



**BULLETIN
TOWN OF MILLBURY**

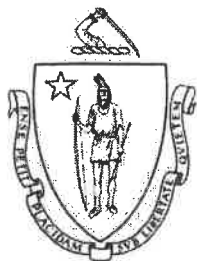
**STATE ATTORNEY GENERAL MAURA HEALEY,
HAS RETURNED APPROVAL OF THE AMENDMENTS FROM THE
TOWN OF MILLBURY'S ANNUAL TOWN MEETING HELD ON
JUNE 23, 2020. GENERAL AMENDMENT 32 AND
ZONING BYLAWS ARTICLES 29, 30, 31, 32 & MAP AMENDMENTS
WERE ACCEPTED WITH THE APPROVAL DATE OF MARCH 19, 2021.**

**GENERAL AMENEDMENT 33 HAS AN EXTENSION OF 60 MORE DAYS
FOR REVIEW**

**AMENDMENTS CAN BE VIEWED AT THE TOWN CLERKS OFFICE,
TOWN'S WEBSITE, POST OFFICE, LIBRARY, SENIOR CENTER,
PEARSONS FARM & DAIRY, VILLAGE KNOLL, J.T. MINI MART AND
THE EAST MILLBURY FIRE STATION**

**BYLAWS ARE RETROACTIVE
TO THE JUNE 23, 2020 ANNUAL TOWN MEETING
ONCE THE THREE WEEK PERIOD OF ADVERTISING IS OVER
DEADLINE IS APRIL 16, 2021.**

**MILLBURY TOWN CLERK
Jayne Marie Davolio**



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

March 19, 2021

Jayne Marie Davolio, Town Clerk
Town of Millbury
127 Elm Street
Millbury, MA 01527

Re: Millbury Annual Town Meeting of June 23, 2020 -- Case # 10017
Warrant Articles # 29, 30 and 31 (Zoning)
Warrant Articles # 32 and 33 (General)

Dear Ms. Davolio:

Articles 29, 30, 31 and 32 - We approve Articles 29, 30, 31 and 32, and the map amendments related to Articles 30 and 31, from the June 23, 2020 Millbury Annual Town Meeting. We will return the approved maps to you by regular mail.

Article 33 - The Attorney General's deadline for a decision on Article 33 is extended for an additional 60 days under the authority conferred by G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000. The agreement with Town Counsel for a 60-day extension is attached hereto. We will issue our decision on Article 33 on or before **May 20, 2021**.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) **general** by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) **zoning** by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

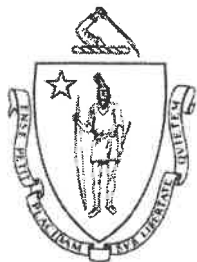
MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

cc: Town Counsel Brian R. Falk

TO :
2021 MAR 19 PM 1:27
MILLBURY, MASS



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
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March 17, 2021

Brian Falk, Esq.
Mirick O'Connell
100 Front Street
Worcester, MA 01608

**Re: Extension of 90-day review period of Article 33
Millbury Annual Town Meeting of June 23, 2020
Case # 10017**

Dear Attorney Falk:

Pursuant to the requirements of G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, the Attorney General and Town Counsel are authorized to extend the 90-day period provided for the Attorney General's review of town by-laws for not more than an additional 90 days. This letter serves to satisfy the requirements of G.L. c. 40, § 32, as amended. In light of our need for time to further discuss the proposed by-law's consistency with state law, we hereby jointly agree to extend the Attorney General's review period of Article 33 for an additional sixty days. Our decision on Article 33 will now be due on **May 20, 2021**.

Please sign this letter to reflect your agreement and return the signed letter to us. We will then file the letter with the Town Clerk, with a copy to you. Thank you for your accommodation in this matter.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

Brian Falk / nbc
Town Counsel

March 19, 2021
Date

2021 MAR 19 PM 1:27

MILLBURY, MASS

Form 2
Submission 2
Town Meeting Action
Zoning By-Laws
Article 29

TOWN OF MILLBURY
ANNUAL TOWN MEETING JUNE 23, 2020

ARTICLE 29: Moderator passed the vote 2/3 to amend the Zoning Bylaws, ARTICLE 4. SPECIAL REGULATIONS, Section 51. Large-Scale Ground-Mounted Solar Photovoltaic Installations, by adding the following italicized text and deleting the text with strikethrough:

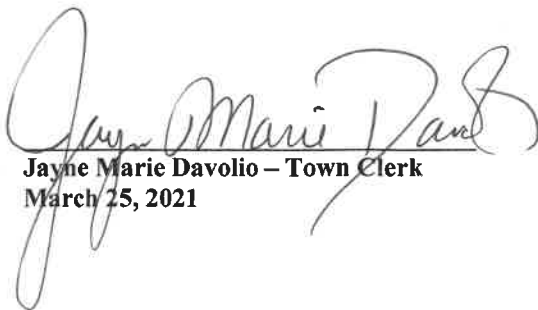
51.3 Definitions.

Solar Parking Canopy – An elevated structure that hosts solar panels installed over parking lots or other hardscape areas. Also may be called a solar carport installation.

51.6 Design Standards and Siting Requirements

1. Dimensional Requirements: No part of the large-scale ground-mounted solar photovoltaic installation, including appurtenant structures, shall be located closer to a property line than *one hundred twenty-five* ~~seventy-five (75)~~ feet. ~~The installation shall be located at least one hundred (100) feet from existing residences.~~
4. Fencing: An 8-foot tall, ~~mini-mesh~~ security fence shall be installed around the entire perimeter of the large-scale ground-mounted solar photovoltaic installation.
6. Screening: Landscaping shall be required to screen the solar photovoltaic installation and accessory structures from roadways, *wetlands* and *adjacent uses* ~~neighboring residences~~. The width of the landscaped buffer shall be a minimum of ~~twenty-five (25)~~ *ninety (90) feet*. *Within the landscaped buffer, landscaping shall not be managed, maintained, trimmed or subject to selective removal for the purpose of additional solar gain. Where existing landscaping is insufficient for year-round screening purposes, the Planning Board will require installation of additional vegetation and/or fencing.*

A TRUE COPY ATTEST:



Jayne Marie Davolio – Town Clerk
March 25, 2021

**Form 2
Submission 2
Town Meeting Action
Zoning By-Laws
Article 30**

**TOWN OF MILLBURY
ANNUAL TOWN MEETING JUNE 23, 2020**

ARTICLE 30: Moderator passed the vote 2/3 to amend the Zoning Map by rezoning to the Industrial I District the entirety of 70 Grafton Street, Assessor's Map 55, Lot 16, and that portion of 60 Grafton Street, Assessor's Map 55, Lot 17, currently zoned Suburban III District, as shown on the map entitled "Grafton Street Rezoning" on file with the Town's Department of Planning & Development.

