrial District Standards 50
K. Nonconforming Signs 51

Section VIII Off-Street Parking and Loading Regulations 53

A. Off-Street Parking and Loading Requirements 53
B. General 53

Table 4: Off-Street Parking Standards. 55
Table 5: Off-Street Loading Standards. 56

C. Parking and Loading Lot Standards. 56
D. Parking and Storage of Buses. 59

Section IX Nonconforming Uses, Structures, and Lots 60

A. Nonconformity by Initial Enactment or Amendment. 60
B. Extension and Alteration 60
C. Residential Lots of Record 61
D. Reduction or Increase 61

E. Change....62
F. Restoration....62
G. Abandonment....62
H. Moving....62
I. Unsafe Structure....62

Section X Watershed Protection District....63
A. Watershed Protection District ("WP" District)....63
1. Purpose....63
2. Definitions....63
3. Permitted Use....64
4. Application for Special Permits....64
5. Issuance of Special Permits....65
6. Water Bodies....66
7. Limits of Authority....66

Section XI Special Flood Hazard District....67
A. Special Flood Hazard District ("SFH" District)....67
1. Purpose....67
2. Definition....68
3. Methods of Reducing Flood Losses....68
4. Permitted Uses....69
5. Application for Special Permit....69
6. Issuance of Special Permit....70
7. Limits of Authority....73
8. Notification of Watercourse Alteration....73
9. Requirement to Submit New Technical Data....73
10. Variances....73
11. Definitions....74
12. Abrogation and Greater Restriction Section....77
13. Severability Section....77

Section XII Administration and Enforcement....78
A. Administrative Official....78
B. Permit Required....78
C. Other Approvals Required....78
D. Flood Insurance Program....78
E. Plot Plan....79
F. Previously Approved Permit....79
G. Certificate of Use and Occupancy Required....79
H. Permit and Application Fees....80
I. Construction or Operations under a Permit....80
J. Violations....80

K. Violation Penalty....80
L. Board of Appeals....80
M. Appeals....81
N. Application for Appeals....81
O. Action on Appeals....81
P. Interpretation of By-Law....81
Q. Special Permits....81
R. Variances....83
S. Other Requirements:....84
T. Associate Member to the Planning Board....84

Section XIII Special Permit Conditions....85

A. Special Conditions....85
B. Multi-Family Development....85
1. Intent....85
2. Objectives....85
3. Standards....86
4. Bonus Provision....92
5. Administration....93
C. Site Plan Review and Approval for Commercial and Industrial Structures and Developments....95
D. Planned Business Development....99
E. Planned Industrial Development....99
F. Removal of Soil, Loam, Sand, Gravel, Quarry, or Other Earth Material 100
G. Filling of Land or Water Area....105
H. Home Occupation....106
I. (Deleted May 12, 2008)....107
J. Temporary Structures....107
K. Land Clearing....107
L. Automatic Carwash and/or Self-Service Carwash....108
M. Adult Entertainment Uses....111
N. Personal Wireless Communications Facilities....114
O. Accessory Family Unit (Deleted May 5, 2025)....115
P. Millis Center Economic Opportunity Overlay District (MCEOD).....
.....115
1. Purpose....115
2. General Regulations....116
3. Findings....120
4. Conditions....120
Q. Millis Center Economic Opportunity Overlay District - East....120
(Deleted May 12, 2014)
Q. Village Center (VC) Special Permit....120
1.0 Purpose and Intent....120
2.0 Authority....121
3.0 Uses Allowed by Special Permit....122

4.0 Performance Standards and Development Criteria....123

Table 6: Area Regulations VC Special Permit....124
Table 7: Height and Bulk VC Special Permit. 129

5.0 Design Regulations....135
6.0 Application Process 138
7.0 Phased Development....141

R. Medical Marijuana Treatment Center 142
1. Purpose....142
2. General Regulations....142
3. Special Permit Conditions....144
4. Exemption from MMTC Special Permit Requirement....145
5. Prohibition Against Nuisances....145
6. Severability 145

S. Wineries, Cideries, Micro-Breweries, and Distilleries....145
1. Introduction....145
2. Definitions....145
3. Conditions and Requirements....146

T. Substance Abuse Treatment Centers....147
1. Purpose....147
2. Special Permit Required 147

U. Assisted Living Residences 148
1. Purpose....148
2. General Regulations....148
3. Development Standards 149
4. Technical Quality....149
5. Landscape Regulations 150
6. Parking Requirements....150
7. Accessory Uses 151
8. Non-Residential Services....151
9. Stormwater Management 151
10. Open Space Considerations 152
11. Lapse through Abandonment or Discontinuance....152

V. Recreational Marijuana Establishments 152
1. Purpose....152
2. General Regulations....152
3. Special Permit Conditions....154
4. Prohibition Against Nuisance 155
6. Severability 156

SECTION XIV Environmental Performance Standards 157
A. Environmental Performance Standards. 157

Section XV Groundwater Protection District 161
1. Purpose 161
2. Special Definitions 161
3. Establishment and Description of Ground Water Protection District 163
4. Special Use Regulations 164
5. Special Prohibitions 167
6. Uses by Special Permit 169
7. Special Permit Procedures 170

Section XVI Amendment, Validity, and Effective Date 172
A. Future Amendment. 172
B. Validity. 172
C. Amendment in Whole. 172
D. Effective Date. 172

Section XVII Senior Residential Community Development 173
A. Purpose. 173
B. General Requirements 173
C. Development Standards 173
D. Age Qualifications. 174
E. Open Space Requirements 175
F. Ownership and Management of Open Space 175
G. Design Criteria. 176
H. Application Process 178

Section XVIII Open Space Preservation 183
A. Purpose. 183
B. General Requirements 183
C. Intensity Requirements 183
D. Development Standards. 184
E. Open Space Use and Design Standards. 185
F. Ownership and Management of Open Space 186
G. Application Process 187

Section XIX Village Business Developments 191
A. Purpose. 191
B. Special Permit Requirement 191
C. General Regulations 191

1. Objectives. 191
2. Mixed Use V-B Developments 192
3. Design Standards and Performance Criteria 193
4. Other Permits Required; Findings Required, a Conditions of Approval. 194

Section XX Temporary Moratorium on Medical Marijuana Treatment Centers...(REPEALED Nov. 4, 2013)..... 196

Section XXI Large- Scale Ground-Mounted Solar Photovoltaic Installations..... 197

1. Purpose....197
2. Applicability 197
3. Definitions....197
4. General Requirements....198
5. Site Plan Review....199
6. Site Control 200
7. Operation & Maintenance Plan....200
8. Utility Notification....200
9. Dimension and Density Requirements....200
10. Design Standards 201
11. Safety and Environmental Standards 202
12. Monitoring and Maintenance 202
13. Abandonment or Decommissioning 203
14. Liability Insurance 203

Section XXII Municipal Overlay 204

A. Purpose....204
B. Applicability & Definitions....204
C. Eligible Locations 204
D. Use Regulations 204
E. Uses and Structures 204

Section XXIII Multi-family Overlay District (MOD)..... 205

A. Purpose....205
B. Establishments and Applicability....205
C. MOD Overlay District Map 205
D. Definitions....206
E. Permitted Uses....207
F. Dimensional Standards 208
G. Off-Street Parking 209
H. General Development Standards....210

I. Affordability Requirements 213
J. Severability 214

Groundwater Protection Map 215

APPENDIX Scenic Road Rules and Regulations 216

1. Purpose 216
2. General Requirements 216
3. Definitions 216
4. Procedures 217
5. Violations 218
6. Penalties 218
7. Restoration 219
8. Effect 219
9. List 219
10. Waiver 219
11. Effective Date 219

Scenic Roads Designations 220

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 11, 1982)** **(Amended May 18, 1985)** **(Amended May 15, 1990)** **(Amended May 11, 1998)** **(Amended May 10, 1999)** **(Amended May 10, 2004)** **(Amended Nov. 7, 2005)** **(Amended Nov. 2, 2009)** **(Amended June 14, 2010)** **(Amended May 14, 2012)** **(Amended Nov. 5, 2012)** **(Amended May 13, 2013)** **(Amended Nov. 4, 2013)** **(Amended May 12, 2014)** **(Amended June 8, 2015)** **(Amended May 9, 2016)** **(Amended Nov. 19, 2024)** **(Amended May 5, 2025)**

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 Dwelling Unit: An Accessory Dwelling Unit ("ADU") is an attached or detached Dwelling Unit that is accessory to a principal Dwelling Unit and is otherwise defined in accordance with the provisions of G.L. c. 40A, §1A and 760 CMR 71.00 et. seq, as may be amended. **(Added May 5, 2025)**

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.

Agriculture: Farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry as a commercial enterprise, the keeping and raising of swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with

such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market. **(Added November 2, 2009)(Amended June 8, 2015)**

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.

Artisanal and Craft Maker Space: Artisanal and craft maker space or gallery including the display and retail sales of the arts and crafts created, produced or manufactured. **(Added November 19, 2024)**

Assisted Living: A combination of housing, ancillary support services and personalized care that is designed to respond in a homelike setting to the individual needs of adults requiring assistance with Activities of Daily Living and Self-administered Medication Management, but who do not require the skilled medical care provided in a nursing facility. **(Added May 9, 2016)**

Assistance with Activities of Daily Living (ADL): As defined in Section 1 of Chapter 19D of the Massachusetts General Laws, which includes the physical support, aid or assistance with bathing, dressing, grooming, ambulation, eating, toileting or other similar tasks. **(Added May 9, 2016)**

Assisted Living Residence or Residence (ALR): As defined in Section 1 of Chapter 19D of the Massachusetts General Laws, which shall include any entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:

1. Provides room and board;

2. Provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not control or own, assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and

3. Collects payment or third party reimbursements from or on behalf of residents to pay for the provisions of assistance with activities of daily living or arranges for the same.

(Added May 9, 2016)

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.

Bakery, Retail: A bakery that sells at least 80 percent of the products produced on the premises at the same location. **(Added May 12, 2014)**

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.

Buildable Lot Area: The area of a lot that is not included within any wetlands, river, pond, streams, or certified vernal pool, or other resource area as defined by Massachusetts General Laws, Chapter 131, Sections 40 and 40A. **(Added May 12, 2014)**

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.

Child Care Facility: A duly licensed facility operated on a regular basis whether known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under 7 years of age, or under 16 years of age if those children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Child care center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of that system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization in which children are cared for during short periods of time while persons responsible for the children are attending religious services; a family child care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation. **(Added November 2, 2009)**

Cidery: Any plant or premise where hard cider is produced, rectified, blended or fortified from fruits, flowers, herbs or vegetables. A cidery located in a C-V-2 district shall be limited to 10,000 barrels of production annually. **(Added May 12, 2014)**

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.

Compatible Land Use: An existing or committed land use or activity that can co-exist with a neighboring use/activity or uses/activities, without either creating or experiencing one or more off-site 'adverse effect(s)' or impacts such as but not limited to excessive noise, light, glare, loss in property value, or general quality of life. **(Added May 12, 2014)**

Comprehensive Site Plan: A comprehensive and coordinated plan of development of a site, including all covenants, grants, or easements and other conditions relating to use, location and bulk of buildings, subdivision and phasing of parcels, density of development, common open space, public facilities, and such other information as required by this by-law.
(Added May 12, 2014)

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 or storage of equipment or materials. [US Code of Federal Regulations. Title 44, Part 59] **(Amended May 5, 2025)**

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

Distillery: A plant or premise where distilled spirits are produced, manufactured, or distilled. A distillery shall be limited to production of 25,000 proof gallons or less of liquor annually.
(Added May 12, 2014)

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 Unit for Assisted Living Residences: A portion of an Assisted Living Residence designed for and occupied by one or two individuals as the private living quarters of such individuals. **(Added May 9, 2016)**

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 maps upon which the Federal Emergency Management Agency ("FEMA") has delineated both the areas of special flood hazards and the risk premium zones applicable to the community and which are known as the Flood Insurance Rate Maps ("FIRM") and as adopted by Town Meeting. **(Amended May 14, 2012)**

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, Regulatory Floodway: The channel of the river, creek 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 a designated height. [Base Code, Chapter 2, Section 202] **(Amended May 5, 2025)**

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.

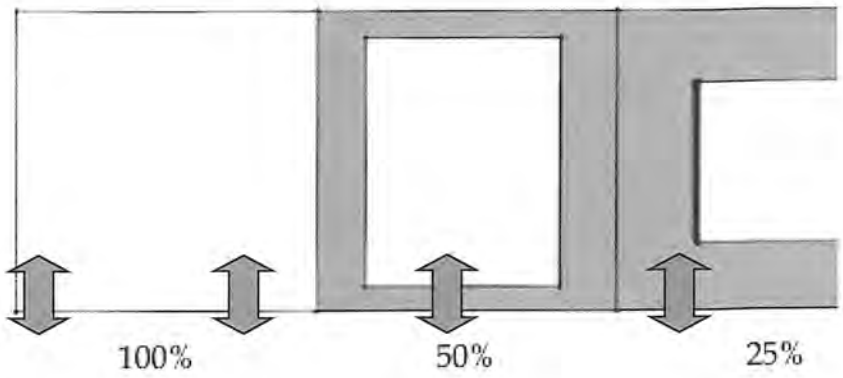
Floor Area, Gross: Sum of the floor areas of the spaces within the building, including basements, mezzanine and intermediate-floored tiers. Measurements must be taken from the exterior faces of exterior walls OR from the centerline of walls separating buildings, OR from the centerline of walls separating spaces. Excludes non-enclosed (or non-enclosable) roofed-over areas such as exterior covered walkways, porches, terraces or steps, roof overhangs, and similar features. Excludes air shafts, pipe trenches, and chimneys. Excludes floor area dedicated to the parking and circulation of motor vehicles. **(Added May 14, 2012)**

Floor Area Ratio (FAR): The net floor area permitted on a lot divided by the net area of the lot, expressed in a value out to two decimal places. FAR describes the intensity of the use on a site and not the building height or site coverage. However, building height and site coverage are critical in determining the arrangement and form of the buildings at the intensity permitted by FAR.

Example 1
FAR = A/B
where A refers to gross floor area permitted and B is the net area of a lot. So if gross floor area was 100,000 square feet and the net area of the lot was 50,000 square feet, the calculation would be:
FAR = 100,000/50,000 or
FAR = 2.00

Example 2
FAR = 2.0. Note that the heights of buildings determine the percentage of the lot that can be covered without exceeding the FAR limit.

Site Coverage



Building Height

(Added May 12, 2014)

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") or Substance Abuse Treatment Center, as that term is defined by this by-law. **(Amended May12, 2014)**

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.

Light Manufacturing: a manufacturing use devoted the to the development and/or production of limited quantities of specialized products with a negligible impact on the surrounding environment in terms of noise, smell, dust, glare, use of hazardous materials, traffic, and water consumption and having no effect outside the building in which such is carried on as to local groundwater supplies or any other protected natural resource other than as required for normal stormwater management and customary activities associated with parking area use and maintenance. Limited manufacturing shall not include the development or manufacture of biological or genetic materials or substances or the processing of any animal product, or the use of any tanning, rendering, plating, or other chemical-intensive process. Light manufacturing uses generating or capable of generating any hazardous material or waste shall not be allowed. **(Added June 14, 2010)**

Live-Work Unit (Also known as live/work studio, artist studio/residence).A structure or portion of a structure:

(1) That combines a commercial or small-scale manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; and

(2) Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and

(3) Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises; and

(4) Where a household is engaged professionally or as an avocation, in:
   a. The arts including commercial graphic arts; fine arts, including but not limited to painting, printmaking, sculpting, or ceramics; art and document restoration; the performing and visual arts, including but not limited to dance, choreography, photography or filmmaking, or the composition of music (but not to include adult entertainment).
   b. Artisan manufacturing (see definition below).
   c. Non-retail neighborhood commercial

(Added May 12, 2014)

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. **(Amended May 14, 2012)**

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.

Manufacturing, Artisan: Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 3,500 square feet of gross floor area. Typical uses have negligible negative impact on surrounding properties and include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing. **(Added May 12, 2014)**

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, but excluding a Substance Abuse Treatment Center, as that term is defined by this by-law. **(Amended May 12, 2014)**

Medical Marijuana Treatment Center: shall mean a not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. **(Added Nov. 4, 2013)**

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.

Microbrewery: A facility for the production and packaging of malt beverages for distribution, retail or wholesale, on or off the premises, and which has a capacity of no more than 10,000 barrels per year. The development may include other uses such as a restaurant, bar or live entertainment. **(Added May 12, 2014)**

Mixed Use Development: A combination of residential and non-residential uses, as permitted within certain zoning districts, arranged vertically (in multiple stories of buildings) or horizontally (adjacent to one another in one or more buildings) within a lot or as part of a unified development. **(Added May 10, 2004)(Amended May 12, 2014)**

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.

Private Dog Park: A recreational facility with a minimum of 5000 square feet of enclosed, indoor space used for on and off-leash recreation and training of dogs. The facility may also include fenced-in outdoor recreational spaces. The sale of alcoholic and

non-alcoholic beverages for consumption on premises is a permissible accessory use. No Private Dog Park shall include a sit-down, full-service restaurant service. **(Added November 19, 2024)**

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.

Refuse Facility with a Site Assignment: This shall include only a "facility" as defined under G.L. c.111, §150A and that has a "site assignment" under G.L. c.111, §150A. **(Added Nov. 5, 2012) (Amended May 13, 2013)**

Refuse Facility without a Site Assignment: This shall include only a "facility" as defined under G.L. c.111, §150A, but which does not have a "site assignment" under G.L. c.111, §150A. **(Added Nov. 5, 2012) (Amended May 13, 2013)**

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-administered Medication Management (SAMM): As defined in Section 1 of Chapter 19D of the Massachusetts General Laws, which includes reminding residents to take medication, opening containers for residents, opening prepackaged medication for residents, reading the medication label to residents and observing residents while they take the medication, checking the self-administered dosage against the label of the container, and reassuring residents that they have obtained and are taking the dosage as prescribed. **(Added May 9, 2016)**

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.

Small Business Incubator: An organization or facility designed to accelerate the growth and success of entrepreneurial companies through an array of business support resources and services that could include physical space, capital, coaching, common services, and networking connections. **(Added May 12, 2014)**

Special Flood Hazard Area: (SFHA) The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202] **(Added May 14, 2012) (Amended May 12, 2014) (Amended May 5, 2025)**

Special Permit Granting Authority: (SPGA) Shall include the Select Board, Zoning 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 Hazard District shall be the Board of Appeals. **(Amended May 5, 2025)**

Start of Construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

a. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202] **(Amended May 5, 2025)**

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 confirm to one or more provisions of this By-Law.

Substance Abuse Treatment Center: A facility licensed by the Commonwealth of Massachusetts Department of Public Health to provide substance abuse treatment services, including but not limited to counseling services, therapy sessions and/or the dispensing of medication to treat substance abuse, including but not limited to alcohol, legal and illegal drugs, opiates, or other similar substances. If the facility is to operate an opioid treatment program, the facility must be licensed by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services, as well as the Commonwealth of Massachusetts Department of Public Health. This definition shall exclude Hospital and Medical Clinic, as those terms are defined elsewhere in the Zoning By-laws. **(Added May 12, 2014)**

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 of 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.

Temporary Farm Stand: A temporary seasonal stand or similar structure erected for the purpose of seasonal sales of agricultural or horticultural products, said structure being erected on property not being used for the raising of the agricultural products being sold. **(Added Nov. 7, 2005)**

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.

Village Business Development: a planned development limited to certain business and commercial uses or a mix of such uses as set forth in Section V, Use Regulations, Table 1, having acceptable and sustainable off-site development impacts, designed and constructed in the "village" or "commons" style with building massing, architecture, and site design compatible with nearby residential uses and districts. Village Business Developments are to be designed with a design scheme common to all buildings in the development, with a well-landscaped, pedestrian-oriented site plan. **(Added June 14, 2010)**

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.

Winery: Any plant or premise where wine is produced, rectified, blended or fortified from fruits, flowers, herbs or vegetables. A winery located in a C-V-2 district shall be limited to 10,000 barrels of production annually. **(Added May 12, 2014)**

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

(Amended May 10, 2004) (Amended May 8, 2006) (Amended November 5, 2007) (Amended May 12, 2008) (Amended November 3, 2008) (Amended June 15, 2009) (Amended June 14, 2010) (Amended May 9, 2011) (Amended May 14, 2012) (Amended May 12, 2014) (Amended June 5, 2017) (Amended Nov. 7, 2020)

A. Division Into Districts.

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

Full Name	Short Name
Residential-Town	R-T
Residential-Suburban	R-S
Residential-Village	R-V
Residential-Village-Center	R-V-C
Commercial-Village	C-V
Commercial Village Two	C-V-2
Industrial-Park	I-P
Industrial Park Two	I-P-2
Village-Business	V-B

B. Superimposed or Overlay Zoning Districts.

The locations and boundaries of the Watershed Protection Zoning District ("WP District") and the Special Flood Hazard Zoning District (SFH District) shall be as provided for under Sections X and XI under this Zoning By-law and these districts shall be superimposed as overlay districts upon the Zoning Districts shown on the Zoning Map.

(Amended May 14, 2012)

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.

"Mixed Use Development Overlay District," said district comprising of the following parcels of land on Main St., Plain St., Spring St., Exchange St., Park Rd., and Lavender St., Pleasant St., Farm St., Hammond Ln. as follows:

Assessor's Map 22, Parcels – 33, 32, 31, 30, 26, 17, 16, 15, 13, 12;
Assessor's Map 23, Parcels – 155, 129, 127, 122, 119, 118, 117, 116, 115, 114, 113, 112, 111, 110, 108, 107, 106, 105, 98, 96, 94, 93, 92, 91, 90, 77, 76, 75, 74, 73, 72, 70, 69, 68, 67, 66, 64, 63, 62, 61, 60, 59, 56, 55, 54, 53, 52, 51, 50, 49, 48, 47, 46, 45, 44, 43; Assessor's Map 24, Parcels – 122, 121, 115, 114, 112, 54, 53;
Assessor's Map 30, Parcels – 74, 12; and Assessor's Map 31, Parcels – 10, 9, 8.

(Amended May 10, 2004) (Amended Nov. 7, 2020)

(Deleted MCEOD East District May 12, 2014)

Change the zoning district of two parcels of land as shown on Assessor's Map 52, Parcels 11 and 12 from Residential (R-T) to Commercial (C-V). **(Amended November 5, 2007)**

Voted unanimously to change the zoning district of a town owned parcel of land as shown on Assessor's map number 23, parcel 32 from Residential (R-V) to Commercial (C-V) and Mixed Use (MCEOD). **(Amended May 12, 2008)**

Voted unanimously to change the zoning district by rezoning from Industrial Park (I-P) to Industrial Park Two (I-P-2) all property currently zoned I-P in the portion of the I-P District bisected by Route 109 and west of Auburn Rd. **(Amended November 3, 2008)**

(Deleted three parcels MCEOD East District May 12, 2014)

(Deleted Map 24, Parcel 22, MCEOD East District May 12, 2014)

Voted unanimously to re-zone from Industrial-Park ("I-P") to R-V-C certain parcels of land commonly referred to as GAF property at 60 Curve St. located off Curve and Union Streets, as shown on Assessors Map Number 24 as Plot Numbers 22, 23 and 40.

(Added May 12, 2014)

Voted unanimously to re-zone from split zone Industrial-Park-Two ("I-P-2") and Residential ("R-S") to Industrial-Park-Two ("I-P-2") a parcel of land at 1280 Main Street, shown as Assessor's Map 22, Parcel 27 and to amend the Town of Millis Zoning Map.

