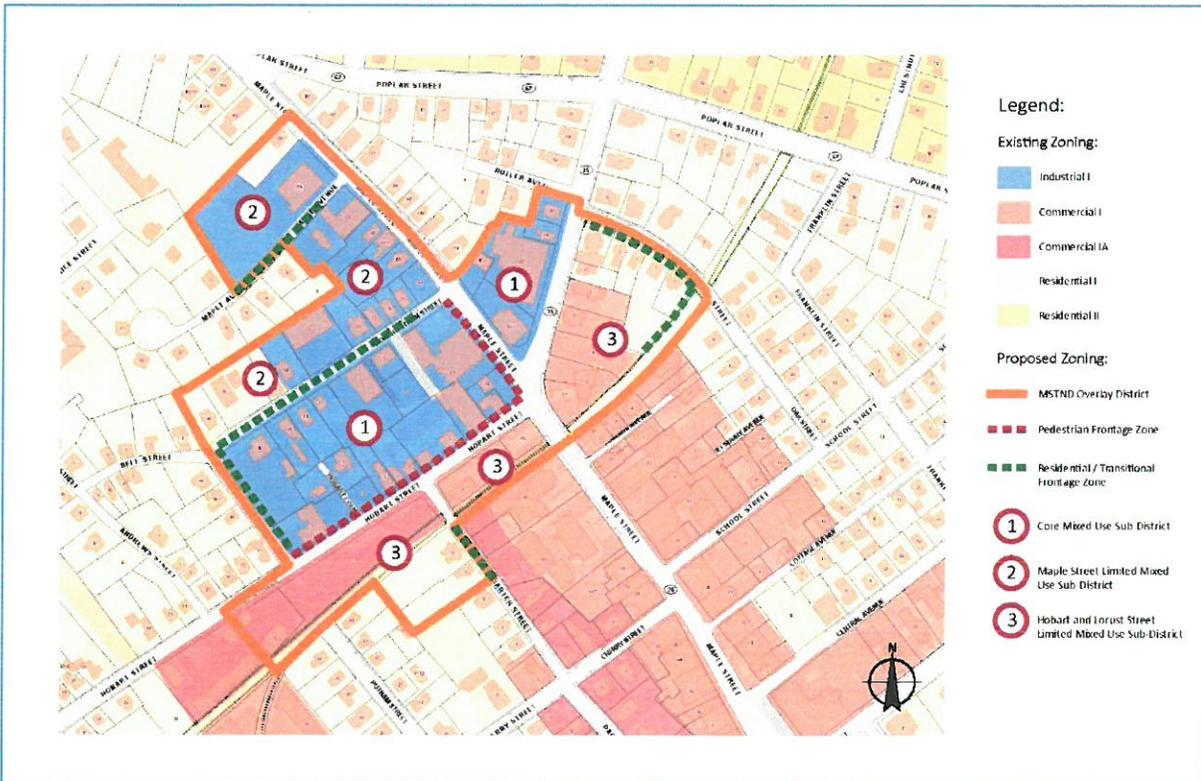


MAPLE STREET I-1 DISTRICT AREA

ZONING BYLAW

SECTION 18 – MAPLE STREET TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT (CHAPTER 40R – SMART GROWTH OVERLAY DISTRICT)



VERSION 4.0

October 31, 2017

Brovitz Community Planning & Design
with
Dodson & Flinker Associates

Joseph L. Colvin
ATTEST: A TRUE COPY
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SECTION 18

MAPLE STREET TRADITIONAL NEIGHBORHOOD DEVELOPMENT (MSTND) SMART GROWTH OVERLAY DISTRICT (SGOD)

18.1 PURPOSE AND INTENT

- A. PURPOSE
- B. INTENT

18.2 DEFINITIONS

18.3 AUTHORITY AND APPLICABILITY

- A. GENERAL AUTHORITY
- B. APPLICABILITY
- C. UTILIZATION OF THE MSTND

18.4 OVERLAY DISTRICT ZONING MAP AND REGULATING PLAN

- A. ESTABLISHMENT
- B. REGULATING PLAN
- C. SUBDISTRICTS
- D. PEDESTRIAN FRONTAGE ZONES
 - Purpose
 - Incorporation
 - Requirements
- E. RESIDENTIAL-TRANSITIONAL FRONTAGE ZONES
 - Purpose
 - Incorporation
 - Requirements

18.5 BUILDING STANDARDS AND USES

- A. STANDARDS FOR ALL LOTS, BUILDING AND DEVELOPMENT TYPES
 - Lot Dimensions
 - Corner Lots
 - Number of Buildings
 - Building Placement and Orientation
 - Setback Encroachments
 - Parking Setbacks
 - Ground Floor Elevation
 - Building Height (Stories)

- Building Height (Feet)
- Story Height
- Height Exceptions
- Roofs Types
- Height Stepback and Street Enclosure
- Facade Composition

B. PRINCIPAL BUILDING TYPES

- A. Workers' Cottage/Cottage Court
- B. S.F. Attached - Rowhouse/Townhouse
- C. Paired House (2 and 3 DUs)
- D. Multi-Family Building (4 or More DUs)
- E. Live-Work/Shop House
- F. General Commercial Building
- G. Mixed-Use Building
- H. Flex Space/Fabrication Building
- I. Gas Backwards
- J. Civic Buildings
- K. Other Building Types

C. DETERMINATION OF BUILDING TYPE

D. ALLOWABLE USES

E. SPECIAL DEVELOPMENT TYPES

- Cottage Court Developments
- Cohousing Developments
- Gas Backwards Development

18.6 SITE PLANNING AND DEVELOPMENT STANDARDS

- A. SITE ENVELOPE STANDARDS
- B. LANDSCAPING AND TREE PRESERVATION
- C. FENCES AND WALLS
- D. SCREENING
- E. OUTDOOR LIGHTING
- F. PARKING
- G. VEHICLE ACCESS
- H. OUTDOOR AMENITY SPACE
- I. SUSTAINABLE DEVELOPMENT AND LOW IMPACT DESIGN

18.7 DESIGN STANDARDS

See Design Standards for MSTND and Other Specified Zoning Districts and Uses

18.8 DENSITY AND BULK STANDARDS

- A. BASE DENSITY
 - Maximum Residential Density

Maximum Development By MSTND Subdistrict

- B. BULK STANDARDS
 - Dwelling Unit Size
 - Dwelling Units Per Building
 - Dwelling Unit Orientation

- C. DENSITY BONUS REQUIREMENTS
 - General Requirement
 - Eligible Public Realm Improvements
 - Approval of Density Bonus Improvements