A TRUE COPY ATTEST:



**Jayne Marie Davolio – Town Clerk
March 25, 2021**

**Form 2
Submission 2
Town Meeting Action
Zoning By-Laws
Article 31**

**TOWN OF MILLBURY
ANNUAL TOWN MEETING JUNE 23, 2020**

ARTICLE 31: Moderator passed the vote 2/3 to adopt an East Millbury Business District as follows:

1. By amending the Zoning Map to add the East Millbury Business District, including the parcels listed below, as shown on the map entitled "East Millbury Business District" on file with the Town's Department of Planning & Development:

Assessor's Map 7, Lot 13A
Assessor's Map 7, Lot 13
Assessor's Map 7, Lot 12
Assessor's Map 7, Lot 10
Assessor's Map 7, Lot 7
Assessor's Map 7, Lot 3
Assessor's Map 7, Lot 4
Assessor's Map 7, Lot 5
Assessor's Map 7, Lot 6
Assessor's Map 6, Lot 150
Assessor's Map 6, Lot 158
Assessor's Map 6, Lot 213
Assessor's Map 6, Lot 149
Assessor's Map 6, Lot 140
Assessor's Map 6, Lot 141
Assessor's Map 6, Lot 130
Assessor's Map 6, Lot 129
Assessor's Map 6, Lot 128
Assessor's Map 6, Lot 139
Assessor's Map 6, Lot 127
Assessor's Map 6, Lot 114
Assessor's Map 6, Lot 113
Assessor's Map 6, Lot 112
Assessor's Map 6, Lot 111
Assessor's Map 6, Lot 95
Assessor's Map 6, Lot 94
Assessor's Map 6, Lot 91+
Assessor's Map 6, Lot 39
Assessor's Map 6, Lot 40
Assessor's Map 6, Lot 29
Assessor's Map 2, Lot 50
Assessor's Map 2, Lot 47
Assessor's Map 2, Lot 46
Assessor's Map 2, Lot 8
Assessor's Map 2, Lot 45
Assessor's Map 2, Lot 44
Assessor's Map 2, Lot 43

Assessor's Map 2, Lot 42
Assessor's Map 6, Lot 159
Assessor's Map 6, Lot 160
Assessor's Map 6, Lot 161
Assessor's Map 6, Lot 163
Assessor's Map 6, Lot 165
Assessor's Map 6, Lot 166
Assessor's Map 6, Lot 167
Assessor's Map 6, Lot 174
Assessor's Map 6, Lot 175
Assessor's Map 6, Lot 176
Assessor's Map 6, Lot 177
Assessor's Map 6, Lot 186
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Assessor's Map 6, Lot 195
Assessor's Map 6, Lot 196
Assessor's Map 6, Lot 197
Assessor's Map 6, Lot 198
Assessor's Map 6, Lot 199
Assessor's Map 6, Lot 200
Assessor's Map 6, Lot 201
Assessor's Map 6, Lot 205
Assessor's Map 6, Lot 206
Assessor's Map 6, Lot 207

2. By amending the Millbury Zoning Bylaws, ARTICLE 2. DISTRICT REGULATIONS, by adding a new Section 25. East Millbury Business District. With the existing Sections 25, 26, 27, and 28, including all subsections, to be renumbered as follows: Section 26. Business Districts, Section 27. Industrial Districts, Section 28. Wireless Communications Facilities and Section 29. Adaptive Reuse Overlay District, not changing any content except references to these numbered sections. Section 25. East Millbury Business District to contain the following text:

Section 25. East Millbury Business District

The intent of the East Millbury Business District is to encourage a mix of business and residential uses on Grafton Road in East Millbury; promote attractive, well-planned business developments that enhance East Millbury and strengthen the Town's tax base; provide for a variety of housing to meet the Town's present and future needs; and implement the goals and policies of the Millbury Master Plan.

25.1 In the East Millbury Business District, only the following uses are permitted:

25.1.1 Permitted Uses

- In a building not exceeding 10,000 sq. ft. gross floor area:
 - Business or professional office, or bank;

- Personal service establishment, such as a hair salon or barber shop, dropoff-pickup dry cleaning service (with cleaning performed off premises), pet grooming establishment, tailor or dressmaking shop, or similar type of establishment;
- Retail or restaurant, up to 5,000 sq. ft. per tenant;
- Coffee shop, ice cream stand, or similar establishment providing walk-in service;
- Repair shop for repair and general servicing of small household appliances, bicycles, musical instruments, vacuum cleaners, or similar household products;
- Shop for custom manufacturing where products are sold principally on the premises, such as a custom woodworking shop or artisan studio;
- One or more dwelling units above the ground floor of a building where the ground floor facing the street is used for permitted business purposes;
- Motor vehicle service station, with or without quick mart or minimart, with the building area not exceeding 2,500 sq. ft.;
- Two-family dwelling;
- Religious use or public or non-profit educational use, or agricultural use on five or more acres, or a child care center, or other use exempt under G.L. c. 40A, § 3.

25.1.2 Uses Allowed by Special Permit

- Retail or restaurant with more than 5,000 sq. ft. or gross floor area;
- Multi-family dwellings (not associated with mixed use).

25.1.3 Permitted Accessory Uses

- Home occupation in accordance with Section 41;
- Accessory dwelling in accordance with Section 46.2;
- Accessory parking.

