

\*\* Facade 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

(Planning Board) (Required Vote: Two-Thirds Majority)

*Reason: The article establishes the boundaries of the East Millbury Business District, which includes residentially-zoned portions of Route 122 (a.k.a Grafton Road), identifies uses allowed by-right and by special permit, and specifies minimum dimensional regulations and design standards. The intent of the new district is to allow small to medium scale commercial, multi-family and mixed-use development in a way that minimizes harmful impacts on existing single-family homes. Existing non-conforming business uses, including Sclamo Home Furnishings and Atchue Opticians, will become allowed uses under the new zoning scheme. The establishment of the East Millbury Business District implements 2019 Master Plan recommendations to provide additional job opportunities, expand the tax base, reduce or prevent conflicts between business development and residential neighborhoods, and provide a range of housing options. This Article is the product of a focus group working with a planning consultant hired to implement Zoning-related Master Plan recommendations.*

**ARTICLE 32:** To see if the Town will 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, or take any action thereon:

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 HUC10<sup>1</sup> 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.

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

The storm water management plan shall fully describe the project in drawings and narrative. It shall include:

(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:*

<b>VALUES TO BE USED FOR 24-HOUR RAINFALL CALCULATIONS (CORNELL, 1998)</b>	
<b>STORM FREQUENCY</b>	<b>24 HOUR RAINFALL</b>
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.<sup>2</sup>*

*(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)<sup>3</sup> 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)<sup>4</sup> 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 site<sup>5</sup>.*

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

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

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

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

(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)<sup>6</sup> 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)<sup>7</sup> 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.*

(§7) 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.

(§8) 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.

(§9) 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*

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

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

*Control Guidelines for Urban and Suburban Area: A Guide for Planners, Designers, and Municipal Officials,' as maintained by the MassDEP<sup>8</sup>.*

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

*(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.*

~~(1014)~~ *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*

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



*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.]

(Planning Board) (Required Vote: Majority)

***Reason:** Article 32 modifies the text of the Post-Construction Storm Water Management Bylaw so that it complies with the Town's MS4 permit. It clarifies by defining text, updates referenced publications and adds submittal requirements and design standards. It also enables developers to use offsite mitigation within the same watershed area to achieve pollutant removal requirements for new developments. These changes implement the 2019 Master Plan recommendation to maintain and protect natural resources.*

**ARTICLE 33:** To see if the Town will 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, or take any action thereon. (Earth Removal Board) (Required Vote: Majority)

#### **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.

(ab) 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.

(bc) 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.

(ed) 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.

(de) 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.

***Reason:** This amendment would require permits from the Earth Removal Board for the importation of earth materials. Soil reclamation and dumping projects have become more common, particularly in Central Massachusetts, and the Town does not currently have a mechanism to regulate these projects at the local level.*

**ARTICLE 34:** To see if the Town will vote to amend the Millbury Municipal Code, by adding a new Chapter 8, Domestic Home Security Cameras, as follows, or take any other action thereon. (Library Trustee Raymond) (Required Vote: Majority)

## **CHAPTER 8.50: DOMESTIC HOME SECURITY CAMERAS**

### **8.50.010: Title and Purpose**

(a) This chapter shall be known as the Domestic Home Security Camera Bylaw and shall regulate devices which record analog or digital video of exterior areas of residential properties in town.

(b) The purpose of this chapter is to protect the security and identity of individuals at residential properties and of individuals in public areas near and adjacent to residential properties.

### **8.50.020: Definitions**

*Archival Footage* : the term “archival footage” refers to any footage recorded by a Domestic Home Security Camera more than seventy-two (72) hours old.

*Domestic Home Security Camera* : the term “domestic home security camera” means any device, broadly defined, that is affixed to the exterior of a residential dwelling, affixed to the interior facing toward the exterior of a residential dwelling (such as, but not limited to, a window or transparent door), or a stationary camera designed to monitor one’s private property (such as, but not limited to, a field camera to observe wildlife) to provide analog or digital monitoring of one’s private property. This definition includes but is not limited to self-contained systems where recordings are stored on-site at the property, as well as cloud-based or off-site systems (such as Amazon Ring, Google Nest, SimpliSafe, or similar home security services).

