

WARRANT

2013

FALL ANNUAL TOWN MEETING

TOWN OF MILLIS COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

GREETING:

To either of the Constables of the Town of Millis in said county, in the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Millis qualified to vote in elections and in town affairs, to meet on Monday, the fourth day of November, AD 2013 at 7:30 p.m. in the Middle-Senior High School Auditorium in said Millis:

**FOR THE BUSINESS MEETING, THEN AND THERE,
TO ACT ON THE FOLLOWING ARTICLES, VIZ**

FALL 2013 TOWN MEETING ARTICLE LIST

1. REZONE I-P-2 DISTRICT FOR AGRICULTURAL RETAIL USE
2. ZONING CHANGES
 - ADULT ENTERTAINMENT
 - MEDICAL MARIJUANA
3. CEDAR ST./FARM ST. SEWER PROJECT
4. RESCIND PORTION OF CHAPTER 90 APPROPRIATION
5. ROSENFELD RD. DRAIN MODIFICATION
6. DPW TRUCK
7. DPW SCADA COMPUTERS
8. WELL/STATION HEATERS
9. VETERANS MEMORIAL BUILDING BOILER
10. VETERANS MEMORIAL BUILDING FLOORING
11. TOWN HALL MASONRY PROJECT
12. TOWN HALL GYM PAINTING PROJECT
13. DPW UNION SETTLEMENT
14. POLICE UNION SETTLEMENT
15. DISPATCH UNION SETTLEMENT
16. TRAFFIC SUPERVISORS UNION SETTLEMENT
17. ADD TO STABILIZATION FUND
18. ADD TO OPEB TRUST FUND
19. VETERANS TAX WORK OFF PROGRAM
20. FORMER CENTENNIAL PARK HAZARDOUS WASTE STUDY/ABATEMENT
21. REGIONAL ENERGY MANAGER (GRANT)
22. FORMER DEWEY PROPERTY – STONE WALL REPAIR AND TREELINE CUTTING
23. ELLICE SCHOOL IMPROVEMENTS & MATCHING GRANT
24. DESIGNATE BULLARD LANE A SCENIC ROAD
25. UNPAID BILLS
26. RABIES PREVENTION REVOLVING FUND
27. COA – ADD DRIVERS & RECEPTIONIST TO PERSONNEL PLAN
 - 2% INCREASE
28. RECLASSIFICATION REQUEST
29. COMMUNITY NOTIFICATION SYSTEM
30. SPECIAL NEEDS VAN
31. ADDITIONAL SUPPORT FOR AMERICAN LEGION POST – GRANT (Heating system)
32. PETITIONED ARTICLE – SPORTS FIELD COMPLEX
33. FEASIBILITY STUDY – TOWN & SCHOOL FIELDS
34. URBAN DOMESTICATED FOWL OR RABBIT REGULATIONS

TOWN OF MILLIS
NOVEMBER 4, 2013 FALL ANNUAL TOWN MEETING WARRANT

ARTICLE 1. To see if the Town will vote to amend Zoning By-law Section V. Use Regulations Table of Use Regulations. Retail and Service, so as to add the following new subsection thereto:

Principal Uses	R-T	R-S	R-V	C-V	V-B	I-P	I-P-2
34. Retail Establishment selling agricultural goods, equipment, machinery and other products that support agricultural uses.	N	N	N	N	N	N	P

or act in any manner relating thereto. (Submitted by Planning Board)

ARTICLE 2. To see if the Town will vote to amend the Zoning By-law as follows:

1. To amend Zoning By-law §XIII. Special Permit Conditions. M. Adult Entertainment Uses by deleting the following language:

Adult Entertainment Uses by Special Permit in Industrial Districts

Adult entertainment uses shall be prohibited in all zoning districts except in Industrial Districts and may be permitted only upon the grant of a special permit by the Planning Board. Such a special permit shall not be granted unless each of the following standards are met.

and by substituting therefore the following new language:

Adult Entertainment Uses by Special Permit in Industrial-Park-Two District

Adult entertainment uses shall be prohibited in all zoning districts except in the Industrial-Park-Two District and may be permitted only upon the grant of a special permit by the Planning Board. Such a special permit shall not be granted unless each of the following standards is met.