25.2 In the East Millbury Business District, no lot shall be built upon or changed in size or shape except in conformity with the following:

Lot Regulations

District	Min. Lot Area	Min. Lot Frontage	Min. Yards Front/Side/Rear	Min. Open Space (% Lot Area)
East Millbury Business District	15,000 sf.	100 ft.*	20 ft. /15 ft. **/25 ft.**	10%***

Notes:

*May be reduced by the Planning Board by site plan approval for business development on a lot with shared/common driveway access and a single curb cut serving an adjacent lot used for business purposes.

**Side setback may be waived by the Planning Board by site plan approval for business or mixed-use development on a lot with shared and lateral access to rear parking.

***On a lot used for commercial purposes, at least one-half of the minimum required open space shall be located in front of or to the side of the building and visible from the street. The minimum open space may include a pedestrian walkway or a pedestrian plaza and related pedestrian amenities.

Building Regulations

Standard	
Building height	
Maximum feet/stories: business use	37' / 3 stories
Maximum feet/stories: mixed use	45' / 4 stories*
Corner lot maximum feet/stories	45' / 4 stories
Minimum height	2 stories
Business use ground floor minimum/maximum	14' / 18'
Upper story minimum height	10'
Min. Façade Buildout (Frontage Occupancy)**	50%
Maximum gross floor area per building (sq. ft.)	10,000***
Maximum length of street-facing wall without building articulation****	50'
Transparency (minimum)	
Ground floor	65%
Upper floors	20%
Street-facing entrance required?	Yes

Notes:

*Mixed-use development at four stories or 45' allowed only by special permit from the Planning Board. The four-story option may be approved for a development with multiple buildings on a single lot, where the building closest to and facing the street does not exceed three stories and 37'. This limitation shall not apply to a corner lot.

** Façade buildout is a ratio of building width to lot width, measured at the maximum front setback line. Minimum façade buildout is the minimum ratio that a building must meet in order to comply with this Section.

***When more than one building is located on a single lot, the 10,000 sq. ft. maximum shall apply to each building.

****Front building façades shall be modulated with horizontal offsets, recessed entries, or protrusions, where applicable. Vertical articulation may include columns, bay windows, porch or patio, awnings, architectural detailing, and fenestration patterns.

25.3 Supplemental Requirements

In the East Millbury Business District, the following requirements shall be met in any development requiring site plan approval or a special permit from the Planning Board.

25.3.1 Parking is prohibited between the front building line and the street. No use other than landscaping, pedestrian amenities, outdoor dining, sidewalks, or permitted

signs shall be permitted in the front yard of any lot. Vehicular driveways and parking lots may be located to the side and rear of buildings, to the rear of a pedestrian gathering space, or underground.

25.3.2 Parking is prohibited within 10' of the rear lot line.

25.3.3 Accessory structures, air conditioning equipment, electric utility boxes, satellite dishes, trash receptacles, and other ground level utilities shall not be visible from the street and adjacent lots.

25.3.4 On commercially-developed lots abutting a residential use, landscaping shall consist of a substantially sight-impervious screen of evergreen foliage at least eight feet in height or planting of shrubs and trees complemented by a sight-impervious fence of at least five feet, but not more than eight feet, in height, or such other type of landscaping as may be required by the Planning Board through site plan approval.

25.4 Rules and Regulations

The Planning Board may adopt administrative rules and regulations, including submission requirements and procedures, and site and building design guidelines, for the East Millbury Business District not inconsistent with this Section 25 or other applicable provisions of the Millbury Zoning Bylaw.

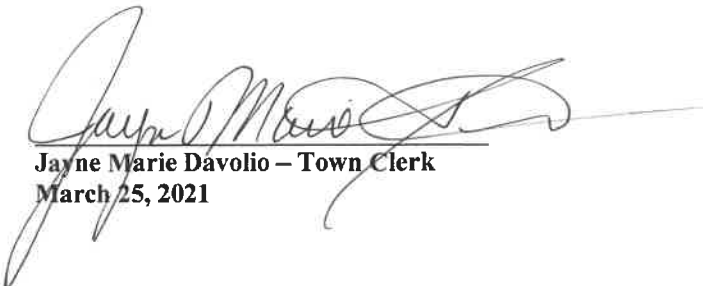
3. By amending the Millbury Zoning Bylaws, **ARTICLE 3. GENERAL REGULATIONS, Section 34.6. Specific Sign Requirements, Table 34.6.01 Signs Permitted by Zone**, to include the following italicized text:

Table 34.6.01							
Signs Permitted by Zone							
	Zone						
Sign Type	R I - III	S I - IV	BV	EMB	B I	B II	I I - III
Max Size/Max Height	s/h	s/h	s/h	s/h	s/h	s/h	s/h
Wall Maximum Height	6'	6'	20'	20'	20'	25'	35'
Wall Maximum Size	4 s.f.	4 s.f.	15%/300**	15%/300**	15%/300**	25%/500**	30%/600**
Freestanding Size/Height	6 s.f./6'	6 s.f./8'	Not Permitted	32 s.f./6'	32 s.f./6'*	60 s.f./15'	80 s.f./20'

*Requires a Special Permit from the Planning Board

**Percentage of wall area up to a maximum size

A TRUE COPY ATTEST:



Jayne Marie Davolio – Town Clerk
March 25, 2021

**Form 2
Submission 2
Town Meeting Action
General By-Laws
Article 32**

**TOWN OF MILLBURY
ANNUAL TOWN MEETING JUNE 23, 2020**

ARTICLE 32: Moderator passed the vote to amend the Millbury Municipal Code, TITLE 13. PUBLIC UTILITIES, Chapter 13.15 Post-Construction Storm Water Management of New Developments and Redevelopments, by adding the following italicized text and deleting the text with strikethrough:

13.15.020 Definitions.

“Low Impact Development (LID)” includes the use of innovative stormwater management systems that are modelled after natural hydrologic features. Rainfall is managed at the source using small, cost-effective landscape features located at the lot level.

“Massachusetts Stormwater Handbook” means the guidebook last revised by the Department of Environmental Protection in February 2008, as amended, that coordinates the requirements prescribed by revisions to the Wetlands regulations, 310 CMR 10.00, and the Water Quality Regulations, 314 CMR 9.00, relating to stormwater.