(Amended June 5, 2017)

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 October 8, 1976, 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

(Amended Nov. 19, 2024)

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. (Amended Nov. 19, 2024)

In addition to permitted and conditional 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, industrial and MOD 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) (Amended Nov. 19, 2024)

Site plans for proposed commercial, industrial and MOD 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, industrial or MOD 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)**

G. TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLSIHMENTS (Added Nov. 6, 2017) (Repealed November 5, 2018)

G. Marijuana Retailers.

The number of Marijuana Retailers, as defined in G.L. c., 94G, § 1, and 935 CMR 500.000, that shall be permitted in the Town of Millis is limited to the greater of one (1) or twenty-five percent (25%) of the number of licenses issued within the Town under §15 of M.G.L. c. 138 for the retail sale of alcoholic beverages not to be drunk on the premises where sold. **(Added Nov. 5, 2018)**

H. Accessory Dwelling Units (Added May 5, 2025)

A. Use Regulations

1. ADUs are allowed as a matter of right in the R-T, R-S, R-V and R-V-C Zoning Districts, subject to the requirements of this Section. ADUs may be permitted in other districts upon a Special Permit issued by the Planning Board.

2. Only one ADU is allowed as a matter of right on any property. A second ADU may be permitted by a Special Permit issued by the Planning Board.

3. ADUs may not be used as Short-Term Rentals, as such term is defined in G.L. c. 64G, §1 or otherwise rented for a period shorter than thirty-one (31) days.

B. Dimensional Requirements.

1. An ADU may be no larger in gross floor area than one half of the gross floor area of the principal Dwelling Unit on the property or 900 square feet, whichever is less.

2. ADUs shall comply with any and all, frontage, setback, height and lot coverage requirements, as may be applicable to single family homes, as contained in Section VI of this Zoning Bylaw.

C. Parking.

1. One (1) off-street parking space must be provided for all ADUs, provided that no parking space shall be required if the subject property is located within one half mile of a Transit Station as such term is defined under 760 CMR 71.02.

2. Parking may be in a driveway or a garage but the parking space may not be a tandem space with a parking space for the primary single-family structure.

3. The construction of a new garage to serve an ADU shall require a Special Permit from the Planning Board.

D. Site Plan Review. All ADUs are required to obtain Site Plan Approval from the Planning Board pursuant to the general procedures in Section XIII.C.4 of this Zoning Bylaw and any regulations that may be imposed by the Planning Board. provided that the Site Plan Review criteria shall be limited to the following:

1. Minimization of tree, vegetation and soil removal and grade changes.

2. Compatibility of the architectural style of the ADU and existing principal dwelling on the subject property.

3. Orientation of the ADU and existing principal dwelling.

4. Adequacy of landscaping and screening.

5. The adequacy of water supply and septic service.

6. Adequacy of parking, as required hereunder, which shall maximize convenience and safety for vehicular and pedestrian movement within the property and in relation to adjacent ways.

The Planning Board may request reasonable plan modifications of the Site Plan for an ADU and may impose reasonable conditions that are not inconsistent with this bylaw or the provisions of G.L. c. 40A, §3.

E. Relationship to non-conformities.

If an attached ADU is proposed for a pre-existing, non-conforming single-family primary residence, the requirements of Section IX.B of this Zoning Bylaw shall apply, as may be required, provided that no special permit may consider the ADU use or impose conditions on such use.

Table 1. Use Regulations

(Amended May 22, 1979, May 13, 1985, May 10, 2004, Nov. 7, 2005, May 8, 2006, May 12, 2008, Nov. 3, 2008, Amended June 15, 2009, Amended Nov. 2, 2009, Amended June 14, 2010, Amended May 9, 2011, Nov. 5, 2012, Amended Nov. 4, 2013, Amended May 12, 2014, Amended June 8, 2015, Amended May 9, 2016, Amended Nov. 5, 2018, Amended May 1, 2021, Amended Nov. 19, 2024, Amended May 5, 2025)

Principal Uses	Residential				Commercial			Industrial	
	R-T	R-S	R-V	R-V-C	C-V	C-V-2	V-B	I-P	I-P-2
RESIDENTIAL									
1. One-family detached dwelling	P	P	P	P	N	N	N	N	N
2. Two-family dwelling	N	N	P	SPB	N	SPB	N	N	N
3. Multi-family dwelling (see Section XIII.B.)	N	N	SPB	SPB	N	SPB	N	N	N
4. Live/Work Unit (also Artists Studio/Residence or Live/Work Residence) **(Added May 12, 2014)**	N	N	N	SPB	SPB	SPB	N	N	N
5. Housing for the elderly **(Amended June 14, 2010)**	N	SPB	SPB	SPB	SPB	SPB	SPB	N	N
6. 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	N	N	N	N
7. Conversion of any existing structure to a multi-family dwelling use (see Section XIII(B)).	N	N	N	SPB	N	N	N	N	N
8. Accessory Dwelling Unit (see Section V.H. for additional requirements) **(Added May 5, 2025)**	P	P	P	P	SPB	SPB	SPB	SPB	SPB
9. Mixed Use Development (See Section XIII.P. Q.) **(Added May 10, 2004)**	N	N	N	SPB	SPB	SPB	N	N	N
COMMUNITY FACILITIES									
1. Church or other religious purposes **(Amended June 14, 2010)**	P	P	P	P	P	P	P	P	P
2. Educational purposes which are religious sectarian, denominational or public **(Amended June 14, 2010)**	P	P	P	P	P	P	P	P	P

Principal Uses	Residential				Commercial			Industrial	
	R-T	R-S	R-V	R-V-C	C-V	C-V-2	V-B	I-P	I-P-2
3. Nursery school **(Amended June 14, 2010)**	P	P	P	P	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 **(Amended June 14, 2010)**	P	P	P	P	P	P	P	P	P
5. Nonprofit recreational facility, not including a membership club	SBA	SBA	SBA	SPB	N	SPB	N	N	SBA
6. Country, hunting, fishing, tennis, boating, or golf club	SBA	SBA	SBA	SPB	SPB	SPB	N	N	SPB
7. Day camp or other camp for children	SBA	SBA	SBA	N	N	N	N	N	N
8. Town building except public works equipment garage, and fire stations	P	P	P	P	P	P	N	P	P
9. Cemetery	SBA	SBA	SBA	N	N	N	N	N	N
10. Public library, museum, historical association or society	P	P	P	P	P	P	N	P	P
11. Hospital, sanitarium, or philanthropic institution	SBA	SBA	SBA	SPB	N	SPB	N	N	SPB
12. Nursing, rest, or convalescent home	SBA	SBA	SBA	SPB	SPB	SPB	N	N	SPB
13. Street and bridge	P	P	P	P	P	P	N	P	P
14. Town equipment garage	N	N	N	N	N	N	N	P	P
15. Public utility including water filter plant and sewage treatment plant. **(Amended Nov. 5, 2012)**	SPB	SPB	SPB	N	SPB	SPB	N	SPB	SPB
16. Community Residential facility (such as those for mentally ill or retarded people coming out of institutions)	SBA	SBA	SBA	N	N	N	N	N	N
17. Essential services	P	P	P	P	P	P	N	P	P
18. Child Care Facility **(Added Nov. 2, 2009) (Amended May 9, 2011)**	P	P	P	P	P	P	P	P	P
19. Assisted Living Residence **(Added May 9, 2016)**	SPB	SPB	SPB	SPB	N	SPB	N	N	SPB
AGRICULTURAL									
1. Agriculture, horticulture and floriculture, except a greenhouse or stand for retail sale **(Amended**	P	P	P	N	P	N	P	P	P

Principal Uses	Residential				Commercial			Industrial	
	R-T	R-S	R-V	R-V-C	C-V	C-V-2	V-B	I-P	I-P-2
June 14, 2010)									
2. Year-round greenhouse or stand for wholesale and/or retail sale of agricultural or farm products protected under G.L.c.40A, §3 **(Amended Nov. 2, 2009) (Amended May 9, 2011)**	P	P	P	P	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 of agricultural or farm products protected under G.L. c.40A, §3 **(Amended Nov. 2, 2009) (Amended May 9, 2011)**	P	P	P	P	P	P	P	P	P
4. Temporary Farm Stands not protected under G.L.c.40A, §3 **(Added November 7, 2005) (Amended Nov. 2, 2009) (Amended May 9, 2011)**	SPB	SPB	SPB	SPB	SPB	SPB	P	SPB	SPB
5. Noncommercial raising and keeping of livestock and horses. **(Amended Nov. 2, 2009) (Amended May 9, 2011) (Amended June 8, 2015)**	SBA	SBA	SBA	SPB	SBA	SPB	SPB	SBA	N
6. Commercial kennels or veterinary hospital in which all animals, fowl or other forms of life are completely enclosed in interior pens or other structures **(Amended Nov. 3, 2008)(Amended Nov. 2, 2009)**	SBA	N	N	N	SBA	N	N	N	SBA
7. Noncommercial forestry and growing of all vegetation	P	P	P	P	P	P	N	P	P
8. Commercial forestry not protected under G.L. c.40A, §3 **(Amended Nov. 2, 2009)**	SBA	N	N	P	P	P	P	SBA	SBA
RETAIL & SERVICE									
1. Retail establishment selling principally convenience goods including, but not limited to: food, drugs, and proprietary goods	N	N	N	SPB	P	P	N	N	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	SPB	P	P	N	N	N

Principal Uses	Residential				Commercial			Industrial	
	R-T	R-S	R-V	R-V-C	C-V	C-V-2	V-B	I-P	I-P-2
3. Eating and drinking places not including drive-in establishments	N	N	N	N	P	P	N	N	N
4. Retail bakery **(Added May 12, 2014)**	N	N	N	N	P	P	N	N	N
5. Juice bars **(Amended June 14, 2010)**	N	N	N	N	SPB	SPB	SPB (1)	N	N
6. 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) **(Amended Nov. 19, 2024)**	N	N	N	N	SPB	SPB	N	N	N
7. Sales by vending machines as a principal use	N	N	N	N	P	N	N	N	N
8. Establishment selling new or new and used automobiles and trucks, aircraft, motorcycles, tractors and other farm implements, and household trailers **(Amended Nov. 3, 2008)**	N	N	N	N	N	N	N	N	SPB
9. Establishment selling used automobiles and/or trucks, aircraft, motorcycles, household trailers **(Amended May 16, 1988),(Amended Nov. 3, 2008)**	N	N	N	N	N	N	N	N	SPB
10. Establishments principally selling boats and boat accessories	N	N	N	N	SPB	N	N	N	SPB
11. Establishments selling, renting aircraft and aircraft accessories, or repairing aircraft	N	N	N	N	SPB	N	N	N	N
12. Hotels and motels	N	N	N	N	P	P	N	N	SPB
13. Lodging house	N	N	SBA	N	N	N	N	N	N
14. Bank	N	N	N	SPB	P	P	N	N	N
15. Other personal and consumer service establishment **(Amended June 14, 2010)**	N	N	N	SPB	P	P	SPB (2)	N	N
16. Funeral establishment	N	N	SBA	SPB	SPB	SPB	N	N	N
17. Membership club	N	N	SBA	SPB	P	SPB	N	N	N
18. Professional and business offices and services **(Amended June 14, 2010)**	N	N	N	SPB	P	P	SPB (1)	SPB	SPB
19. 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	N	SPB	N	N	SPB	SPB

Principal Uses	Residential				Commercial			Industrial	
	R-T	R-S	R-V	R-V-C	C-V	C-V-2	V-B	I-P	I-P-2
20. Boat marina or boat yard	N	N	N	N	N	N	N	SPB	SPB
21. Miscellaneous business repair services	N	N	N	N	SPB	SPB	N	SPB	SPB
22. Motion picture establishment, outdoor	N	N	N	N	N	N	N	SPB	SPB
23. Motion picture establishment, indoor	N	N	N	N	P	P	N	N	P
24. Other amusement and recreation service,outdoor	N	N	N	N	SPB	SPB	N	SPB	SPB
25. Other amusement and recreation service indoor	N	N	N	N	SPB	SPB	N	SPB	SPB
26. Communications and television tower	SPB	SPB	SPB	N	SPB	N	N	SPB	SPB
27. Commercial parking lot (see Section VIII) **(Amended June 14, 2010)**	N	N	SBA	N	P	SPB	SPB	P	P
28. Filling of land or water area (see Section XIII.G.) **(Amended June 14, 2010)**	SBA	SBA	SBA	SPB	SPB	SPB	SPA	SPB	SPB
29. Planned business development (see Section XIII.D.)	N	N	N	N	SPB	SPB	N	SPB	SPB
30. Construction of drainage facilities (other than essential services) or damming up or relocating any watercourse, water body, or wetlands **(Amended June 14, 2010)**	SPB	SPB	SPB	SPB	SPB	SPB	P	SPB	SPB
31. Adult Entertainment Uses **(Amended May 12, 2008) (Amended Nov. 4, 2013)**	N	N	N	N	N	N	N	N	SPB
32. Automatic and/or Self-Service Carwash	N	N	N	N	SPB	N	N	N	SPB
33. Mixed Use Development (See Section XIII.P and Q.) **(Amended May 10, 2004) (Amended June 15, 2009) (Amended May 12, 2014)**	N	N	N	SPB	SPB	SPB	N	SPB [3]	SPB [3]
34. Village-Business Development **(Added June 14, 2010)**	N	N	N	N	N	SPB	SPB	N	N
35. Light Manufacturing **(Added June 14, 2010)**	N	N	N	N	N	N	SPB	P	P
36. Retail Establishment selling agricultural goods, equipment, machinery and other products that support agricultural uses. **(Added Nov. 4, 2013)**	N	N	N	N	N	N	N	N	P

Principal Uses	Residential				Commercial			Industrial	
	R-T	R-S	R-V	R-V-C	C-V	C-V-2	V-B	I-P	I-P-2
37. Medical Marijuana Treatment Center **(Added Nov. 4, 2013)**	N	N	N	N	N	N	N	N	SPB
38. Artisan manufacturing **(Added May 12, 2014)**	N	N	N	N	N	SPB	N	P	P
39. Small business incubator **(Added May 12, 2014)**	N	N	N	N	N	SPB	N	P	P
40. Craft microbrewery, winery, or distillery, which shall authorize the on-site production and storage of liquor in quantities not to exceed twenty-five thousand (25,000) gallons per year or cider and malt beverages in quantities not to exceed 10,000 barrels per year. See Section XIII(R) for additional provisions **(Added May 12, 2014)**	N	N	N	N	N	SPB	N	SPB	SPB
41. Substance Abuse Treatment Center **(Added May 12, 2014)**	N	N	N	N	N	N	N	SPB	SPB
42. Recreational Marijuana Establishments **(Added Nov. 5, 2018)**	N	N	N	N	N	N	N	N	SPB
43. Private Dog Park **(Added Nov. 19, 2024)**	N	N	N	N	N	N	N	SPB	SPB
44. Artisanal and Craft Maker Space **(Added Nov. 19, 2024)**	N	N	N	N	N	SPB	N	P	P
WHOLESALE, TRANSPORTATION, & INDUSTRIAL									
1. Removal of soil, loam, sand, gravel, quarry or other earth material (see Section XIII.F.) **(Amended June 20, 1989)(Amended June 14, 2010)**	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
2. Processing and treating of raw materials, including grading, drying, sorting, crushing, grinding, and milling operations (see Section XIII.F.) **(Amended Nov. 2, 2009)**	N	N	N	N	N	N	N	SS	SS
3. Construction industry, including wholesale suppliers **(Amended Nov. 3, 2008)**	N	N	N	N	SPB	N	N	P	P
4. Retail suppliers of construction materials **(Added Nov, 3, 2008)**	N	N	N	N	SPB	N	N	N	P
5. Manufacturing	N	N	N	N	N	N	N	P	P
6. Industrial scale bakery or food preparation facility	N	N	N	N	SPB	SPB	N	SPB	SPB

Principal Uses	Residential				Commercial			Industrial	
	R-T	R-S	R-V	R-V-C	C-V	C-V-2	V-B	I-P	I-P-2
(Added May 12, 2014)									
7. Laundry or dry cleaning plant where cleaning is done on the premises **(Added May 12, 2014)**	N	N	N	N	SPB	N	N	SPB	SPB
8. Motor freight terminal and warehousing	N	N	N	N	N	N	N	P	P
9. Bus passenger terminal	N	N	N	N	P	N	N	P	P
10. Heliport	N	N	N	N	N	N	N	SPB	SPB
11. Airport and airport facilities	N	N	N	N	N	N	N	P	P
12. Other transportation service	N	N	N	N	SPB	SPB	N	SPB	SPB
13. Wholesale trade and distribution	N	N	N	N	SPB	N	N	P	P
14. Open storage of raw materials, finished goods, or construction equipment and structures for storing such equipment	N	N	N	N	N	N	N	SPB	SPB
15. Research offices or establishments devoted to research and development activities **(Amended June 14, 2010)**	N	N	P	N	P	P	SPB	P	P
16. Planned industrial development (see Section XIII.E.)	N	N	N	N	N	N	N	SPB	SPB
17. Disposal of low-level radioactive waste	N	N	N	N	N	N	N	N	N
18. Refuse Facility without a Site Assignment **(Added Nov. 5, 2012)**	N	N	N	N	N	N	N	N	N
19. Refuse Facility with a Site Assignment **(Added Nov. 5, 2012)**	N	N	N	N	N	N	N	*SPB (4)	*SPB (4)
20. Large-Scale Ground-Mounted Solar Photovoltaic Installations with Rated Nameplate Capacity of 250 kW DC or more. **(Added June 8, 2015)(Amended May 1, 2021)**	N (5)	N (5)	N (5)	N (5)	N (5)	N (5)	N (5)	P	P
ACCESSORY USES									
1. Home occupation (see Section XIII.H.) **(Amended June 14, 2010)**	SBA	SBA	SBA	SPB	P	SPB	SPB	N	N
2. Accessory Child Care Facility, to the extent protected by G.L.	P	P	P	SPB	P	P	P	P	P

Principal Uses	Residential				Commercial			Industrial	
	R-T	R-S	R-V	R-V-C	C-V	C-V-2	V-B	I-P	I-P-2
c.40A, §3, and, where it is reasonable to do so under G.L. c. 40A , §3, to require that the accessory facility shall not occupy more than 40 percent of the gross floor area of the structure and that there shall be a minimum of 75 square feet of outside play area for each enrolled child. **(Amended May 9, 2011)**									
3. Accessory professional office of a licensed medical or dental practitioner, lawyer, or engineer in an existing dwelling	SBA	SBA	P	SPB	P	P	N	N	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. **(Amended June 14, 2010)**	P	P	P	P	P	P	P	SPB	SPB
5. Accessory private garage for not more than three non-commercial motor vehicles, and, except on a farm, not more than one ton rated or less in size commercial motor vehicle **(Amended June 14, 2010)**	P	P	P	P	P	P	P	N	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 used for dwelling or sleeping purposes. Maximum number - two trailers or autos or boats. **(Amended June 14, 2010)**	P	P	P	P	P	N	P	N	N
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 **(Amended June 14, 2010)**	N	N	N	N	P	N	SPB	N	SPB
8. Accessory outside storage clearly necessary to the operation and conduct of a permitted principal wholesale, trans-portation, industrial, and/or commercial use. **(Amended June 14, 2010)**	N	N	N	N	SPB	N	SPB	P	SPB
9. Accessory manufacturing use	N	N	N	N	SPB	N	SPB	P	P

Principal Uses	Residential				Commercial			Industrial	
	R-T	R-S	R-V	R-V-C	C-V	C-V-2	V-B	I-P	I-P-2
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 **(Amended June 14, 2010)**							(1)		
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 **(Amended June 14, 2010)**	N	N	N	N	SPB	SPB	SPB	P	P
11. Newsstand, barber shop, dining room or cafeteria and similar accessory commercial services primarily for occupants or users thereof provided the use is conducted entirely within the principle building, and there is no evidence of the conduct of the accessory use from the street or from any lot line **(Amended Nov. 3, 2008) (Amended June 14, 2010)**	N	N	P	N	P	P	SPB (1)	P	SPB
12. Up to two lodging units in an existing dwelling	SBA	SBA	P	N	SBA	N	N	N	N
13. Accessory signs subject to the provisions of Section VII **(Amended June 14, 2010)**	P	P	P	SPB	P	SPB	P	P	P
14. Accessory off-street parking and loading spaces as required in Section XIII **(Amended June 14, 2010)**	P	P	P	P	P	SPB	SPB (1)	P	P
15. Sales by vending machines as an accessory use, within a building **(Amended June 14, 2010)**	N	N	N	P	P	P	P	P	P
16. Accessory building for keeping of livestock, horses, or poultry (non-commercial). Provided that they are not housed within 40 feet of property line. Any fenced-in area shall be allowed up to the property line. **(Amended June 8, 2015)**	SBA	SBA	SBA	N	N	N	N	N	N
16A. Non-commercial raising and keeping of poultry **(Added June 8, 2015)**	P	P	P	N	P	P	P	P	P
16B. Accessory building for	P	P	P	N	P	P	P	P	P

Principal Uses	Residential				Commercial			Industrial	
	R-T	R-S	R-V	R-V-C	C-V	C-V-2	V-B	I-P	I-P-2
keeping and raising of non-commercial poultry, provided that they are not housed within 10 feet of a property line. Any fenced-in area shall be allowed up to the property line. **(Added June 8, 2015)**									
17. Accessory uses which are necessary in connection with scientific research or scientific development or related production which use does not substantially derogate from the public good **(Amended June 14, 2010)**	SBA	SBA	SBA	N	SPB	SPB	P	SPB	SPB
18. Personal Wireless Communications Facilities **(Added May 11, 1998)**	SPB	SPB	SPB	N	SPB	SPB	N	SPB	SPB
19. Retail sale of non-agricultural products manufactured, warehoused or distributed on or from the premises **(Added Nov. 3, 2008)**	N	N	N	N	P	P	N	N	SPB
20. Carnivals and Fairs **(Added Nov. 2, 2009)**	N	SS	SS	N	SS	SS	N	SS	SS

Table 1 Notes: (Amended May 13, 1985) (Amended June 14, 2010) (Amended May 12, 2014) (Amended May 1, 2021) (Amended Nov. 19, 2024)

1. Any such use shall be allowed only as part of a Village Business Development and subject to Village Business Development Special Permit; further that such use shall only be intended to serve employees and customers of uses within the V-B development in a manner similar to a company cafeteria.

2. Any such use shall be allowed only as part of a Village Business Development and subject to Village Business Development Special Permit.

3. Permitted only for those I-P parcels within the MCEOD as shown on the Millis Zoning Map.

4. Except that no special permit shall be issued for such a facility in the following areas: (i) recharge areas of surface drinking water supplies as defined by the rules and regulations of the Department of Environmental Protection (DEP); (ii) areas subject to G.L. c 131, §40 and regulations promulgated thereunder; and (iii) areas within the zone of contribution of existing or potential public water supply wells as defined by DEP.

5. But see Section XXI where, under certain conditions, such solar facilities will be allowed in the district.

6. See Section XXIII.D. for uses permitted under the Multi-family Overlay District. **(Added November 19, 2024)**

Section VI Area, Height, and Bulk Regulation

(Amended May 9, 2005) (Amended May 8, 2006) (Amended June 14, 2010) (Amended May 12, 2014) (Amended November 19, 2024)

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) (Amended May 10, 2004) (Amended May 9, 2005) (Amended May 8, 2006) (Amended June 14, 2010)(Amended May 12, 2014)(Amended May 2, 2022)(Amended Nov. 19, 2024)

District	Use	Area (sq. ft.)	Base Density[1] (units per acre or FAR) (10)	Lot (2) Frontage (ft.)	Lot Depth (ft.)	Yards (3-7)		
						Front (ft.)	Side (ft.)	Rear[11] (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	1-family dwelling	15,000		100	150	40	15	20
	2-family dwelling	18,750		125	150	40	15	20
	Multi-family dwellings	217,800		250	400	50	50	50
		5 acres (for developments of up to 22 dwelling units) Each dwelling unit thereafter 10,000						
R-V-C(12)	1-family dwelling	15,000	2.9	100	150	40	15	20
	2-family dwelling	18,750	4.7	125	150	40	15	20
	Multi-family dwellings	217,800	5 acre minimum area and not to exceed 4 units/acre	250	400	50	50	50
C-V	Any permitted principal structure or use	30,000	—	150	200	40	20	30
C-V-2(12)	As-of-Right Development, Commercial	30,000	0.20 (10)	150	200	40	20	30
C-V/MCEOD Millis Center Economic Opportunity District	Mixed use development under Section XIII.P	30,000		120	25	Minimum 5 to Maximum 15	0 (zero)	25
I-P/I-P-2	Any permitted principal structure or use	43,560 (1 acre)		200	250	40	20	30
V-B	Any permitted structure or use	90,000		150	200	50	30	30
MOD	Any permitted principal structure or use	10,000	18 units/acre	40	100	14	10	20

[1] **Base density refers to the allowable density before any density bonus.**

Notes: (Amended May 13, 1985) (Amended June 14, 2010)(Amended May 12, 2014)

1. Except for multi-family dwelling units, planned business developments, industrial developments, community facilities, village-business developments, Special Permit development in R-V-C and C-V-2 zoning districts, 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. **(Amended June 14, 2010) (Amended May 12, 2014)**

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.