18.9 FAIR HOUSING REQUIREMENTS/HOUSING AND AFFORDABILITY

- A. NUMBER OF AFFORDABLE HOUSING UNITS
- B. ADMINISTERING AGENCY
- C. SUBMISSION REQUIREMENTS
- D. COST AND ELIGIBILITY REQUIREMENTS
- E. DESIGN AND CONSTRUCTION
- F. AFFORDABLE HOUSING RESTRICTION
- G. COSTS OF HOUSING MARKETING AND SELECTION PLAN
- H. AGE RESTRICTIONS
- I. PHASING
- J. NO WAIVER

18.10 ADMINISTRATION

- A. GENERAL PROVISIONS
 - Plan Approval
 - Plan Approval Authority (PAA)
 - PAA Regulations
 - Project Phasing
 - Design Standards

- B. PLAN APPROVAL PROCEDURES
 - Pre-Application Meeting
 - Pre-Application Concept Plan
 - General Submittals Requirement
 - Site Development Plans
 - Community Impact Assessment
 - Design Standards
 - Filing
 - Circulation to Other Boards
 - Hearing
 - Peer Review
 - Performance Bond to Guarantee Construction of On- and Off-site Improvements

Inspections During Construction

C. PLAN APPROVAL DECISIONS

- Plan Approval
- Plan Disapproval
- Waivers
- Project Phasing
- Form of Decision
- Validity of Decision

D. CHANGE IN PLANS AFTER APPROVAL BY PAA

- Minor Change
- Major Change

E. REVIEW AND APPROVAL OF SPECIAL PERMITS

F. ANNUAL UPDATE

G. NOTIFICATION OF ISSUANCE OF BUILDING PERMITS

18.11. ENFORCEMENT AND APPEAL

18.12. WAIVER OF REQUIREMENTS

18.13. DATE OF EFFECT

18.14. SEVERABILITY

SECTION 18

MAPLE STREET TRADITIONAL NEIGHBORHOOD DEVELOPMENT SMART GROWTH OVERLAY DISTRICT (MSTND)

18.1 PURPOSE AND INTENT

A. PURPOSE

The purpose of the Maple Street Traditional Neighborhood Development Overlay District (MSTND) is to promote opportunities for living units and small to medium size local businesses to be integrated into a traditional neighborhood development pattern that encourages smart growth in accordance with the purposes of G.L. Chapter 40R and is characterized by:

1. Moderate density;
2. Horizontal and vertical mixed use in close proximity to the downtown core;
3. Alternative transportation modes to the private automobile;
4. Public services and recreational amenities; and
5. A transitional area from surrounding residential neighborhoods.

B. INTENT

The intent of the MSTND is as follows:

1. Provide a mechanism by which residential and mixed use development can contribute directly to increasing the supply and diversity of housing while meeting existing and anticipated housing needs.
2. Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity.
3. Provide an opportunity for residential, commercial and mixed-use development within a distinctive, attractive and livable environment.
4. Promote low impact, sustainable development that is pedestrian friendly, and to integrate the principles of smart growth.
5. Provide development standards to allow context-sensitive design and creative site planning.
6. Ensure predictable, fair and cost-effective development review and permitting procedures.

7. Generate positive tax revenue while providing the opportunity for new business growth and additional local jobs.
8. Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with M.G.L. Chapter 40R, 760 CMR 59.06, and additional Chapter 70A in accordance with G.L. Chapter 40S arising from the development of housing in the Maple Street Traditional Neighborhood Development Overlay District.

18.2 DEFINITIONS

For purposes of this Section 18, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the M.G.L. Chapter 40R Enabling Laws or this Section 18. Any term not defined in this Section 18 shall be subject to its common definition, unless otherwise expressly approved in writing by DHCD. To the extent that there is any conflict between the definitions set forth in Section 18 or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

ACCESSORY DWELLING UNIT (ADU): A separate dwelling unit located within a single-family detached dwelling or accessory building that is subordinate in size to and an accessory use to the single-family detached dwelling. The size of the Accessory Dwelling Unit shall not be less than 500 square feet plus 100 square feet for every bedroom over one (1) but not more than 30% of the normally habitable gross floor area of the principal residential structure. Either the Accessory Dwelling Unit or the principal residence shall be occupied by the owner of the lot on which the Accessory Dwelling Unit is located except for bona fide temporary absences. Accessory Dwelling Units must be located on the same site but not necessarily within the principal residential structure.

ADMINISTERING AGENCY or MONITORING AGENT: The local housing authority or other qualified housing entity designated by the PAA, pursuant to Section 18.10, to review and implement the Affordability Requirements affecting projects under Section 18.9.

AFFORDABLE UNIT: An Affordable Rental Unit or an Affordable Homeownership Unit - that is affordable to and occupied by an Eligible Household.

AFFORDABLE HOUSING: Housing that is affordable to and occupied by Eligible Households.

AFFORDABLE HOMEOWNERSHIP UNIT: A dwelling unit providing Affordable Housing that is required to be sold to an Eligible Household in accordance with the requirements of Section 18.9 of this By-Law.

AFFORDABLE HOUSING RESTRICTION: A deed restriction of Affordable Housing meeting statutory requirements in M.G.L. Chapter 184, Section 31 and the requirements of Section 18.9 of this Bylaw.

AFFORDABLE RENTAL UNIT: A dwelling unit providing Affordable Housing that is required to be rented to an Eligible Household in accordance with the requirements of Section 18.9 of this By-Law.

APPLICANT: The individual or entity that submits a project for Plan Approval.

AS-OF-RIGHT DEVELOPMENT: A Development Project allowable under this Section 18.5 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Site Plan Review requirement of this Section 18.10 shall be considered an As-Of-Right Development.

DEPARTMENT OR DHCD: The Massachusetts Department of Housing and Community Development.

DESIGN STANDARDS: The provisions of Section 18.7 and any additional design standards adopted by the PAA and approved by DHCD, made applicable to projects within the MSTND that are subject to the Plan Approval process.

DEVELOPMENT SITE: One or more building lots which are designated as a Development Site under Section 18.6. Where the Development Site consists of more than a single building lot, the lots, in combination, shall be considered as one Development Project for the purpose of calculating parking requirements; minimum open space; and Dwelling Units per acre. Any Development Project is subject Site Plan Approval as required under the provisions of this Section 18.10. and the Design Standards established under Section 18.7 of this By-Law.

DEVELOPMENT PROJECT or PROJECT: A Residential, Commercial, Civic, or Mixed-Use Development undertaken under this Section 18.6. A Development Project shall be identified on the Site Plan which is submitted to the Plan Approval Authority for Site Plan Review.