~~“Massachusetts Storm Water Management Policy” means the policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, M.G.L. ch. 131, § 40, and Massachusetts Clean Waters Act, M.G.L. ch. 21, §§ 23 through 56. The policy addresses storm water impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.~~

“Massachusetts Stormwater Standards” means those standards outlined in Chapter 1, Volume 1 of the Massachusetts Stormwater Handbook.

“New development” is defined as any construction activities or land alteration on an area that has not previously been developed to include impervious cover.

“Offsite Mitigation” is defined as the approach in which stormwater treatment structures or practices for redevelopment or retrofit sites are implemented at another location, approved by the

MS4, in the same USGS HUC¹ watershed and achieves the same pollutant removal equivalents specified in this bylaw and other regulations pertaining to stormwater.

13.15.040(a)

Activities will be classified as major and minor projects. Major projects are defined as projects which have activities that result in the land disturbance of one acre or more *or projects with disturbances of less than one acre if the disturbance is part of a larger common plan of development or sale that would disturb one acre or more.* All other activities will be considered minor projects (see MMC 13.15.070(b)). Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.

13.15.04(b)

~~(5) As authorized in the Phase II Small MS4 General Permit for Massachusetts storm water discharges resulting from the activities identified in this section that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an order of conditions issued by the conservation commission are exempt from compliance with this chapter;~~

(56) Construction of a project approved in accordance with Section 5.3 of Millbury Rules and Regulations Governing the Subdivision of Land. [Bylaws Art. 53, 5-1-2007; Code of Bylaws, § 16-3, § 4.]

13.15.070 Storm water management plan.

(a) The application for a storm water management permit shall consist of submittal of a storm water management plan at a scale of one inch equals 20 feet or such other scale as may be approved by the planning board. This storm water management plan shall contain sufficient information for the board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from storm water. The plan shall be designed to meet the Massachusetts Storm Water Management Standards as set forth in subsection (b) of this section and DEP Storm Water Management Handbook Volumes I and II. The storm water management plan shall fully describe the project in drawings and narrative. It shall include:

¹ <https://water.usgs.gov/GIS/huc.html>

(15) A description and drawings of all components of the proposed drainage system including:

(F) Expected hydrology with supporting calculations. *Storms of 2, 10, 25, and 100-year frequency events shall be analyzed for existing (pre-development) and proposed (post-development) site conditions based on proposed site plans. The rainfall amounts used shall be based on the 1998 Cornell University Study, NOAA Atlas 14 Volume 10 Point Precipitation Frequency*

Estimates for Millbury, or other studies approved by the Massachusetts Department of Environmental Protection:

VALUES TO BE USED FOR 24-HOUR RAINFALL CALCULATIONS (CORNELL, 1998)	
STORM FREQUENCY	24 HOUR RAINFALL
2 yr. storm	3.2 inches
10 yr. storm	4.9 inches
25 yr. storm	6.1 inches
50 yr. storm	7.3 inches
100 yr. storm	8.5 inches

(18) *A plan to control wastes that lists the construction and waste materials expected to be generated or stored on the construction site. These wastes include, but are not limited to, discarded building materials, concrete truck washout, chemicals, litter, sanitary waste and material stockpiles. An applicant must also describe in narrative form the Best Management Practices that will be utilized to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater.*

(198) A maintenance schedule for the period of construction; and

(20) *A description of all low impact development best management practices used to preserve environmentally sensitive areas, such as wetlands, native vegetation, mature trees, slopes, natural drainage courses, permeable soils, floodplains, woodlands, and soils; and*

(4921) Any other information requested by the board.

(b) *Design Standards.* All projects shall meet the storm water runoff control standards of the Massachusetts ~~Storm Water Management Policy~~ *Stormwater Handbook and additional requirements*, which are as follows:

(3) ~~Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types. Low impact design practices shall be~~

implemented to the maximum extent feasible. Applicants shall address each of the following LID principles in the project narrative:

- a. Preservation of Natural Areas*
- b. Tree Protection*
- c. Vegetation and Landscaping*
- d. Riparian Buffer Protection*
- e. Limit Land Disturbance During Construction*
- f. Limit New Impervious Surfaces*
- g. Promote the Use of Vegetative (Green Infrastructure) Stormwater Controls*
- h. Disconnect Flow Paths*
- i. Promote Infiltration*
- j. Capture and Reuse Stormwater*

Applicants not incorporating low impact development practices into their plans must indicate why LID is not feasible at the site.

~~(4) (4) For new development, storm water management systems must be designed to remove 80 percent of the average annual load (post-development conditions) of total suspended solids (TSS). It is presumed that this standard is met when:~~

~~(A) Suitable nonstructural practices for source control and pollution prevention are implemented;~~

~~(B) Storm water management best management practices (BMPs) are sized to capture the prescribed runoff volume; and~~

~~(C) Storm water management BMPs are maintained~~ *Loss of annual recharge to groundwater shall be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance. At a minimum, the annual recharge from the post-development site shall approximate the annual recharge from pre-development conditions based on soil type. The Standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts Stormwater Handbook.*

(5) Stormwater management systems for Major Projects on new development sites shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on

the site AND 60% of the average annual load of Total Phosphorus (TP) related to the total postconstruction impervious surface area on the site.²

(a) Average annual pollutant removal requirements are achieved through one of the following methods:

(i) installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016)³ or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or state-approved BMP design guidance or performance standards (e.g., the MA Stormwater Management Handbook)⁴ may be used to calculate BMP performance; or

(ii) retaining the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the new development site; or

iii) meeting a combination of retention and treatment that achieves the above standards; or

(iv) utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the new development site.

(6) Stormwater management systems for Major Projects on redevelopment sites shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual post-construction load of Total Suspended Solids related to the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site⁵.

(a) Average annual pollutant removal requirements are achieved through one of the following methods:

(i) installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP

² Pollutant removal is calculated based on average annual loading and not on the basis of any individual storm event.

³ <https://www.epa.gov/tmdl/opti-tool-epa-region-1s-stormwater-management-optimization-tool>

⁴ <https://www.mass.gov/guides/massachusetts-stormwater-handbook-and-stormwater-standards>

⁵ Pollutant removal is calculated based on average annual loading and not on the basis of any individual storm event.