*Municipal Law Enforcement* : the term “municipal law enforcement” refers to the Town of Millbury

Police Department; any other public law or code enforcement agency in Millbury, broadly defined; or any authorized agent thereof.

*Pre-Archival Footage*: the term “pre-archival footage” refers to any footage recorded by a Domestic Home Security Camera fewer than seventy-two (72) hours old.

*Public Way*: the term “public way” refers to any road or street, sidewalk, park, or other municipal or state-owned area, broadly defined.

*Town*: the term “town” means the town of Millbury.

*User*: the term “user” means any individual with administrative control of a Domestic Home Security Camera responsible for the use of the camera or device.

#### **8.50.030: Domestic Home Security Camera Operation**

(a) A Domestic Home Security Camera shall not cover more geographic territory than is reasonably necessary to achieve its purpose. Domestic Home Security Cameras shall be placed and directed in a manner that does not monitor public space. In circumstances where Domestic Home Security Camera monitoring of a public area or way is unavoidable (for example, a private doorway that opens directly to public space), Domestic Home Security Cameras shall be positioned in a way to capture the least possible amount of public space while achieving its necessary monitoring purpose.

(b) Domestic Home Security Cameras shall not be equipped with any additional features or capabilities beyond the intended purpose of monitoring one's private property (such as, but not limited to, facial recognition software or automatic identification); if such features are available as part of a package or software option, those features shall be disabled, or users of the Domestic Home Security Camera shall refrain from enabling such features.

(c) Domestic Home Security Camera footage, if said footage is comprised of digital data stored in the cloud or a similar off-site location, shall be stored on encrypted servers or devices. If digital data is stored on-site at the place of residence, such data should be protected using encrypted servers or devices.

#### **8.50.040: Domestic Home Security Camera Data and Municipal Law Enforcement**

(a) Except as otherwise required or defined by law, Municipal Law Enforcement may only use pre-archival video footage for a secondary purpose with written approval from the Chief of Police. Such approval shall be made available for public inspection upon the completion of any ongoing related investigation.

(b) Except as otherwise required or defined by law, Municipal Law Enforcement may only use archived video footage for a secondary purpose if it secures a warrant from a neutral magistrate.

#### **8.50.050: Fines**

Effective the effective date of the bylaw codified in this chapter, a Domestic Home Security Camera user shall be subject to fines for violation as follows:

(a) Failure to comply with MMC 8.50.030, Domestic Home Security Camera Operation, will be a fine of \$100.00.

(b) Failure to pay the fine as detailed in MMC 8.50.050(a), or more than two violations of any portions of this bylaw by Domestic Home Security Camera Operation users, will result in an order to disconnect the Domestic Home Security Camera system.

(c) Failure to comply with MMC 8.50.040, Domestic Home Security Camera Data and Municipal Law Enforcement, shall be handled appropriately by the Chief of Police and the Town Manager, subject to municipal and contractual obligations. The result of action against Municipal Law Enforcement agents or their designees pursuant to MMC 8.50.050 shall be made available for public inspection upon the completion of any ongoing related investigation except as otherwise required by law.



(d) All fines and fees resulting from the enforcement of the provisions of this chapter shall be collected in the form of a personal check, money order, or registered check, made payable to the town of Millbury, and should be forwarded to the Millbury town clerk's office, 127 Elm Street, Millbury, MA 01527.

#### **8.50.060: Applicability**

This chapter shall be subject to the provisions of M.G.L. ch. 40, § 21D for noncriminal enforcement. The enforcing persons for this chapter shall be the Chief of Police or his/her designee and any Municipal Law Enforcement agent.

