

Town of Millville  
Commonwealth of Massachusetts  
Zoning  
By-Law Manual

The foregoing by-laws have been reviewed, and approved by the  
Office of the Attorney General.

Effective May 2008

Susan Gray-McNamara  
Town Clerk  
Millville



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**Attachment I - Zoning By-Laws  
Of the Town of  
Millville, Massachusetts**

**Article I - General:**

**Section 1 - Authority:**

**(A) Massachusetts General Laws, Chapter 40A:** This Zoning By-Law is adopted in accordance with the provisions of Massachusetts General Laws, Chapter 40A; and all amendments therein.

**Section 2 - Purpose:**

**(A) Purpose:** The purpose of this Zoning By-Law is to promote the health, safety, convenience, morals or welfare of the inhabitants of Millville to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the town; and to preserve and increase its amenities. For this purpose, the use, construction, repair, alteration, freight, area, and location of buildings and structures, use of premises in the Town of Millville are regulated as hereinafter provided.

**Section 3 - Basic Requirements:**

**(A) Provisions:** All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, or use of premises in the Town of Millville, shall be in conformity with the provisions of this by-law. Any building, structure, or land shall not be used for, any purpose or in any manner other than is permitted within the district in which such building, structure or land is located. Any use not specifically enumerated in a district herein shall be deemed prohibited.

In accordance with Massachusetts General Laws Chapter 140A, and notwithstanding any provisions to the contrary, this by-law shall not prohibit or limit the use of land for any

church or other religious purpose or for any educational purpose which is religious sectarian denominational or public.

#### **Section 4 - Definitions:**

**(A) Terms:** For the purpose of this by-law, the following terms shall have the meaning hereby assigned to them:

**(1) Accessory Building or Use:** A use or detached building, which is subordinate to the main use or building, and located on the same lot with the main building or use, the use of which is customarily incidental to that of the main building or to the use of the land. Where a substantial part of the wall of an accessory building is part of the wall of a main building or where an accessory building is attached to the main building in a substantial manner, it shall be considered as a part of the main building.

**(2) Dwelling:** A building, a modular unit, or portion thereof designed exclusively for residential occupancy, including single family, two family, and multiple family dwellings, but not including motels, hotels, boarding houses, trailers, or structures solely for the use of transient or overnight occupants.

**(3) Family:** A "family" is any number of individuals living together as a single housekeeping unit.

**(4) Farm:** Any parcel or land which is used primarily for the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits, and the storage of equipment used.

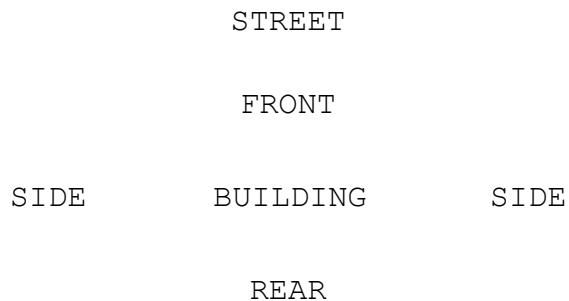
**(5) Lot:** A single area of land in one ownership defined by metes and bounds or boundary lines in a deed or in a plan recorded in the Worcester County Registry of Deeds.

**(6) Non-Conforming Use:** A building, structure, or use of land existing at the time of the effective date of this By-Law which does not conform to the regulations as to use in the district in which it is situated.

**(7) Use:** The purpose for which land or buildings is occupied, or maintained, arranged, designed or intended.

**(8) Street:** A public way or a way having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the proposed use of the land abutting thereon or served thereby.

**(9) Yard:** Front, Side, Rear - An unoccupied space open to the sky on the same lot with a building or structure. The drawing below illustrates the positions of the front, sides and rear yards:



**(10) Home Occupation:** A use which is conducted within a residential dwelling unit which is clearly incidental and secondary to residential occupancy. A Special Permit must be obtained from the Planning Board, provided that:

**(a) Non-Resident:** No Non-Resident employees are involved;

**(b) Floor Area:** Not more than twenty-five (25%) percent of the dwelling unit floor area shall be used to conduct the home occupation;

**(c) Outside Appearance:** There shall be no change in the outside appearance of the dwelling unit, or other viable evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, non-illuminated;

**(d) Accessory Building:** No home occupation shall be conducted in any accessory building;

**(e) Traffic/Parking:** No traffic or parking shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood;

**(f) Disruption:** No equipment, process, or activity shall be used in such home occupation which creates noise, vibration, glare, noxious odors, and electrical interference or otherwise disrupts the neighborhood's integrity.