Accounting and Tracking Tool (2016)⁶ or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or state-approved BMP design guidance or performance standards (e.g., the MA Stormwater Management Handbook)⁷ may be used to calculate BMP performance; or

(ii) retaining the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the new development site; or

(iii) meeting a combination of retention and treatment that achieves the above standards; or

(iv) utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the new development site.

(57) Storm water discharges from areas with higher potential pollutant loads require the use of specific storm water management BMPs (see ~~Storm Water Management Volume I: Storm Water Policy Handbook~~ *Massachusetts Stormwater Handbook Volume I: Stormwater Management Standards*). The use of infiltration practices without pretreatment is prohibited.

(68) Storm water discharges to critical areas must utilize certain storm water management BMPs approved for critical areas (see ~~Massachusetts Stormwater Handbook Volume I: Stormwater Management Standards~~ ~~Storm Water Management Volume I: Storm Water Policy Handbook~~). Critical areas are outstanding resource waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.

(89) Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities. *The developer shall control erosion and sedimentation during construction according to the objectives, principles and design considerations set forth in the latest edition of the 'Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Area: A Guide for Planners, Designers, and Municipal Officials,' as maintained by the MassDEP⁸.*

(910) All storm water management systems must have an operation and maintenance plan to ensure that systems function as designed.

⁶ <https://www.epa.gov/tmdl/opti-tool-epa-region-1s-stormwater-management-optimization-tool>

⁷ <https://www.mass.gov/guides/massachusetts-stormwater-handbook-and-stormwater-standards>

⁸ <https://www.mass.gov/files/documents/2016/08/qz/esfull.pdf>

(11) All stormwater management best management practices employed within a watershed for a water body impaired for phosphorus shall be shown to be optimized for phosphorus removal by the standards set forth by the MA Stormwater Management Handbook or the approved TMDL, if it exists, whichever is more strict. Infiltration BMPs, bioretention areas, constructed stormwater wetlands, and filter systems are recommended tools for reducing the concentration of nutrients in stormwater discharges.

(13) To support compliance with the Town's MS4 Permit, all new development and redevelopment stormwater management BMPs located on commercial or industrial land must incorporate designs that allow for shutdown and containment to isolate the drainage system in the event of an emergency spill or other unexpected event.

~~(10)~~ *14) Major and Minor Projects.* Activities will be classified as major and minor projects. "Major projects" are defined as projects which have activities resulting in the land disturbance of one acre or more. All other activities will be considered minor projects. Major projects must either meet the requirements listed above, or demonstrate that an equivalent level of environmental protection is provided in the event that one or more of the standards are not met. Minor projects must meet the standards above; however, at the discretion of the planning board, certain aspects of the storm water management plan may be waived. In general, projects which fall into this category will not require the submission of an operation and maintenance plan. [Bylaws Art. 53, 5-1-2007; Code of Bylaws, § 16-3, § 7.]

13.15.100 Inspections.

(d) *Final Inspection.* After the storm water management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual storm water management system as installed. The board, or its agent, shall inspect the system to confirm its "as-built" features. The inspector(s) shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the board which will issue a certificate of completion.

All site inspections shall be conducted in accordance with the Millbury Standard Operating Procedure for Site Plan Review, Site Inspection, and Enforcement, dated June 2019. Inspections and enforcement actions shall be tracked by the developer and/or the Town and be able to be furnished to the Board at any time.

If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the storm water management plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act, the town of Millbury may use the surety bond to complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to


properly define or construct flow paths, or erosive discharges from basins. [Bylaws Art. 53, 5-1-2007; Code of Bylaws, § 16-3, § 10.]

A TRUE COPY ATTEST:

A handwritten signature in cursive script, appearing to read "Jayne Marie Davolio", is written over a horizontal line. The signature is fluid and extends to the right of the line.

Jayne Marie Davolio – Town Clerk
March 25, 2021

Form 2
Submission 2
Town Meeting Action
General By-Laws
Article 33

ON Hold For Further
Review May 20, 2021
Deadline 

**TOWN OF MILLBURY
ANNUAL TOWN MEETING JUNE 23, 2020**

ARTICLE 33: Moderator passed the vote to amend the Millbury Municipal Code by amending Chapter 12.20, Earth Removal, to add provisions regulating the importation of soil, loam, sand, gravel, stone, or other earth material from any land outside of the Town, by adding the following underlined text and deleting the text with strikethrough:

**Chapter 12.20
EARTH REMOVAL AND IMPORTATION**

12.20.010 General.

(a) No person, or firm or corporation, shall remove any soil, loam, sand, gravel, stone, or other earth material from any land in the town without first obtaining a permit, ~~hereinafter called a removal permit~~, from the earth removal board, for the excavation or removal of more than 500 cubic yards of soil within a 12-month period as provided in the following sections.

(a) No person, or firm or corporation shall import into the town more than 500 cubic yards of material within a 12-month period of any soil, loam, sand, gravel, stone, or other earth material for fill, grading, reclamation, dumping, or other use without first obtaining a permit from the earth removal board as provided in the following sections.

12.20.020 ~~Removal permit.~~ Permits.

A removal permit shall be required under this chapter for the removal of all forms of soil including, without limitation, sod, loam, sand, gravel, clay, peat, hardpan, rock, quarried stone or mineral products in the course of excavation, including blasting, incidental to the construction of a commercial, residential, institutional or industrial building or facility of any kind for which a building permit is required. This requirement for a removal permit extends also to any material removed for the installation of walks, driveways, parking lots, and similar appurtenances to said commercial building or facility.

12.20.030 Subdivision.

Tentative or final approval of a subdivision shall not be construed as authorization for the removal of earth material from streets shown on the subdivision plan. Nor does it authorize any removal of earth from the premises involving topographical changes or soil-stripping or loam-stripping activities. Efforts shall be taken to maintain the continuity of the natural topography when building on any site. Cut and fill shall be avoided in all instances possible; and structures shall be designed and sited to fit naturally into the topography rather than radically altering the topography to conform to structures or other site appurtenances. Any proposed excavation shall have the necessary supporting documents that shall show the proposed amount and location of all

excavation, the amount of blasting that will be required and shall designate exactly where and in what manner all said material or unused byproduct material shall be deposited or stored.