DWELLING UNIT: One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit inclusive of, if applicable, an Accessory Dwelling Unit. The following types of Dwelling Units are specifically defined:

- 1) **SINGLE-FAMILY DETACHED DWELLING UNITS** — A detached residential Dwelling unit, other than a mobile home, designed for occupancy by one family/household only and which may or may not be in single ownership. Single-Family Detached Homes include Workers’ Cottages, Cottage Courts, and Starter Homes.
- 2) **SINGLE-FAMILY ATTACHED DWELLING UNITS** - An attached residential dwelling unit, designed for occupancy by one family only and on a separate lot where the use of the lot is within the exclusive control of the owner thereof. Single-family homes may also be subject to customary homeowner association controls on architectural design, landscaping and maintenance, provided such controls do not unduly restrict development under this Section and are limited to ensuring compliance with the 40R Design Standards or other requirements under this Section.
- 3) **TWO-THREE FAMILY DWELLING UNITS or PAIRED HOUSE** - A residential building containing two or three Dwelling Units designed for occupancy by the same number of families/households as the number of Dwelling Units and where the individual Dwelling Units are not located on separate lots. A Paired House is defined in Table 3.C under Section 18.5.
- 4) **MULTI-FAMILY DWELLING UNITS** – A residential building containing four or more dwelling units designed for occupancy by the same number of families as the number of dwelling units where the individual dwelling units are not located on separate lots.

ELIGIBLE HOUSEHOLD – An individual or household whose annual income is below eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

ENABLING LAWS: M.G.L. Chapter 40R and 760 CMR 59.00.

FAMILY or HOUSEHOLD: One (1) or more persons living together, such as an Eligible Household, in one (1) Dwelling Unit, but not including sororities, fraternities and other communal living arrangements.

HOME OFFICE: The use of a room or rooms in a Dwelling Unit as an office or studio by a resident provided not more than one other person is regularly employed therein in connection with such use and that not more than 25% of the gross floor area, not in excess of 600 square feet, is regularly devoted to such use.

HOUSEHOLD INCOME, MEDIAN: The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

LIVE/WORK UNIT or LIVE/WORK SHOPHOUSE: The use of a building or series of buildings devoted to commercial and residential use where the first floor of the building is primarily devoted to commercial use and the upper floors are primarily devoted to residential use. A Live/Work Unit must be occupied by no more than one family and the property owner.

MSTND: The Maple Street Traditional Neighborhood Development Overlay District established in accordance with this Section 18.

MIXED-USE DEVELOPMENT PROJECT: A Project containing a mix of principal residential uses and principal nonresidential uses, as allowed in Section 18.5, and subject to all applicable provisions of this Section 18.

PAA REGULATIONS: The rules and regulations of the PAA adopted pursuant to Section 18.10.

PLAN APPROVAL: Standards and procedures which Projects in the MSTND must meet pursuant to Sections 18.10 and the Enabling Laws.

PLAN APPROVAL AUTHORITY (PAA): The Planning Board of the Town of Danvers acting as the approving authority designated to conduct the Plan Approval process for the purposes of reviewing Project applications within the MSTND and issuing Plan Approval decisions under this Section 18.10 and M.G.L. C. 40R, §11.

SHARED PARKING FACILITIES: Off-street parking facilities designed and intended to serve more than a single use as shown on a Site Plan.

SITE PLAN: A plan depicting a proposed Development Project for all or a portion of the MSTND and which is submitted to the Plan Approval Authority for its review and approval in accordance with the provisions of Section 18.10 of this By-Law.

SITE PLAN APPROVAL: The Plan Approval Authority's authorization for a proposed Development Project based on a finding of compliance with Section 18.10: Administration and 18.9: Design Standards after the conduct of a Site Plan Review.

SITE PLAN REVIEW / PLAN REVIEW: The review procedure established by this Section 18.10 and administered by the Planning Board of the Town of Danvers as the Plan Approval Authority.

STREET LINES: The dividing line between a street right-of-way and a lot.

SUB-DISTRICT: A specific and defined area of land within the MSTND that is subject to specific requirements for allowable uses or dimensional requirements that may differ from the requirements for allowable uses or dimensional requirements in other specific and defined areas within the MSTND. The boundaries and the names of the Sub-Districts are referred to in Section 18.4 of this By-Law.

UNDERLYING ZONING: The zoning requirements adopted pursuant to M.G.L. C.40A that are otherwise applicable to the geographic area in which the MSTND is located, as said requirements may be amended from time to time.

UNRESTRICTED UNIT: A Dwelling Unit that is not restricted as to rent, price or eligibility of occupants.

USE, ACCESSORY: A use subordinate to the Principal Use on the same lot or in the same structure and serving a purpose customarily incidental to the Principal Use, and which does not, in effect, constitute conversion of the Principal Use of the lot, site or structure to a use not otherwise permitted in the MSTND. Accessory uses are permitted or prohibited in the MSTND to the same extent as if such uses were Principal Uses.

USE, PRINCIPAL: The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under this Section 18.5. More than one principal use is permitted as-of-right on a lot or within a Development Project in the MSTND as prescribed under Section 18.5.

ZONING BYLAW: The Zoning Bylaw of the Town of Danvers as said bylaw may from time to time be amended.

18.3 AUTHORITY AND APPLICABILITY

A. GENERAL AUTHORITY

The MSTND is an overlay district superimposed on all Underlying Zoning districts including the Industrial-1 (I-1), Commercial-1 (C-1), Commercial-1A (C-1A) and Residential-1 (R-1) Base Zoning Districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the Underlying Zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section 18. Within the boundaries of the MSTND, a developer may elect either to develop a Project in accordance with the requirements

of the MSTND, a Smart Growth Zoning District under M.G.L. Chapter 40R and 760 CMR 59.00, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the Underlying Zoning district(s).

B. APPLICABILITY

In accordance with the provisions of M.G.L. Chapter 40R and 760 CMR 59.00, an Applicant may seek development of a Project located within the MSTND in accordance with the provisions of the Enabling Laws and this Section 18, including a request for Plan Approval by the PAA. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential Dwelling Units related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or Dwelling Unit limitations. Unless otherwise expressly approved in writing by DHCD, until such time that DHCD has confirmed eligibility with respect to a number of Bonus Units developed within the MSTND at least equal to the number of Incentive Units recognized as part of any corresponding final approval of the MSTND by DHCD and corresponding Zoning Incentive Payment received by the Town of Danvers, any references in this Section 18 to standards or requirements standards and requirements contained in other sections of the Zoning Bylaw, shall be limited to the specific respective versions in effect on August 30, 2016, as certified in writing by the Town Clerk on August 30, 2017. Such references to standards and requirements contained in other sections of the Zoning Bylaw shall include but not be limited to the references contained in Section 18.10.B.4 and 18.10.B.5.