**(g) Bed and Breakfast Inn:** A dwelling in which overnight accommodations of not more than five (5) rooms are provided to tourists for compensation. The only meal to be provided shall be breakfast, and it shall only be served to guests taking lodging in the facility.

**(11) Major Residential Development:** Any new development that will create eight(8) or more residential lots or dwelling units.

## **Section 5 - Nonconformity:**

### **(A) Continuation and Change:**

**(1) Requirements:** Any structure or the use of any building or land which does not conform to the requirements of Article III, Use Regulations, Article IV, Dimensional Requirements, included herein, and which was existing at the time of enactment of the By-Law. However, once changed to conform with such provisions, in whole or in part, it shall not subsequently revert to nonconformity.

**(B) Nonconforming Structures:** A nonconforming structure shall be defined as a structure which does not conform to Article IV, Dimensional Requirements of this by-law. The following regulations shall apply to nonconforming structure:

**(1) Altered/Enlarged:** A nonconforming structure may be altered or enlarged provided that such alteration or enlargement does not increase the extent of the nonconformity of such structure.

**(2) Damaged/Destroyed:** A nonconforming structure which has been damaged or destroyed by fire or other catastrophe, provided that the reconstruction in no way increases the extent of nonconformity of such structure.

**(C) Nonconforming Use of Buildings or Land:**

**(1) Extension of Nonconforming Use of Land:** The nonconforming use of land shall not be extended beyond the boundaries of the property so used at the time of enactment of this By-Law, or of applicable subsequent amendment therein.

**(2) Enlargement of a Building Housing a Nonconforming Use:** A building which houses a nonconforming use may be enlarged upon issuance of a Special Permit by the Board of Appeals, provided that:

**(a) Detrimental/Injurious Effect:** Such enlargement shall not increase any existing detrimental or injurious effect of said use upon the neighborhood.

**(b) Boundaries:** Such enlargement shall not be extended beyond the boundaries of the property on which the building is situated at the time of enactment of this By-Law.

**(c) Dimensional Requirements:** Such enlargement shall conform in Article IV, Dimensional Requirements, of this By-Law which apply in the district wherein the building is located.

**(3) Alteration of a Building Housing A Nonconforming Use:** A building which houses a nonconforming use may be structurally altered provided that:

**(a) Floor Area:** Such alteration does not increase the total floor area of the building or the extent of building coverage on the property.

**(b) Dimensional Requirements:** Such alteration does not increase the extent of any nonconformity in Section 4, Dimensional Requirements, of this By-Law which apply in the district wherein the building is located.

**Section 6 - Off-Street Parking:**

**(A) Parking Spaces:** Two off-street parking spaces shall be provided for each dwelling.

## **Article II - Establishment of Districts**

### **Section 1 - Classes of Districts:**

**(A) Purpose:** For the purpose of this By-Law the Town of Millville is divided into the following districts:

- (1) **OR** - Outlying Residential
- (2) **VR** - Village Residential
- (3) **VC** - Village Center District

### **Section 2 - Incorporation of Zoning Map:**

**(A) Districts:** The districts listed in Section 1 (A) above are located and bounded as shown on a map entitled "ZONING MAP OF MILLVILLE, MASSACHUSETTS", dated September 23, 1977 and on file in the office of the Town Clerk.

### **Section 3 - Lots in Two Districts:**

**(A) Boundary Lines:** When a district boundary line divides any lot in one ownership of record at the time such line is adopted, a use that is permitted on one portion of the lot may be extended thirty (30) feet into the other portion provided the first portion includes the required frontage.

## **Article III - Use Regulations**

### **Section 1 - Basic Requirements:**

**(A) Use:** No building, structure, or land shall be used for any purpose or in any manner other than is permitted and set forth in Article III, Section 2, Schedule of Use Regulations, of this By-Law and in accordance with the following notation:

- (1) **Y** - Use Permitted.
- (2) **SP** - Use allowed upon issuance of a Special Permit by

the Planning Board as provided in Article V  
Section 5, hereafter.

(3) **N** - Use Prohibited.

**(B) Permitted Uses:** Permitted uses and uses allowed by the Planning Board shall be in conformity with all dimensional requirements and all other applicable requirements of this By-Law.