7. Reserved

8. Except that a right-of-way build-to line or 0' setback may be permitted provided the building incorporates appropriate façade features such as bulkhead panels, transom windows, lower cornice sign band and upper cornice. The maximum is 15' or the average setback on the same street or within 200' whichever is less.

9. Except that 25' if parcel shares lot line with parcel in single-family residential district.

10. Maximum FAR reflective of available density bonuses as may be applicable.

11. The Planning Board may permit a lesser rear yard depth if the existing rear yard depth on a lot is less than the required rear yard depth.

12. Please refer to Table 6 for dimensional standards for R-V-C and C-V-2 districts under the Village Center Special Permit option.

Table 3. Height and Bulk Regulations

(Amended May 13, 1985) (Amended May 10, 2004) (Amended May 9, 2005) (Amended May 8, 2006) (Amended June 14, 2010) (Amended May 12, 2014) (Amended May 2, 2022) (Amended Nov. 19, 2024)

(See notes)

District	Maximum Permitted Height (1) (ft.)	Maximum Permitted Height (stories)	Maximum Building Coverage of Lot[4](covered area as percent of total lot area)	Minimum net floor area per unit for multi-family use or residential unit in mixed use (sq. ft.)
R-T	35	2 ½	20	
R-S	35	2 ½	25	
R-V	35	2 ½	35	500
R-V-C	35	2 ½ /3	35 [3]	500
C-V	30	2	50	Not Permitted
C-V-2	30/35	2/3	50 [3]	500
C-V/ MCEOD	35	2 ½	50	500
MOD	40	3	80	500
I-P/I-P-2	45	3	40	Not permitted
V-B	35	2 ½	50	Not permitted

Notes for Table 3:
(Amended May 10, 2004) (Amended May 8, 2006)(Amended May 12, 2014)

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.

2. Where half stories are allowed in Table 3, the purpose is to provide the option for gable roofed structures or other traditional pitched roofs which will be consistent with the historic architecture of the Town of Millis. **(Added May 10, 2004)**

   a. It is the intent that the top ½ story may be used for residential purposes in the C-V district when Mixed Use Development under Section XIII.P. is proposed. **(Added May 10, 2004)**

3. Refer to Section XIII(Q)(4.2) for lot coverage provisions as it relates to the Groundwater Protection District (GWPD) regulations (Section XV) and the Village Center Special Permit Option in Section XIII(Q). **(Added May 8, 2006) (Amended May 12, 2014)**

4. Subject to limitations of other restrictions such as GWPD regulations (Section XV). **(Added May 12, 2014)**

Section VII Signs

(Amended May 9, 2016)

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 of 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
(Amended May 9, 2016)

1. In residential districts, signs shall be illuminated only with white light by indirect method.
2. All new or replacement free-standing signs located on Route 109 Main Street, between Adams Street and Hammond Lane, shall be illuminated only with white light by indirect method.
3. In all other 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 façade and free standing signs, which exceeds by ore 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, May 10, 2004, May 9, 2005, May 8, 2006, November 2, 2009) (Amended May 12, 2014) (Amended Nov. 19, 2024)

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.

5. In issuing a special permit in the MCEOD district pursuant to Section XIII.P, the Planning Board may take into consideration both any mixed uses of a particular proposal and the different uses within the overlay district. Although the threshold amount of required parking spaces shall be the sum of the required number of parking spaces for the various individual uses of a particular proposal, the Planning Board may allow different uses within the overlay district to share the same parking spaces when computing the number of required spaces. The allowance of shared parking spaces shall be specifically referenced in any special permit. In allowing shared parking spaces, the Planning Board may take into consideration the type of use (i.e. residential versus commercial; office versus restaurant, etc.), the intensity of the use, the expected hours of operation of the particular use, access and egress from the site and any other available information that will assist in making such a determination. The allowance of any shared parking shall be particular to the use(s) that are the subject of the special permit. Any change or intensification of the use shall require a new special permit. **(Added May 10, 2004) (Amended May 9, 2005) (Amended Nov. 2, 2009)**

Table 4. Off-Street Parking Standards

(Amended May 10, 2004) (Amended May 12, 2014)

Use	Number of Parking Spaces per Unit
Dwelling	One per one bedroom unit and two per two bedroom unit or greater
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 250 sq. ft. of gross floor area. For the purposes of this section, 'gross floor area' shall mean the total floor area contained within exterior walls, but does not include basement space used solely for heating and utilities, storage or automobile parking.
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
Mixed Use Development **(Added May 10, 2004)**	Per Section VIII, B. General, 5., and Section XIII.P.2.c.8
Substance Abuse Treatment Center **(Added May 12, 2014)**	One (1) per 300 square feet of floor space

Table 5. Off-Street Loading Standards

Use	Number of Loading Spaces per Unit
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. (Amended Nov. 19, 2024)

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. Pervious paving materials (porous asphalt, porous pavers, reinforced grass blocks, etc.) may be used for access driveways and portions of the parking lot such as lower volume stalls or overflow parking areas, if the Department of Public Works and an engineer determines that appropriate hydrologic soil and topographical site conditions exist and pervious paving materials are appropriate for the site usage. **(Amended Nov. 19, 2024)**

   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 at driveways and the inlets of stormwater infiltration BMP in order to protect abutting structures, properties, and sidewalks. Curb flushes or perforated curbing may also be used. **(Amended Nov. 19, 2024)**

   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 or construction equipment shall be parked in any yard between the building line and a public street in any residential zone. **(Amended Nov. 2, 2009)**

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). If the Department of Public Works and an engineer determines that appropriate hydrologic soil conditions and site topography is conducive to low impact infiltration/bioretention, landscaped green infrastructure stormwater management facilities may be installed in the setback area. **(Amended Nov. 19, 2024)**

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. Storage of plowed snow shall not coincide with permeable paving if present on site as to not create maintenance issues with sand or salt settlement. **(Amended Nov. 19, 2024)**

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. Landscaped area shall constitute at least 10% of the parking lot area.

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.

Where the Department of Public Works determines that appropriate hydrologic soil conditions, site usage, and topographical site conditions exist for bioretention/infiltration, the landscaped islands may also be designed to manage and treat stormwater. In such case, the islands can be depressed below the grade of the parking lot and have curb or edge notches, curb flushes, or perforated curbing to allow runoff from the parking lot to flow into the island. Landscaping should consist of vegetation native to the area and be able to withstand dry and inundation conditions.

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. **(Amended Nov. 19, 2024)**

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)**

D. Parking or Storage of Buses

Any principal or accessory use consisting primarily of the parking or storage of buses shall provide a parking area of at least 600 square feet for each bus. In addition, the Parking Standards in Table 4 herein shall apply. **(Added Nov. 2, 2009)**

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 or 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

(Amended May 14, 2012)

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 plan communities in inland waters: all consistent with the meanings established by Chapter 131 of the Massachusetts General Laws.

"Area of Special Flood Hazard" **(Deleted May 14, 2012)**

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

(Amended May 14, 2012) (Amended May 5, 2025)

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. Ensure public safety through reducing the threats to life and personal injury;

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 prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.

k. To promote the control and containment of sewage.

l. To eliminate new hazards to emergency response officials.

m. Eliminate costs associated with the response and cleanup of flooding conditions.

n. Reduce damage to public and private property resulting from flooding waters.

2. Definition of Floodplain or SFH District location and boundaries

The Floodplain or "SFH" District is herein established as an overlay district. The District includes all special flood hazard areas within Millis designated as Zone A, AE, on the Norfolk County Flood Insurance Rate Map (FIRM) dated July 8, 2025 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and the FIS report are incorporated by reference herein and are on file in the office of the Town Clerk, Town of Millis, County of Norfolk, Massachusetts. **(Amended May 14, 2012) (Amended May 5, 2025)**

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) In Zone AE, along watercourses that have a regulatory floodway designated on the Town of Millis FIRM Map encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community 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 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. **(Amended May 14, 2012)**

(4) Base Flood Elevation Data. For subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans. **(Amended May 5, 2025)**

4. Permitted Uses.

Land in 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. In the A and AE zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready. **(Added May 5, 2025)**

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 that the following conditions or requirements shall be satisfied, provided that no condition shall be imposed that conflicts with the requirements of the State Building Code: **(Amended May 14, 2012)**

(Deleted a.(1) and a.(2) May 14, 2012, Sections Renumbered)

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All manufactured homes and manufactured home parks in Zones A and AE shall be provided with adequate surface drainage and adequate hauler access. **(Amended May 14, 2012)**

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) That the methods of drainage are adequate.

(8) That other land in any "SFH" District is protected against detrimental or offensive uses of the premises.

(9) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(10) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(11) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(12) 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

(13) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

(14) All subdivision proposals shall minimize flood damage;

(15) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage, and public utilities and facilities are located and constructed so as to minimize flood damage;

(16) Base flood elevation data shall be provided for all subdivisions and other proposed developments within the "SFH" District.

(17) Within Zones A and AE, 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, shall not increase the water surface elevation of the base flood. **(Amended May 14, 2012)**

(18) In the absence of FEMA BFE data and floodway data, 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 and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level. **(Amended May 5, 2025)**

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 **(Amended May 5, 2025)**

The Applicant shall provide written notification regarding any proposed alteration or relocation of a water source to the following:

(1) The Planning Board of each adjacent community;

(2) The NFIP State Coordinator
Massachusetts Department of Conservation and Recreation

(3) The NFIP Program Specialist
Federal Emergency Management Agency, Region I
(Added May 11, 1998) (Amended May 14, 2012)

9. Requirement to Submit New Technical Data **(Added May 5, 2025)**

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

(1) The NFIP State Coordinator
Massachusetts Department of Conservation and Recreation

(2) The NFIP Program Specialist
Federal Emergency Management Agency, Region I

10. Variances **(Added May 5, 2025)**

a. Variances to building code floodplain standards

i. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

ii. The Town/City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct

a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

iii. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

b. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

i. A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

11. Definitions **(Added May 5, 2025)**

a. For the purposes of this chapter, the following terms shall apply:

1. *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 or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

2. *Flood Hazard Boundary Map.*
An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

3. *Floodway, Regulatory Floodway.*
The channel of the river, creek 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 a designated height. [Base Code, Chapter 2, Section 202]

4. *Functionally dependent use.*
A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

5. *Highest adjacent grade.*
The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

6. *Historic structure.*
Any structure that is:
   a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
   b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
   c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
   d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   e. By an approved state program as determined by the Secretary of the Interior or
   f. Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

7. *New construction.*
Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

8. *Recreational vehicle.*
A vehicle which is:
   a. Built on a single chassis;
   b. 400 square feet or less when measured at the largest horizontal projection;
   c. Designed to be self-propelled or permanently towable by a light duty truck; and
   d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

9. *Special Flood Hazard Area (SFHA).*
The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

10. *Start of construction.*
The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.
    a. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

11. *Structure.*
For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

12. *Substantial Repair of a Foundation.*
When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

13. *Variance.*
A grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

14. *Violation.*
The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

15. *Zone A.*
The one-hundred-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local or other data

16. Zone AE.
That portion of the one-hundred-year floodplain where the base flood elevation has been determined. (Note that Zone AE replaces Zones A1-A30 on maps created in and prior to 1987.)

17. Zone AH.
Areas of special flood hazards having shallow water depths and/or unpredictable flow paths between one (1) and three (3) feet, and with water surface elevations determined.

18. Zone AO.
Areas of Special Flood hazards having shallow water depths and. or unpredictable flow paths between one (1) and three (3) feet. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

19. *Zone X.*
Areas in Millis identified by a FEMA-conducted Flood Insurance Study as those of moderate or minimal flood hazard. (Note that Zone X replaces Zones B and C on maps created in and prior to 1987.)

12. Abrogation and greater restriction section **(Added May 5, 2025)**

The provisions of these regulations take precedence over any less restrictive conflicting local laws, ordinances or codes. [44CFR 60.1(b)]

13. Severability section **(Added May 5, 2025)**

If any section, provision or portion of this bylaw is deemed unconstitutional or invalid by a court, the remainder of the ordinance shall still be effective.

Section XII Administration and Enforcement

(Amended May 9, 2005) (Amended May 5, 2025)

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. (Amended May 5, 2025)

In order to ensure the proper administration of the Special Flood Hazard Zoning District established under this By-Law, the Town of Millis hereby designates the Building Commissioner to be the official floodplain administrator for the Town. The floodplain administrator responsibilities include:

1. Review proposed development to assure that all necessary permits have been obtained from those governmental agencies from which approval is required by federal of 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.

3. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

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) (Amended May 9, 2005)

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 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 of By-Law.

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 Select Board for a term of one year, such Associate Member to act on Special Permits and Site Plans.

(Added May 15, 1990) (Amended May 2, 2022)

Section XIII Special Permit Conditions

(Amended May 10, 2004) (Amended May 9, 2005) (Amended May 8, 2006) (Amended May 12, 2008) (Amended Nov. 2, 2009) (Amended Nov. 5, 2012) (Amended Nov. 4, 2013) (Amended May 12, 2014) (Amended May 9, 2016) (Amended Nov. 5, 2018) (Amended Nov. 19, 2024)

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 sub-section 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 of 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, Industrial and MOD Structures and Developments (Added May 18, 1987) (Amended May 10, 2004) (Amended May 9, 2005) (Amended May 12, 2014) (Amended Nov. 19, 2024)

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 eight (8) 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 Selectmen, the Conservation Commission, and the Master Plan Implementation Task Force 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. **(Amended May 9, 2005)**

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.

8. Areas being developed for Mixed Use under Section XIII.P. and Q. shall be required to meet the following:

(a) Connect to town water and sewer.

(b) Preserve any structure deemed architecturally significant.

(c) Include a minimum 15% publicly accessible open space on the lot.

(Added May 10, 2004) (Amended May 12, 2014)

D. Planned Business Development. (Amended Nov. 2, 2009)

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 common parking areas and common exits and entrances, provided that all such parking areas, exits, and entrances shall be on the parcel on which the use is located or on contiguous parcels not separated by a way. **(Amended Nov. 2, 2009)**

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) (Amended Nov. 2, 2009)

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 dredging being carried out by a governmental agency. **(Amended Nov. 2, 2009)**

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 used 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, on 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 filed 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. (Deleted May 12, 2008)

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) (Amended Nov. 4, 2013)

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-Park-Two District

Adult entertainment uses shall be prohibited in all zoning districts except in the Industrial-Park-Two District 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 is met. **(Amended Nov. 4, 2013)**

(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) (Deleted May 5, 2025)

P. Millis Center Economic Opportunity Overlay District (MCEOD) (Added May 10, 2004) (Amended May 9, 2005) (Amended Nov. 2, 2009) (Amended Nov. 5, 2012) (Amended May 12, 2014) (Amended Nov. 7, 2020)

1. Purpose

The purpose of this bylaw is to establish a Millis Center Economic Opportunity District (MCEOD) Zoning By-Law. The benefits of the MCEOD By-Law accrue only to those parcels located entirely within the boundaries of the MCEOD. The MCEOD shall hereby be established for those parcels of the C-V District west of

Plain Street, as more specifically enumerated in Section III.C. A special permit process is established with the intent of enabling the redevelopment of this area into a mixed use village center, to provide alternatives to single family housing and to promote economic development of the town center. The MCEOD shall not restrict the rights of owners that choose to develop any lot pursuant to the underlying zoning district. If a property owner elects to use the MCEOD for development purposes, the development shall conform to all applicable requirements of this MCEOD by-law, including the requirements of any regulations or guidelines that may be developed to support this MCEOD by-law.

2. General Regulations

(a) Objectives: In addition to the specific criteria contained within this section, the Millis Planning Board shall issue a special permit for development within the MCEOD only after consideration of the following:

1. adequacy of the site in terms of the size of the proposed structure(s);
2. adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;
3. suitability of the site for the proposed use(s);
4. impact on traffic, pedestrian flow and safety and access for emergency vehicles;
5. impact on the visual character of the neighborhood;
6. adequacy of utilities, including sewage disposal, water supply and storm water drainage;
7. degree to which the proposed project complies with the goals of the latest Millis Master Plan and the provisions of this section.

(b) Uses Permitted: Within the Millis Center Economic Opportunity District, the Planning Board may issue a special permit for the following uses either solely or in combination:

1. Apartment houses or buildings. Residential uses are restricted to second floor and above, where facing Main Street/Route 109. **(Amended Nov. 5, 2012)**
2. Retail stores and offices including salesrooms and showrooms, consumer service establishments, business and professional offices, executive and administrative offices, banks and other institutions.
3. All uses allowed by right or by special permit in the underlying zoning district.
4. No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the primary uses herein set forth as permissible by special permit. A building having a combination of uses will be subject to Planning Board determination

as to both the appropriateness of the character, the number of uses and the compatibility of adjacent or combined uses.

5. Drive through windows are permitted by special permit.

(Amended May 12, 2014)

6. Light Industrial/Manufacturing Uses are not Permitted.

(c) Standards and Criteria

1. Minimum Lot Size
   A. The minimum lot size is not less than 30,000 square of "buildable lot area." The lot must contain the "buildable lot area" in a single, contiguous site within the boundaries of the Millis Center Economic Opportunity District.
   B. No portion of a way or street, as defined by the by-law may be included in computing the minimum required "buildable lot area."

2. Lot Coverage
   No building shall be constructed so as its total footprint covers, together with the footprint of any other building on the lot, more than fifty (50) percent of the "buildable lot area."

3. Minimum Lot Frontage and Access
   Lots with over 60,000 S.F. of "buildable lot area" shall have a minimum frontage of one hundred twenty feet (120) feet and at least one means of ingress/egress. Each means of ingress/egress shall have a continuous frontage or not less than sixty feet.

4. Density
   A. No building(s), structure(s) or land shall be used, in whole or in part, which exceeds the densities specified below for residential and non-residential uses. For the purpose of this section, "gross square feet of non-residential floor area" means the total non-residential floor area contained within exterior walls but does not include basement space used solely for heating and utilities, storage or for automobile parking.

      1. One dwelling unit per 2,000 S.F. of "buildable lot area."
      2. Three thousand (3,000) gross "buildable lot area."

5. Setbacks and Yard Regulations for Buildings
   A. No building shall be constructed so as to be nearer to the lot line of any street than the "required setback distance" or nearer to the side lines of its lot than the "required side yard width" or nearer to the rear line of its lot than the "required rear yard depth" specified below:

1. Required Setback Distance: Min. 5 feet and Max. 15 feet.
2. Required Side Yard Width: None
3. Required Rear Yard Depth: Min. 25 feet.

B. The required setback distance shall be measured from the nearest exterior line of the street in question.

C. No storage or display of goods, products, materials or equipment, vending machines or similar commercial devices shall be located nearer to the line of any street than the permitted setback distance for a building on the lot.

6. Height Regulations

A. No building shall be constructed to exceed thirty-five (35) feet or two and one half stories whichever is lower.

7. Common Open Land

A. Each site is encouraged to have Common Open Land for use by the general public. The open space shall have a shape, dimension, character, and location suitable to assure its use for park or open space purposes by the general public.

B. The Planning Board may permit a density bonus of one (1) dwelling unit per 2,000 S.F. of Common Open Land provided the area in Common Open Land shall equal at least fifteen (15) percent of the total area.

8. Parking Requirements

A. In the Millis Center Economic Opportunity District, there shall be provided and maintained improved off-street automobile parking in connection with the erection, establishment or increase in units or dimensions of buildings, structures and uses, in the following amounts:

1. For dwelling units one parking space per each one bedroom unit and two parking spaces per each unit having two bedrooms or more.
2. For retail stores and offices including salesrooms and showrooms, consumer service establishments, public administration buildings, business and professional offices, executive and administrative offices, banks and other financial institutions one parking space for each two hundred fifty (250) square feet of gross floor area. For the purpose of this section, "gross floor area" means the total floor area contained within exterior walls, but does

not include basement space used for heating and utilities, storage or for automobile parking.

3. Uses not listed in this section Parking Requirements, shall comply with the parking space requirements of the Millis Zoning By-law Section VIII: Off-Street Parking and Loading Regulations.
4. In issuing a special permit hereunder, the Planning Board may take into consideration both any mixed uses of a particular proposal and the different uses within the overlay district. Although the threshold amount of required parking spaces shall be the sum of the required number of parking spaces for the various individual uses of a particular proposal, the Planning Board may allow different uses within the overlay district to share the same parking spaces when computing the number of required spaces. The allowance of shared parking spaces shall be specifically referenced in any special permit. In allowing shared parking spaces, the Planning Board may take into consideration the type of use (i.e. residential versus commercial; office versus restaurant, etc.), the intensity of the use, the expected hours of operation of the particular use, access and egress from the site and any other available information that will assist in making such a determination. The allowance of any shared parking shall be particular to the use(s) that are the subject of the special permit. Any change or intensification of the use shall require a new special permit. **(Amended May 9, 2005)**
5. Off-street automobile parking spaces, to the extent required in this section, may be provided either on the same lot or premises with the parking generator or on any lot or premises associated therewith a substantial portion of which at least is within three hundred (300) feet of the generator.
6. Off-street parking facilities and connecting drives between such facilities and the street shall be designed to insure the safety and convenience of persons traveling within or through the parking area, and between the parking facility and the street. The provisions of Section VIII. C. Parking and Loading Lot Standards shall be considered the minimum criteria for evaluating such design.

9. Signs and Advertising Devices

The provisions of Section VII Signs is adopted for the regulation and restriction of bill boards, signs and other advertising devices within the MCEOD.

10. Stormwater Management
Each applicant shall have the burden of demonstrating that the project shall comply with both Best Management Guidelines for the management of stormwater and any applicable EPA, DEP, or town stormwater management guidelines.

11. Miscellaneous
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**

The Special Permit Granting Authority may issue a Special Permit for a Mixed Use Development subject to the requirements stated herein as well as the requirements listed in Section XII, Q.1.a. through h.

4. **Conditions**

Said Special Permit may be issued subject to such conditions as the Planning Board may deem appropriate and shall terminate upon the happening of any of the following events, whichever is sooner:

a. Sale of property;
b. Change of use

(Added May 10, 2004)

(Q. MCEOD– EAST deleted May 12, 2014)

Q. Village Center (VC) Special Permit **(Added May 12, 2014)**

1.0 Purpose and Intent

a) There is hereby established a set of special development provisions available by Special Permit only which apply exclusively to properties located in C-V-2 and R-V-C zoning districts.

b) These provisions are established for the following purposes:

1. Promoting a range and balance of residential and commercial uses;
2. Promoting efficient use of land within the town;
3. Facilitating integrated physical design and synergies between activities;
4. Facilitating an increase in the variety of housing stock;
5. Enhancing vitality during both day- and night-time;
6. Promoting a pedestrian-friendly living and working environment;

7. Facilitating economic development while remaining sensitive to environmental impacts;
8. Encouraging building reuse and appropriate infill development;
9. Promoting innovative and sustainable building and site design.
10. To provide a development framework that is sensitive to market conditions

c) The parcels contained in the R-V-C and C-V-2 zoning districts are different from surrounding parcels in that the parcels within these districts are previously-developed, over-sized parcels, with excessive building coverage and excessive impervious surfaces, used for industrial or commercial purposes, such that re-use or retrofitting of such structures and uses may not promote the purposes of zoning in general or bring these parcels into greater conformity with the Town's Zoning By-laws.