2. To amend Zoning By-law §V. Use Regulations. Table 1. Use Regulations. Principal Uses. Retail and Service. 28. Adult Entertainment Uses by deleting the following language:

Principal Uses	R-T	R-S	R-V	C-V	V-B	I-P	I-P-2
28. Adult Entertainment Uses	N	N	N	N	N	SPB	SPB

and substituting therefore the following new language:

Principal Uses	R-T	R-S	R-V	C-V	V-B	I-P	I-P-2
28. Adult Entertainment Uses	N	N	N	N	N	N	SPB

3. To amend the Zoning By-law by repealing the “Section XX. Temporary Moratorium on Medical Marijuana Treatment Centers” adopted by Town Meeting during May, 2013, and substituting therefore the following language:

- A. Zoning By-law §II. Definitions is hereby amended to add the following new definition:

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

- B. Zoning By-law §V. Use Regulations. Table 1. Use Regulations. Principal Uses. Retail and Service is hereby amended by adding the following new subsection:

Principal Uses	R-T	R-S	R-V	C-V	V-B	I-P	I-P-2
35. Medical Marijuana Treatment Center	N	N	N	N	N	N	SPB

- C. Zoning By-law §XIII. Special Permit Conditions. is hereby amended to add the following new subsection:

R. Medical Marijuana Treatment Center.

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

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

- a. Location: Medical Marijuana Treatment Centers may not be located within 1,000 feet (or any lesser setback approved by Town Meeting) of a:
 - (1) school, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
 - (2) child care facility;
 - (3) library;
 - (4) playground;
 - (5) public park;
 - (6) youth center;
 - (7) public swimming pool;
 - (8) video arcade facility; or
 - (9) similar facility in which minors commonly congregate. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in this section to the nearest point of the property line of the proposed Medical Marijuana Treatment Center.
- b. Location waiver: The distance requirement may be reduced by twenty-five percent or less, but only if:
 - (1) The applicant demonstrates that the Medical Marijuana Treatment Center would otherwise be effectively prohibited within the municipality;
 - (2) The applicant demonstrates that the Medical Marijuana Treatment Center will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.
- c. Procedure:
 - (1) Application: In addition to the materials required under Section XII.Q,

the applicant shall include:

(a) A copy of its registration as an Medical Marijuana Treatment Center from the Massachusetts Department of Public Health (“DPH”);

(b) a detailed floor plan of the premises of the proposed Medical Marijuana Treatment Center that identifies the square footage available and describes the functional areas of the Medical Marijuana Treatment Center, including areas for any preparation of MIPs;

(c) detailed site plans that include the following information:

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

(d) a description of the security measures, including employee security policies, approved by DPH for the Medical Marijuana Treatment Center;

(e) a copy of the emergency procedures approved by DPH for the Medical Marijuana Treatment Center;

(f) a copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the Medical Marijuana Treatment Center;

(g) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between Medical Marijuana Treatment Centers approved by DPH;

(h) a copy of proposed waste disposal procedures; and

(i) a description of any waivers from DPH regulations issued for the Medical Marijuana Treatment Center.

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

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

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

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

address an urgent issue. Such contact information shall be kept updated by the permit holder.

- e. The special permit shall terminate within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.
- f. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the Medical Marijuana Treatment Center.
- g. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
- h. The permit holder shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the Medical Marijuana Treatment Center or the expiration or termination of the permit holder's registration with DPH.