*—Reason: The intention of this change to municipal code is to establish best practices in the town surrounding the use and utilization of home security videotaping/camera surveillance devices. The guidelines established in this bylaw will keep the greater population from experiencing unintentional violations of their privacy on public ways while preserving the purpose of home security cameras as a deterrent to criminal activity on private property. Passing this change to municipal code will align town legal practice with the terms of service of the major cloud-based home security camera vendors, and ensure the privacy of our citizens who desire to exist in public society while reducing incidental surveillance.*

**ARTICLE 35:** To see if the Town will vote to amend the Millbury Municipal Code, by adding a new Chapter 2.65.050, Restricting Municipal Law Enforcement Regarding Registries of Domestic Home Security Cameras, as follows, or take any other action thereon. (Library Trustee Raymond) (Required Vote: Majority)

#### **2.65.050 - Restricting Municipal Law Enforcement Regarding Registries of Domestic Home Security Cameras**

(a) The term "domestic home security camera" means any device, broadly defined, that is affixed to the exterior of a residential dwelling, affixed to the interior facing toward the exterior of a residential dwelling (such as, but not limited to, a window or transparent door), or a stationary camera designed to monitor one's private property (such as, but not limited to, a field camera to observe wildlife) to provide analog or digital monitoring of one's private property. This definition includes but is not limited to, self-contained systems where recordings are stored on-site at the property, as well as cloud-based or off-site systems (such as Amazon Ring, Google Nest, SimpliSafe, or similar home security services).

(b) The police department is prohibited from collecting information pertaining to which residents utilize or connect domestic home security cameras, except in cases of ongoing criminal investigations.

(i) In the event domestic home security camera information is collected as part of an ongoing criminal investigation, such information shall not be utilized or disseminated beyond the scope of the investigation for which such information is collected.

(ii) In the event domestic home security camera information is collected as part of an ongoing criminal investigation, such information shall be stored on a password-protected, encrypted device which logs access by law enforcement officials upon completion of said investigation. Such access logs shall be made available for public inspection upon the completion of any ongoing related investigation except as otherwise required by law.



(c) Information regarding which residents utilize or connect domestic home security cameras collected prior to the adoption of this bylaw, except in cases of ongoing criminal investigations, shall be destroyed subject to the relevant chapters of Massachusetts General Law within thirty (30) days of the adoption of this bylaw.

(d) Information collected regarding which residents utilize or connect domestic home security cameras collected prior to the adoption of this bylaw pursuant to cases of ongoing criminal investigations shall be stored on a password-protected, encrypted device which logs access by law enforcement officials within thirty (30) days of the adoption of this bylaw.

(e) Any information collected regarding which residents utilize or connect domestic home security cameras collected prior to the adoption of this bylaw that cannot be destroyed per Massachusetts General Law shall be stored on a password-protected, encrypted device which logs access by law enforcement officials within thirty (30) days of the adoption of this bylaw. Such access logs shall be made available for public inspection

*—Reason: The intention of this bylaw is to create boundaries surrounding the collection and use of home security cameras by the town and by local law enforcement. This bylaw, if passed, prohibits municipal law enforcement from collecting information on who has surveillance cameras while preserving their ability to engage in routine and necessary investigative activities, and details necessary measures to ensure any information collected during an investigation is protected, and that those in law enforcement accessing the information can be tracked. Any sort of log or archive of third-party camera information collected by law enforcement creates the inherent risk of violating the privacy of the citizens of town, (whether through local, state, or federal law enforcement) and runs the risk of providing the architecture for future privacy violations by any number of third-party organizations (such as Ring, SimpliSafe, etc.) or future/outside law enforcement officials. Passing this bylaw will ensure and improve the privacy of its citizens, both with or without camera systems, while creating reasonable boundaries for the responsible use of recorded camera data by local law enforcement.*

**ARTICLE 36:** To see if the Town will vote to amend the Millbury Municipal Code, by adding a new Chapter 2.65.051, Restricting Municipal Law Enforcement Regarding Collaboration With Third-Party Domestic Home Security Camera Vendors, as follows, or take any other action thereon. (Library Trustee Raymond) (Required Vote: Majority)

**2.65.051 - Restricting Municipal Law Enforcement Regarding Collaboration With Third-Party Domestic Home Security Camera Vendors**

(a) The term “domestic home security camera” means any device, broadly defined, that is affixed to the exterior of a residential dwelling, affixed to the interior facing toward the exterior of a residential dwelling (such as, but not limited to, a window or transparent door), or a stationary camera designed to monitor one’s private property (such as, but not limited to, a field camera to observe wildlife) to provide analog or digital monitoring of one’s private property. This definition includes but is not limited to, self-contained systems where recordings are stored on-site at the property, as well as cloud-based or off-site systems (such as Amazon Ring, Google Nest, SimpliSafe, or similar home security services).