12.20.040 Exemptions.

The earth removal board may exempt the following earth removal or importation operations from the provisions of this chapter after the applicant has filed a statement with the earth removal board that the ~~removal~~ operation falls into one of the following categories and states the amount to be removed:

- (a) Earth removal or importation operations for any municipal or state purpose by or on behalf of the town of Millbury or any department or agency thereof of the Massachusetts Highway Department.
- (b) Earth removal or importation operations in connection with the construction or improvement of a private way, including laying of municipal water lines.
- (c) Excavating for swimming pools, basements, replacement of wells and septic systems.
- (d) Where a special earth removal permit has been granted under Section 42 of the Millbury zoning bylaw, it shall remain in effect until the expiration date, at which time the applicant will have to reapply according to this chapter.
- (e) Earth removal operations which are customarily incidental to farming, agriculture, gardening or nursery operations.

12.20.050 Grading Use Requirements.

(a) Except in areas where terracing is used, when excavation is necessary, grading shall be done in such a way that the resulting contours follow smooth natural curves that conform to the curves of the surrounding landscape. Straight or angular slopes or cuts which interrupt natural topography shall not normally be allowed.

(~~a~~b) The developer shall control erosion and sedimentation during construction. All slopes resulting from grading of street and sidewalks shall not exceed one foot vertical to three feet horizontal in fill; one foot to two feet cut; and one foot to three-quarter foot in ledge. Slope easements or retaining walls shall be employed where slopes cannot be contained within street sidelines.

(~~b~~c) The entire area, except exposed ledge rock or roadways, shall be covered by no less than six inches of topsoil and shall be seeded and covered with two inches of hay mulch.

(~~e~~d) Topsoil shall be stripped from disturbed areas and stockpiled in an approved area and stabilized with a temporary vegetative cover if left more than 15 calendar days. Perimeter sediment controls shall be installed around stockpiled topsoil.

(~~d~~e) A construction entrance (anti-tracking pad) shall be used to minimize off-site movement of soil by vehicles. All construction access points shall be maintained to prevent tracking or flow of sediment into roadways.

(ef) During cold weather months, when seeding and sodding may be impractical, anchored mulch shall be applied as approved.

(fg) There shall be no adverse impacts to abutting properties from any change in volume of storm water runoff resulting from earth removal including erosion, silting, flooding, sedimentation or impacts to wetlands, ground water resources or wells.

(gh) No area shall be excavated so as to allow the accumulation of freestanding water, other than as shown on plans as a detention/retention area.

(hi) Any blasting material used will not contain perchlorate.

(ij) A plan will be submitted for controlling dust and erosion of soil. Use of chlorides for dust control shall be prohibited within the aquifer and watershed protection overlay District (as per Section 47 of the Millbury zoning bylaw).

(jk) All loaded vehicles shall be suitably covered so as to prevent contents from spilling or blowing from the load. Any spillage that may occur on a public way is the responsibility of the permit holder, and shall be removed promptly, upon notification of same, by the Millbury department of public works. If, for reasons of safety, it becomes necessary for the town to clean up and remove such spillage, the cost shall be charged to the permit holder and shall be assessed as a lien against the performance bond.

(kl) Earth removal and importation will be permitted Monday through Friday from 7:00 a.m. to 5:00 p.m. and on Saturdays from 8:00 a.m. to 4:00 p.m.

12.20.060 Permit Applications.

The application for a permit under this chapter shall be accompanied by a plan showing all natural and manmade features, including wetlands, water courses, 100-year floodplain, property lines, names and addresses of all abutters if available from the assessors, including those across any street or way, topography at two-foot contour level of the site and all land within 100 feet of the area of ~~the earth moving and/or clearing~~ activity together with any grades below or above which finish surface will now lie, and the proposed cover vegetation and trees. Applications for an importation operation shall identify the locations of earth material origin, the receiving locations, and the composition of the imported earth material. The application shall include a description of earth moving; ~~renewal permits may be granted by the board without a public hearing; however, a renewal application fee will be required~~ the proposed activity.

12.20.070 Fees – Public hearing.

The earth removal board will establish reasonable fees for making an application ~~for earth removal~~ under this chapter as well as fees to cover any expenses that may arise. Upon receipt of an application for a ~~removal~~ permit, the earth removal board shall appoint a time and place for a public hearing, notice of which shall be mailed to the applicant and abutters and published in a newspaper, having a circulation in the town, at least 14 days before such hearing. A public hearing shall be held within 35 days of receipt of a properly submitted application. Following the close of the hearing, the earth removal board shall allow 21 days to elapse before filing the decision with the town clerk. A majority vote of the earth removal is necessary to render a decision. Two subsequent annual renewal permits may be granted by the earth removal board without a public hearing; however, a renewal application fee will be required.

12.20.080 Additional conditions. Permit Conditions: Use Requirements.

(a) The earth removal board may set conditions, in addition to the above, including but not limited to the duration of the permit, the hours of day during which removal or relocation or importation may take place, and the vegetation to be planted, and routes in town used by vehicles associated with the operation.

(b) Throughout the length of any importation operation, the operator shall keep the earth removal board apprised of the composition of the imported earth material.

(c) Should an operator seek an Administrative Consent Order (ACO) from the Massachusetts Department of Environmental Protection to use or deposit earth or fill materials in the town, the town reserves all rights to impose additional requirements upon the operator to assure mitigation of all impacts or effects of the activities undertaken pursuant to such ACO.

(d) Permits issued under this chapter shall lapse after twelve (12) months, subject to renewals by the earth removal board.

(e) The earth removal board may, by a majority vote, where such action is allowable by law in the public interest, and not inconsistent with the purpose and intent of this chapter, waive strict compliance with any requirements of this chapter and its rules and regulations.

12.20.090 Security.

~~As a condition of the granting of a removal permit and before any work is begun, the board shall require security of cash, certified check or a surety company bond to the town. The sum to be fixed by said board (\$1,000.00 per acre of operation) to insure compliance with the terms, conditions, limitations and safeguards of such permit and such regulations and to indemnify the town for any harm to any public well, road, wetland or other resource caused by such removal, the removal operations, the equipment used on the premises or by ancillary activities.~~

(a) As a condition of the granting of a permit and before any operations commence, the earth removal board shall require security of a cash deposit, bond, or similar financial surety acceptable to the earth removal board, in an amount deemed sufficient, in the opinion of the earth removal board, to ensure compliance with the terms, conditions, limitations and safeguards of such permit and such regulations and to indemnify the town for any harm to any public well, road, wetland or other resource caused by such operations, the equipment used on the premises or by ancillary activities.