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

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

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

or to take any other action relative thereto. (Submitted by Planning Board)

ARTICLE 3. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44, a sum of money for sewer system improvements on Farm St. and Cedar St., including engineering, permitting, appraisal costs, and construction related thereto, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain, such land or easements as may be required for said purposes on parcels of land shown on Assessor's map 31, parcels 5, 18, 19, 20, 100, 76, 77, 4, 3, 65, 2, 53, 1, 54, 60, 27, 26, 22, and Assessor's map 32 parcels 41, 43, and 3, and to authorize the Board of Selectmen

to assess betterments for said sewer improvements pursuant to M.G.L. Chapter 80, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 4. To see if the Town will vote to reduce the amount appropriate and the revenue therefore under Article 26 of the May 13, 2013 Annual Town Meeting for Chapter 90 Expenses from \$413,945.00 to \$275,963.00, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 5. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling legislation, a sum of money for drainage improvements on Rosenfeld Rd. including but not limited to the design and construction therefore or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 6. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling legislation, a sum of money for a DPW truck and plow and to authorize the Board of Selectmen to dispose of the old truck and plow by trading against the purchase price of the new vehicle, by outright sale or auction, or otherwise and that the proceeds received by such disposal be applied to the purchase price of the new vehicle, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 7. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling legislation, a sum of money for the replacement of the water and sewer system Supervisory Control and Data Acquisition (SCADA) computers or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 8. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling legislation, a sum of money for computerized controls and software which will add the DPW sewer and water station heating systems to the SCADA system or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 9. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling legislation, a sum of money for replacement of the Veterans Memorial Building boiler, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 10. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling legislation, a sum of money for replacement of flooring in the Veterans Memorial Building, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 11. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling legislation, a sum of money for rehabilitation of the exterior building envelope, including but not limited to masonry repairs, at the Veterans Memorial Building, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 12. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling legislation or any other enabling authority, a sum of money for painting the gym in the Veterans Memorial Building, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 13. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by transfer from the Stabilization Fund, a sum of money to **fund the contract between the Town of Millis and AFSCME Council 93 Local 1301 effective July 1, 2013**, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 14. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by transfer from the Stabilization Fund, a sum of money to **fund the contract between the Town of Millis and the Massachusetts Coalition of Police Local 171 effective July 1, 2013**, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 15. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by transfer from the Stabilization Fund, a sum of money to **fund the contract between the Town of Millis and Millis Police Association Dispatchers effective July 1, 2013**, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 16. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by transfer from the Stabilization Fund, a sum of money to **fund the contract between the Town of Millis and the Millis School Traffic Supervisors Association effective July 1, 2013**, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 17. To see if the Town will vote to appropriate and raise by taxation, or by transfer from available funds, a sum of money for the **Stabilization Fund** or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 18. To see if the Town will vote to appropriate and raise by taxation, or by transfer from available funds, a sum of money for the **OPEB Trust Fund** in order fund the Town's OPEB actuarial liability, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 19. To see if the Town will vote to accept the provisions of section 5N of Chapter 59 of the Massachusetts General Laws to create a Veterans' volunteer services/real property tax obligation abatement program where Veterans may provide services to the Town at an hourly rate no higher than the state minimum wage and their earnings are credited to reduce their property tax bills; and to determine whether said program shall include adjustments to the exemption by: (1) allowing an approved representative, for persons physically unable to provide such services to the Town: or (2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1000.00; or take any action relating thereto. (Submitted by Board of Assessors)

ARTICLE 20. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling legislation, a sum of money for studying and/or abating the presence of hazardous materials on Town owned parcels of land shown on Assessor's map 23, parcels 72, 74, 79, formerly known as Centennial Park, including but not limited to engineering, licensed site professional and construction costs, or act in any manner relating thereto.
(Submitted by Board of Selectmen)

ARTICLE 21. To see if the Town will vote to appropriate and raise by taxation, or by transfer from available funds a sum of money for a Regional Energy Manager and to authorize the Board of Selectmen to enter into an inter-municipal agreement with the Town of Medway pursuant to M.G.L. Chapter 40, section 4A to share the costs of said position, and to authorize the Board of Selectmen to apply for and accept grants therefore, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 22. To see if the Town will vote to appropriate a sum of money from the Open Space Reserve Fund and/or the Community Preservation Fund Budgeted Reserve and/or the Undesignated Fund to remove trees and brush from the perimeter of the former Dewey property located at the intersection of Exchange St. and Orchard St, and, or act in any manner relating thereto. (Submitted by Community Preservation Committee)