2.0 Authority

a) Development Options: The uses (and none other) noted in Table 1, columns under the headings of "R-V-C" and "C-V-2" shall be permitted by-right or special permit pursuant to this section. Development may proceed by-right or by the Village Center Special Permit option as detailed below. For the latter, the uses in Table 1 may be commingled into one or more buildings or may be located in separate buildings on the same lot or other configuration as may be allowed by the Planning Board as SPGA.

1. As-of-Right Development: There are land uses that are allowed by-right in C-V-2 and R-V-C districts. Development in these zones may proceed by-right provided the use is designated as a permitted use in Table 1 and by-right dimensional requirements in Tables 2 and 3 are adhered to.
2. Village Center (VC) Special Permit Development: A VC Special Permit provides additional use categories and more flexible dimensional criteria. Village Center Special Permits also may:
    a. Permit phasing under a comprehensive site plan;
    b. Benefit from expedited permitting procedures.

b) Where a development is subject to a Special Permit application pursuant to this section, and where provisions of this section refer to the provisions of any other section of the Millis zoning by-law and there is a conflict between these provisions, the provisions of this section shall govern.

c) The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for applicable provisions under this section. All Special Permit applications made pursuant to this section shall conform to the requirements of this by-law and all applicable administrative and enforcement provisions in the current Millis zoning by-law (Section XII, Administration and Enforcement);

d) In order to facilitate a streamlined permitting process, for the purposes of permitting developments pursuant to this section within the Groundwater Protection Overlay District, the Planning Board shall be the SPGA for the purposes of the Groundwater Protection Overlay District requirements in the current Millis zoning by-law (Section XV).

e) The Planning Board may adopt regulations for the implementation of this section, including, but not limited to design requirements and guidelines that support the Smart Growth principles of the Special Permit.

3.0 Uses Allowed by Special Permit

Table 1, columns under the headings of "R-V-C" and "C-V-2" provide the uses allowed in these districts by Special Permit.

3.1 Mixed Use

a) Purpose and Rationale.

To allow different types of compatible[2] land uses to locate within the same area, facilitating a synergy that allows, ideally, each use to benefit the other uses. A well-designed mixed-use development encourages certain compatible uses to locate in close proximity, thereby assuring that these uses are within easy walking distance of one another.

b) Encouraged But Not Required.

The VC Special Permit strongly encourages, but does not require, the horizontal or vertical mixing of uses.

c) A mixed-use development can be achieved under this section as follows:

1. Vertical Mixed-Use – Integrating different, compatible uses in the same structure such as retail on the ground floor and residential and/or office uses on upper floors:

2. Horizontal Mixed Use, Parcel Based – Integrating different, compatible uses on the same parcel and integrating such uses through landscaping and internal circulation systems such as sidewalks or bike paths;

3. Horizontal Mixed Use, Site Based – Integrating different, compatible uses on the same development site but different parcels and integrating such uses through landscaping and internal circulation systems such as sidewalks or bike paths. If approved under a comprehensive site plan, the individual sites may be separately sold and developed.

3.2 Ground Floor Uses

a) Ground floors of buildings fronting streets or public access ways shall be reserved for commercial uses as specified below may be permitted by the Planning Board to support exemplary site design, based upon the criteria below:

1. For buildings fronting on a major street, ground floor uses shall be limited to commercial uses such as retailing, services, and office uses.

2. For buildings fronting on a minor street or collector street, commercial uses are encouraged but not required to be located on the ground floor.

[2] See definition of compatible land use in Section II above.

3. In reviewing a Special Permit application under this section, the Planning Board may determine that street-front residential uses will not have an adverse impact on the continuity of the commercial street-front uses, and where such street front residential uses will not be adversely affected by proximity to street and adjacent commercial uses.

4. The Planning Board shall have discretion to determine what is a minor street and what is a major street

4.0 Performance Standards and Development Criteria

4.1 General Criteria

In addition to the specific criteria contained in this section, the Planning Board shall consider the following general criteria before issuing a Special Permit or approving a comprehensive site plan as part of a VC Special Permit:

a) Adequacy of the site in terms of the size of the proposed use(s);
b) Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;
c) Suitability of the site for the proposed uses(s);
d) Impact on external traffic and pedestrian flow and safety and access for emergency vehicles;
e) Internal vehicular site circulation and ingress/egress;
f) Adequacy of pedestrian access to buildings and between public spaces;
g) Impact on the visual character of the development and surrounding neighborhood;
h) Adequacy of utilities, including sewage disposal, water supply and storm water drainage;
i) Operation and maintenance (O&M) of common areas, required site elements, and design features including the provisions of a Property Owners Association (POA) if subdivision or condominium ownership is proposed or a management entity if the development shall be singly owned and managed.
j) Degree to which the proposed project complies with the goals of the latest Millis Master Plan and the provisions of this section.
k) The provisions of Section XIII(B), Multi-Family Development, may, if conflicting, be superseded by the provisions of this Section Q, as applicable, by the Planning Boardl.) Permitted storage of materials for all permitted uses as part of a VC Special Permit shall be limited to the storage of non-toxic and non-hazardous materials, except for above ground storage of heating oil with adequate secondary containment approved under the Special Permit.
l) Permitted storage of materials for all permitted uses as part of a VC Special Permit shall be limited to the storage of non-toxic and non-hazardous materials, except for above ground storage of heating oil with adequate secondary containment approved under the Special Permit.

Table 6 – Area Regulations. VC Special Permit (Please see Table 2 for key to notes and for by-right dimensional criteria).

District	Use	Area[1-2] (sq. ft.)	Base Density[3] (units/acre or FAR) [12]	Lot [4] Frontage (ft.)	Lot Depth (ft.)	Yards [5-9]		
						Front Min[14]/Max[15] (ft.)	Side (ft.)	Rear[13] (ft.)
R-V-C	1-family dwelling	8,000	5.5	40	150	5/15	10	20
	2-family dwelling	15,000	5.9	45	150	5/15	10	20
	Multi-family dwellings	217,800	5 acre minimum area and not to exceed 12 units/acre base density	125	250	5/15	15	25
C-V-2	Commercial	20,000	0.40	120	150	5 [10]	0 [11]	25
	Residential Density (Special Permit Track Only)	20,000	Not to exceed 8 units/acre base density	120	150	5 [10]	0 [11]	25

Notes to Table 6

1. No portion of an existing public way or street, as defined in the current Millis zoning by-law may be included in computing the minimum required lot size.
2. Lot size and configuration may be flexible if developed as an integrated site under the VC Special Permit option.
3. Base density refers to the allowable density before any density bonus. Refer to Section 4.6, Density and Distribution for additional detail.
4. No private way shall be used to meet minimum lot frontage requirements in order to avoid the creation of a public way.
5. 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.
6. 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.
7. 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 two (2) feet.

b. Open terrace or steps or stoop, under four (4) feet in height, up to one-half (1/2) the required yard setback.
c. Step or stoop over four (4) feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features, not more than two (2) feet.

8. 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.
9. Reserved
10. Except that a right-of-way build-to line or 0' setback may be permitted provided the building incorporates appropriate façade features such as bulkhead panels, transom windows, lower cornice sign band and upper cornice. The maximum is 15' or the average setback on the same street or within 200' whichever is less.
11. Except that 25' if parcel shares lot line with parcel in single-family residential district
12. Maximum unit yield or FAR is reflective of available density bonuses as may be applicable.
13. The Planning Board may permit a lesser rear yard depth if the existing rear yard depth on a lot is less than the required rear yard depth.
14. The front yard depth shall be greater than the minimum front yard depth where the Planning Board considers additional front yard landscaping to be an appropriate amenity.
15 Or the average of the setbacks to buildings on the same side of the street or way within 200 feet of the lot in question, whichever is the lesser, except where the Planning Board determines that the site constraints (including, but not limited to, streams or wetlands) require a greater setback.

4.2 Site Coverage

a) All properties located within the R-V-C and C-V-2 zoning districts shall adhere to the provisions of Section XV, Groundwater Protection District which, under the provisions of this section, require that maximum impervious site coverage shall be limited to 50 percent of the total lot area.

b) However, applicants seeking the VC Special Permit may be eligible for site coverage flexibility as follows:

1. Planning Board may allow a development proposed pursuant to this section to develop to the same percent lot coverage as the existing impervious site cover on a lot, even if this is greater than 50% of the total lot area, provided that:

   (a) The development incorporates current Massachusetts Department of Environment Protection (DEP) best management practices for storm water management, and in particular, storm water quality control; and
   (b) There is no net increase in impervious site coverage, and.
   (c) The Board is satisfied that the proposal will lead to an improvement in groundwater quality and recharge.

2. The Planning Board may allow a development proposed pursuant to this section to increase the existing impervious site cover on a lot, even if this is greater than 50% of the total lot area, provided that:

   (a) The applicant removes impervious site coverage on another site that is within the same Zone II as this site. The offsite ground water recharge area shall be equal or greater in area than the proposed impervious site cover.
   (b) The applicant provides documentation from a certified hydrologist stating that the off-site ground water recharge area will provide the same or greater degree of ground water recharge as the subject site.
   (c) A legally binding agreement from the owner of the subject property containing the proposed off site ground water recharge area is submitted to the Planning Board with the Special Permit request. This agreement shall state that easement(s) will be provided for the off-site ground water recharge area upon issuance of a Special Permit.
   (d) All Special Permits granted pursuant to this section shall require that easement(s) be provided for all off site ground water recharge areas. Completed easement documentation is subject to the review and approval of Town Counsel and shall be presented to the Planning Board prior to issuance of a Building Permit.

4.3 Density and Distribution:

Density in the C-V-2 and R-V-C districts are generally restricted to the minimum lot size and maximum impervious surface provisions of Groundwater Protection Area Zone II. Maximum densities as provided below are only available using the VC Special Permit option.

4.3.1 - Residential Density

a) Maximum Residential Density: No residential building shall be designed, arranged or constructed and no building or land shall be used, in whole or in part, which exceeds the following base densities:

1. R-V-C: Base density is twelve (12)/units/acre with VC Special Permit. Additional density can be added under the VC Special Permit with bonuses (see 4.3.3 below) not to exceed a gross maximum density of 25 units/acre.
2. C-V-2: Base density of twelve (12) units/acre with VC Special Permit. Additional density can be added under the VC Special Permit with bonuses (see 4.3.3 below), not to exceed a gross density of 22 units/acre:

4.3.2 - Commercial Density

a) Maximum Commercial Density (FAR): No commercial building, nor commercial portion of a mixed-use building, shall be designed, arranged or constructed and no building or land shall be used, in whole or in part, which exceeds the following base densities:

1. R-V-C: 0.05 FAR
2. C-V-2: 0.20 FAR

except that this density may be exceeded with specific granted density bonuses as per Section 4.3.3 below, not to exceed a gross density of:

1. R-V-C: 0.07 FAR
2. C-V-2: 0.40 FAR

Note that any parcel proposed for development or redevelopment that exceeds this gross density may be permitted to develop up to the additional density provided that the Planning Board finds that the additional density will not result in an overburdening of local service and infrastructure capacity.

4.3.3 - Special Density Provisions

An increase in the residential and/or commercial density within a development may be allowed by the Planning Board as identified below, provided that the applicant can demonstrate that the proposal complies with the General Criteria stated above. In order to effectively evaluate the density bonuses or the VC Special Permit project generally, the Planning Board may retain technical assistance as the expense of the developer under the provisions of M.G.L. Chapter 44, Section 53G.

a) Affordable Housing Density Bonus: The Planning Board may permit a density bonus of two (2) dwelling units per each affordable dwelling unit developed in excess of that required by Section 4.1.1 below and pursuant to all the requirements this by-law, provided that parking is available in perpetuity for all dwelling units in accordance with the parking requirements of this section specifically and by-law generally, and provided that the affordable unit(s) is restricted as such in perpetuity.

b) Open Space Density Bonus: The Planning Board may permit a density bonus of either one (1) dwelling unit or 1000 square feet of commercial space per 2000 square feet of useable and

publicly accessible open space which exceeds the required 15 percent of useable and publicly accessible open space (see section 4.7 of this by-law). The maximum bonus available is 10,000 s.f. of commercial space or ten (10) residential units.

c) Historic Preservation Density Bonus: The Planning Board may grant a density bonus of up to five (5) residential dwelling units or 4000 square feet of commercial leasable space for a significant historic preservation element that is part of a VC Special Permit.

d) Sustainable Design Density Bonus: The Planning Board may grant a density bonus for sustainable building, site, or community design as follows:

1. Building Design: Each Building that meets the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Gold certification or greater may receive up to a 10,000 s.f. or .05 FAR commercial density bonus, whichever is greater, or four (4) dwelling units. The Building Design density bonus is also available for any building that establishes a vertically integrated mixed-use program with at least a 1/3 residential use component;

2. Site Design: For each site plan that meets or exceeds three (3) stars on the Sustainable Sites Initiative (SITES) rating system established by the American Society of Landscape Architects (ASLA), applicants may obtain up to a 10,000 s.f. or .05 FAR commercial density bonus, whichever is greater, or four (4) dwelling units;

3. Community Design: For each site plan that meets or exceeds the USGBC LEED-ND (Neighborhood Development), applicants may obtain up to a 10,000 s.f. or .05 FAR commercial density bonus, whichever is greater, or four (4) dwelling units;

Note that equivalent or similar standards or certifications may be considered by the Board for each design category in this subsection d).

e) Stormwater Facility Density Bonus: The Planning Board may permit a density bonus of one (1) dwelling unit if the applicant agrees to reconstruct and maintain any existing stormwater drains located within the lot to a more natural state using current best management practices for stream restoration that are endorsed by MA DEP or other relevant environmental protection body; or may permit a density bonus of up three (3) units by:

1. Reducing the existing lot coverage by at least ten (10) percent;
2. Removing at least some, and if not all, of the existing non-water supply activities and structures from Zone 1 areas within the lot; and
3. Incorporating landscape design and construction techniques that accord with current LEED standards and current Low Impact Development (LID) practices.

f) Transportation Demand Management Program Density Bonus: The provision of one or more of the following TDM measures may elicit a density bonus of up to 10,000 square feet of commercial space or .05 FAR (whichever is greater) or four (4) dwelling units:

1. Structured parking provided for at least 50 percent or required parking spaces on the project site;
2. Dedicated paratransit service connected to one or more sites within the project area;
3. Pedestrian and/or bicycle connections to an external dedicated pedestrian/bicycle system (not applicable simply connecting to a non-dedicated bike lane);
4. Establishment of carpooling and/or ridesharing program.

Table 7 – Height and Bulk, VC Special Permit (Please see Table 3 for key to notes and for by-right height and bulk criteria)

District	Maximum Permitted Height [1] (ft.)	Maximum Permitted Height (stories)	Maximum Building Coverage of Lot [2] (covered area as percent of total lot area)	Minimum residential net floor area per unit for multi-family use or residential unit in mixed use (sq. ft.)
R-V-C	35	3	35 [3]	500
C-V-2	35	3	50 [3]	500

Notes to Table 7

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.
2. Refer to Section 4.2 above for lot coverage provisions. As it related to the Groundwater Protection District (GWPD) regulations (Section XV) and the Village Center Special Permit Option in Section XIII(Q).
3. Subject to limitations of other restrictions such as GWPD regulations (Section XV).

4.5 Reserved

4.6 Reserved

4.7 Open Space & Landscaping

a) A minimum of fifteen (15) percent of the site shall remain as open space, designed and intended for appropriate public use. Specifically:

   1) Open space shall be a made a prominent and integrated feature of the site plan and may include a central plaza or town green.

2) Open space areas shall remain open and accessible as a condition of the Special Permit and enforceable by the Town. In order to be included in the required open space calculation, the open space shall be usable, unobstructed space that is not used for vehicle parking, vehicle circulation, loading spaces, or pedestrian pathways or landscaping within vehicle parking lots.

   Areas within "Zone I" of the Millis Groundwater Protection Overlay District; streams, wetlands, ponds, rivers, certified vernal pools, or other resource areas, or their associated buffer zones as identified under M.G.L. Ch. 131 or the regulations thereunder, may be included only if these areas are incorporated into useable public space through the use of pathways, bridges, sitting areas, and other elements that facilitate use and access.

3) Any open space in excess of the 15 percent minimum that is not required to be set aside for mandatory protection may be eligible for density bonus as per the provisions of Subsection 4.7.2(b) above.

b) Developments shall be made pedestrian-friendly by use of amenities such as wide sidewalks/pathways, outdoor seating, patios or courtyards, and/or appropriate landscaping. All structures, parking, pathways and other pedestrian amenities shall be designed to maximize ease of pedestrian access.

c) All developments, other than the re-use of space in existence on the date this by-law becomes effective, shall be landscaped with appropriate low-water vegetation.

d) Landscaping and screening plant materials shall not encroach on the public walkways or roadways in a way that impedes pedestrian or vehicular traffic or blocks views of signs within the roadway alignment.

e) Unless demonstrated to the Planning Board that an alternative site design would provide for higher environmental quality or superior site design, a one-hundred (100') foot resource area buffer shall be established adjacent to Route 109 where the drainage swale is located. As noted in Section 4.7 above, this area may be incorporated into the publicly accessible open space, if appropriately designed.

4.8 Vehicle Parking, Loading, & Circulation

4.8.1 - Parking Generally

a) Adequate off-street parking shall be provided and maintained in connection with all development pursuant to this by-law. In determining adequacy, the Planning Board shall consider the extent to which the design maximizes pedestrian flow within the development, maximizes pedestrian safety, maximizes the efficient use of existing and proposed parking facilities, and minimizes the area of land to be paved for parking.

b) To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Motor vehicle parking shall not be located directly between the building and the street alignment.
c) The number of off-street parking spaces required shall be as per Table 4 above subject to review as part of the special permit and site plan review process.

4.8.2 - Bicycle Parking

a) Long-term bicycle parking shall be provided for all new developments. Long-term bicycle parking shall be at least 50 percent sheltered from the elements.

b) At least one (1) bicycle parking or storage space shall be created for each residential unit created. However, no bicycle parking is required for residential units where there are fewer than three (3) residential units created. Special Permits granted pursuant to this by-law shall require that property management rules and regulations state that bicycle parking is permitted in designated areas within all covered vehicle parking areas.

c) At least two (2) bicycle parking or storage spaces shall be created for each commercial use within the site.

d) Bicycle parking or storage spaces shall be located as close as possible to the building entrance(s).

e) Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner within the same block to meet these requirements.

4.8.3 - Shared Motor Vehicle Parking

a) Shared use of motor vehicle parking is strongly encouraged, however, parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated to the satisfaction of the Planning Board that the need for parking occurs at different times. A shared parking agreement shall be submitted to the Planning Board as part of the VC Special Permit application. The shared parking agreement shall, at a minimum, address issues such as:

1. The parties subject to the shared parking agreement;
2. The parking area and number of spaces available;
3. The timing and use sequence for each user group;
4. The maintenance, striping, and snow plowing of the shared parking area.

b) The allowance of shared parking spaces shall be specifically referenced in any VC Special Permit approval. In allowing shared parking spaces, the Planning Board may take into consideration the type of use (i.e. residential versus commercial; office versus restaurant, etc.), the intensity of the use, the expected hours of operation of the particular

use, access and egress from the site and any other available information that will assist in making such a determination. The allowance of any shared parking shall be particular to the use(s) that are the subject of the VC Special Permit. Any change or intensification of the use shall require a new or amended Special Permit.

4.8.4 - Off-Site Motor Vehicle Parking

a) Off-site motor vehicle parking may be provided on any separate lot or premises controlled by the parking generator, provided that at least 25 percent of this parking is within a 300 foot walking distance of the parking generator, 100 percent within 1000 feet, and provided that this walking distance does not require pedestrians to cross Route 109.

b) A legally binding agreement from the owner of the subject property containing the proposed off site motor vehicle parking shall be submitted to the Planning Board with the VC Special Permit application. This agreement shall state that easement(s) will be provided for the off-site parking upon issuance of a Special Permit. All Special Permits granted pursuant to this section shall require that easement(s) be provided for all off-site parking. Completed easement documentation is subject to the review and approval of Town Counsel and shall be presented to the Planning Board prior to issuance of a Building Permit.

4.8.5 - Vehicular and Pedestrian Elements

Vehicle, pedestrian, and bicycle features shall be designed to provide a network of pathways and promote walking within the development. Driveways shall not occupy more than 25 percent of the frontage of any parcel and alleys are encouraged to access garages or loading areas. Curb cuts shall be minimized and subject to design review by the Planning Board. The Planning Board may require allowance for pedestrian and vehicular access to existing or future developments on abutting properties in order to facilitate pedestrian access and to minimize curb cuts.

4.8.6 - Internal Circulation Network

Any development pursuant to this section shall establish an internal site circulation system, whether public or private, that:

a) Facilitates safe, efficient, and reliable vehicular circulation;
b) Does not conflict with pedestrian and bicycle circulation;
c) Does not create excessive or unnecessary paved area or impervious surface;
d) Adequately serves emergency service vehicles;
e) Establishes ownership and maintenance responsibility for all elements of circulation system including stormwater and traffic control features;
f) Carries out the general purpose and goals of the VC Special Permit.
g) The site plan shall provide for a complete circulation system at full build out and by phase (as applicable).

h) Development proposed as a commercial subdivision where individual lots may be developed by independent ownership must establish a formal subdivision street network and/or internal driveway system that facilitates optimum internal circulation and minimizes curb cuts and ingress/egress points to existing road network.

4.9 Signs

a) All signs installed as part of a development approval under a VC Special Permit after the date of passage of this section shall conform to all requirements as set forth in the current Millis zoning by-law (Section VII, 'Signs') and the following:

1. Wall-mounted signs shall not comprise an area greater than ten (10) percent of a building's street facade and shall not obscure architectural details of historic buildings.
2. The length of a wall-mounted sign shall not exceed 70 percent of the street frontage of the establishment.
3. Projecting sign face area shall be limited to six (6) square feet and shall not project more than three (3) feet from the side of the building.
4. Permanently affixed window signs shall not occupy more than ten (10) percent of the window surface area.
5. Signs and logos on awnings or canopies shall only be located along the valance or side of the awning or canopy. Lettering or a logo on the valance shall not cover more than 60 percent of the valance area. A logo on the side of an awning or canopy shall not cover more than 50 percent of the side area.
6. Wall-mounted signs, signs on awnings or canopies, and projecting signs shall be limited to one (1) each per street frontage of the establishment, however, the total number signs (wall-mounted; awning or canopy sign; projecting sign) shall be limited to a maximum of two (2) per frontage of the establishment.
7. Flashing signs, moving signs, and roof signs are not permitted
8. Signs shall be externally lit from above or from behind ("back-lit sign"). Internal illumination of signs is prohibited. Light sources shall be directed against the sign and shielded so that no direct light shines onto sidewalks, streets, or adjacent properties or causes glare for motorists and pedestrians. The light source should be concealed from view to the maximum extent possible.

4.10 Lighting

All lighting installed after the date of passage of this section shall comply with the following:

a) Such lighting shall not blink, flash, oscillate, or be of unusually high intensity of brightness.

b) Lighting shall be directed so that it does not shine directly into adjacent properties or cause glare for motorists or pedestrians.