C. UTILIZATION OF THE MSTND

If an owner elects to utilize the MSTND to develop or redevelop land, the Development Project shall conform to all applicable requirements of this Overlay District. When a building permit is issued for any Development Project approved in accordance with this Section 18, the provisions of the Underlying (base) Zoning district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to Section 18 for such Development Project.

18.4 OVERLAY DISTRICT ZONING MAP AND REGULATING PLAN

A. ESTABLISHMENT

The Maple Street Traditional Neighborhood District (MSTND) is an Overlay District superimposed over the underlying Industrial-I (I-1), Commercial-1 (C-1), Commercial-1A (C-1A) and Residential-1 (R-1) Base Zoning Districts. The MSTND has a land area of approximately 16.26 acres in size with frontage on the following public and private ways: Maple Street, Hobart Street, Locust Street, North Putnam Street, Maple Avenue, Putnam Court, Butler Avenue, Oak Street, and Charter Street.

B. REGULATING PLAN

The Regulating Plan is an enhanced zoning overlay district map and the controlling instrument for implementing growth and development in the area. The Regulating Plan contains Subdistricts which are areas where specific uses, development patterns, and building characteristics are desired or intended to be protected. Subdistricts have specific development standards for development sites and individual lots. The MSTND Regulating Plan/Zoning Map below illustrated the district boundaries as set forth in the Danvers Zoning Bylaw. This map is hereby made a part of the Danvers Zoning Bylaw and the Danvers Official Zoning Map on file in the Office of the Town Clerk.

C. SUBDISTRICTS

1. **Subdistrict Parcels and Acreage:** The MSTND Regulating Plan Subdistricts include the following:

TABLE 1: MSTND REGULATING PLAN SUBDISTRICTS

Requirement	Sub-District		
	1. Core Mixed Use Sub-District	2. Maple Street Limited Mixed Use Sub-District	3. Hobart and Locust Street Limited Mixed Use Sub-District
Underlying Base Zone	I-1, R-1	I-1, R-1	C-1, C-1A, R-1
Total Sub-District Parcels	23	17	17
Total Sub-District Acres	6.23	5.35	5.23
Total No. of Existing Dwelling Units	18	28	22
Total Existing Non-Residential Development (GFA) ¹	166,890	29,298	13,902

1. Mixed Use Buildings were estimated to be equally divided between commercial and residential floor area, and the estimated residential GFA was subtracted from the total.

MAP 1: MSTND SMART GROWTH OVERLAY DISTRICT MAP AND REGULATING PLAN

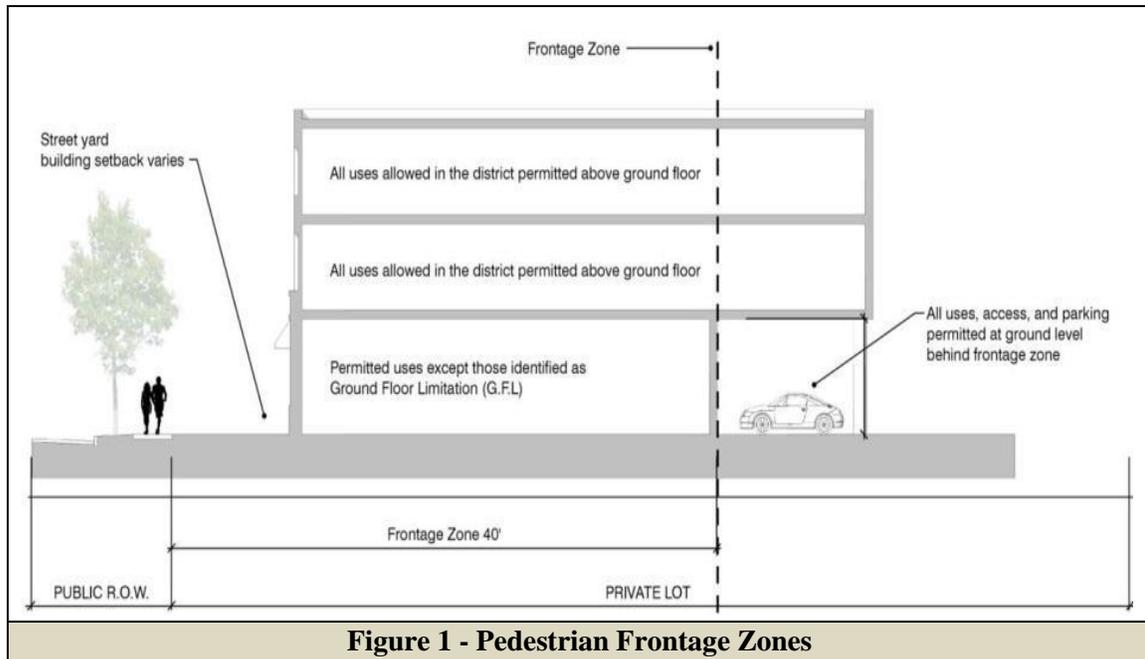


1. **Subdistrict Purpose:** The MSTND Subdistricts have the following purposes:

- a. Core Mixed Use Sub-District: Intended to encourage a mix of uses, scale and densities, with predominant density beginning at the intersection of Maple and Hobart Street, moving to a more moderate density and scale where the district meets the adjoining residential area at the intersection of North Putnam and Hobart Street.
- b. Maple Street Limited Mixed Use Sub-District: Intended to be predominantly residential at a scale and density that is compatible with the surrounding neighborhoods along Maple Street and Maple Avenue.
- c. Hobart and Locust Street Sub-Districts: Intended to be predominantly residential at a scale that is compatible with the surrounding neighborhoods. Future development along this corridor should relate to and complement the Rail Trail corridor.

D. PEDESTRIAN FRONTAGE ZONES

1. **Purpose:** The Pedestrian Frontage Zones identify block faces along certain streets as places prioritized for pedestrian activity and active ground floor uses.
2. **Incorporation:** Pedestrian oriented block faces are identified as Pedestrian Frontage Zones on the MSTND Regulating Plan/Official Zoning Map.
3. **Requirements:** Buildings fronting on the designated street segments shall be subject to the following ground floor limitations:
 - a. Ground floor areas shall be reserved for retail, restaurant, and publicly-oriented personal service, office, repair, and municipal uses.
 - b. Residential and other non-residential uses not oriented to public access units shall be allowed to have access at the street line by an entrance that leads to the upper floors of the building.
 - c. Residential and other non-residential uses shall be allowed on ground floors on mixed use sites or in mixed-use buildings only where:
 - I. The use is set back 40 feet from the street line;
 - II. The residential portion of the first floor of a building is set behind street-front retail/office/restaurant uses within the same building; or
 - III. Where the Board determines that street-front residential uses will not have an adverse impact on the continuity and vitality of the commercial street-front uses.