ARTICLE 23. To see if the Town will vote to appropriate a sum of money from the Community Preservation Historic Resource Reserve Fund and/or the Community Preservation Fund Budgeted Reserve and/or the Undesignated Fund for the **Ellice School Improvement Project** and to authorize the Board of Selectmen to apply for and accept grants therefore, or act in any manner relating thereto. (Submitted by Community Preservation Committee)

ARTICLE 24. To see if the Town will vote pursuant to M.G.L. Chapter 40, §15C to make Bullard Lane a scenic road, or act in any manner relating thereto. (Submitted by Planning Board)

ARTICLE 25. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds a sum of money for unpaid bills, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 26. To see if the Town will vote to authorize under M.G.L. Chapter 44 Section 53 E1/2 the following revolving fund:

"P. Millis Rabies Clinic/Program Revolving Fund, said fund to be funded with the collection of vaccination fees collected at the annual Millis Rabies Clinic, donations or appropriations, under the authority of the Board of Health, where proceeds to be used for services associated with the Rabies Clinic, **administering a Rabies Program** or other Rabies associated item; rabies vaccine, rabies needle disposal, or supplies, with such expenditures not to exceed \$2,500.00; or act in any manner relating thereto. (Submitted by Board of Health)

ARTICLE 27. To see if the Town will vote to adopt **amendments to Schedule A-Classification Plan, Schedule B-Salary Plan of the Town of Millis Personnel Plan**, effective July 1, 2013 and to raise and appropriate from taxation or by transfer from available funds, a sum of money for any wage increase resulting therefrom, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 28. To see if the Town will vote to ratify the reclassification, subject to the approval of the Board of Selectmen and Town Administrator, of the Department Assistant III position in the Town Clerk's office, and to appropriate and raise by taxation or by transfer from available funds, a sum of money for any wage increase resulting therefrom, or act in any manner relating thereto. (Submitted by Town Clerk)

ARTICLE 29. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds a sum of money for a Community Notification System, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 30. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling legislation a sum of money for a Special Needs Van, or act in any manner relating thereto. (Submitted by School Committee)

ARTICLE 31. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling legislation, a sum of money for a grant to the American Legion Post 208 to replace an aging heating system as may be necessary for the public purpose of support and stimulation of the Town in providing services to Veterans, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 32. Shall the Town of Millis be allowed to exempt from the provisions of Proposition 2 1/2, so-called; the amount of (3) three million dollars, required to pay for a bond issued to design and construct new and renovated athletic facilities in the Millis

Town Park and on Millis School Department grounds, as follows: (1); A new six lane rubberized track with an interior synthetic multi-purpose use field (football, lacrosse, field hockey, soccer) to be located directly behind the Veterans Memorial Building in the existing baseball fields. (2); To relocate and expand the baseball facilities in the area of the existing football field on School Department grounds. (3); To build a new public bathroom facility in the area of the new track and synthetic field, to include; public restrooms; bleacher seating, team locker rooms, a concession stand area, a press box, new lighting, a new sound system, equipment storage areas, site furnishings, and the expansion of area parking. Further, to build additional soccer fields; baseball and/or softball fields, outdoor volleyball courts, outdoor basketball courts, or practice fields as space allows, in either the Town Park, and/or the School Department grounds, upon the completion of tasks: One: Two, Three, listed above. In addition, this article instructs the Board of Selectman and School Committee to enter into an "Memorandum of Agreement" detailing the operation and maintenance responsibilities, shared costs, rental fees, and preferential scheduling for Millis Public School- sports Teams, prior to scheduling any "non" Millis School sports team. (It is the intent of this article, to place the athletic fields, located in the Millis Town Park, under the care and custody of the Millis Recreation Department. It is the intent of this article to keep the athletic fields located on the School Department grounds, in the care and custody of the Millis School Department). (Submitted by Petition)