4.11 Affordable Housing

a) In developments of at least five (5) dwelling units, a minimum of 10 percent of the total number of units (no less than one) shall be affordable to housing purchasers at or below 80% of the median income for the Area Median Income, as determined by the most recent standards and statistics kept by the Massachusetts Department of Housing and Community Development (DHCD) or the successor agencies thereto.
b) In computing the number of required affordable units, fractions shall be rounded down.

c) The affordable units must be subject to use restrictions, deed restrictions, or other legally binding instruments to ensure that the units remain affordable and available in perpetuity exclusively to households with qualifying incomes. The units must be sold or rented on a fair and open basis, subject to a local preference lottery, as may be allowed under law, and the owners of the units must adopt an affirmative fair marketing plan.

d) Affordable units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development (DHCD) or another subsidy program that allows the housing to be included on the Town's Subsidized Housing Inventory (SHI), as kept by the DHCD. Each VC Special Permit issued under this section shall include a condition that no occupancy permit may be granted until the Town has received written correspondence from the DHCD stating that the affordable dwelling units authorized by the Special Permit will be added to the Town's Subsidized Housing Inventory of low or moderate income dwelling units.

e) All affordable units shall be indistinguishable in exterior appearance from market-rate units.

f) An VC Special Permit issued under this section may include a condition that sets a timing schedule for the construction of affordable dwelling units. Except in extraordinary circumstances, under the stated condition, no occupancy permit shall be issued for any market rate dwelling unit in a development until occupancy permits have been issued for affordable dwelling units in an amount equal to the percentage of affordable units which are to be constructed.

g) All housing purchasers shall have the same rights, privileges, and responsibilities, including access to all amenities within the development.

4.12 Stormwater Management

a) Developments proposed pursuant to this by-law shall comply with all relevant requirements of the Groundwater Protection District (GWPD) in the current Millis zoning by-law, except that where the provisions of this by-law conflict with GWPD provisions, the VC Special Permit provisions shall prevail.

b) Runoff from all roofs, parking lots, and other paved areas shall be intercepted, treated, and recharged on site in accordance current MA DEP stormwater guidelines and related Best Management Practices (BMP's) and the current Millis stormwater management regulations.

c) Each applicant shall be responsible for preparing a maintenance plan for all applications made pursuant to this by-law to ensure the ongoing pollutant removal efficiency of stormwater quality control systems within the lot. The maintenance plan shall be presented to the Planning Board as a part of the Special Permit and site plan review process.

d) The property owner, homeowners' association, or property owners' association shall be responsible in perpetuity for the maintenance of all stormwater management systems within the lot, including stormwater quality control systems.

e) A Special Permit issued under this section may include a condition that requires the applicant to prepare a contingency plan for the accidental spill of hazardous materials in the parking and loading areas. The contingency plan may require the provision of a water quality monitoring device. The property owner, homeowners' association, or property owners' association shall be responsible in perpetuity for the implementation of the contingency plan.

f) There shall be no net increase in peak storm water discharge volume resulting from developments under this section. Each applicant shall have the burden of demonstrating that the project shall reduce the storm water discharge volume from the lot to the maximum extent feasible using current MA DEP Best Management Practices for groundwater recharge.

5.0 Design Regulations

All applications made pursuant to this by-law shall be subject to the following design standards.

5.1 General Design Standards

Zoning districts that permit smart growth options such as mixed uses require special attention to building design because of the higher intensity of development that can occur in these areas and the potential for the intermixing of land uses. The standards below implement commonly accepted design principles with the goal to achieve more attractive, functional, and pedestrian oriented design. Not every case and circumstance is anticipated by these standards, nor is it the goal of this section to prescribe every design detail of development. It is expected that the Millis development community will apply their own design creativity to build on these principles and create attractive, livable, and viable projects. The standards below provide an objective framework for achieving the desired goal of attractive, pedestrian oriented development. Developers may choose to meet these standards as prescribed, or may propose other design criteria which are equal or superior to a particular standard in meeting the design objectives in subsections 5.2 to 5.7, below. Where developers request an exemption or modification from a stated standard, it is their responsibility to propose an alternative design and to demonstrate to the Planning Board that it is equal or superior to the stated standard. The Planning Board has the authority to authorize an exception to these standards and determine the acceptability of an alternative design the developer proposes. When developers propose alternative designs that are not acceptable to the Board, the applicant must proceed with the application in accordance with the Planning Board's design standards; however, the applicant may appeal the Planning Board's determination as to the design standards as part of an appeal of the Planning Board's Special Permit decision as per the procedures and requirements in Section XII. General principles for

design require that site and building design, scale, and orientation shall, at minimum, be in harmony with surrounding and proximal development. This shall include:

a) R-V-C: Development along Curve Street frontage shall be in harmony and consistent with the character and scale of the residential uses across the street. In order to achieve this standard, the following criteria shall be adhered to:

1. An initial depth of one-hundred (125') twenty-five feet from the right of way of Curve/Union Streets shall be dedicated to low- or medium-density residential uses (not to exceed 8 units/acre base density and 12 with any density bonus) including single-family and two-family units. Such units shall be designed to be compatible with the adjacent and proximal residential uses in the area
2. A parallel drive shall be established so that front facades may face both Curve Street and the parallel drive.

b) C-V-2: Development along Main Street (Route 109) shall ideally be a pedestrian-oriented storefront commercial configuration with a fronting pedestrian path or sidewalk connecting to the existing sidewalk network on the town.

5.2 Building Scale and Massing

a) The size and detailing of buildings shall have a pedestrian orientation and scale and shall reflect community preference for moderately-scaled structures that do not resemble "big box shopping centers." Building design shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Such features include, as appropriate, varied facades, rooflines (e.g., gable direction, pitch), roof heights, materials, and details such as brick chimneys or shutters.

b) Buildings shall relate well to the pedestrian scale by:

1. Including appropriate architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces;
2. Articulate the base, middle, and top of the facade separated by cornices, string cornices, step-backs, or other articulating features.
3. Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces shall not be permitted.

5.3 Roof Form

a) New construction, including new development above existing buildings, shall incorporate gables or other traditional pitched roof forms which will be consistent with the historic architecture of the Town of Millis.

b) Mechanical equipment located on roofs shall be screened, organized, and designed as a component of the roofscape, and not appear to be a leftover or add-on element.

5.4 Entrances

a) For visibility and accessibility, all primary commercial and residential building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk.

b) Doors shall not extend beyond the exterior facade into pedestrian pathways.

c) Where parking is located to the rear of a building, entrances to dwelling units within the building are to be visible and accessible from the parking lot. All entrances are to have sufficient illumination at night.

5.5 External Materials and Appearance

a) Except for minor trim, the building shall avoid the use of reflective materials such as porcelain enamel or sheet metal. Window panes shall be non-reflective.

b) Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 30 percent of the facade surface.

c) Predominant wall materials shall have the appearance of wood, brick, or stone painted or coated in a non-metallic finish.

d) Awnings and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with existing awnings on adjacent buildings.

5.6 Service Areas, Utilities, and Equipment

Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or primary public open spaces and shall incorporate effective techniques for noise buffering from adjacent uses. Waste disposal areas shall follow all relevant requirements of the current Millis zoning by-law.

5.7 Siting, Building Alignment, and Orientation

a) It is strongly encouraged that commercial development located along public streets provide a minimum of fifty (50) percent of the street frontage with an active building street wall. This means that at least 50 percent of the frontage shall contain the front façade of commercial uses with entrances and display windows oriented to the public right of way. The remaining frontage may be dedicated to driveways or streets, alleys, parking, or open space.

b) No parking may be located closer to the street than the active building street wall except that parallel street or frontage drive parking may be approved by special permit.

6.0 Application Process

a) The application process for VC Special Permit has the following attributes:

1. Facilitates a comprehensive and coordinated review of all project criteria under one application including all special permits, site plan, and other criteria subject to Planning Board review. Other reviews, such as those conducted by the Conservation Commission, Board of Health, and the Board of Appeals, shall be coordinated within this process.
2. Provides the ability to develop large scale and phased projects which can offer additional process efficiencies.
3. Provides eligibility for all of the dimensional and design flexibility established in this section and the opportunity for expedited review by the Town boards involved in the review.
4. Provides a single point of contact (SPC) to coordinate reviews and expedite the permitting process. The SPC shall be the Town Building Inspector.

b) VC Special Permit Submittal Procedures:

a. Pre-Application Conference: Applicants shall request that the SPC schedule a mandatory pre-application conference to discuss conceptual plans for an VC Special Permit project and to determine the general scope of application requirements. At this stage, all potentially applicable reviewing agencies should include a representative so that the full scope of review can be determined. Potential boards/staff may include:

1. Town Administrator
2. Conservation Commission
3. Historical Commission
4. Board of Health
5. Zoning Board
6. Planning Board
7. Public Works
8. Police
9. Fire
10. Engineering

Only a sketch or conceptual plan would be required for a pre-application conference. The Planning Board shall submit a letter to the applicant following the conference to outline recommendations for a formal application.

1. Submittal of Application: The VC Special Permit application and supporting materials shall be submitted to the SPGA Administrator for completeness review;

2. Plans Distribution: The SPGA Administrator, upon consultation with the SPC, shall distribute the application, plans, and other application materials to the boards,

committees, and other agencies that will review the project or will be expected to provide input to the Planning Board regarding the VC Special Permit.

3. Completeness Review: At the first regularly scheduled meeting of the Planning Board after the submittal of the application, the Board shall review the application and accompanying materials, determine the completeness of the Village Center Special Permit application, and make recommendations as to which other boards will need to review the project before all approvals are obtained. Should one or more required elements from the application be deemed incomplete, the Board shall so inform the applicant and until such item has been received, the application shall be deemed incomplete.

4. Technical Review: The technical review shall be conducted by the Planning Board, with input from all appropriate boards and staff, which may include those entities involved in the pre-application conference noted above. Each board or commission shall undertake independent reviews with the SPC in attendance at each to coordinate schedules and assess potential conflicts.

c) Submittal Requirements

1. Application: The VC Special Permit shall be applied for through the existing Special Permit process. Applications shall include the following, as applicable:

   a. Conceptual Development Plan: the conceptual development plan is a comprehensive site plan set that shall exhibit a compact and integrated pattern of development that efficiently facilitates interconnection between employment uses, commercial uses, residential uses, and public/civic/institutional uses, which serves to unify the entire project. It also includes other unifying components such as project infrastructure and common area. The conceptual development plan shall, at a minimum, include:
      1) Existing conditions plan;
      2) Depiction of proposed internal circulation system and ingress/egress to/from the site;
      3) Location and percentage of proposed open space and proposed O&M program;
      4) Depiction of proposed parcels and uses by parcel, if applicable;
      5) Location of existing buildings and vegetation proposed to be preserved;
      6) Depiction of location and massing of new buildings and structures;
      7) Depiction of property ownership, disposition, either by lease or sale;
      8) The ownership and maintenance responsibility for common areas and amenities;
      9) The entity responsible for ensuring that the plan is adhered to.

   b. Specific Plans: VC Special Permit applications shall also include, as applicable, specific site plans for any initial phase proposed or for the full development:

1) Subdivision preliminary plan;
2) Site plan sheets as per Section XIII(C), Site Plan Review and Approval for Commercial and Industrial Structures and Developments for either the entire development (if it is to be approved and developed in one phase) or for the first phase of development to be approved and constructed

   As per Section 7.0, Phased Development below, specific plans for subsequent phases only require site plan review provided that the plan is consistent with the VC Special Permit decision and conditions. Any deviation from the decision will require either a minor modification or a Special Permit resubmittal.

2. Optional Phasing Plan: If applicable, a phasing plan shall be included that depicts the proposed phases of development and the proposed mix of uses to be provided throughout each phase of the development. Each phase of the development shall be designed to be a functional and integrated element of the overall development. Project phasing shall be designed and shall occur according to the provisions of Subsection 7.0, Phased Development, below.

3. Ownership and Development: An approved VC Special Permit project may be developed as a single integrated site or may be subdivided or adjusted into multiple sites. However, the conditions of approval of a plan apply to all lands subject to the decision. Decisions under this section shall clearly describe the method of development phasing, disposition, and maintenance and upkeep. Ownership and development alternatives include the following:

   a. Single-Site Development: Projects may be developed as a single development where the developer retains ownership of the project and serves as property manager or transfers the project to a buyer who assumes these responsibilities. Any sale of property under this model requires a Special Permit modification.
   b. Hybrid Ownership: Projects may be developed as a combination of holdings by the developer and identified outparcels that will be conveyed

4. Decision Considerations. Decision considerations for approval of an VC Special Permit shall be those of §§XII(Q), Special Permits and XIII(C), Site Plan Review and Approval for Commercial and Industrial Structures and Developments.

5. Expiration. Submittal of a definitive subdivision plan, arm's length conveyance of one (1) or more lots, or completed application for a building permit for a principal building shall constitute substantial use of the VC Special Permit, precluding its expiration.

7.0 Phased Development

a) If development is proposed to occur in phases, a phased development plan shall be submitted concurrently with the conceptual development plan as specified in Subsection 6.0(d)(1) above. The phasing plan shall include the following information:

1. Existing buildings and dimensions with distances from property lines and other buildings;

2. The location of future right-of-way dedications including block length and size standards;

3. If subdivision of the property is proposed, the phasing plan shall indicate any potential further subdivision of any parcel which is large enough to be legally subdivided as per the zoning district regulations;

4. The preservation of buildings, vegetation, and open space, and the establishment of new open space and landscaping, by project phase;

5. The intended use (e.g., residential, commercial, industrial) in square feet of each proposed building by phase;

6. The ratio of the square footage of each intended use (e.g., residential, commercial, industrial) to the total square footage of the buildings in each phase of the development;

7. Evidence that public facilities, services, and infrastructure shall be in place to serve each phase either by providing such facilities, services, and infrastructure concurrently with development or prior to development;

b) Provided that a site plan for a specific phase does not vary from that approved as part of the VC Special Permit plan approval, such review shall not be subject to special permit review requirements;

c) The phased development shall not result in requiring the town or any other property owner to provide or construct public facilities that were required as part of the development proposal.

d) Phasing may be approved by the Planning Board subject to the following requirements and limitations:

1. All phasing plans shall be limited to a period not to exceed three (3) years except in special cases where a project is too large for the market to reasonably absorb units or commercial space in a three year period, in which case the Planning Board may allow for a longer permit time, or a process by which the applicant may request extensions to the Special Permit.

2. Each phase has a logical set of development elements including both marketable space and infrastructure to serve the phase. **(Added May 12, 2014)**

R. Medical Marijuana Treatment Center (Added Nov. 4, 2013)

1. Purpose: To provide for the placement of Medical Marijuana Treatment Centers, in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. Section 1-1, et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of Medical Marijuana Treatment Centers on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of Medical Marijuana Treatment Centers.

2. General Regulations: Medical Marijuana Treatment Centers may be permitted in the I-P-2 district pursuant to a Special Permit issued by the Planning Board.

a. Location: Medical Marijuana Treatment Centers may not be located within 1,000 feet (or any lesser setback approved by Town Meeting) of a:
(1) school, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
(2) child care facility;
(3) library;
(4) playground;
(5) public park;
(6) youth center;
(7) public swimming pool;
(8) video arcade facility; or
(9) similar facility in which minors commonly congregate. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in this section to the nearest point of the property line of the proposed Medical Marijuana Treatment Center.

b. Location waiver: The distance requirement may be reduced by twenty-five percent or less, but only if:
(1) The applicant demonstrates that the Medical Marijuana Treatment Center would otherwise be effectively prohibited within the municipality;
(2) The applicant demonstrates that the Medical Marijuana Treatment Center will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.

c. Procedure:
(1) Application: In addition to the materials required under Section XII.Q, the applicant shall include:

(a) A copy of its registration as a Medical Marijuana Treatment Center from the Massachusetts Department of Public Health ("DPH");
(b) a detailed floor plan of the premises of the proposed Medical Marijuana Treatment Center that identifies the square footage available and describes the functional areas of the Medical Marijuana Treatment Center, including areas for any preparation of MIPs;
(c) detailed site plans that include the following information:

(i) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw;
(ii) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
(iii) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
(iv) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
(v) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
(vi) Adequacy of water supply, surface and subsurface drainage and light.

(d) a description of the security measures, including employee security policies, approved by DPH for the Medical Marijuana Treatment Center;
(e) a copy of the emergency procedures approved by DPH for the Medical Marijuana Treatment Center;
(f) a copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the Medical Marijuana Treatment Center;
(g) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between Medical Marijuana Treatment Centers approved by DPH;
(h) a copy of proposed waste disposal procedures; and
(i) a description of any waivers from DPH regulations issued for the Medical Marijuana Treatment Center.

(2) The Planning Board shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, and the Board of Water Commissioners. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

(3) After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the Planning Board may act upon such a permit.

3. Special Permit Conditions on Medical Marijuana Treatment Centers: The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's Medical Marijuana Treatment Center, the Planning Board shall include the following conditions in any special permit granted under this Bylaw:

a. Hours of Operation, including dispatch of home deliveries;
b. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Zoning Enforcement Officer and the Planning Board within 24 hours of creation by the Medical Marijuana Treatment Center. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations;
c. The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the Medical Marijuana Treatment Center with the Zoning Enforcement Officer and Planning Board within 48 hours of receipt by the Medical Marijuana Treatment Center.
d. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
e. The special permit shall terminate within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.

f. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the Medical Marijuana Treatment Center.
g. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
h. The permit holder shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the Medical Marijuana Treatment Center or the expiration or termination of the permit holder's registration with DPH.

4. Exemption from Medical Marijuana Treatment Center Special Permit Requirement: Medical Marijuana Treatment Centers that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A Section 3 are not required to obtain a special permit, but shall apply for Site Plan Approval pursuant to Section V.E and Section XIII.C.

5. Prohibition Against Nuisances: No Medical Marijuana Treatment Center shall be permitted to create a nuisance to abutters or to the surrounding area, or create any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

6. Severability: The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

S. Wineries, Cideries, Microbreweries and Distilleries (Added May 12, 2014)

1. Introduction: It is the intent of this section to promote local agricultural production, tourism, and economic development generally by allowing the construction and operation of processing facilities for cider, beer, wine, spirits and other alcoholic beverages regulated by Massachusetts General Laws Ch. 138, The Liquor Control Act (the "Act") by Special Permit in the C-V-2, I-P, and I-P-2 zoning districts. Such facilities are permitted with or without tasting rooms and may be associated with restaurants. Retail sales of the alcoholic beverages produced on the site are permitted along with retail sales of related products. This section is not intended to, and does not, impact the ability of the landowner to undertake any use or construct any structure allowed by right under local zoning, M.G.L. ch.40A, section 3, first paragraph and/or state definitions related to agriculture.

2. Definitions:

   a. Barrel: A unit of measure equivalent to 31 U.S. gallons
   b. Sales Room: An establishment, or portion of a manufacturing establishment, that allows customers to taste samples of wine, beer, cider, or spirituous liquors

manufactured or produced by a single distillery, brewery, cidery, or winery and is licensed as a sales room pursuant to state law. A sales room may include the sale of such products that complement the tasting or sale of product such as bottle openers; cheese, crackers, and other complementary foods; clothing, and other marketing and promotional items.

3. Conditions and Requirements: Where permitted, wineries, distilleries, microbreweries and cideries shall be required to meet the following conditions:

   a) The winery, cidery, microbrewery or distillery must, if required, be properly licensed by any state or federal regulatory agency, including the Massachusetts Alcoholic Beverage Control Commission.

   b) The site dedicated to the winery, cidery, microbrewery and/or distillery use must be at least 30,000 s.f.. The minimum parcel width shall be at least 80 feet.

   c) All winery, cidery, microbrewery or distillery buildings shall be set back at least 100 feet from any residential property line. To encourage the use of existing buildings, the setback requirements may be reduced to the zoning district minimum subject to site plan review. In such cases, the setbacks will be set by the Planning Board in order to preserve grandfathered structures while taking into account the potential impact of the use on neighboring properties.

   d) Ancillary or package retail sales, including manufactured beverages and other retail items such as glassware, if permitted by law, must be clearly accessory to production of the beverage being processed. Retail sales areas shall occupy no more than twenty (20) percent of the floor area devoted to beverage processing and storage, or no more than 1,250 square feet, whichever is less.

   e) Food Service: A winery, cidery, microbrewery or distillery may offer food service incidental to the facility or as a primary or co-primary use.

   f) Tasting rooms may be established as differentiated from a bar or tavern facility and may occupy no more than twenty-five (25) percent of the floor area devoted to beverage processing and storage. Tasting rooms may only serve alcoholic beverages manufactured by the facility.

   g) Full service bars or taverns within a winery et al may only be established as part of a full-service restaurant and may not be established independent of a primary food-service license obtained in conjunction with the manufacturing function.

   h) Every winery, cidery, microbrewery, and distillery is subject to site plan review and the procedures for Special Permit approval as per this by-law.

   i) Special Events and Activities: Activities such as wine appreciation/education

seminars, non-profit benefits, weddings, wine and catered food events, etc. may be permitted at a facility established pursuant to this section. If any such activities are contemplated by the applicant, the area or space designated for same shall be approved by the Planning Board as part of Special Permit review.

Other Requirements: The Planning Board may establish additional requirements, as applicable, based on the location and siting of the facility.

T. Substance Abuse Treatment Centers (Added May 12, 2014)

Purpose. The purpose of this section is to regulate Substance Abuse Treatment Center uses within the Town by Special Permit pursuant to Chapter 40A, Section 9 and 9A of the Massachusetts General Laws in order to promote the safety and welfare of the inhabitants of Millis.

Special Permit Required. Substance Abuse Treatment Centers shall be prohibited in all zoning districts except in Industrial Districts (I-P and I-P-2) 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 is met.

1. The application for a special permit for a Substance Abuse Treatment Center 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. The application for a special permit for a Substance Abuse Treatment Center shall provide a copy of the license to operate such facility issued by the Commonwealth of Massachusetts Department of Public Health, and if the Treatment Center operates an opioid treatment program, the applicant must also provide a copy of the license issued by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services.
3. No special permit for a Substance Abuse Treatment Center shall be issued to any person convicted of violating G.L. Chapter 119, Section 63 or G.L. Chapter 272, Section 28.
4. A Substance Abuse Treatment Center shall not be located within:
   a. Within 1,500 feet of another Substance Abuse Treatment Center;
   b. Within 1,500 feet from the nearest residential zoning district;
   c. Within 1,500 feet from the nearest church, school, library, park, playground, play field, youth center, or other location where groups of minors regularly congregate, regardless of whether publicly or privately owned or operated; or
   d. Within 500 feet from the nearest establishment licensed under G.L. Chapter 138, Section 12.
   e. The distances specified above shall be measured by the straight line from the nearest property line of the premises on which the proposed Substance Abuse Treatment Center 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. **(Added May 12, 2014)**

U. Assisted Living Residences (Added May 9, 2016)

1. Purpose:

The purpose of this section is to provide for the availability of Assisted Living and Residences (ALR) and services in the Town of Millis by Special Permit. Assisted Living is a special combination of housing, ancillary support services and personalized care that is designed to respond in a homelike setting to the individual needs of adults requiring Assistance with Activities of Daily Living and/or Self-administered Medication Management, but who do not require the skilled medical care provided in a nursing facility. Assisted Living Residences may be established singularly or as a part of a more comprehensive life care or continuum of care community.

2. General Regulations:

a. Development of an ALR under this Bylaw may only be authorized by a Special Permit granted by the Planning Board which shall follow the requirements for Special Permits as set forth in MGL Chapter 40A, Section 9 and pursuant to Section XII. Q. Special Permits of this Bylaw.

b. No Dwelling Unit shall consist of more than two (2) bedrooms.

c. Dimensional Requirements:

	R-T	R-S	R-V
Minimum lot area	5 acres	5 acres	5 acres
Maximum permitted height (ft)	35	35	35
Maximum permitted height (stories)	2 ½	2½	2½
Minimum lot frontage (ft)	200	125	250
Minimum depth (ft)	300	200	400
Minimum front yard (ft)	40	40	50
Minimum side yard (ft)	40	20	50
Minimum rear yard (ft)	40	40	50

	R-V-C	C-V-2	I-P-2
Minimum lot area	5 acres	5 acres	5 acres
Maximum permitted height (ft)	35	35	35
Maximum permitted height (stories)	2 ½	2½	2½
Minimum lot frontage (ft)	250	150	200
Minimum depth (ft)	400	200	250
Minimum front yard (ft)	50	40	40
Minimum side yard (ft)	50	20	20
Minimum rear yard (ft)	50	30	30

3. Development Standards:
Prior to the issuance of a Special Permit under this ALR Bylaw, the applicant shall submit the information necessary to demonstrate to the Special Permit Granting Authority that the following development standards have been met:

a) The proposed use shall not produce adverse effects on the use or development of the neighboring area because of noise, traffic, lighting or other nuisances.

b) The site shall not create or generate excessive noise, air pollution and other harmful physical influences.

c) All utilities on the site shall be installed underground pursuant to approved methods of installation and construction.

d) The ALR shall have an integrated emergency call, security, telephone and other communication systems to provide monitoring for its residents and direct line connection to the Millis Fire Department. Additionally, each individual Dwelling Unit shall be equipped with an emergency call system linked to a central office within the ALR development, which shall be staffed 24 hours a day.

e) All roadways, walkways and paths shall be privately maintained with respect to upkeep and snow and ice removal.

f) Open space shall be used to protect valuable natural environments such as streams, valleys, outstanding vegetation or scenic spots.

g) The site, when utilized for the purposes of this Section and combined with any other use or uses allowed in the underlying zone district, shall be of sufficient size, shape, topography and location as determined by the Planning Board to be capable of accommodating such multiple uses.