E. RESIDENTIAL-TRANSITIONAL FRONTAGE ZONES

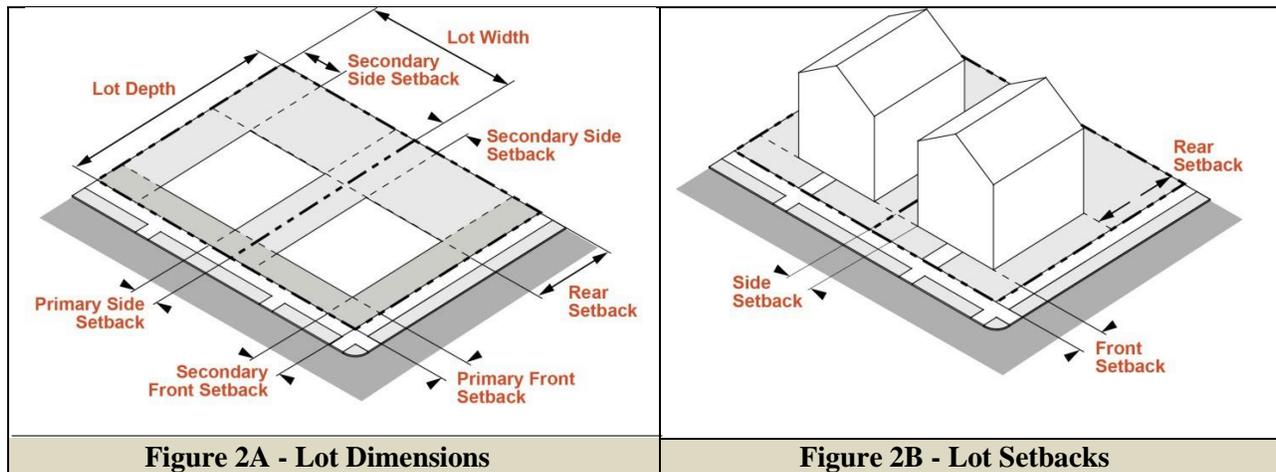
1. **Purpose:** The Residential-Transitional Frontage Zones identifies certain street segments as places prioritized for low to moderate density residential uses and building types to create a compatible transition with the surrounding neighborhoods.
2. **Incorporation:** Residential-Transitional Frontage Zones are identified on the MSTND Regulating Plan/Official Zoning Map.
3. **Permitted Building Types:** Buildings Types fronting on the designated street segments may include the following:
 - a. Workers' Cottage/Cottage Court
 - b. S.F. Attached - Rowhouse/Townhouse
 - c. Paired House (2 and 3 DUs)
 - d. Multi-Family Building (4 or More DUs)
 - e. Live-Work/Shop House
4. **Maximum Density and Height:** The maximum density for Buildings Types permitted on parcels fronting on a Residential-Transitional Frontage Zone street segment is twelve (12) dwelling units per acre and the maximum building height is 3 stories and 35 feet.

18.5 BUILDING STANDARDS AND USES

The Building Type and Use Standards regulate the physical character of buildings through placement, form, design, and utilization. These standards aim to provide the minimum level of control necessary to meet the Purpose and Intent of the MSTND while providing a range of standards appropriate to the context of each Sub-District.

A. STANDARDS FOR ALL LOTS, BUILDING AND DEVELOPMENT TYPES

1. **Lot Dimensions:** Lot dimension requirements designate the range of lot sizes that a given building type is allowed to be built on. If a lot is smaller than the minimum required for a certain building type, a different type must be built. If a lot is larger than the maximum specified for a certain building type, the lot should be split to accommodate another building.



2. **Corner Lots:** The primary front lot line is designated by the property owner, with all remaining front lot lines designated as secondary front lot lines.
3. **Number of Buildings:** Two (2) principal building types may be built by right on each lot, except for Cottage Courts and Cohousing Developments which allow multiple Dwelling Units on the same lot subject to a per acre density standard (See Table 9). Additional primary buildings may be permitted on individual lots by Special Permit under the Criteria in Section 18.10.
4. **Building Placement and Orientation:**
 - a. **Building Setbacks:** All buildings and structures must be located at or behind any required minimum front, side, or rear setback except as indicated in Section 18.5

(Allowed Setback Encroachments). The facade of a principal building must be built at or in front of any maximum front setback for each story of a building.

- b. **Build-To-Zones:** The area between the minimum setback and maximum setback is the Built-To-Zone in which the front façade of the building shall be placed. Built-To-Zones may also be required on secondary frontages and side building elevations. Buildings and structures are not permitted to encroach upon any easement or the right-of-way of any public thoroughfare.