ARTICLE 33. To see if the Town will vote to appropriate and raise by taxation, by transfer from available funds, or by borrowing under the provisions of M.G.L. Chapter 44 or any other enabling legislation, a sum of money for an existing conditions, use, and future need study of town and school athletic fields, or act in any manner relating thereto. (Submitted by Board of Selectmen)

ARTICLE 34. To see if the Town will vote to amend its General Bylaws by adding a new section, ARTICLE XXII, DOMESTICATED FOWL OR RABBIT REGULATIONS, AS FOLLOWS:

"ARTICLE XXII. DOMESTICATED FOWL OR RABBIT REGULATIONS

1. Purpose – The purpose of this Article is to insure that the raising or keeping of domesticated fowl or rabbits for private purposes by the owner(s) of residential property is done in a safe and appropriate manner so as not to create a nuisance or detriment to the health, safety and/or welfare of the community. Accordingly, the raising or keeping of domesticated fowl or rabbits shall be subject to the provisions set forth below in addition to and notwithstanding any other applicable local and state regulations.

The provisions of this bylaw shall not apply to farm properties or agricultural operations recognized under MGL Ch. 40A, Section 3.

2. Definitions –

"Domesticated fowl" shall mean chickens, geese, ducks, peafowl, turkeys and the like.

3. Regulations - All domesticated fowl or rabbits governed by this by-law shall be raised and kept in a safe and humane manner, consistent with best agricultural practices and as required under all applicable state and local regulations, including, but not limited to, the below. Regulations for the raising and keeping of domesticated fowl or rabbits in Millis under this bylaw may be promulgated by the Board of Health which shall include, but which shall not be limited to, the following. The failure of the Board of Health to adopt regulations under this section shall not waive or invalidate the provisions set forth below:

Regulations for the raising or keeping of domesticated fowl or rabbits shall include, but are not limited to, the following minimum standards:

- A. Enclosure & Shelter. Domesticated fowl or rabbits shall be confined with fencing or other enclosure sufficient to prevent access to the animals by dogs or other predators. Said enclosure shall contain a minimum of ten (10) square feet of open area per adult animal. Within or attached to any such enclosure shall be provided a covered, predator -proof shelter or roosting structure (e.g. coop, dovecote, hutch, or shed, as appropriate) that is thoroughly ventilated, of sufficient size to admit free movement of the animals, designed to be easily accessed, cleaned and maintained by the owners, and at least 2 square feet per animal in size. As appropriate to the species, animals may be required to be shut into the shelter coop at night, from sunset to sunrise.
- B. Feed Storage. Feed shall be stored in a secure, rodent- and predator-proof container in a manner that will not attract pests.
- C. Waste. Waste shall be collected and stored in a covered container and removed from the property at suitable intervals, or composted on site in a manner that will not attract pests or promote disease. No animal waste may be put into household trash.

Odors & Noise. Odors from domesticated fowl or rabbits, their waste, compost, or other related substances shall not be perceptible at the property boundaries. It shall be a violation of these regulations for the owner, custodian, or keeper of any animal governed under these regulations to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of a loud and persistent and habitual nature.

4. Registration & Inspections - Prior to acquiring any domesticated fowl or rabbit, the property owner of the proposed site shall file with the Millis Health Department an application describing fully and accurately his or her proposal to raise and keep domesticated fowl or rabbits, and identifying the property involved. If an applicant is anyone other than the owner of the proposed site, the application shall contain the owner's signature and approval.

The Health Director may require that such applications be made on forms provided by the Millis Health Department. All registration applications shall be reviewed and approved, denied, or approved with conditions by the Health Director after consultation with the Animal Control Officer. Any approval holder, or owner of property subject to such approval, shall thereafter abide by the provisions of the best practice regulations established hereunder and any specific condition(s) imposed under said approval, and, consistent with the laws of the Commonwealth, shall permit annual inspections and such other inspections of the premises as may be required under the provisions of MGL Ch. 129, Section 7.