4. Technical Quality:
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 by provisions to control surface water drainage, to maintain adequate sound and sight buffers and to preserve 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 street, and compliance with other regulations for the handicapped and the elderly.

c) Protection and enhancement of existing site features.

d) Relationship of structures and open spaces to the natural landscape, existing structures and other community assets in the area.

e) Protection of environmental features, particularly groundwater resources, on the site and in adjacent areas and adequate protection to prevent pollution of surface and groundwater and adequate measures to prevent soil erosion, increased stormwater volume and rate of runoff, changes in groundwater recharge level(s) or elevation(s) and flooding.

5. Landscape Regulations:

a) The ALR shall be integrated into the existing terrain and surrounding landscape, shall be designed in harmony with abutting properties and community amenities, and shall be consistent with the neighborhood character.

b) The side and rear lot lines shall provide a screening of sufficient height, the type of which shall be as approved by the Planning Board. Plant materials, if used, shall be characterized by dense growth which will form an effective year round screen, consisting of natural materials. To the extent practical, existing trees and vegetation shall be retained and used to satisfy the provisions of this section.

c) All outdoor refuse collection and loading areas shall be screened from adjoining streets and abutting properties, to protect against noise, sound, and odor intrusions upon abutting properties. Such screening shall be of sufficient height, visually impermeable, of either fence or through the use of appropriate landscaping, as per the Planning Board's discretion.

d) All parking areas shall be adequately screened from abutting properties, to prevent noise, light and odor intrusions upon abutting properties. If landscaping is used, it shall be designed to provide year round protection.

e) Scenic views from public ways shall be preserved.

6. Parking Requirements:

a) One (1) off-street parking space shall be provided for every two (2) Dwelling Units.

b) Employee/staff parking shall be segregated from residential and visitor parking and so designated by signs.

c) Parking shall not be permitted within the required setback area.

7. Accessory Uses:
The following accessory uses shall be allowed within the property limits of an ALR:

a) A garage for common use vehicles owned by the operating entity.

b) A single-story building to house snow removal, lawn maintenance and recreational equipment.

c) Outdoor swimming pools, tennis and other recreational courts, playing fields, putting green, bocce courts, gardens, trails/pathways, covered and uncovered sitting areas and residential greenhouses, provided they are for the personal use of ALR residents and not for retail or commercial use.

d) Passive recreational accessory uses, including but not limited to, gardens, trails/pathways and uncovered sitting areas, may be permitted within the required setback areas, by waiver of the Planning Board.

8. Non-Residential Services:
The operator of an ALR may also provide optional services on the development site including but not limited to local transportation, barber/beauty services, laundry services, banking, retail sales, library, chapel, health club, infirmary, workshop and other recreational facilities and amenities, provided that:

a) Such services are for the sole use of the residents and employees of the ALR only, and not open to the general public.

b) Such services are conducted and accessible only from within a principal building (with the exception of service/delivery entries).

c) There is no exterior signage or other evidence of such uses visible beyond the development site.

d) The appearance and character of the Non-Residential uses are compatible with the residential development.

e) Non-Residential Services shall not exceed twenty (20%) percent of the gross floor area allocated for residential use unless approved by the Planning Board.

9. Stormwater Management:
Each applicant shall have the burden of demonstrating that the project shall comply with both Best Management Guidelines for the management of stormwater and any applicable EPA, DEP, or town stormwater management guidelines and shall provide pre-construction and post-construction drainage calculations, which shall be based upon soil testing which has been

witnessed by an appropriate Town Official, either the Health Agent or other agent identified by the Planning Board.

10. Open Space Considerations:
Each ALR shall give consideration to providing open spaces within the development. Where possible, existing trees and vegetation shall be preserved and integrated into the landscape design plan to ensure visual privacy between structures, abutting properties, and neighborhoods.

11. Lapse through Abandonment or Discontinuance:
In the event an ALR is utilized pursuant to a Special Permit issued hereunder and the use authorized is abandoned or ceases for one year, the Special Permit shall be deemed to have lapsed and the use shall not resume without issuance of a new Special Permit, unless the owner of the subject land or operator of the subject land returns to the Special Permit Granting Authority and applies for a modification to the Special Permit to allow a greater lapse period before the Special Permit lapses. Once a special permit lapses, the subject property shall only be used for a conforming use or a use authorized by all necessary zoning relief that has taken final effect. **(Added May 9, 2016)**

V. Recreational Marijuana Establishments (Added Nov. 5, 2018) (Amended May 1, 2021)

1. Purpose: To provide for the placement of Marijuana Establishments, in accordance with G.L. c. 94G, and 935 CMR 500.000, in locations suitable for lawful Marijuana Establishments and to minimize adverse impacts of Marijuana Establishments on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds, and other locations where minors congregate, by regulating the siting, design, placement, security, and removal of Marijuana Establishments.

2. General Regulations: Marijuana Establishments, defined and limited to Marijuana Cultivators, Craft Marijuana Cooperatives, Marijuana Product Manufacturers, Marijuana Microbusinesses, Independent Testing Laboratories, Marijuana Retailers, Marijuana Transporters, Delivery Licensees (including Marijuana Couriers and Marijuana Delivery Operators) Marijuana Research Facilities, but expressly excluding Social Consumption Establishments, as each of those terms are defined in G.L. c., 94G, § 1, and 935 CMR 500.000, may be permitted in the I-P-2 district pursuant to a Special Permit issued by the Planning Board, subject to the provisions of this Bylaw. **(Amended May 1, 2021)**

a. Location

(1) Marijuana Retailers, as that term is defined in G.L. c. 94G, § 1 and 935 CMR 500.000, may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, and 1,500 feet of the following other uses within the Town of Millis:

(a) child care facility;
(b) library;
(c) playground;

(d) public park;
(e) youth center;
(f) public swimming pool;
(g) video arcade facility;
(h) similar facility in which minors commonly congregate in an organized, ongoing basis;
(i) place of worship; or
(j) residential zoning district as identified in Section III. A. of the Millis Zoning Bylaws.

(2) Marijuana Establishments, other than Marijuana Retailers, may not be located within 500 feet of the following uses within the Town of Millis:

(a) pre-existing public or private school providing education in kindergarten or any of grades 1 through 12;
(b) child care facility;
(c) library;
(d) playground;
(e) public park;
(f) youth center;
(g) public swimming pool;
(h) similar facility in which minors commonly congregate in an organized, ongoing basis; or
(i) place of worship.

(3) The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in this section to the nearest point of the property line of the proposed Marijuana Establishment.

(4) Marijuana Establishments shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses, except for co-location with another licensed Marijuana Establishment or Medical Marijuana Treatment Center.

b. Location waiver: The distance requirements may be reduced by twenty-five percent or less, but only if:

(1) the applicant demonstrates that the Marijuana Establishment would otherwise be effectively prohibited within the municipality; and

(2) the applicant demonstrates that the Marijuana Establishment will employ adequate security measures to prevent diversion of marijuana to minors.

c. Procedure

(1) Application: In addition to the materials required under Section XII.Q., the applicant shall include:

(a) a copy of its license issued by the Massachusetts Cannabis Control Commission ("CCC");
(b) a detailed floor plan of the premises of the proposed Marijuana Establishment that identifies the square footage available and describes the functional areas of the Marijuana Establishment;
(c) detailed site plans that include the following information:
(i) compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw;
(ii) convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
(iii) convenience and safety of vehicular and pedestrian traffic off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
(iv) adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable.
(v) design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
(vi) adequacy of water supply, surface and subsurface drainage and light.
(d) a description of security measures, including employee security policies, approved by the CCC;
(e) a copy of the emergency procedures approved by the CCC;
(f) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana products, as those are defined by G.L. c. 94G, § 1;
(g) a copy of proposed waste disposal procedures; and
(h) a description of any waivers from the CCC regulations issued for the Marijuana Establishment.

(2) The Planning Board shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, Conservation Commission, Department of Public Works and the Board of Selectmen, acting as Board of Water Commissioners. These boards/departments shall review the application and shall submit their written recommendations to the Planning Board. Failure to make written recommendations within 35 days of referral of the application shall be deemed lack of opposition.

(3) After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the Planning Board may act upon the application.

3. Special Permit Conditions on Marijuana Establishments: The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this Bylaw. In addition to any

specific conditions applicable to the applicant's Marijuana Establishment, the Planning Board shall include the following conditions in any special permit granted under this Bylaw:

a. The permit holder, or the Marijuana Establishment Agent, as defined by 935 CMR 500.002, shall file a copy of any Incident Report required under 935 CMR 500.000 with the Zoning Enforcement Officer and the Planning Board within 24 hours of creation by the Marijuana Establishment. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations;

b. The permit holder, or the Marijuana Establishment Agent, shall file a copy of any deficiency statement, plan of correction, limitation of sales, summary cease and desist order, cease and desist order, quarantine order, summary suspension order, notice of violation, notice of hearing, and notice of final action issued by the CCC, or any other adjudicatory agency , as applicable, regarding the Marijuana Establishment, with the Zoning Enforcement Officer and Planning Board within 48 hours of receipt by the Marijuana Establishment or Marijuana Establishment Agent;

c. The permit holder, or the Marijuana Establishment Agent, shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number, and electronic mail address of the Marijuana Establishment Agent in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder and the Marijuana Establishment Agent;

d. The special permit shall be limited to the original applicant and is not transferrable;

e. The special permit shall lapse if the permit holder ceases operation of the Marijuana Establishment for a period of thirty (30) days, or upon the expiration, termination or nonrenewal of the applicant's license issued by the CCC;

f. The permit holder, or the Marijuana Establishment Agent, shall annually provide the Zoning Enforcement Officer and the Planning Board with a copy of the renewed license issued by the CCC, as well as any modification of the existing license, as approved by the CCC;

g. The permit holder, or the Marijuana Establishment Agent, shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the Marijuana Establishment or the expiration, termination or nonrenewal of the license issued by the CCC;

h. No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.

4. Prohibition Against Nuisance: No Marijuana Establishment shall be permitted to create a nuisance to abutters or to the surrounding areas, or create any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise, or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area. Any

Marijuana Establishment that the Zoning Enforcement Officer or Planning Board finds has become a nuisance for any reason may be found in violation of the special permit.

5. Severability: The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

(Added Nov. 5, 2018)

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.

Maximum Permitted Steady State Vibration Displacement	
Frequency (cycles per second)	**Displacement (inches)**
10 and below	.0008
10 - 20	.0005
20 - 30	.0003
30 - 40	.0002
40 - 50	.0001
50 - 60	.0001
60 and over	.0001

Maximum Permitted Impact Vibration Displacement	
Frequency (cycles per second)	**Displacement (inches)**
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:

Frequency Band (cycles per second)	Sound Pressure Level (decibel re 0.0002 dyne/cm^2)
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) (Amended Nov. 19, 2024)

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) Multi-family residential in accordance with the MOD and MCEOD overlay regulations. **(Added November 19, 2024)**

(4) 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 this bylaw provided they are not split or altered to create a new lot. **(Amended May 12, 2003)**

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.

Section XVII Senior Residential Community Development

(Added May 13, 2002) (Amended November 4, 2019)

A. Purpose

To provide alternative housing for a maturing population; to provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services; to promote flexibility in land use planning in order to improve site layouts; to protect natural features and environmental values of land; and to utilize land in harmony with neighboring properties.

B. General Requirements

1. A tract of land consisting of not less than ten (10) acres, within residential zoning districts may be developed for the construction of a Senior Residential Community (SRC) Bylaw.

2. Development under the SRC Bylaw may only be authorized by a Special Permit granted by the Planning Board.

3. The maximum number of dwelling units allowed in a tract to be developed under the SRC Bylaw shall be two (2) per acre of useable land. Useable land excludes that land which is described in Sections E 2 a, b, and c herein.

C. Development Standards

Prior to the issuance of a Special Permit under this SRC Bylaw, the applicant shall submit the information necessary to demonstrate that the following development standards have been met:

1. The SRC is in an appropriate location and does not adversely affect or alter the character of the neighborhood in comparison to a single family development.

2. Adequate and appropriate facilities will be provided for the proper operation of the SRC.

3. The SRC will not be detrimental or offensive to the neighboring properties and zoning districts due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or other nuisances.

4. The SRC will not cause undue traffic congestion in the immediate area.

5. The natural landscape on the SRC tract is preserved in large contiguous areas enhancing the likelihood of continuation of existing ecosystems.

6. Extensive topographic change necessitating vegetation and tree removal is minimized.

7. Scenic views from public ways are preserved.

8. Open space is used to protect valuable natural environments such as stream valleys, outstanding vegetation or scenic spots. Development of physically or environmentally unsuitable land is avoided.

9. The character of the neighborhood in which the SRC tract lies is enhanced.

10. The development will improve pedestrian and vehicular safety within the site and will not cause unreasonable traffic congestion or unsafe conditions.

11. The development will provide for and maintain convenient and safe emergency vehicle access to all buildings and structures at all times.

D. Age Qualifications

All SRC dwelling units shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document approved by the Planning Board that shall be recorded at the Registry of Deeds or Land Court. The age restriction shall limit dwelling units to occupancy by seniors, age fifty-five (55) or older, or their spouses of any age; and provide for time-limited guest visitation rights in the range of three months per year, per visitor. The restriction, if the Planning Board so approves and specifies in its Special Permit, may authorize special exceptions that allows either one (1) person or one (1) married couple at least twenty-two (22) years of age to live in a dwelling unit together with a senior resident for purposes such as care of a senior in ill health or enabling seniors to fulfill legal responsibilities of guardianship or custody. The Special Permit including the age restriction shall run with the land in perpetuity and shall be enforceable by any owner(s) of SRC dwelling units. In the event of the death of the qualifying owner/occupant(s) of a dwelling unit, or foreclosure or other involuntary transfer of a unit within the SRC, a two-year exemption to the restriction shall be allowed for the transfer of the unit to another eligible occupant. **(Amended November 4, 2019)**

E. Open Space Requirements

Each SRC shall provide open space in accordance with the following:

1. A tract of land developed as an SRC development shall contain land set aside as permanent open space. However, in no case shall the Required open space be less than thirty-five (35%) percent of the total area of the tract of land.

2. The following areas shall not comprise a greater percentage of the required open space than the percentage of such areas found in the overall tract of land:

a. Wetlands as defined in M.G.L. Chapter 131 and any rules and regulations of the Millis Conservation Commission; **(Amended May 12, 2003)**

b. Land within the Town of Millis's Special Flood Hazard District or Watershed Protection District;

c. Floodplains as shown on the National Flood Insurance Program Flood Insurance Rate Map Zones A and A1-30.

3. None of the required open space shall consist of wastewater or stormwater management systems. However, the Planning Board may waive this requirement where it is determined that placement of below grade wastewater or stormwater management systems in Required Open Space would significantly promote the goals of this bylaw and that such placement would be in existing open fields or meadows and not require material alteration of the topography or landscape or, except as the Planning Board may individually authorize, the removal of trees. Use of this waiver shall be regarded as an exception to this bylaw not to be routinely permitted and then only for the clearly identified furtherance of goals cited in Section A.

4. The required open space shall be contiguous. Contiguous shall be defined as being connected. Open Space may be considered connected if it is separated by a single roadway. The Planning Board may waive this requirement where it is determined that non-contiguous open space will promote the goals of this Bylaw by preserving distinctive characteristics of the landscape that would otherwise be destroyed and that the Required Open Space would consist of not more than three parcels, none less than one acre in size.

5. Where possible, existing trees and vegetation shall be preserved and integrated into the landscape design plan to ensure visual privacy between structures, abutting properties, and neighborhoods.

6. No more than five (5%) percent of all the open space in the SRC development shall be covered by manmade impervious surfaces unless the Planning Board determines that an increased amount of impervious surface area will further the purposes of this Bylaw.

F. Ownership and Management of Open Space

1. The Special Permit shall specify that such required open space shall be either:

a. Conveyed to the Town or its conservation commission, at no cost;

b. Conveyed to a non-profit organization, the principal purpose of which is the conservation of open space;

c. Conveyed to a corporation or trust owned or to be owned by the owners of lots within the development, and if such a corporation or trust is utilized, ownership thereof shall

pass with conveyances of the lots or residential units. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust, which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space in the event that said trust or corporation shall fail to provide adequate maintenance, and in such event, said trust or corporation shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance and, if the trust or corporation fails to complete such maintenance, the town may perform it and be compensated by the trust or corporation for the total cost thereof. That cost shall constitute a lien upon all the properties in the Open Space Preservation development until said cost has been paid. Each individual deed and the trust or articles of incorporation shall include provisions designed to effectuate the provisions of this paragraph. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

2. A perpetual restriction, enforceable under law, shall be recorded to ensure that such land shall be kept in an open or natural state. Such restrictions shall further provide for maintenance for the open space in a manner which will ensure its suitability for its function, appearance, cleanliness, and proper maintenance of drainage, utilities, and the like.

3. The open space land which has been conveyed to a non-profit organization, or corporation or trust, as referred to in F.1.b and F.1.c above, may only be used for conservation, forestry, agriculture, natural buffers, and/or a combination of these uses and shall be served by suitable access for such purposes. The open space may contain structures necessary for approved uses, subject to approval of the Planning Board. Open space land that has been conveyed to the Town may be used for the foregoing purposes as well as recreational purposes as the town may determine.

4. Any land that is used for storm water or wastewater systems or elements thereof that are located on the surface shall not qualify toward the required percentage of open space as determined in Section E-1.

5. Naturally existing woods, fields, meadows, and wetlands shall be maintained and may be improved in accordance with good conservation practices.

G. Design Criteria

1. Dwelling units may be attached, or detached as single units, or a combination of these types.

2. Dwelling Units Per Building - No building shall contain more than four dwelling units.

3. Maximum Height - No building constructed in an SRC shall exceed 35 feet in height.

4. Maximum Number of Bedrooms - No dwelling unit constructed in a SRC shall contain more than three bedrooms. No more than ten percent (10%) of the total units in a SRC shall have fewer than two bedrooms. No more than thirty (30%) of the total units shall have three bedrooms.

5. Accessory Buildings and Structures - In an SRC, accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the Site Plan.

6. Miscellaneous Design Criteria - All buildings in an SRC shall be designed (i) to have compatibility of style, building materials and colors with those in Millis, (ii) to afford variations of facade and roof lines, and interior layouts of dwelling units, (iii) so as not to have any dwelling unit extend under or over another dwelling unit in the same building and (iv) to comply with requirements of law with respect to housing intended for persons of age fifty-five and over. The Planning Board may utilize the skills of a qualified consultant, at the applicant's expense in accordance with G.L. c. 44, §53G, to review the architectural details and styling of the buildings prior to approval of an SRC.

7. Interrelationship of Buildings - The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings. Buildings shall comply with a minimum setback of twenty (20) feet from each other and all other structures in the development.

8. Additional Physical Requirements - The following requirements shall apply to all Senior Residential Communities:

   a. Parking - Two parking spaces shall be provided for each dwelling unit in reasonable proximity to the dwelling, or in garages. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off-street parking areas, provided that no single accessory parking area shall contain more than twelve parking spaces, and all such areas shall be adequately landscaped.

   b. Private Roads - Roads and driveways within a SRC shall meet such width, grades, radius of curvature and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

   c. Other Facilities - All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board,

consistent with applicable provisions of the Zoning Bylaw and the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

d. Project Maintenance - In every SRC there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents, and the Town of Millis shall not be responsible therefor.

e. Wastewater Disposal - In every development wastewater disposal shall comply with the regulations of the Millis Board of Health and applicable Department of Environmental Protection Regulations.

f. Perimeter Buffer - A 100-foot wide buffer between an SRC and abutting properties is required around the entire SRC perimeter; provided, however, that access roads and pedestrian paths may cross the buffer at the discretion of the Planning Board, and the Planning Board may otherwise reduce the width of the buffer to no less than 50 feet at appropriate locations, taking into account the character or open space use of abutting properties or the existence or requirement of buffer thereon. The perimeter buffer shall remain in a natural state to preserve the visual character of the parcel being developed. At the discretion of the Planning Board in accordance with the provisions of this SRC by-law, the perimeter buffer may be included in Open Space computations.

H. Application Process

1. The application process for a SRC development shall be by submission of an application for a special permit and the filing of a Preliminary Plan(s). The plan must be prepared and stamped by a professional landscape architect in addition to a civil engineer or land surveyor, all registered in Massachusetts and shall meet all the requirements of a preliminary plan as specified in the Millis Subdivision Rules and Regulations to the extent applicable. The Plan and application shall also contain the following information:

a. Existing and proposed landscape features such as steep topography, wetlands, floodplains, springs, lakes and ponds, streams, rock outcrops, boulder fields, stone walls, cliffs, forest glades, drumlins, high points, hill tops and ridges; **(Amended May 12, 2003)**

b. Existing open areas such as farm fields, meadows, and major long views; **(Amended May 12, 2003)**

c. Location of abutting properties including building footprints thereon; **(Amended May 12, 2003)**

d. A schedule of the stages or phases of development within which the applicant proposes to construct the SRC; **(Amended May 12, 2003)**

e. Sample floor plans and elevation drawings of the dwelling units; **(Amended May 12, 2003)**

f. Stormwater management plans; **(Amended May 12, 2003)**

g. Plans of the proposed wastewater disposal facilities; **(Amended May 12, 2003)**

h. Sample copies of the condominium association or other legal entity formed for the operation, maintenance, and management of the SRC, including any master deed and by-laws. **(Amended May 12, 2003)**

i. Resource areas subject to protection under the Massachusetts Wetlands Protection Act (310 Code Mass. Regs. 10.00) and Millis General Bylaws, Article XIX, Wetlands Protection Bylaw, as approved by the Conservation Commission. **(Amended May 12, 2003)**

2. The Applicant shall also simultaneously file copies of its application and the preliminary plan with the Board of Health, Conservation Commission, Building Inspector, Fire Chief, Highway Department, and Town Engineer for their review, consideration, and report.

a. The Board of Health may review all applications under this section for the purpose of advising the Planning Board on the number and location of lots shown on the Conventional Subdivision Plan required under B.3 and on the proposed Preliminary Open Space Preservation Plan required under G.1 that could be developed on the parcel under applicable regulations of the Millis Board of Health and Title 5 of the Massachusetts Department of Environmental Protection regulations (310 C.M.R. 15.000). The Board of Health may provide such additional comment to the Planning Board, as it deems appropriate. The Board of Health review shall be advisory and not directive. Such review by the Board of Health shall not substitute for or represent a waiver of the exercise of the Board of Health's jurisdiction under other applicable laws and regulations.

b. Reports from above entities may be submitted to the Planning Board within thirty-five (35) days of receipt of the application and plans. Failure of such entities to make a written report to the Planning Board may be deemed to constitute a lack of opposition thereto, unless such entity makes an oral report at the public hearing. In the event that the public hearing is commenced by the Planning Board prior to the expiration of such 35-day period, the Planning Board may continue the public hearing to permit the submission of such reports within such period.

c. Nothing herein shall exempt the applicant from a requirement to submit a Definitive Plan under the Subdivision Control Act and the Millis Subdivision Rules and Regulations. Any Special Permit granted under the open space law shall contain a condition that it shall be ineffective in the event that a approved Definitive Plan for the subdivision presents a substantial variation from the project contemplated by said special permit. A substantial variation shall include but not be limited to an increase in the number of lots, a decrease in the Required Open Space acreage, a change in the layout which causes dwelling units or roadways to be placed closer to a dwelling unit within 200 feet of the project and /or a change in the development pattern which adversely affect natural landscape features and open space.