**Section 2 - Schedule of Use Regulations:**

**(A) Agriculture:**

	<b>DISTRICT</b>
	<b>OR VR VC</b>
(1) Farm-agricultural, orchid, plant or tree nursery, including one single family dwelling, for the resident proprietor. SP	Y Y
(2) Farm-livestock and poultry, including one single-family dwelling for the resident proprietor. SP	Y Y
(3) Sales room or stand for the display or sales of agricultural or horticultural products on a seasonal basis. Y	Y Y

**(B) Residential:**

(1) Single family detached dwelling. Y	Y Y
(2) Conversion of a single family dwelling existing prior to the adoption of the By-Law to accommodate not more than two families. Y	Y Y
(3) Cellar hole or basement area used as a dwelling. SP Y	SP
(4) Two family dwelling. SP	N N
(5) Multi-Family, apartment, or condominium. SP SP	N
(6) Trailer, coach, or mobile home. N	N N
(7) Trailer, coach, or mobile home to be occupied, (a) for a period not exceeding six months upon a lot defined in Article I, Section 4 and 5 during the construction of a permanent residence on such lot or by (b) by one or more persons on temporary visits	

to Millville not exceeding thirty days in any successive twelve (12) months. Y Y  
Y

(8) Trailer, coach, or mobile home park. N N  
N

(9) Renting of one or two rooms and tile furnishing of board by a resident family to not more than three non-transient person. N Y  
Y

**DISTRICT**

**OR VR VC**

(10) Customary home occupation conducted by a resident of the premises provided that not more than one other person is regularly employed therein in connection with such use and that there is not exterior storage of material or equipment, and that no display of products is visible from the street. Y Y  
Y

**(C) Commercial:**

(1) Retail store, distributing merchandise to the general public. N  
SP SP

(2) Craft, consumer, professional or commercial service establishment dealing directly with the general public. N  
SP SP

(3) Restaurant or other establishment serving food and beverage to be consumed within the building. N  
SP SP

(4) Undertaking establishment or funeral home. N  
SP SP

(5) Hotel, Motel. N  
SP SP

- (6) Professional offices or agencies. N  
SP SP
- (7) Bank or other financial institution. N  
SP SP
- (8) Insurance or Real Estate office. N  
SP SP
- (9) Commercial indoor amusement or recreation place,  
or place of assembly. N  
SP SP
- (10) Contracting business and equipment storage yard. SP  
SP SP
- (11) Bed and Breakfast Inn SP  
SP SP

**(D) Automotive Sales and Service:**

- (1) Automotive "filling" or service station. N  
SP SP

**DISTRICT**

**OR VR VC**

- (2) Repair garage for motor vehicles, not including  
auto body, welding or soldering shop. N  
SP SP
- (3) Auto body, welding or soldering shop. N  
SP SP
- (4) Sale of Motor Vehicles incidental to the above. N  
SP SP

**(E) Industrial:**

- (1) Wholesale, warehouse and storage facilities. N  
SP SP

(2) Any manufacturing or industrial use, including processing, fabrication, and assembly, provided that no such use shall be permitted which would be detrimental or offensive or tend to reduce property values by reason of dirt, odor, fumes smoke, gas, sewerage, refuse, noise, excessive vibration or danger of explosion or fire. N  
 SP SP

(3) Newspaper printing or job printing. N  
 SP SP

**(F) Public, Semi-Public and Institutional:**

(1) Church or other place of worship, parish house, rectory, convent, and other religious institutions Y Y  
 Y

(2) Schools, public, religious, sectarian, or denominational. Y Y  
 Y

(3) Public Buildings and premises for government use. SP  
 SP SP

(4) Public utility buildings and structures. SP  
 SP SP

(5) Public recreational and water supply use. Y  
 Y Y

(6) Nursing Home. N  
 SP SP

**(G) Bed and Breakfast Inn:**

**(1) Accessory Use:** Bed and breakfast inns are permitted as an accessory use to a single-family dwelling. The dwelling shall be the primary residence of the owner or manager.

**(2) Exterior Alterations:** No exterior alterations shall be made to the building other than those required to ensure the safety of the structure or to provide improved accessibility for the handicapped.

**(3) Parking:** Parking shall be provided at the rate of one space per guest room in addition to that required for the

principal residential use.

**(4) Proposed Plans:** The applicant shall submit a plan showing the location, wording, dimensions, and construction materials of any proposed signs. If the building is located in a local, state, or national inventory of historic structures, this plan shall be forwarded to the Historical Commission, which shall have thirty-five (35) days to submit their comments to the Planning Board. The Board may waive other applicable sign provisions of this By-Law if necessary to provide adequate notice to tourists of the use and location of the facility.