(b) The police department is prohibited from entering into any partnership or partnerships with any domestic home security camera company or organization (such as, but not limited to, programs such as Ring Neighbors from Ring LLC), broadly defined.

(c) The police department and their agents, broadly defined, are prohibited from recommending or endorsing any domestic home security camera device, system, or company to residents of the Town of Millbury.

*–Reason: The intention of this bylaw is to restrict the town and local law enforcement from joining third-party programs (like Ring Neighbors) as part of their law enforcement activities. Programs such as Ring Neighbors grant law enforcement significant information regarding who has cameras, often without the full consent of the camera owners or those who interact with the properties said cameras reside upon. Unlike with more traditional surveillance requests, law enforcement requests for data via Ring or a program like it do not explicitly require a warrant and the terms of service for the major cloud-based home security camera system vendors will provide information and video to law enforcement "without notice" to the owner. Furthermore, this protects the citizens of town from law enforcement opting, in the future, to join a program such as this without our explicit consent - while the current police administration and town executive team have not shown interest in such programs, we cannot guarantee such a perspective will hold with future administrative teams. Passing this bylaw will ensure and improve the privacy of its citizens, both with and without camera systems, and require the Town of Millbury and law enforcement to receive the explicit consent of the citizens of town to join such programs in the future.*

**ARTICLE 37:** To see if the Town will vote to amend the Millbury Municipal Code, by adding a new Chapter 2.05.90, Ban on Facial Recognition Technology, as follows, or take any other action thereon. (Library Trustee Raymond) (Required Vote: Majority)

#### **2.05.90 - Ban on Facial Recognition Technology**

(a) Definitions:

(1) *Face Surveillance* : “Face surveillance” shall mean an automated or semi-automated process that assists in identifying or verifying an individual, based on the physical characteristics of an individual's face.

(2) *Face Surveillance System* : “Face surveillance system” shall mean any computer software or application that performs face surveillance, broadly defined.

(3) *Millbury* : “Millbury” shall mean any department, agency, bureau, and/or subordinate division of the Town of Millbury.

(4) *Town Official* : “Town Official” shall mean any person or entity acting on behalf of the Town of Millbury, including any officer, employee, agent, contractor, subcontractor, or vendor.

(b) It shall be unlawful for Millbury or any Town Official to obtain, retain, access, or use:

(1) Any face surveillance system; or

(2) Any information obtained from a face surveillance system.

(c) Enforcement.

(1) No data collected or derived from any use of face surveillance in violation of this ordinance and no evidence derived therefrom may be received in evidence in any proceeding in or before any department, officer, agency, regulatory body, legislative committee, or other authority subject to the jurisdiction of the Town of Millbury.

(2) Any violation of this bylaw constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this bylaw. An action instituted under this paragraph shall be brought against Millbury and, if necessary to effectuate compliance with this bylaw, any other governmental agency with possession, custody, or control of data subject to this bylaw.

(3) Millbury will address alleged violations of this ordinance in accordance with its usual practices, applicable law and contractual obligations.

(4) Nothing in this section shall be construed to limit any individual's rights under State or Federal law.

**Reason:** *The intention of this bylaw is to restrict the Town of Millbury from the use or utilization of facial recognition technology as part of their activities. At present, the technology has significant flaws: the technology has high false positive rates, is especially inaccurate at the identification of minority populations, and can result in significant abuse in tandem with surveillance cameras and other forms of video or image-based observation (social media, traditional media, etc.). Facial recognition is a form of technological surveillance that can occur without the knowledge or consent of the population or individuals being monitored, and can contribute to national programs to assist in identification and tracking of otherwise-innocent individuals. This proposed bylaw mirrors language passed unanimously by the Somerville City Council in June, 2019, which banned the use of facial recognition in the city. Passing this bylaw today will require the Town of Millbury to receive the consent of the citizens of the town to utilize this technology in the future based on the accuracy of the technology and its benefit to the citizens, as opposed to the technology being utilized without our knowledge or understanding.*