3. Applicant Qualifications - The applicant for a Special Permit for a SRC shall be the owner of the tract proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the development. The Planning Board shall establish fees to be paid in conjunction with an application for Special Permit hereunder.

4. Conditions of Approval:

a. Before granting an application for a special permit under this SRC Bylaw, the Planning Board, with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, must find that the proposed SRC development will not have a detrimental impact on the surrounding properties and will have a less detrimental impact on the tract than a conventional subdivision on the same tract after consideration of the following factors:

1) Whether the proposed development achieves the purposes designated in Section A of this SRC Bylaw;

2) Whether the proposed development will create undue traffic congestion, or unduly impair pedestrian safety;

3) Whether the proposed development will overload any public water, drainage, or sewer system or any other municipal service to such an extent that the proposed development 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;

4) Whether the proposed development will impair the integrity or character of the neighborhood, district or adjoining zones, or be detrimental to the health, morals, or welfare thereof;

5) Whether the proposed development facilitates the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner than a conventional subdivision would on the same tract;

6) Whether the Application submitted by the Applicant complies with all sections of this Bylaw and the zoning by-laws as a whole.

b. The form of ownership and management of open space shall be stated in its decision by the Planning Board and documents establishing such ownership shall be recorded in the Norfolk County Registry of Deeds.

c. Neither the open space nor any lot shown on a plan for which a Special Permit is granted under this Section may be further subdivided and this shall be so noted on the plan.

d. The Planning Board may impose further restrictions on the tract, or parts thereof, as a condition of granting the Special Permit, including but not limited to:

1) Measures to ensure the maintenance of scenic views and vistas;

2) A requirement that the uses allowed in designated open spaces and recreational structures such as tennis courts, swimming pools, accessory clubhouses, or any other structures be submitted to the Planning Board for site plan approval;

3) Designation of no-cut or limited clearing areas on lots;

4) Granting of an easement providing and defining rights of public access;

5) Maintenance or creation of a buffer of natural vegetation of at least 100 feet in width adjacent to surface waters and wetlands and a buffer area free of residential structures of at least 200 feet in width adjacent to surface waters;

6) Sufficient security, in the form of a bond, covenant or other means satisfactory to the Planning Board, securing the construction and installation of driveways, utilities, drainage and related services.

e. The Planning Board may impose any additional conditions and/or safeguards which further the purpose of this Bylaw and which the Planning Board deems necessary to meet the purposes of this Bylaw, including but not limited to a requirement that more than thirty-five (35%) percent complying open space be provided in the proposed development.

f. A Special Permit granted under this SRC Bylaw shall lapse within two year, excluding 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 a permit for construction, if construction has not begun by such date, except for good cause.

g. Each individual deed and the deed of trust, master deed or articles of incorporation shall include appropriate restrictions and provisions, satisfactory to the Planning Board, designed to implement the terms and limitations of this SRC by-law.

Section XVIII Open Space Preservation

(Added May 13, 2002)

A. Purpose

To provide for the public interest by permanently preserving open space and natural landscape features, and to promote variety in single family residential housing patterns by encouraging development which is designed to accommodate and preserve a site's physical characteristics such as: topography, aquifers, vegetation, water bodies, wetlands, and open spaces including, but not limited to farmlands and meadows, forests, major scenic views, and wildlife habitats.

B. General Requirements

1. A tract of land consisting of not less than ten (10) acres, within zoning districts residential may be developed for the construction of single family dwellings under the Open Space Preservation Bylaw.

2. Development under the Open Space Preservation Bylaw may only be authorized by a Special Permit granted by the Planning Board.

3. The maximum number of building lots in a tract to be developed under the Open Space Preservation Bylaw shall be the number of building lots that could be developed through a conventional subdivision of the tract. The burden of proof shall be upon the applicant in determining the allowable number of building lots, that shall be demonstrated through submission of a preliminary plan of the conventional subdivision. Said Preliminary Plan shall conform in all respects with the Millis Planning Board's Subdivision Rules and Regulations as to plan specifications. The plan shall also demonstrate that the lots conform to the Millis Zoning Bylaws. The applicant shall bear the burden of demonstrating, to the satisfaction of the Planning Board, that the environmental, physical, and dimensional characteristics of the tract shown on such plan can support the development of the number of conventional lots shown on such plan.

C. Intensity Requirements

The Planning Board may authorize modification of lot size, shape, and other bulk requirements for any lot within an Open Space Preservation development, subject to the following limitations:

1. Any lot having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved.

2. No lot frontage shall be less than Seventy-five (75) feet or 50% or the required frontage for that district, whichever is greater.

3. Each lot shall have at least fifty (50%) percent of the required setbacks for the district.

4. The Planning Board, having determined that such waiver will further the goals of the Bylaw, shall be allowed to waive either the frontage requirement or the setback requirement, provided however that the Planning Board shall not be allowed to waive both requirements on the same lot. The number of waivers allowable under this provision shall not exceed 40% of the total number of lots in the development.

5. The minimum area of any individual lots in an Open Space Preservation development shall be no less than thirty-three (33%) percent of the lot area required for the district or 15,000 square feet, whichever is greater, provided however that the average area of all lots in the development shall be no less than fifty (50%) percent of the lot area required for the district.

D. Development Standards

Prior to the issuance of a Special Permit under the Open Space Preservation Bylaw, the applicant shall submit the information necessary to demonstrate that the following development standards have been met:

1. The natural landscape is preserved in large contiguous areas enhancing the likelihood of continuation of existing ecosystems.

2. Extensive topographic change necessitating vegetation and tree removal is minimized.

3. Scenic views from public ways are preserved. All efforts shall be made to avoid driveway cuts on existing public ways.

4. Contiguity with preserved open space is provided for a large proportion of the lots having reduced lot area.

5. There is variation in lot sizes and building arrangements.

6. Open space is used to protect valuable natural environments such as stream valleys, outstanding vegetation, or scenic spots. Development of physically or environmentally unsuitable land is avoided.

7. The character of the neighborhood in which the tract lies is enhanced.

8. The development will improve pedestrian and vehicular safety within the site and will not cause unreasonable traffic congestion or unsafe conditions.

9. The development will provide for and maintain convenient and safe emergency vehicle access to all buildings and structures at all times.

E. Open Space Use and Design Standards

1. A tract of land developed as an Open Space Preservation development shall contain land set aside as permanent open space. However, in no case shall the Required open space be less than thirty-five (35%) percent of the total area of the tract of land.

2. The following areas shall not comprise a greater percentage of the required open space than the percentage of such areas found in the overall tract of land:

   a. Wetlands and buffer areas as defined in M.G.L. Chapter 131 and any rules and regulations of the Millis Conservation Commission;

   b. Land within the Town of Millis's Special Flood Hazard District or Watershed Protection District;

   c. Floodplains as shown on the National Flood Insurance Program Flood Insurance Rate Map Zones A and A1-30.

3. None of the Required Open Space shall consist of wastewater or stormwater management systems. However, the Planning Board may waive this requirement where it is determined that placement of below grade wastewater or stormwater management systems in Required Open Space would significantly promote the goals of this bylaw and that such placement would be in existing open fields or meadows and not require material alteration of the topography or landscape or, except as the planning board may individually authorize, the removal of trees. Use of this waiver shall be regarded as an exception to this bylaw not to be routinely permitted and then only for the clearly identified furtherance of goals cited in Section A.

The required open space shall be contiguous. Contiguous shall be defined as being connected. Open Space may be considered connected if it is separated by a single roadway. The Planning Board may waive this requirement where it is determined that non-contiguous open space will promote the goals of this Bylaw by preserving distinctive characteristics of the landscape that would otherwise be destroyed and that the Required Open Space would consist of not more than three parcels, none less than one acre in size.

5. Where possible, existing trees and vegetation shall be preserved and integrated into the landscape design plan to ensure visual privacy between structures, abutting properties and neighborhoods.

6. No more than five (5%) percent of all the open space in the development shall be covered by manmade impervious surfaces.

F. Ownership and Management of Open Space

1. The Special Permit shall specify that such required open space shall be either:

   a. Conveyed to the Town or its conservation commission, at no cost;

   b. Conveyed to a non-profit organization, the principal purpose of which is the conservation of open space;

   c. Conveyed to a corporation or trust owned or to be owned by the owners of lots within the development, and if such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust, which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space in the event that said trust or corporation shall fail to provide adequate maintenance, and in such event, said trust or corporation shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance and, if the trust or corporation fails to complete such maintenance, the town may perform it and be compensated by the trust or corporation for the total cost thereof. That cost shall constitute a lien upon all the properties in the Open Space Preservation development until said cost has been paid. Each individual deed and the trust or articles of incorporation shall include provisions designed to effectuate the provisions of this paragraph. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

2. A perpetual restriction, enforceable under law, shall be recorded to ensure that such land shall be kept in an open or natural state. Such restrictions shall further provide for maintenance for the open space in a manner which will ensure its suitability for its function, appearance, cleanliness, and proper maintenance of drainage, utilities, and the like.

3. The open space land which has been conveyed to a non-profit organization, or corporation or trust, as referred to in F.1.b and F.1.c above, may only be used for conservation, forestry, agriculture, natural buffers, and/or a combination of these uses and shall be served by suitable access for such purposes. The open space may contain structures necessary for approved uses, subject to approval of the Planning Board. Open space land that has been conveyed to the Town may be used for the forgoing purposes as well as recreational purposes as the town may determine.

4. Any land that is used for stormwater or wastewater systems or elements thereof that are located on the surface shall not qualify toward the required percentage of open space as determined in Section E-1.

5. Naturally existing woods, fields, meadows, and wetlands shall be maintained and may be improved in accordance with good conservation practices.

G. Application Process

1. The application process for an Open Space Preservation development shall be by submission of an application for a Special Permit and the filing of a Preliminary Plan of the proposed Open Space Preservation development. The plan must be prepared and stamped by a professional landscape architect in addition to a civil engineer or land surveyor, all registered in Massachusetts, and shall meet all the requirements of a Preliminary Plan as specified in the Millis Subdivision Rules and Regulations. It shall also contain the following information:

   a. Location of the proposed roads, buildable lots, dwellings, and open space layout and uses;

   b. Existing landscape features such as steep topography, wetlands, springs, lakes and ponds, streams, rock outcrops, boulder fields, stone walls, cliffs, forest glades, drumlins, high points, hill tops, and ridges; and

   c. Existing open areas such as farm fields, meadows, and major long views.

   d. Resource areas subject to protection under the Massachusetts Wetlands Protection Act (310 Code Mass. Regs. 10.00) and Millis General Bylaws, Article XIX, Wetlands Protection Bylaw, as approved by the Conservation Commission.

2. As required by Section B.3 of this Open Space Preservation Bylaw, a preliminary plan for a conventional subdivision shall be submitted along with the preliminary plan for the Open Space Preservation development required by Section G.1. of this Bylaw.

3. The Applicant shall also simultaneously file copies of its application and both preliminary plans with the Board of Health, Conservation Commission, Building Inspector, Fire Chief, and Town Engineer for their review, consideration, and report.

   a. The Board of Health may review all applications under this section for the purpose of advising the Planning Board on the number and location of lots shown on the Conventional Subdivision Plan required under B.3 and on the proposed Preliminary Open Space Preservation Plan required under G.1 that could be developed on the parcel under applicable regulations of the Millis Board of Health and Title 5 of the Massachusetts Department of Environmental Protection regulations (310 C.M.R. 15.000). The Board of Health may provide such additional comment to

the Planning Board, as it deems appropriate. The Board of Health review shall be advisory and not directive. Such review by the Board of Health shall not substitute for or represent a waiver of the exercise of the Board of Health's jurisdiction under other applicable laws and regulations.

b. Reports from above entities shall be submitted to the Planning Board within thirty-five (35) days of receipt of the application and plans. Failure of such entities to make a report to the Planning Board may be deemed to constitute a lack of opposition thereto. In the event that the public hearing is commenced by the Planning Board prior to the expiration of such 35-day period, the Planning Board may continue the public hearing to permit the submission of such reports with such period.

4. Nothing herein shall exempt the applicant from a requirement to submit a Definitive Plan under the Subdivision Control Act and the Millis Subdivision Rules and Regulations. Any Special Permit granted under the open space law shall contain a condition that it shall be ineffective in the event that a approved Definitive Plan for the subdivision presents a substantial variation from the project contemplated by said special permit. A substantial variation shall include but not be limited to an increase in the number of lots, a decrease in the Required Open Space acreage, a change in the layout which causes dwelling units or roadways to be placed closer to a dwelling unit within 200 feet of the project and /or a change in the development pattern which adversely affect natural landscape features and open space.

5. Conditions of Approval:

a. Before granting an application for a Special Permit under this Bylaw, the Planning Board, with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, must find that the proposed Open Space Preservation development will have a less detrimental impact on the tract than a conventional subdivision on the same tract after consideration of the following factors:

1) Whether the proposed development achieves the purposes designated in Section A of this Open Space Preservation Bylaw;

2) Whether the proposed development will create undue traffic congestion, or unduly impair pedestrian safety;

3) Whether the proposed development will overload any public water, drainage, or sewer system or any other municipal service to such an extent that the proposed development 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;

4) Whether the proposed development will impair the integrity or character of the neighborhood, district or adjoining zones, or be detrimental to the health, morals, or welfare thereof;

5) Whether the proposed development facilitates the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner than a conventional subdivision would on the same tract;

6) Whether the Application submitted by the Applicant complies with all sections of this Bylaw and the zoning Bylaws as a whole.

b. The form of ownership and management of open space shall be stated in its decision by the Planning Board and documents establishing such ownership shall be recorded in the Norfolk County Registry of Deeds.

c. Neither the open space nor any lot shown on a plan for which a Special Permit is granted under this Section may be further subdivided and this shall be so noted on the plan.

d. The Planning Board may impose further restrictions on the tract, or parts thereof, as a condition of granting the Special Permit, including but not limited to:

1) Measures to ensure the maintenance of scenic views and vistas;

2) A requirement that the uses allowed in designated open spaces and recreational structures such as tennis courts, swimming pools, accessory clubhouses, or any other structures be submitted to the Planning Board for site plan approval;

3) Designation of no-cut or limited clearing areas on lots;

4) Granting of an easement providing and defining rights of public access; and

5) Maintenance or creation of a buffer of natural vegetation of at least 100 feet in width adjacent to surface waters and wetlands and a buffer area free of residential structures of at least 200 feet in width adjacent to surface waters.

e. The Planning Board may impose any additional conditions and/or safeguards which further the purpose of this Bylaw and which the Planning Board deems necessary to meet the purposes of this Bylaw, including but not limited to a requirement that more than thirty-five (35%) percent required open space be provided in the proposed Open Space Preservation development.

f. A Special Permit granted under this Bylaw shall lapse within two (2) years, excluding 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 a permit for construction, if construction has not begun by such date, except for good cause.

Section XIX, Village Business Developments

(Added June 14, 2010)

A. Purpose

The purpose of this bylaw is to establish a Village Business ("V-B") District Zoning Bylaw to promote business and commercial development in a traditional "village" or "commons" style, referred to in this Bylaw as a "Village Business Development." The benefits of the V-B District accrue only to those parcels of land located entirely within the boundaries of the V-B District. The V-B District shall hereby be established as shown on the Town of Millis Official Zoning Map, in the area of Town located west of the intersection of Dover Road and Route 27, on the northerly side of Dover Road. The exact boundaries are as shown on the Zoning Map. This District is established with the intent of enabling the limited, planned, commercial development of this area in order to broaden the Town's economic base and to provide additional business and employment opportunities within the community, by allowing carefully planned and designed developments that are sensitive to the interests and concerns of nearby residences and residential districts by minimizing the potential for visual, noise, and environmental impacts on Town residents that live in or near the District.

B. Special Permit Requirement

Uses noted as allowed by Special Permit in the Village Business District as set forth in Section V., Use Regulations, Table 1 shall be allowed only subject to a special permit and the special permit process set forth in this Section. Uses listed in Section V. Use Regulations as Permitted Uses shall not be subject to this special permit requirement.

C. General Regulations

1. Objectives: In addition to the goals set forth in Section A. and specific design and development criteria contained within this section, the Planning Board may issue a special permit for Village Business Developments upon specifically finding that the proposed design as shown on the plans and materials submitted by the applicant and information received during the Public Hearing satisfy the criteria set forth in Section VIII, Special Permit Conditions, and the criteria set forth below:

a. The Site is adequate to reasonably accommodate the proposed structure(s) without overcrowding of the land;

b. The Site provides adequate open space for light and air and its association with and enhancement of or accessibility to proximate open space areas (if any);

c. The Site is suitable for the proposed use including access, visibility, soils, topography, depth to groundwater, distance to nearby residences and intervening

natural buffer areas, proximity to natural resources, and overall potential for substantial damage to the environment;

d. The proposed design adequately addresses potential substantial environmental impacts including traffic, pedestrian flow and safety, emergency vehicle access, effects on groundwater, light pollution, glare, impact on the visual character of the neighborhood, impact on the local water supply, and overall economic impact;

e. The proposed design adequately provides proposed utilities including potable water, fire protection, sewage disposal, and storm water drainage;

f. The project adequately complies with the goals of this Section and with the Millis Master Plan, in general.

2. Mixed Use V-B Developments: Within the Village Business District only those uses listed as either permitted uses or uses allowed subject to a Special Permit in Section V., Table 1 of the Use Regulations shall be permitted. Within the V-B District, the Planning Board, as the Special Permit Granting Authority (SPGA), may issue a Special Permit to allow those uses shown in the Use Regulations as being allowed by Special Permit. It is the intent of this bylaw that only one planned Village Business development be allowed per lot, and that such Village Business Development may include a mix of various uses permitted in the V-B District. The following additional restrictions shall apply to mixed-use developments in the VB District:

a. All uses allowed as part of a mixed-use development in the VB district shall be reviewed by the Planning Board and shall be subject to approval by the Planning Board, as the SPGA, after it determines that the mixture of uses, or any additional uses proposed, are appropriate to the character of the area and the proposed Village Business development. Uses specifically allowed in the VB district as stand-alone uses, such as day-care or nursery schools, or uses protected or exempt from special permit requirements by MGl; Ch. 40A, such as agricultural activities, shall be permitted subject to Site Plan Review only but shall comply with the design, bulk, and area requirements for a Business Village Development if proposed as part of such development.

b. Drive-thru windows of any kind shall not be permitted, with the exception of bank automated teller machines.

c. Retail uses shall be limited in size to no more than 5,000 square feet per establishment, and 10,000 square feet in total for the entire development. Discount retailing or "big box" (so-called) retail stores are expressly prohibited.

3. Design Standards and Performance Criteria

a. Design Approach: Site design shall be respectful of existing conditions on the site with consideration for natural features. Such features shall include but are not limited to topography, ledge, depth to groundwater, existing significant vegetation and area of vegetation that act as visual "green" buffers to neighboring properties, soils, wetlands. The site shall be designed to preserve natural vistas and to minimize the presence of the commercial development to nearby residential uses, through a combination of well-planned geometry, landscaping including vegetated buffers, and good engineering practices, with due regard for adequate vehicle and pedestrian access, internal vehicular and pedestrian circulation, attractive, abundant, and hardy landscaping, handicapped accessibility, and appropriately-scaled building design compatible with nearby residential areas.

b. Specific Design Standards:

(1) Density: No buildings or land shall be used which exceed the limits set forth in Section VI, Table 2, Area Regulation as;

(2) Setbacks: No building or structure shall be set closer to any lot line or street line than as specified in Section VI, Table 2 "Area Regulations;"

(3) No single building shall have a footprint area exceeding 20,000 square feet and no building shall have a gross floor area (all floors combined but excluding uninhabited basement areas) exceeding 30,000 square feet;

(4) Buildings shall be designed with a residential theme, using native and traditional-appearing materials such as brick, stone, wood siding, decorative window designs, with limited use of "storefront" glazing systems or commercial metals. Buildings shall be designed to a scale appropriate to nearby residential buildings and uses. Schematic floor plans and elevations shall be submitted for review under this Section and shall be prepared by a Massachusetts-registered Architect. Elevations shall be rendered in color with sufficient detail to provide a fair and accurate representation of the design proposed.

(5) No building or structure shall exceed the height limitations set forth in Section VI, Table 3, Bulk & Height Regulations;

(6) No less than 40 percent of the development lot shall be maintained as landscaped open space. Open space areas that are not to be maintained as naturally-vegetated areas shall be landscaped in accordance with a Landscape Plan to be prepared by a Massachusetts-registered Landscape Architect;

(7) All pedestrian walkways and, to the extent practical, all vehicular travel ways and parking areas shall be planned and designed to maximize the inclusion of landscape "breaks", to allow for the orderly movement of vehicles and pedestrians with a minimum of conflicts, and to minimize the amount of impervious area required. This section shall not be construed to prohibit the use of design features such as circular driveways, "roundabouts", or similar designs meant to improve project aesthetics or provide traffic calming attributes.

(8) To the extent practical and reasonable, open space in the Village Business Development shall be designed to provide opportunities for connection with and access to existing off-site open spaces and public spaces.

(9) Parking shall be provided as set forth in Section VIII. Off-Street Parking and Loading Regulations, with the exception that shared parking shall be allowed at the discretion of the Planning Board in mixed-use developments only if the proposed parking scheme includes a sufficient number of parking spaces to satisfy the recommended parking ratios for the specific uses proposed in the development plan, as established by the Institute of Transportation Engineers. Shared parking shall be encouraged to help reduce impervious area and associated environmental impacts.

(10) Proposed developments in the Village Business District shall meet the environmental protection criteria as set forth in Bylaw Section XIV "Environmental Performance Standards", to the satisfaction of the Planning Board based on information submitted to the Board during the Public Hearing;

(11) Sustainable Building Design: new buildings constructed as part of a Village Business development, or in the Village Business District, shall comply with the current Leadership in Energy and Environmental Design (LEED) criteria as promulgated by the U.S. Green Building Council, with the "Smart Growth" criteria as established by the Commonwealth of Massachusetts Executive Office of Environmental Affairs, and with the current Massachusetts Stormwater Policy, to the satisfaction of the Planning Board based on information submitted to the Board during the Public Hearings.

4. Other Permits Required; Findings Required, a Conditions of Approval

a. Site Plans prepared by a Massachusetts Registered Professional Engineer, preliminary architectural plans, and supporting technical information sufficient to demonstrate compliance with all applicable land use regulations and provisions of this bylaw shall be submitted for all proposed Village Business Developments, with the Application for the Special Permit, and in accordance with Section XII. Administration and Enforcement, and Section VIII, Special Permit Conditions. Said Plans shall conform to the technical and review standards set forth in Section XIII.C, but review and approval of the Site Plan as required in that Section shall be a part of the Special Permit review by

the SPGA and no separate Site Plan Special Permit shall be required. The Planning Board shall, as part of its review of the Site Plan under this Section, review the proposed Site Plans for conformance with all criteria set forth in Section XIII.C and shall specifically find, prior to approving any Special Permit hereunder, that the matters noted in Section XIII.C.5) have been adequately addressed by the Applicant.

b. Mixed-use developments in the Village Business District shall be considered Village Business developments and shall not require a separate Special Permit for mixed-use developments pursuant to Bylaw Section XIII.P.

c. In approving a Special Permit for any Village Business Development or other use under this Section, the Planning Board as SPGA may impose reasonable conditions to guarantee that final plans for and construction of any such development or use are consistent with the plans approved by the Board, including the following:

(1) The Applicant shall submit final plans for review and approval of the Planning Board prior to issuance of a Building Permit;

(2) As-built plans of any development or use constructed under a Special Permit issued pursuant to this bylaw shall be submitted and approved by the Building Inspector prior to the issuance of any permanent Certificate of Occupancy. This shall not prohibit the Inspector from issuing Temporary Certificates of Occupancy for any use provided that adequate surety to guarantee completion of any remaining work is a condition of issuance of any Temporary Occupancy permit.