**Article IV - Dimensional Requirements:**

**Section 1 - Basic Requirements:**

**(A) Building/Structure:** No building or structure in any district shall be built, or enlarged which does not conform to the Dimensional Requirements as set forth in Article IV, section 2 and Section 3 of this By-Law.

**Section 2 - Schedule of Dimensional Requirements:**

(A) Schedule:

	Minimum Lot Size (In sq.ft.)	Minimum Frontage (In sq.ft.)	Minimum Yards (in feet) FRONT-SIDE-REAR	Minimum Height STORIES
(1) Outlying Residential	60,000	200	50 30 30	2 1/2
(2) Village Residential	40,000	200	40 30 30	2 1/2
(3) Village Center	20,000	150	30 20 20	3-4

**Section 3 - Modifications to Dimensional Requirements:**

**(A) Corner Lots:** A corner lot shall maintain front yard requirements for each street frontage; at least one of the remaining yards shall be a rear yard.

**(B) Projections:** Nothing herein shall prevent the projections of steps, stoops (not exceeding thirty (30) square feet in area), caves, cornices, windowsills, or belt courses into any required yard.

**(C) Location of Accessory Buildings:** No accessory building shall be closer to any principal building or any lot line than a distance equal to the height of such accessory building and in no event in a front yard, except in the case of a garage attached to the principal building via a breezeway with a continuous roof line.

**Section 4 - Lot Shape Control:**

**(A) Minimum Rectangle:** Every newly created lot must be so configured that a rectangle having a width equal to fifty (50) percent of the required lot frontage in the district in which the lot is located and a depth equal to 2 times the required front-yard setback in the district, can be located on the lot so that the width of the minimum rectangle is parallel to and adjoining the street line. The minimum rectangle shall be located entirely on the lot. The required rectangle dimensions by zoning district are:

<u>Zoning District</u>		<u>Width &amp; Depth</u>
<u>Dimensions</u>		
Village Center (VC)	=	75 feet x 60 feet
Village Residential (VR)	=	100 feet x 80 feet
Outlying Residential (OR)	=	100 feet x 100 feet

This provision prevents lots from narrowing immediately from the street, insures adequate access to the house, and provides for a regular shape around the dwelling for adequate separation from other dwellings.

**Article V - General Regulations**

**Section 1 - Signs:** Signs or advertising devices of any kind or nature shall not be erected on any premises or affixed

to the outside of any structure or be visible from the outside of any structure except as permitted in this section.

**(A) General Sign Prohibitions:** No sign shall be permitted if any part thereof moves, flashes or blinks, or involves any repeated mechanical or electrical motions. No sign shall be placed within or projecting over a public way. No sign shall be affixed to a tree or other natural feature. No sign shall be illuminated in such a way to cause a distraction to drivers or casts a glare onto any residential premises. No sign shall be located within ten feet of the street line or where it might create an obstruction to driving vision.

**(B) Temporary Permitted Signs:** One sign per entrance of up to thirty-two (32) square feet pertaining to a subdivision while under development. Signs, including streamers, posters, pennants and similar devices, relative to non-commercial campaigns, sales, promotions, drives, or other events of political, civic, philanthropic, educational or religious organizations, may be located subject to consent of property owners for a time period not to exceed sixty (60) days. Message signs pertaining to lease or sale of a building/ property, or indicating ongoing construction/alteration /painting are not to exceed four (4) square feet in area, and notwithstanding the location requirements of Section (A), may be located no less than 2 feet from the street line.

**(C) Permitted Signs in Agriculture and Residential Districts:** One sign per house, not to exceed two (2) square feet in surface area. One sign, not to exceed four (4) square feet in surface area, pertaining to permitted home occupation. One announcement sign for Bed & Breakfast Inn of not more than three (3) square feet in surface area. Directional signs not exceeding a size of 6 by 24 inches pertaining to churches, schools and other public or non-commercial uses. One sign of not more than nine (9) square feet pertaining to permitted buildings, structures and uses on the premises other than dwellings or their accessory uses. Official markers pertaining to state or national historical area districts or places not exceeding a surface area of four (4) square feet.

**(D) Permitted Signs for Commercial, Automotive Sales and**

**Service, Industrial Uses:**

One sign incorporated as part of a building wall not to exceed one square foot for each one hundred square feet of floor area with a maximum of one hundred (100) square feet. A marquee over the principal entrance to a place of public assembly. One freestanding sign, provided the aggregate area is not more than 60 square feet, and not located in a required side or rear yard. One pole sign for each street frontage of an auto establishment, car sales or other business of not more than six (6) feet high and sixty (60) square feet in surface area.

