

MILLBURY PLANNING BOARD
DRAFT WARRANT ARTICLES
MAY 5, 2020 TOWN MEETING

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

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.*

ARTICLE: To see if the Town will vote to amend the Zoning Map as follows: Rezone to Industrial I District that portion of the Suburban III District that is bound to the north by Grafton Street, to the east and south by the westerly and boundary of Assessor's Map 55, Parcel 15, and bound to the west by Cross Street, or take any action thereon. The affected parcels are 60 Grafton Street (Assessor's Map 55, Lot 17) and 70 Grafton Street (Assessor's Map 55, Lot 16).

ARTICLE: To see if the Town will vote to amend the Zoning Map so as to include the East Millbury Business District, as shown on file in the Office of the Town Clerk, or take any action thereon. The East Millbury Business District shall contain the following lots, as depicted on the proposed map:

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
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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

ARTICLE: To see if the Town will vote to amend the Millbury Zoning Bylaws, **ARTICLE 2. DISTRICT REGULATIONS**, by adding **Section 24. East Millbury Business District**, or take any action thereon. Existing Sections 25, 26, 27, and 28, including all subsections, shall 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** shall contain the following text:

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:

25.11 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;
- Service station, with or without quick mart or minimart, with the building area not exceeding 2,500 sq. ft.;
- Two-family dwelling;
- Religion 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.

25.12 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).

25.13 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	Lot Width/Depth Ratio	Min. Open Space (% Lot Area)
East Millbury Business District	15,000 sf.	100 ft.*	20 ft. /15 ft. **/25 ft.**	1:3	10%***

Notes:

*May be reduced by the Planning Board 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 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 and 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.

**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.

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.

Article. To see if the Town will vote to amend 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, or take any action thereon:

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

ARTICLE: 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, and 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 resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover.

~~“Redevelopment” means development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites~~ *any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development (see above).*

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 once 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:

(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
<i>2 yr. storm</i>	<i>3.2 inches</i>
<i>10 yr. storm</i>	<i>4.9 inches</i>
<i>25 yr. storm</i>	<i>6.1 inches</i>
<i>50 yr. storm</i>	<i>7.3 inches</i>
<i>100 yr. storm</i>	<i>8.5 inches</i>

(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 area, such as wetlands, native vegetation, mature trees, slopes, natural drainage courses, permeable soils, floodplains, woodlands, and soils; and*

(1921) *Any other information requested by the board.*

(b) *Design Standards.* All projects shall meet the *outlined* 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) For new development, stormwater management systems must be designed to:

(a) Retain the volume equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface on the site AND/OR

(b) Remove 90% of the average annual post-construction load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluations tools provided by EPA Region 1 where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate the BMP performance. It is presumed this standard is met when:

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

(ii) Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and

(iii) Stormwater management BMPs are maintained as designed.

(6) For redevelopment, stormwater management systems must be designed to:

(a) Retain the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site AND/OR

(b) Remove 80% of the average annual post-construction load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tools provided by EPA Region 1 where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance. It is presumed this standard is met when:

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

(ii) Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and

(iii) Stormwater management BMPs are maintained as designed.

(7) ~~Redevelopment of previously developed sites must meet the storm water management standards to the maximum extent practicable. However, if it is not practicable to meet all the standards, new (retrofitted or expanded) storm water management systems must be designed to improve existing conditions. Stormwater management systems on redevelopment sites may utilize offsite mitigation within the same USGS HUC10 as the redevelopment site to meet the equivalent retention or pollutant removal requirements indicated above.~~

(58) 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.

(69) 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.

(810) 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 MassDEP.

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

(12) 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.

(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 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.]

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