Section XX Temporary Moratorium on Medical Marijuana Treatment Centers

(Added May 13, 2013)

(REPEALED NOVEMBER 4, 2013 – SECTION XIII, R. Medical Marijuana Treatment Center ADDED)

Section XXI Large-Scale Ground-Mounted Solar Photovoltaic Installations

(Added June 8, 2015) (Amended May 1, 2021)

1. Purpose:

The purpose of this Bylaw is to promote the creation of new Large-Scale Ground-Mounted Solar Photovoltaic Installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large-Scale Ground-Mounted Solar Photovoltaic Installations.

2. Applicability:

This section applies to Large-Scale Ground-Mounted Solar Photovoltaic Installations (LGSPI) proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

The provisions set forth in this Section shall apply to the construction, operation and/or repair of Large-Scale Ground-Mounted Solar Photovoltaic Installations with a Rated Nameplate Capacity of 250 kW DC or more.

3. **Definitions:**

The following definitions shall apply:

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Building Inspector and the Planning Board.

Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

Designated Location: The location(s) designated herein where Large-Scale Ground-Mounted Solar Photovoltaic Installations with a Rated Nameplate Capacity of 250 kW or more may be sited As-of-Right: **(Amended May 1, 2021)**

(a) in the I-P and I-P-2 Districts, as shown on the Zoning Map of the Town of Millis, Massachusetts referenced in Section III.C of this Zoning By-Law, or

(b) on any lot or grouping of contiguous lots that

(i) is at least 15 acres in total area and

(ii) consists of land

a. that is primarily and directly used for agricultural purposes as defined in M.G.L. c. 61A, § 1; or

b. that is primarily and directly used for horticultural purposes as defined in M.G.L. c. 61A, § 2; or

c. where at least fifty percent (50%) of the total area of the lot or grouping of contiguous lots consists of important farmlands, including without limitation prime farmlands, unique farmland, and additional farmland of statewide importance, identified by the United States Department of Agriculture Natural Resources Conservation Service.

Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI): A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a Rated Nameplate Capacity of 250 kW DC or more.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in Direct Current (DC).

Site Plan Review: Review by the Site Plan Review Authority Planning Board to determine conformance with local zoning bylaws.

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

Zoning Enforcement Authority: The Building Inspector.

4. General Requirements for all Large-Scale Ground-Mounted Solar Power Generation Installations:

The following requirements are common to all LGSPI to be sited in designated locations in Millis.

Compliance with Laws, By-Laws and Regulations: The construction and operation of all LGSPI shall be consistent with all applicable local, state and federal requirements including, but not limited to, all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a LGSPI shall be constructed in accordance with the State Building Code.

Building Permit and Building Inspection: No LGSPI shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

Fees: The applications for a Site Plan Review, a Building Permit, and any other permits related to a LGSPI must be accompanied by the required fees.

5. Site Plan Review:

LGSPI shall undergo site plan review prior to construction, installation or modification as provided in this section.

General: All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

Required Documents:
An application for LSGPI site plan shall include the following documents:

(a) A site plan showing:

i. Property lines and physical features, including roads, for the project site;
ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures; and
iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
vi. Name, address, and contact information for proposed system installer;
vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and
viii. The name, contact information and signature of any agents representing the project proponent.

(b) Documentation of actual or prospective access and control of the project site (see also Section entitled "Site Control");

(c) An operation and maintenance plan (see also Section entitled "Operation and Maintenance Plan");

(d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);

(e) Proof of liability insurance;

(f) A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification

procedures and otherwise inform abutters and the community; and

(g) Description of financial surety plan.

The Planning Board may waive documentary requirements for good cause.

Upon receipt of an application for site plan approval of a LGSPI, the Planning Board may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the Board with its review of the application in accordance with the requirements of Section 53G of Chapter 44 of the Massachusetts General Laws. The Planning Board may direct the applicant to deposit funds with the Planning Board for such review at the time the application is accepted, and add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying the application. Upon approval of the application, any excess amount in the account attributable to the project, including any interest accrued, shall be repaid to the applicant.

6. Site Control:

The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

7. Operation & Maintenance Plan:

The applicant shall submit a plan for the operation and maintenance of the LGSPI, which shall include measures for maintaining safe access to the installation, stormwater controls, vegetation controls, as well as general procedures for operational maintenance of the installation.

8. Utility Notification:

No LGSPI shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the LGSPI's owner or operator's intent to install an interconnected customer-owned generator; as well as documentation from said utility that they can and will connect the proposed customer-owned (owned by an entity other than the utility company) generator into their power grid.

9. Dimension and Density Requirements:

The following dimensional and density requirements shall apply to all LGSPI. **(Amended May 1, 2021)**

Setbacks:

For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

(a) Front yard: The front yard depth shall be at least 40 feet; provided, however, that where the lot abuts designated Conservation land or land currently used for Recreational purposes, the front yard shall not be less than 50 feet, and where the lot abuts a Residential District, the front yard shall provide a treed fifty foot (50') wide

buffer from all Town roads and residential properties, except as provided in (d) below. All roadways, above ground utility poles, arrays, and appurtenant structures necessary for the operation of a commercial solar photovoltaic installation shall be physically located a distance of two hundred feet (200') away from the nearest habitable structure on an adjacent lot.

(b) Side yard: Each side yard shall have a depth at least 20 feet; provided, however, that where the lot abuts designated Conservation land or land currently used for Recreational purposes, the side yard shall not be less than 50 feet, and where the lot abuts a Residential District, the side yard shall provide a treed fifty foot (50') wide buffer from all Town roads and residential properties, except as provided in (d) below. All roadways, above ground utility poles, arrays, and appurtenant structures necessary for the operation of a commercial solar photovoltaic installation shall be physically located a distance of two hundred feet (200') away from the nearest habitable structure on an adjacent lot.

(c) Rear yard: The rear yard depth shall be at least 30 feet; provided, however, that where the lot abuts designated Conservation land or land currently used for Recreational purposes, the rear yard shall not be less than 50 feet, and where the lot abuts a Residential District, the rear yard shall provide a treed fifty foot (50') wide buffer from all Town roads and residential properties, except as provided in (d) below. All roadways, above ground utility poles, arrays, and appurtenant structures necessary for the operation of a commercial solar photovoltaic installation shall be physically located a distance of two hundred feet (200') away from the nearest habitable structure on an adjacent lot.

(d) Subject to application for and receipt of a Special Permit, natural sight barriers (which shall include without limitation rivers, upland gradients, and any wetland setbacks required by the Millis Conservation Commission pursuant to applicable law) may be considered by the Planning Board as a basis for reducing the 50' treed buffer requirement of (a), (b) and (c) above.

Appurtenant Structures: All appurtenant structures to LGSPI shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, appurtenant structures should be shielded from view and/or joined or clustered to avoid adverse visual impacts.

10. Design Standards:

The following design standards shall apply to all LGSPI.

Lighting: Lighting of LGSPI shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

Signage: A sign consistent with the Town's Zoning By-Law Section VII shall be required to identify the owner and operator of the LGSPI and provide a 24-hour emergency contact phone

number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the LGSPI.

Utility Connections: Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the LGSPI underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

Screening: LGSPI and appurtenant structures shall be adequately screened with vegetation or behind other existing structures from view from public ways and neighboring properties.

Where LGSPI abut residential uses, there must be increased consideration for mitigating visual impact to the residential use. For example, the Planning Board may require items such as increased setbacks, visual screening or sound buffering in the Site Plan Review.

Where installation panels could pose sun glare to abutting properties or roadways, additional screening or other public safety measures may be considered.

When vegetation is used, where possible, a diversity of plant species shall be used, with a preference for species native to New England and this region. Use of plants listed in the most recent version of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources (or the then equivalent document) is prohibited.

Fencing: Where deemed necessary, fencing may be required as part of the Site Plan Review process.

11. Safety and Environmental Standards:

The following safety and environmental standards shall apply to all LGSPI.

Emergency Services: The LGSPI owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Millis Fire Chief. Upon request the owner or operator shall cooperate with Millis emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall provide the Town with the contact information for a responsible person for public inquiries throughout the life of the installation.

Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the LGSPI or otherwise prescribed by applicable laws, regulations, and bylaws.

12. Monitoring and Maintenance:

Solar Photovoltaic Installation Conditions: The LGSPI's owner or operator shall maintain the facility and access road(s) in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Millis Fire Chief.

Modifications: All material modifications to an LGSPI made after issuance of the required building permit shall require approval by the Planning Board. In determining whether a modification is material, the Planning Board shall consider the scope of the proposed modification in relation to the approved LGSPI.

13. Abandonment or Decommissioning:

Removal Requirements: Any LGSPI, which has reached the end of its useful life or has been abandoned, shall be removed by the owner or operator no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

(a) Physical removal of all LGSPI structures, equipment, security barriers and transmission lines from the site;

(b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.; and

(c) Stabilization and re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the LGSPI shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the LGSPI fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may, to the extent it is otherwise duly authorized by law, enter the property and physically remove the installation.

Financial Surety: Proponents of LGSPI projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, in conformance with the removal requirements (a) (b) and (c) of this section, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

14. Liability Insurance:

The owner or operator of an LGSPI shall provide the Town Clerk with a certificate of insurance showing that the property has a minimum of one million dollars in liability coverage, and that the Town of Millis is an additional named insured thereon. Such a certificate shall be supplied on an annual basis upon the renewal of said insurance policy; or act in any manner relating thereto.

Section XXII Municipal Overlay

(Added May 13, 2019) (Amended November 4, 2019)

Purpose; definitions; special requirements for Municipal Facilities.

A. Purpose

(1) To provide greater flexibility for municipal uses and structures on a municipally owned property, where existing oversight provides adequate review and safeguards.

(2) To exempt Municipal Facilities from the zoning bylaws in locations specified herein.

B. Applicability & Definitions

(1) This Article applies to Municipal Facilities, defined as public buildings, structures And premises owned or leased by the Town of Millis for any municipal or related use, including any allowable accessory uses; or other uses expressly allowed elsewhere within the By-law, or M.G.L. Chapter 40A, and which may also include uses such as passive and active recreational areas.

C. Eligible Locations – Municipal Facilities Exempt Overlay District

(1) The Municipal Facilities Exempt Overlay District is herein established as an Overlay District which includes the parcels identified as Assessor's Map 52, Lots 9, 10, 11, 12, 14, 15, 17, and 19 and Assessor's Map 17, Lot 6, also known as 7 Water Street, Millis, Massachusetts, and Assessor's Map 52, Lot 3. **(Amended November 4, 2019)**

(2) Municipal facilities and uses in other locations shall not be subject to this Section and Shall be subject to applicable zoning bylaws.

D. Use Regulations within the Overlay District

(1) The Millis Zoning Bylaw shall not apply to Municipal Facilities within the overlay district which shall be exempt therefrom and allowed by right in the overlay district.

(2) Municipal Facilities within the overlay district shall not be subject to any dimensional requirements in this bylaw.

(3) Municipal Facilities within the overlay district shall not be subject to any special permit, or any other process, permit or limitation on this Bylaw, except site plan review.

E. All uses and structures not contemplated herein shall remain subject to the requirements for the underlying zoning district.

Section XXIII Multi-family Overlay District (MOD)

(Added November 19, 2024)

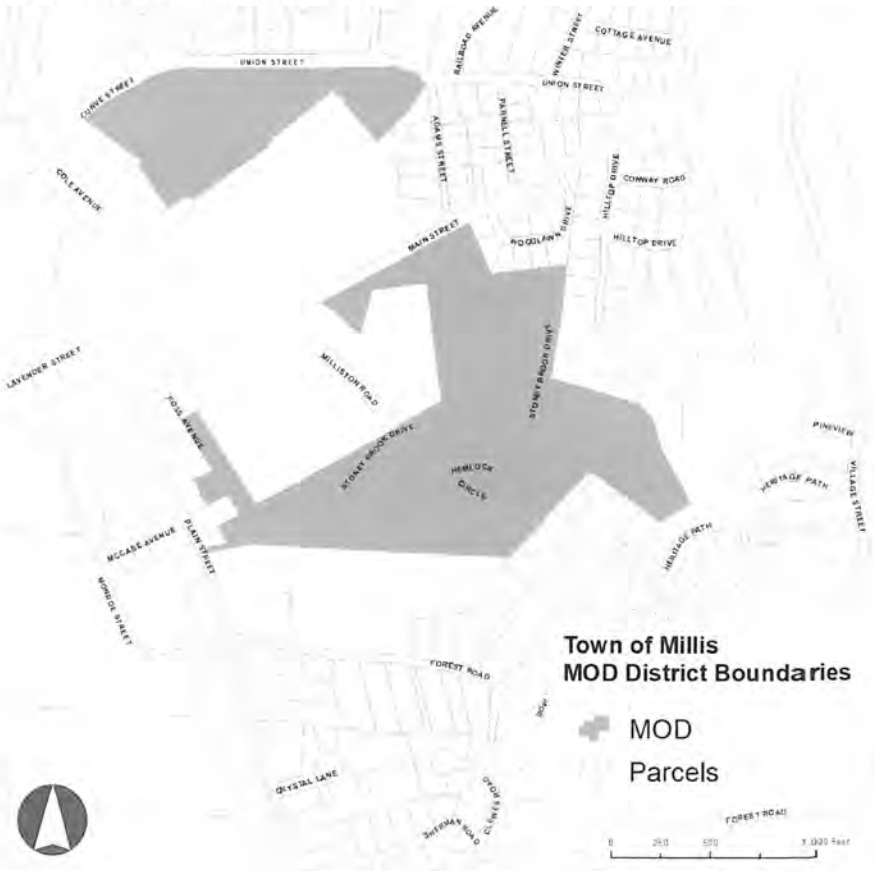
A. **Purpose**
The purpose of the Multi-family Overlay District (MOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. To provide additional housing options for the Town of Millis.

2. To create a more robust town center with strong commercial and residential components.

B. **Establishments and Applicability**
This MOD is an overlay district having a land area of approximately 55.33 acres in size that is superimposed over the underlying zoning district (s) and is shown on the Town of Millis Zoning Map

C. **MOD Overlay District Map**



1. **Applicability of MOD.** An applicant may develop multi-family housing located within the MOD in accordance with the provisions of this Section XXIII.

2. **Underlying Zoning.** The MOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MOD. Uses that are not identified in Section XXIII are governed by the requirements of the underlying zoning district(s).

3. **Districts.** The MOD contains the following district, which is shown on the MOD Boundary Map, comprised of two non-contiguous areas. It is approximately 55.33 acres in size and consists of the following parcels:

   Map 24 parcels: 021, 023, 066, 106, 107, 108, 109.

   Map 29 parcels: 007, 135, 136, 137.

D. **Definitions**

For purposes of this Section XXIII, the following definitions shall apply. Definitions used but not included herein shall have the meaning given to them under M.G.L. c. 40A or elsewhere in the Town of Millis Zoning Bylaw.

1. **Area Median Income (AMI).**The median family income for the metropolitan statistical region that includes the Town of Millis, Massachusetts, as defined by the U.S. Department of Housing and Urban Development (HUD).

2. **As of right (also referred to as by-right).** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. Development may still be subject to site-plan review.

3. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.

4. **Compliance Guidelines.** *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.

5. **Community space:** A supervised designated area on a lot or within a building set aside for shared use by residents or the broader public for gathering, recreation, childcare, and other community needs.

6. **Development standards.** Provisions of **Section XXIII G. General Development Standards** made applicable to projects within the MOD.

7. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, or any successor agency.

8. **MBTA.** Massachusetts Bay Transportation Authority.

9. **Multi-family housing.** See "Multi-family Development" under Section II of the Zoning Bylaws.

10. **Parking, structured.** One or more parking spaces within a structure, including: (i) a structure in which vehicle parking is accommodated on multiple stories; (ii) a vehicle parking area that is underneath all or part of any story of a structure; or (iii) a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.

11. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.

12. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

13. **Section 3A.** Section 3A of the Zoning Act.

14. **Site Plan Review Authority.** The Millis Planning Board serves as the Site Plan Review Authority for the Town of Millis.

15. **Special Permit Granting Authority.** The Millis Planning Board serves as the Special Permit Granting Authority for the Town of Millis.

16. **Sub-district.** An area within the MOD that is geographically smaller than the MOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

17. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate- income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

E. **Permitted Uses**

1. **Uses Permitted As of Right:** The following uses are permitted as of right within the MOD.

    a. **Multi-family housing**.

        1. Multi-family buildings of 3 or more units each.

2. Dwelling, Multi-Family – Multi Dwelling Unit (as defined in Section II).

2. **Accessory uses**. The following uses are considered accessory as of right to any of the permitted uses in Section D.1.

   a. Parking, including surface parking and structured parking.

   b. Home occupation (see Section XIII.H.)

F. Dimensional Standards

1. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning bylaw, the dimensional requirements applicable in the MOD are as follows[1]:

Standard	
Lot Size	
Minimum[1] (SF)	10,000
Height	
Stories (Maximum)	3
Feet (Maximum)	40
Minimum Open Space	20%

2. Additional Standards

Standard	
Maximum Lot Coverage Building(s) + Parking	80%
Floor Area Ratio	2.0

3. Additional Standards

Standard	
Minimum Frontage (ft)	40
Front Yard Setback	
Min. (ft.)	14
Side Yard Setback	
Corner Min. (ft)	10
Interior Min. (ft)	10

Rear Yard Setback	
Min. (ft.)	20

4. **Multi-Building Lots.** In the MOD, lots may have more than one principal building. Detached buildings must adhere to front and side setback requirements in table 3 in relation to each other except as may be determined appropriate by the Site Plan Review Authority.

5. **Exceptions.** The Site Plan Review Authority may grant a waiver of the height requirements to accommodate chimneys, parapet walls, ventilators or other mechanical systems, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.

6. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may grant a waiver for the height and setbacks in **Section XXIII E. Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

G. **Off-Street Parking**

These parking requirements are applicable to development in the MOD.

1. **Number of parking spaces.** The following **minimum** numbers of off-street parking spaces per dwelling unit for residential uses shall be permitted by use, either in surface parking or structured parking.

Use	Minimum Parking Spaces per Unit
Multi-family	One per one bedroom unit and two per two bedroom unit or greater.
Visitor parking	One space per every eight dwelling units in developments with eight units or more.

2. **Bicycle storage and number of bicycle parking spaces.** For a multi-family development of 25 units or more, no fewer than five covered bicycle parking spaces shall be integrated into the structure of the building(s).

H. **General Development Standards**

1. All developments in the MOD are subject to the following development standards, regardless of size, building count or subdistrict. These standards shall be considered components of the Site Plan Review Process in Section XIII (C) – Site Plan Review.

2. **Site Design**

   a. **Connections.** Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking. Connections shall be designed to ensure the safety and convenience of persons traveling within or through the parking area, and between the parking areas, the buildings and the street.

   b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.

   c. **Open Space.** See Section G[5].

   d. **Screening for Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than 5 (five) feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.

   e. **Parking Materials.** The parking surface may be concrete, asphalt, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.

   f. **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.

   g. **Lighting.** Driveways, parking areas and sidewalks shall be illuminated for safety. Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.

   h. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.

   i. **Rubbish Disposal.** Rubbish and garbage disposal facilities shall be

screened by a combination of 6' fencing and plantings, and shall be protected against scattering of contents, rodents or other unhealthy infestation or conditions, and odor transmission. Dumpsters shall be located in an area with acceptable truck access, not within 40' of any building, and shall be on a 6" reinforced concrete pad. Where possible, rubbish and recycling collection points shall be located within the building.

j. **Sewage and Solid Waste Disposal Facilities.** Sewage and solid waste disposal facilities shall be screened by a combination of fencing and planting.

k. **Signs.** Signs shall meet the requirements of Section VII. Any sign which is to be illuminated shall be illuminated only with white light by indirect method. No internally lit signs shall be allowed.

l. **Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the Millis MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

3. **Buildings: General**

a. **Position relative to principal street.** The primary building shall have its principal façade and entrance facing the principal street. See also Section G.6. Buildings: Corner Lots.

b. **Entries.** Entries shall be clearly defined. Entries shall be linked to a paved pedestrian network that includes access to parking areas and to the public sidewalk, if applicable.

c. **Aesthetics.** Buildings shall be constructed with an exterior façade and form that is consistent with traditional New England architecture.

4. **Buildings: Multiple buildings on a lot**

a. Parking and circulation on the site shall be organized as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

b. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.

c. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.

d. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

5. **Buildings: Shared Outdoor Space.** All ground floor outdoor space shall count towards the project's minimum Open Space requirement.

6. **Buildings: Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

   a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.

   b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.

   c. Fire exits serving more than one story shall not be located on either of the street-facing façades.

7. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.

   a. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the front setback.

   b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.

   c. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.

8. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this **Section XXIII G. General Development Standards**, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MOD.

I. **Affordability Requirements**

1. Purpose

   a. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;

   b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;

   c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and

   d. Work to overcome economic segregation, allowing Millis to be a community of opportunity in which low- and moderate-income households have the ability to advance economically.

2. **Applicability.** This requirement is applicable to all residential developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable Projects). No project may be divided or phased to avoid the requirements of this section.

3. **Affordability Requirements**. All units affordable to households earning 80% or less of AMI created in the MOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.

4. **Provision of Affordable Housing.** In Applicable Projects, **fifteen percent (15%)** of housing units constructed shall be deed-restricted Affordable Housing Units, provided the Town receives approval from EOHLC for the 15% requirement. If the Town does not receive said approval, the requirement shall be reduced to ten (10%). For purposes of calculating the number of units of Affordable Housing required within a development project, any fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to **eighty percent (80%)** of the AMI.

5. **Fee in Lieu**. Affordable housing provisions in this section may not be bypassed with any fee in lieu contribution.

6. **Development Standards.** Affordable Units shall be:

   a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;

   b. Dispersed throughout the development;

c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;

d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;

e. Distributed proportionately among unit sizes; and

f. Distributed proportionately across each phase of a phased development.

g. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

7. **Administration**.

a. The Inspector of Buildings shall be responsible for administering and enforcing the requirements in this section.

8. **Affordable Housing Deed Rider**.

a. All Affordable Housing Units shall have an Affordable Housing Deed Rider which regulates the future resale of the unit. This Deed Rider is to ensure that the unit is not converted to a market value unit in the future. The applicant is required to prepare a Deed Rider for each Affordable Housing unit that is consistent with that used in the LIP and the Regulatory Agreement approved by EOHLC for recording with the appropriate Registry of Deeds or Registry District of the Land Court. Said Deed Rider shall be approved by Millis Town Counsel prior to the sale of the first Housing Unit.

J. **Severability**

If any provision of this Section XXIII is found to be invalid by a court of competent jurisdiction, the remainder of Section XXIII shall not be affected but shall remain in full force. The invalidity of any provision of this Section XXIII shall not affect the validity of the remainder of the Town of Millis' Zoning.

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. Purpose.

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. General Requirements.

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. Effect.

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. List.

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. Waiver.

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

Section 11. Effective Date.

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	From Ridge Street to Medway line
	Orchard Street	From Walnut Street to Holliston line
	Forest Road	From Village Street to Medfield line
	Island Road	From Ridge Street to Exchange Street; From Exchange Street to Dover Road
1975	Ridge Street	Entire Road
	Acorn Street	Entire Road
	Himelfarb Street	Entire Road
	Myrtle Street	Entire Road
1976	Baltimore Street	Entire Road
	Dean Street	Entire Road
	Larch Road	Entire Road
	Pleasant Street	From Village Street to the Charles River
	Spencer Street	Entire Road
2013	Bullard Lane	Entire Road

Note: Scenic Road designations are current as of 11/4/13. Consult the Building Department for any subsequent changes.