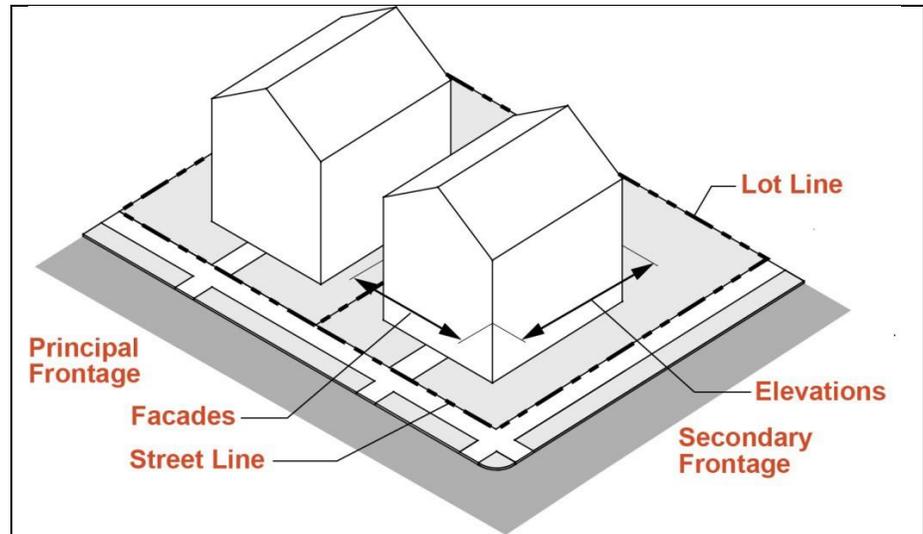


Figure 3A - Lot Frontage and Building Orientation

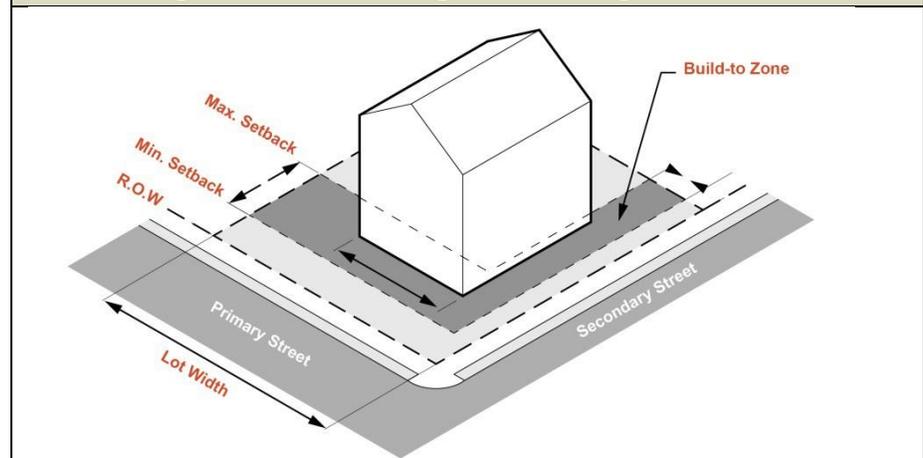
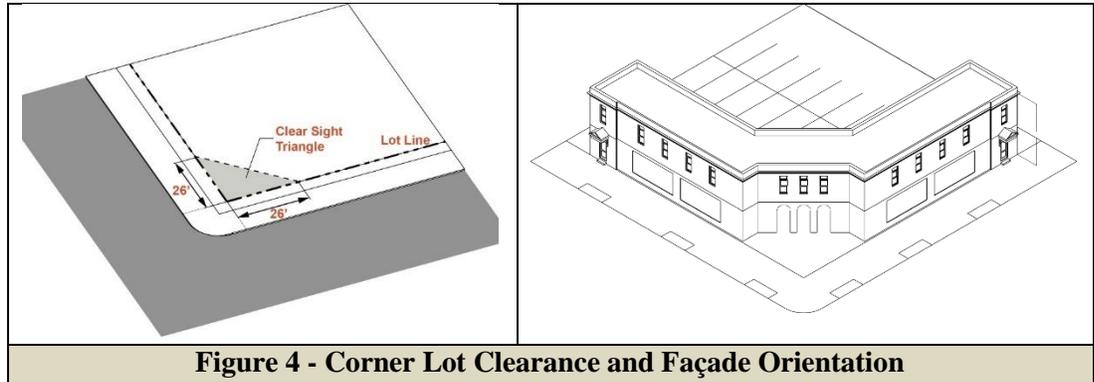


Figure 3B - Build-To-Zone and Building Placement

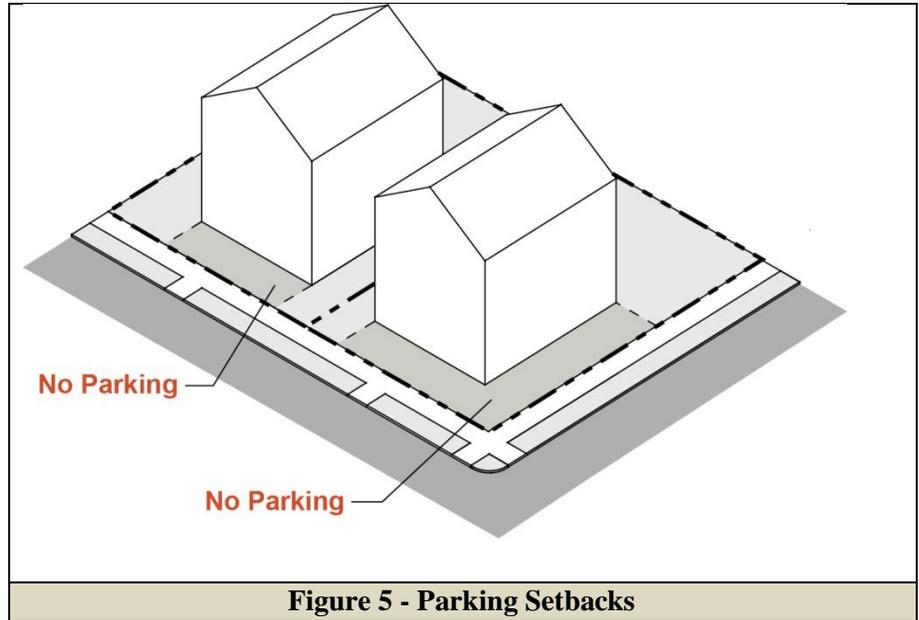
- c. **Build-To-Zone Occupancy (Facade Build Out):** The facade of a building must be built within the Build-To-Zone to a width that is a least 50% of the width of a lot unless otherwise prescribed in the Building Type standards.

- d. **Facade Orientation:** The facade of a principal building must be built parallel to a front lot line or to the tangent of a curved front lot line. On a corner lot, the façade may be retracted at a 45-degree angle between the curb radius to allow for visibility around the corner and outdoor amenity space.

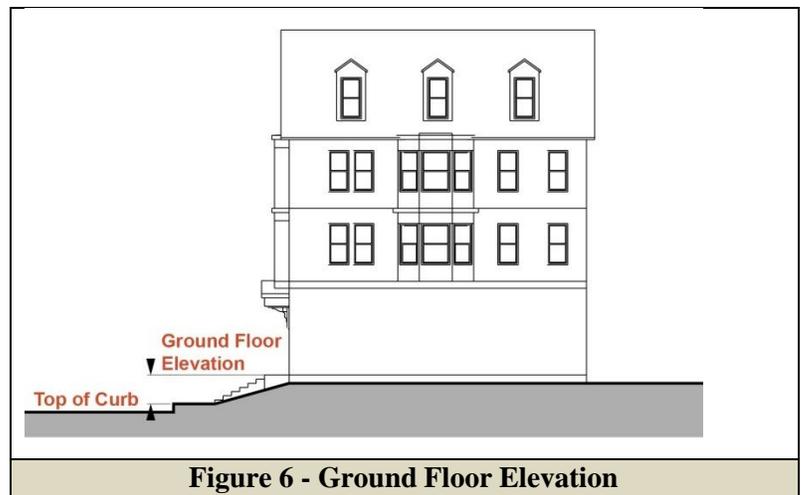


5. **Setback Encroachments:** Certain Building Frontages, Building Components, and Outdoor Amenity Spaces may extend beyond a required setback as indicated in Section 18.6. Other encroachments may include the following:
- a. Cornices, belt courses, sills, buttresses and other architectural features may encroach up to two (2) feet.
 - b. Chimneys and flues may encroach up to four (4) feet, provided that at least two (2) feet is maintained from the vertical plane of any lot line.
 - c. Building eaves and roof overhangs may encroach up to three (3) feet, provided that at least two (2) feet is maintained from the vertical plane of any lot line.
 - d. Unenclosed fire escapes or emergency egress stairways may encroach up to four (4) feet into a required side or rear setback, provided that at least two (2) feet is maintained from the vertical plane of any lot line.
 - e. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may encroach into a required side or rear setback, provided that at least two (2) feet is maintained from the vertical plane of any lot line.
 - f. Terraces, uncovered and unenclosed patios, and/or structures below and covered by the ground may fully encroach into a required setback.
 - g. Minor structures accessory to utilities, such as hydrants, manholes, transformers, and other cabinet structures, may fully encroach into a required setback.
 - h. Accessory structures and uses such as parking, driveways, fences and walls, signs, and landscape buffers may encroach as indicated in Section 18.5: Development Standards.