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## *ACCEPTANCE OF PUBLIC WAYS*

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**ARTICLE 38:** To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or taking by eminent domain, any parcels of real property, permanent easements, and temporary easements, for public way purposes, including without limitation drainage, utility, slope, grading, road realignment, sidewalks, construction of improvements and structures, and other related purposes, as may be necessary to complete the MassDOT McCracken Road Transportation Improvement Project, said parcels and easement areas being generally shown on a plan entitled "Preliminary Right of Way Plan" dated July 11, 2014 and revised through September 26, 2019, on file in the Town Clerk's Office and available for public inspection during regular business hours, and as may be amended through final project design, with the appropriation for the acquisition of said parcels of real property and easements, including but not limited to acquisition costs, the award of eminent domain damages, and related expenses and fees, having been previously appropriated under Article 1 of the November 12, 2019 Special Town Meeting, or take any other action thereon. (Board of Selectmen) (Required Vote: Two-Thirds Majority)

*Reason: The authorization to acquire real property interests for the McCracken Road TIP project expired 120 days after the November 12, 2019 Special Town Meeting. This article reauthorizes the Board of Selectmen to acquire those property interests for the project.*

**ARTICLE 39:** To see if the Town will vote to accept as a public way the roadway known as Autumn Gate Circle, situated south of Grafton Street in the eastern section of the Town of Millbury as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled "Acceptance Plan, Autumn Gate Circle, Millbury, MA", prepared by HS&T Group, Inc., dated January 23, 2020, on file at the Town Clerk's Office, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property, including drainage, access, utility, and landscaping easements, sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereon. (Planning Board) (Required Vote: Majority)

In accordance with the plan, said roadway is more particularly described as follows:

Beginning at a bound on the Southerly sideline of Grafton Street at the Northeasterly corner of the tract herein described,

Thence South 00°-45'-04" West four hundred thirty and 15/100 (430.15) feet to a bound,

Thence by a curve to the Left having a radius of one hundred twenty-five and 00/100 (125.00) feet, eighty-five and 43/100 (85.43) feet to a bound,

Thence South 38°-24'-31" East, five hundred fifty-three and 66/100 (553.66) feet to a bound,

Thence by a curve to the Right having a radius of one hundred seventy-five and 00/100 (175.00) feet, a distance of one hundred fifty and 65/100 (150.65) feet to a bound,

Thence South 10°-54'-50" West one hundred sixty-eight and 16/100 (168.16) feet to a bound,

Thence by a curve to the Right having a radius two hundred and 00/100 (200.00) feet, a distance of five hundred forty-nine and 11/100 (549.11) feet to a bound,



Thence North  $11^{\circ}-46'-43''$  West seven hundred sixty-nine and  $31/100$  (769.31) feet to a bound,

Thence by a curve to the Right having a radius of five hundred twenty-five and  $00/100$  (525.00) feet, sixty-four and  $79/100$  (64.79) feet to a bound,

Thence North  $04^{\circ}-42'-28''$  West one hundred ninety-seven and  $61/100$  (197.61) feet to a bound,

Thence by a curve to the Left having a radius of four hundred seventy-five and  $00/100$  (475.00) feet, a distance of one hundred and  $45/100$  (100.45) feet to a bound,

Thence North  $16^{\circ}-49'-26''$  West, fifty-nine and  $93/100$  (59.93) feet to a bound,

Thence by a curve to the right having a radius of two hundred twenty-five and  $00/100$  (225.00) feet, forty-eight and  $80/100$  (48.80) feet to a bound,

Thence North  $04^{\circ}-23'-45''$  West, eight and  $80/100$  (8.80) feet to a bound on the Southerly sideline of Grafton Street,

Thence North  $85^{\circ}-36'-15''$  East by the Southerly sideline of Grafton Street, fifty and  $00/100$  (50.00) feet to a bound,

Thence South  $04^{\circ}-23'-45''$  East, eight and  $80/100$  (8.80) feet to a bound,

Thence by a curve to the Left having a radius of one hundred seventy-five and  $00/100$  (175.00) feet, thirty-seven and  $96/100$  (37.96) feet to a bound,