Except as provided for below, as part of every application made under these regulations, an applicant shall provide a copy of a certified abutter's list obtained from the Assessor and written notice of his/her intent to raise or keep domesticated fowl or rabbits, to be sent by the Health Director to parties in interest in the manner set forth in MGL Ch. 40A, Section 11. The notice shall fully and accurately describe the location and the proposed number and type of animals, as well as all associated structures and facilities. The notice shall also indicate that abutters have the right to file with the Health Director written comments in support of or objecting to the application, and shall indicate the deadlines, as set forth below, for submission of comments.

No certified abutters list, nor any notice to abutters, nor an administrative hearing shall be required in those instances where a special permit will also be required under the Town's Zoning Bylaw for the keeping or raising of animals subject to an application under this bylaw.

5. Fees - Under the provisions of MGL Ch. 40, Section 22F, the Health Director is authorized to set reasonable fees for registration and such inspections as may be required hereunder. There shall be no reimbursement or pro-rating of application or inspection fees.

6 . Administrative Hearing - Where no special permit will be required under Millis' zoning for the keeping or raising of animals for which application is also being made under this Article, the Health Director shall not act on said application until more than fourteen (14) working days have passed since the mailing of notice to abutters. If at the end of that period the Health Director has received written comments whereby the owner(s) of a majority of the abutting properties have expressly requested so in writing, the Health Director shall schedule and hold, within thirty (30) days of the deadline for receiving abutter comment, an administrative hearing for the purpose of taking public testimony regarding the proposal. The Health Director shall give written notice of the time and place of the hearing, not less than seven (7) days prior to the hearing, to the applicant by certified mail, to abutters and parties in interest by mail, by posting with the Town Clerk, and by publication once in a newspaper of local circulation.

7 . Decision – Following the close of an administrative hearing, the Health Director shall within five (5) working days render a decision in writing based upon compliance of the proposal with best practices and such other factors of public health and welfare as the

Health Director may deem appropriate. In approving an application, the Health Director may, following consultation with the Animal Control Officer, impose any reasonable conditions, safeguards and limitations including conditions above and beyond those specified in the best practices regulations developed under this section, as well as those which may be required under existing zoning and/or other regulations.

8 . Violations – Violation of this Article may be subject to a penalty of \$25.00 for each offense, with each day the violation continues constituting a separate offense. In the alternative or in addition to the foregoing, this Article may be enforced by any means available at law or equity.

9 . Enforcement – Enforcing persons shall be the Animal Control Officer or the Health Director.

10. To the extent any of the provisions herein conflict with or are determined to conflict with state law, state law shall prevail, however the remaining provisions of this Article shall remain in full force and effect.

or act in any manner relating thereto. (Submitted by Planning Board)

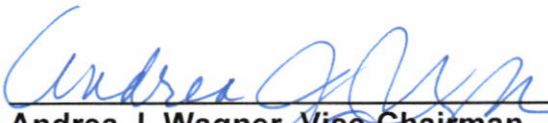
and, you are hereby directed to serve this Warrant by posting attested copies hereof fourteen days before time of said meeting as directed by the vote of the Town. Hereof fail not and make due return of this Warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 7th day of October in the Year of Our Lord two thousand and Thirteen.

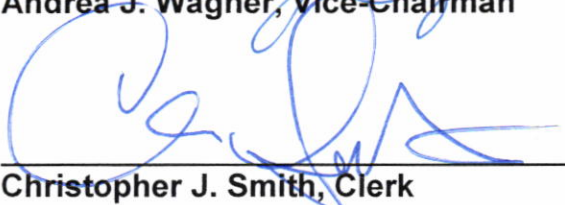
**TOWN OF MILLIS
BOARD OF SELECTMEN**



Charles V. Vecchi, Chairman



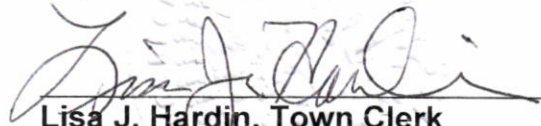
Andrea J. Wagner, Vice-Chairman



Christopher J. Smith, Clerk

A True Copy, Attest

Helen R Kubacki
Constable
Town of Millis
Oct. 10, 2013



Lisa J. Hardin, Town Clerk