(b) The earth removal board may waive or reduce the financial surety requirements, but no such financial surety shall be released, until the operator has complied with the conditions of approval and this chapter. The earth removal board shall act on a requested release of the financial surety within sixty-five (65) days of submission of the operator for such release.

12.20.100 Prohibited Activities and Uses.

The following activities and uses are prohibited:

(a) The importation of earth materials whose quality would either meet Federal or State criteria for definition as being toxic, reactive, radioactive, corrosive, explosive, hazardous, infectious, oil-impacted, or as a hazardous or solid waste.

(b) Use or importation of earth or fill containing toxic, reactive, corrosive, hazardous, infectious, or solid waste at individual concentrations, or presence by weight or volume, which would render such material a regulated substance or material subject to M.G.L. c 21E or as a Solid Waste as defined in the regulations promulgated by the Massachusetts Department of Environmental Protection as 310 Code of Massachusetts Regulations (CMR) 19.00.

(c) Use or importation of earth or fill at any location not otherwise regulated or permitted for acceptance of earth materials containing toxic, reactive, radioactive, corrosive, hazardous, infectious, oil, solid waste, or metals when such fill materials contain concentrations of these substances less than regulatory criteria established for reporting or special handling purposes but with one or more significantly greater concentrations by weight or volume than existing, pre-fill concentrations.

(d) Transport of earth or fill materials in a manner which is prone to release the same during transport.

(e) Use of earth or fill materials in a manner which renders the fill area structurally unstable, produces uncontrolled leachate or off-gases, creates nuisance conditions, creates uncontrolled storm water run-off, siltation, or visually apparent erosion of fill materials, or where finished fill grading slopes are not properly stabilized.

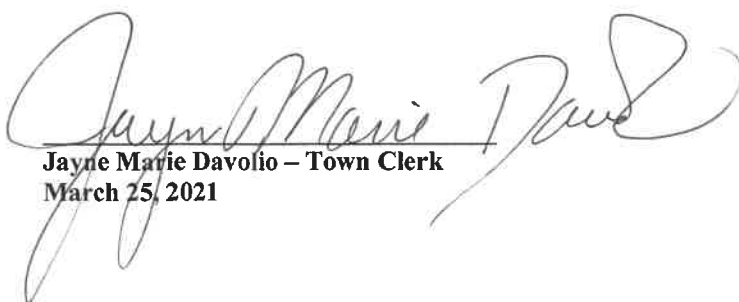
(f) Construction of permanent structures over or adjacent to areas of fill unless the fill material is structurally stable and free of emissions or other hazardous criteria relative to permanent building construction and use.

(g) Use of fill material which may cause chemical or physical impact to off-site ground water, surface water, or wetland resource areas without a specific Soil Management Plan and field procedures designed to prevent degradation of these natural resources. This prohibited use specifically includes, but is not containing nutrient or salt concentrations at significantly greater concentrations than pre-existing soil conditions on the site.

12.20.100110 Bylaw construction.

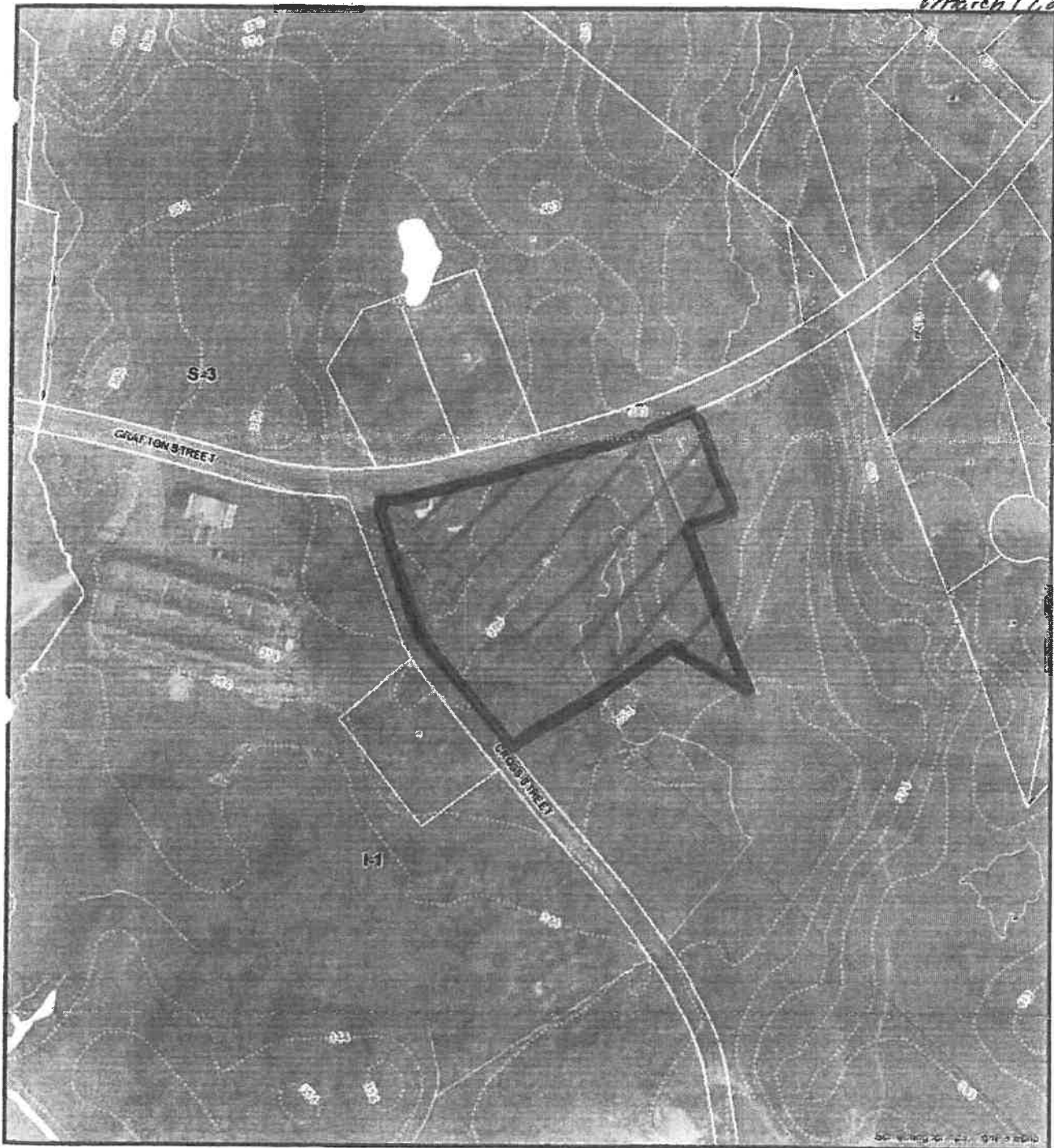
This chapter shall not interfere or annul any zoning bylaw or other regulation which is more restrictive. Where this chapter is more restrictive, it shall control. Adherence to subdivision rules and regulations shall also be required when dealing with subdivisions.