Thence South  $16^{\circ}-49'-26''$  East, fifty-nine and  $93/100$  (59.93) feet to a bound,

Thence by a curve to the Right having a radius of five hundred twenty-five and  $00/100$  (525.00) feet, a distance of one hundred eleven and  $02/100$  (111.02) feet to a bound,

Thence South  $04^{\circ}-42'-28''$  East one hundred ninety-seven and  $61/100$  (197.61) feet to a bound,

Thence by a curve to the Left having a radius of four hundred seventy-five and  $00/100$  (475.00) feet, fifty-eight and  $62/100$  (58.62) feet to a bound,

Thence South  $11^{\circ}-46'-43''$  East seven hundred sixty-nine and  $31/100$  (769.31) feet to a bound,

Thence by a curve to the Left having a radius of one hundred fifty and  $00/100$  (150.00) feet, a distance of four hundred eleven and  $83/100$  (411.83) feet to a bound,

Thence North  $10^{\circ}-54'-50''$  East one hundred sixty-eight and  $16/100$  (168.16) feet to a bound,

Thence by a curve to the Left having a radius of one hundred twenty-five and  $00/100$  (125.00) feet, a distance of one hundred seven and  $61/100$  (107.61) feet to a bound,

Thence North  $38^{\circ}-24'-31''$  West five hundred fifty-three and  $66/100$  (553.66) feet to a bound,

Thence by a curve to the Right having a radius of one hundred seventy-five and 00/100 (175.00) feet, a distance of one hundred nineteen and 61/100 (119.61) feet to a bound,

Thence North 00°-45'-04" East two hundred sixty-seven and 78/100 (267.78) feet to a bound,

Thence North 72°-16'-57" East, ten and 54/100 (10.54) feet to a bound,

Thence North 00°-45'-04" East one hundred thirty-two and 63/100 (132.63) feet to a bound,

Thence by a curve to the Left having a radius of twenty and 00/100 (20.00) feet, twenty-two and 53/100 (22.53) feet to bound on the Southerly sideline of Grafton Street,

Thence by a curve to the Left having a radius of two thousand thirty and 00/100 (2030.00) feet, by the Southerly sideline of Grafton Street fifty-two and 08/100 (52.08) feet to a bound and the point of beginning.

The above described tract contains 153,854 Square Feet (3.5 Acres)

***Reason:** This action is needed to accept as a public way the roadway known as Autumn Gate Circle as set forth under Article 38 of the Annual Town Meeting Warrant. The roadway was built substantially in accordance with the approved plan and Rules and Regulations Governing the Subdivision of Land.*

**ARTICLE 40:** To see if the Town will vote to accept as a public way the roadway known as Skyview Drive, situated north of Oak Pond Avenue in the northeastern section of the Town of Millbury as heretofore laid out by the Board of Selectmen in the manner shown on a plan entitled "Acceptance Plan 'Skyview Drive', Casa Verde Villages, Station 0+00 to Station 16+44.74, Millbury, MA", prepared by GLM Engineering Consultants Inc., dated August 20, 2019, revised October 10, 2020, on file at the Town Clerk's Office, and to authorize the Board of Selectmen to acquire on behalf of the Town, by purchase, gift, eminent domain or otherwise, interests in property, including sewer easement, sufficient to use said way for all purposes for which public ways are used in the Town of Millbury, or take any action relative thereon. (Planning Board) (Required Vote: Majority)

In accordance with the plan, said roadway is more particularly described as follows:

Beginning at a point. Said point being an iron pipe at station 0+00, 55.00 feet right, at the northeasterly intersection of Skyview Drive and the northerly side of Oak Pond Road.