Permitted signs for commercial automotive sales and industrial uses shall be related to the use on the lot on which the sign is located.

**(E) Non-Conforming Signs:** Signs that do not conform to the requirements of this bylaw which are in existence as of the date of its adoption are considered non-conforming, and as such may not be enlarged, moved or have its character changed or altered unless brought into conformance with the new requirements. Non-conforming signs which are damaged as a result of vandalism or accident may be replaced, repaired or re-erected in a manner consistent with all aspects of their earlier non-conforming status without a permit.

**(F) Administration:** Unless indicated otherwise, no sign shall be erected without a sign permit issued by the Building Inspector. One sign permit shall be required for each sign. No sign permit shall be required for temporary permitted signs. Every application for a sign permit shall be accompanied by drawings or photographs of the proposed sign and location thereof, and such other relevant information as the Building Inspector may require. A sign permit fee of \$50.00 shall be payable to the Town of Millville. Within thirty (30) days after receipt of the application, the Building Inspector shall approve or disapprove the application and so notify the applicant. For signage in excess of that which is permitted by this By-Law, the Planning Board may grant a special permit in accordance with Article VI, Section 5.

**(G) Enforcement:** This by-law may be enforced by any means available in law or in equity, including non-criminal disposition in accordance with M.G.L. c.40, §21D and §2(c). For purposes of non-criminal disposition, the enforcing officer shall be the Building Inspector. Any sign owner or owner of property on which a sign is located who violates, or permits a violation of these provisions shall be subject to a fine of \$50.00 a day each day the violation continues after thirty (30) days have elapsed since written notice of such violation is delivered by certified mail to the owner.

## **Article VI - Administration**

### **Section 1 - Enforcement:**

**(A) Enforced:** This By-Law shall be enforced by the Board of Selectmen or through their agent, the Zoning Enforcement Officer.

### **Section 2 - Building Permits:**

**(A) Construction/Alteration:** No permit shall be issued until the construction or alteration of a building or structure, as proposed, shall comply in all respects with the provisions of this By-Law or with a decision rendered by the Board of Appeals. No alteration of a parcel of land shall proceed without obtaining a building permit.

### **Section 3 - Certification of Occupancy:**

**(A) Certificate of Occupancy:** No land shall be occupied or used, and no building or structure hereinafter erected or structurally altered shall be occupied or used unless a certificate of occupancy has been issued by the Board of Selectmen or their designated agent. Such certificate shall state that the structure and use of structure and land comply in every respect with the provisions of this by-law in effect at the time of issuance or with a decision of the Board of Appeals.

**(B) Conditional:** A certificate of occupancy shall be conditional on the maintenance of full compliance with the provisions of this By-Law in effect at the time of issuance or with restrictions imposed in a decision of the Board of Appeals, and shall lapse if such compliance fails.

#### **Section 4 - Board of Appeals:**

**(A) Appointments:** The Board of Selectmen shall make appointments to a Board of Appeals, established pursuant in Chapter 40A of the Massachusetts General Laws and all amendments thereto, which shall consist of three members and two associate members, one associate to be designated by the Chairman of the Board to act in the place of any member, incapacitated by personal interest or absence. The first appointments shall be made for one, two, and three year terms respectively, and thereafter one appointment for a three year term shall be made on or before the first day of March in each year. Associate members shall be appointed for two-year terms, the first appointments being for one year and a two-year term.

**(B) Appeals:** Any person aggrieved by the refusal of the Board of Selectmen or their designated agent to issue a permit or license on the grounds on non-compliance what these By-Laws may appeal to the Board of Appeals as provided in Chapter 40A of the Massachusetts General Laws and any amendments thereto.

**(1) Public Hearing:** Within 65 days from date of the filing of a claim of appeal as provided herein, the Board of Appeals shall hold a public hearing thereon. The appellant shall file in advance of the hearing such plans and information as the Board or Appeals shall deem necessary, and give notice of the hearing by causing a notice thereof to be posted in a conspicuous location upon the property in respect to which the appeal is claimed.

#### **(C) Variances:**

**(1) Petitions:** Petitions for variances from the terms of the applicable zoning provision shall be dealt with by the Board of Appeals in accordance with Chapter 40A of the Massachusetts General Laws, as amended. The Board shall grant no variance which would amount to an amendment of this By-Law.