6. **Parking Setbacks:** Unless otherwise specified, all off-street parking, including surface and structured parking, but excluding underground parking, must be located at or behind any required parking setback line. No parking is permitted between the Street Line and the Primary Building except Streetside Parking as allowed in Section 18.6.



7. **Ground Floor Elevation:** Ground floor elevation is measured from the average grade of the sidewalk of the abutting thoroughfare or from the crown of the roadway of the adjacent thoroughfare when no sidewalk exists, to the top of the finished floor of the ground story of a building.



8 Building Height (Stories):

- a. **Height Calculation:** To calculate building height by number of stories, each story above the average ground level of the lot is counted as one (1) story, except that a single ground story of twenty-five (25) feet or more is counted as two (2) stories.
- b. **Basements:** Basements are counted as one (1) story when five (5) feet or more of an exterior wall, excluding the rear wall, is exposed above the average grade of the lot. Where a lot slopes downward from the facade by more than five (5) feet toward the rear of a building, the basement is not counted as a story.
- c. **Half-Stories:** When building height allows for a half-story, the half story is counted as the habitable space located directly under a pitched roof. For half-stories, the following standards apply: The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than two (2) feet above the finished floor of the half-story; ceiling height of a half story must not exceed twelve (12) feet in height at any point.
- d. **Attics:** Non-habitable attic space located under a pitched roof is not counted as a half-story.

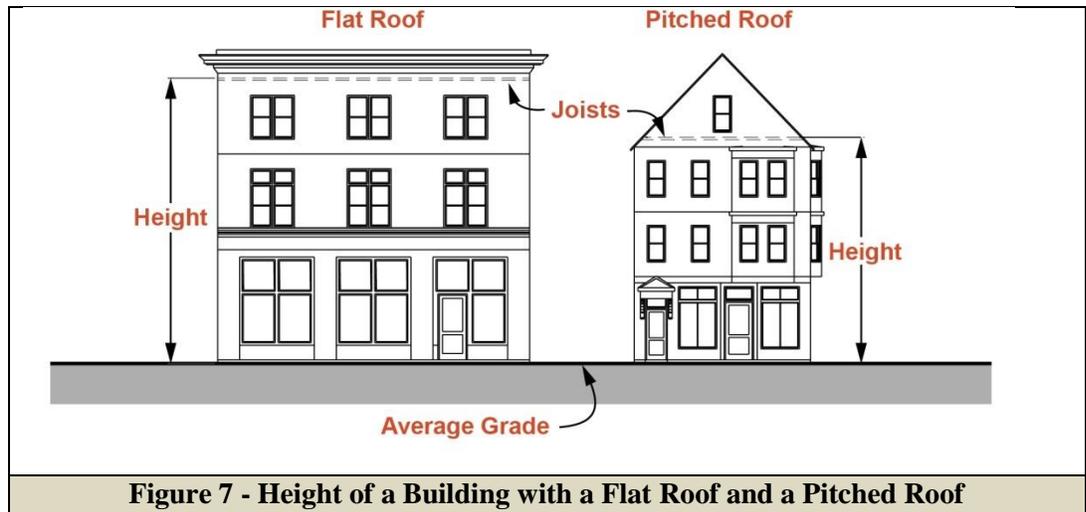
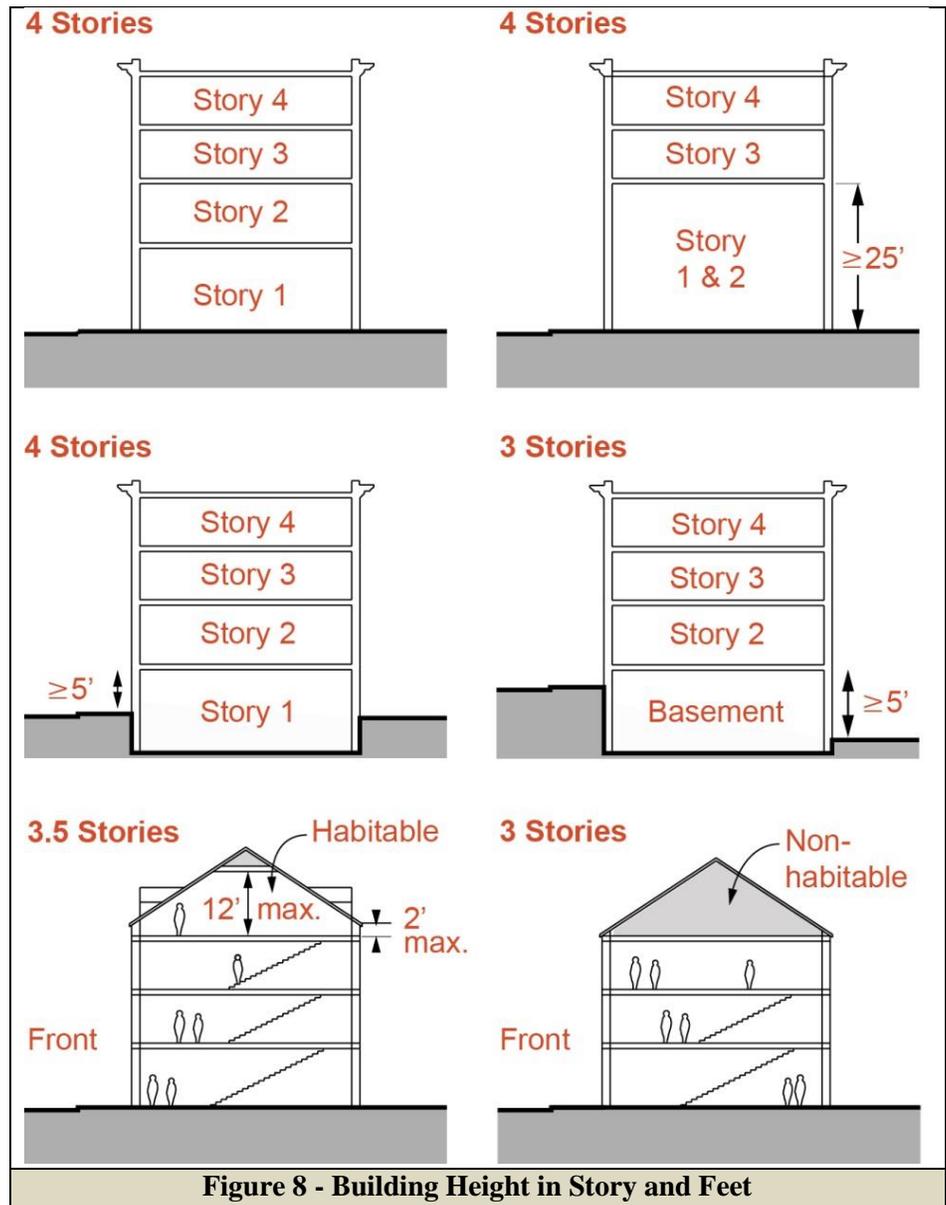