Thence running:

along the northerly sideline of Oak Pond Road S 68°37'50" W, a distance of 110.00 feet to a granite bound with a drill hole;

thence turning and running along the sideline of Skyview Drive along a curve to the left with a radius of 30.00 feet and a length of 47.12 feet to a granite bound with a drill hole;

N 21°22'10" W, a distance of 65.86 feet to a granite bound with a drill hole;

along a curve to the right with a radius of 225.00 feet and a length of 112.45 feet to a granite bound with a drill hole;

N 07°16'00" E, a distance of 588.34 feet to a granite bound with a drill hole;  
along a curve to the left with a radius of 300.00 feet and a length of 44.19 feet to a granite bound with a drill hole;  
N 01°10'24" W, a distance of 310.06 feet to a granite bound with a drill hole;  
along a curve to the right with a radius of 300.00 feet and a length of 548.35 feet to a granite bound with a drill hole;  
S 13°33'17" W, a distance of 50.00 feet at station 16+44.74 to a point on the southerly side of Skyview Drive;  
continuing along a curve to the left with a radius of 250.00 feet and a length of 13.31 feet to a granite bound with a drill hole;  
along a curve to the left with a radius of 250.00 feet and a length of 443.65 feet to a granite bound with a drill hole;  
S 01°10'24" E, a distance of 310.06 feet to a granite bound with a drill hole;  
along a curve to the right with a radius of 350.00 feet and a length of 51.56 feet to a granite bound with a drill hole;  
S 07°16'00" W, a distance of 237.43 feet to a granite bound with a drill hole;  
S 07°16'00" W, a distance of 110.00 feet to a granite bound with a drill hole;  
S 07°16'00" W, a distance of 240.91 feet to a granite bound with a drill hole;  
along a curve to the left with a radius of 175.00 feet and a length of 87.46 feet to a granite bound with a drill hole;  
S 21°22'01" E, a distance of 65.86 feet to a granite bound with a drill hole;  
along a curve to the left with a radius of 30.00 feet and a length of 47.12 feet to the point of beginning.  
The above-described Skyview Drive, station 0+00 to 16+44.74 contains an area of 82,623 square feet, more or less, or 1.90 acres, more or less.

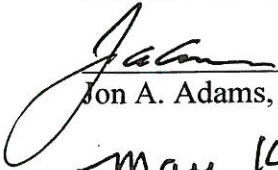
***Reason:*** This action is needed to accept as a public way the private portion of the roadway known as Skyview Drive as set forth under Article 39 of the Annual Town Meeting Warrant. The roadway was built substantially in accordance with the approved plan and Rules and Regulations Governing the Subdivision of Land.

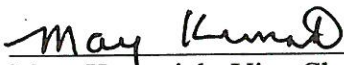
CONSTABLES:

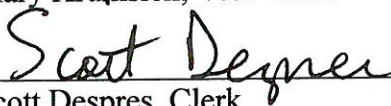
In addition, you are directed to serve the above warrant by posting up an attested copy thereof at the Post Office, Library, and Senior Center in said Town and in addition at available public places in West Millbury, Bramanville, Dorothy Pond and East Millbury seven days at least before the time of holding said meeting.

Given under our Hands this 28<sup>th</sup> day of April, Two Thousand Twenty.

BOARD OF SELECTMEN

  
Jon A. Adams, Chair

  
Mary Krumsiek, Vice Chair

  
Scott Despres, Clerk

  
Katherine M. McKenna, Member

  
Christopher J. Naff, Member

Worcester SS

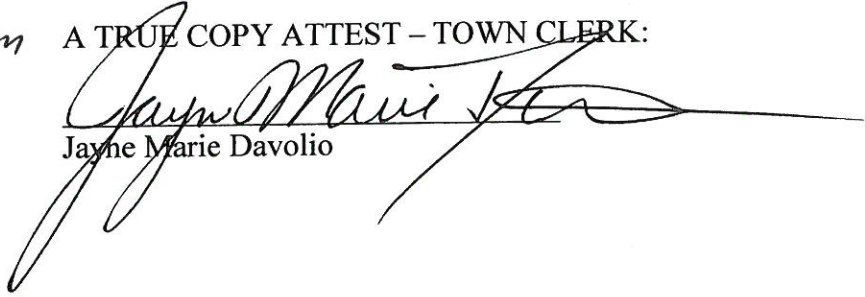
Town of Millbury

I have served the above warrant by posting up attested copies, as directed by vote of the Town at least seven (7) days before time of holding said meeting.

Date & Time: April 30, 2020 @ 1025am

A TRUE COPY ATTEST - TOWN CLERK:

  
CONSTABLE: Todd E. Army

  
Jayne Marie Davolio