A TRUE COPY ATTEST:



Jayne Marie Davolio – Town Clerk
March 25, 2021

A True Copy Attest: *[Signature]*
Town Clerk
March 17, 2021



Grafton Street Rezoning

1/27/2020 11:12:23 AM

Scale: 1"=250'

Scale is approximate

The information depicted on this map is for planning purposes only.
It is not adequate for legal boundary definition, regulatory
interpretation, or parcel-level analyses.

APPROVED

Attorney General's Office

By *[Signature]*
Date 3/19/21
Art 30 Town Meeting Date 6/23/2020

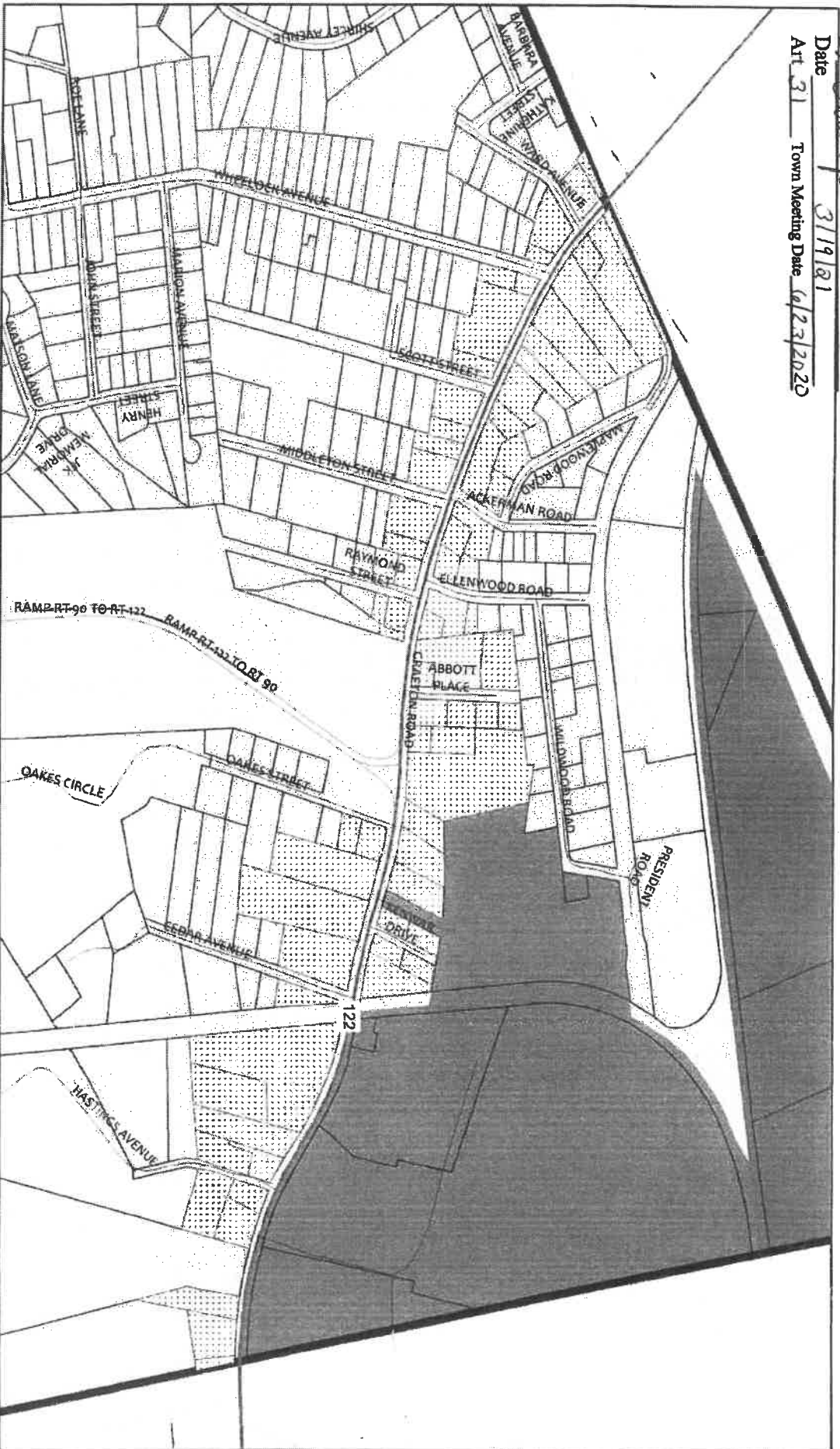


Proposed Industrial I

By Meek
Date 3/19/21

Art 31 Town Meeting Date 6/23/2020

Chas. M. B. Jones
Treasurer
March 17 2021



Residential III

Industrial I

Industrial II

Interstate

U.S. Highway

— **State Route**

— Non-numbered Road

Local Streets

Prepared for the Milbury Planning Department
January 30, 2020

Barrett Planning Group LLC
Plymouth, Massachusetts

This map is for general planning purposes only.