#### **Section 5 - Special Permits:**

**(A) Written Application:** Where a Special permit may be

authorized by the Planning Board under this By-Law, such Board may grant, upon written application, such Special permit if it finds, among other things:

**(1) Proposed Use:** That the premise in question is appropriately located and reasonably adaptable to the proposed use.

**(2) Residence Districts:** That in Residence Districts, the use will be reasonably compatible with other uses permitted as of right in the same district.

**(3) Nuisance/Serious Hazard:** That the use will not be a nuisance, or a serious hazard to vehicles or pedestrians.

**(4) Facilities:** That adequate and appropriate facilities will be provided for the proper operation of the proposed use.

**(B) Review:** The Planning Board may request a review of the Special Permit application by other town departments and agencies and their recommendations thereon.

**(C) Adopt/Amend:** The Planning Board may adopt and amend from time to time rules governing the application procedure for Special Permits. Copies of said rules shall be filed with the Town Clerk.

#### **Section 6 - Penalty:**

**(A) Violation:** Any person, firm or corporation violating any section or provision of this by-law shall be fined not more than twenty (20) dollars for each offense. Each day that willful violation continues shall constitute a separate offense.

#### **Section 7 - Amendment:**

**(A) Amended:** This By-Law may be amended from time to time in accordance with the provision of Massachusetts General Laws, Chapter 40A, and Section 5.

**Section 8 - Repetitive Petitions:**

**(A) Proposed Change:** No proposed change in this By-Law which has been unfavorably acted upon by the Town Meeting within two (2) years after the date of such unfavorable action unless adoption of the proposed change is recommended in the final report of the Planning Board. No application for a Special permit under Article V, Section 5 and no appeal or petition for a variance under Article V, Section 4 which has been unfavorably acted upon by the Board of Appeals shall be considered on its merits by said Board within two (2) years after the vote of unfavorable action except with unanimous consent of the Planning Board.

**Section 9 - Validity:**

**(A) Invalidity:** The invalidity of any section of provision of this by-law shall not invalidate any other section or provision thereof.

**Section 10 - Other Regulations:**

**(A) Interference:** This By-Law shall not interfere with or annul any other Town by-law, rule, regulation, or permit provided that unless specifically excepted, where this By-Law is more stringent, it shall control.

**Section 11 - Effective Date:**

**(A) Effective:** The effective date of this By-Law shall be the date upon which the By-Law becomes in full force or effect in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 32; and Chapter 40A, Section 5.

**Section 12 - Buffer Requirements:**

**(A) Purpose:** The purpose of this section is to assist in reducing the incompatibility between abutting land uses, to provide barriers and relief from traffic noise, heat, glare, and dust and to preserve and enhance the character of the Town of Millville.

**(B) Application:** This section applies to those land uses permitted by Special permit as authorized by Article III, Section 2 (C) Commercial, Section 2 (D) Automotive Sales and Service, and Section 2 (E) Industrial.

**(C) Residential Buffers:** A buffer is required when such uses are proposed adjacent to a residence or vacant land zoned for residential use. This may be achieved by using any of the following:

(1) A vegetative screen with plantings not less than three (3) feet in width and not less than six (6) feet in height at commencement of the use. At least fifty (50) percent of the plantings shall consist of evergreens and they shall be evenly spaced along the full length of the screened section. No screen should be closer than ten (10) feet to a public or private way.

(2) A berm, a minimum of five (5) feet high, with no slope greater than 3:1, planted with trees and shrubs so that the ground is completely covered with vegetation.

(3) A solid wall or fence complemented with suitable plantings. (See section 6.4).

**(D) Utility Areas:** Where utility or service areas, such as dumpsters, fuel storage facilities or exterior materials storage is proposed, they shall be screened from view of the street and near by properties by a row of trees and shrubs at least six (6) feet high at the time of planting, or by a solid wall or fence complemented with suitable plantings.

**(E) Fences and Walls:** Where fences are used, they should be of wood, iron, stone, or plant materials. These should not exceed four (4) feet in height in the front yard and should be between five (5) and six (6) feet in height in side and rear yards. Chain link or metal fences, concrete block, plastic, fiberglass, or plywood fences are not acceptable. Solid (privacy) wood fences are permitted to screen parking or storage areas. Retaining walls should be of stone masonry.

Unfaced concrete or concrete block are not appropriate.

**(F) Lighting:** All lighting should be appropriate to the building and its surroundings in terms of style, scale, and intensity of illumination. Low wattage systems are

recommended and site lighting should be shielded.  
Necessary security lighting will be considered on an  
individual basis.