Figure 7 - Height of a Building with a Flat Roof and a Pitched Roof

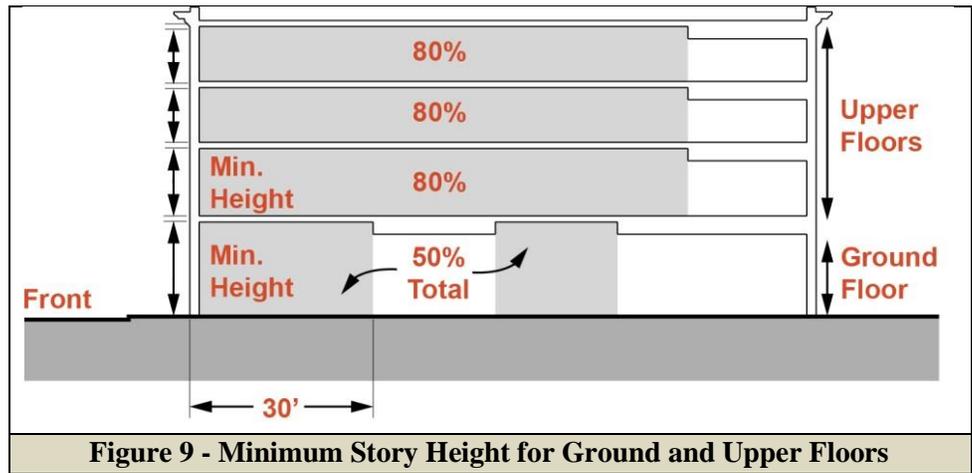
- 9. **Building Height (Feet):** To calculate building height in feet, height is measured as the vertical distance from the average ground level at the base of the building to the following:
 - a. **Flat Roof:** The top of the roof joists for any building with a flat roof.

- b. **Pitched Roof:** The top of the ceiling joists of the highest full story permitted for any building with a pitched roof.



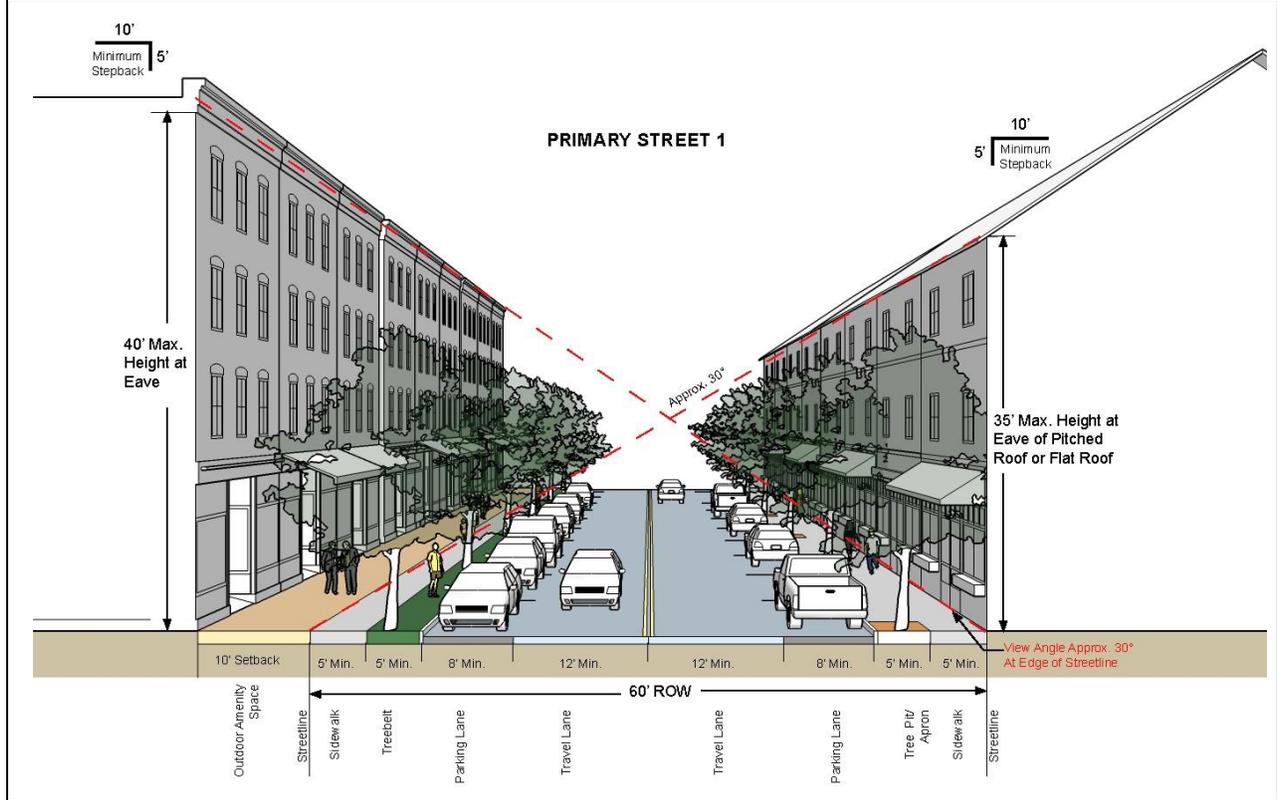
10. **Story Height:** Story height is measured from the top of the finished floor to the ceiling above.
- Minimum story height requirements are not measured for half-stories.
 - Minimum ground story height applies to the first thirty (30) feet of a building, measured inward from the facade, and at least 50% of the ground story in total.

- c. At least 80% of each upper story must meet the minimum upper story height provision.

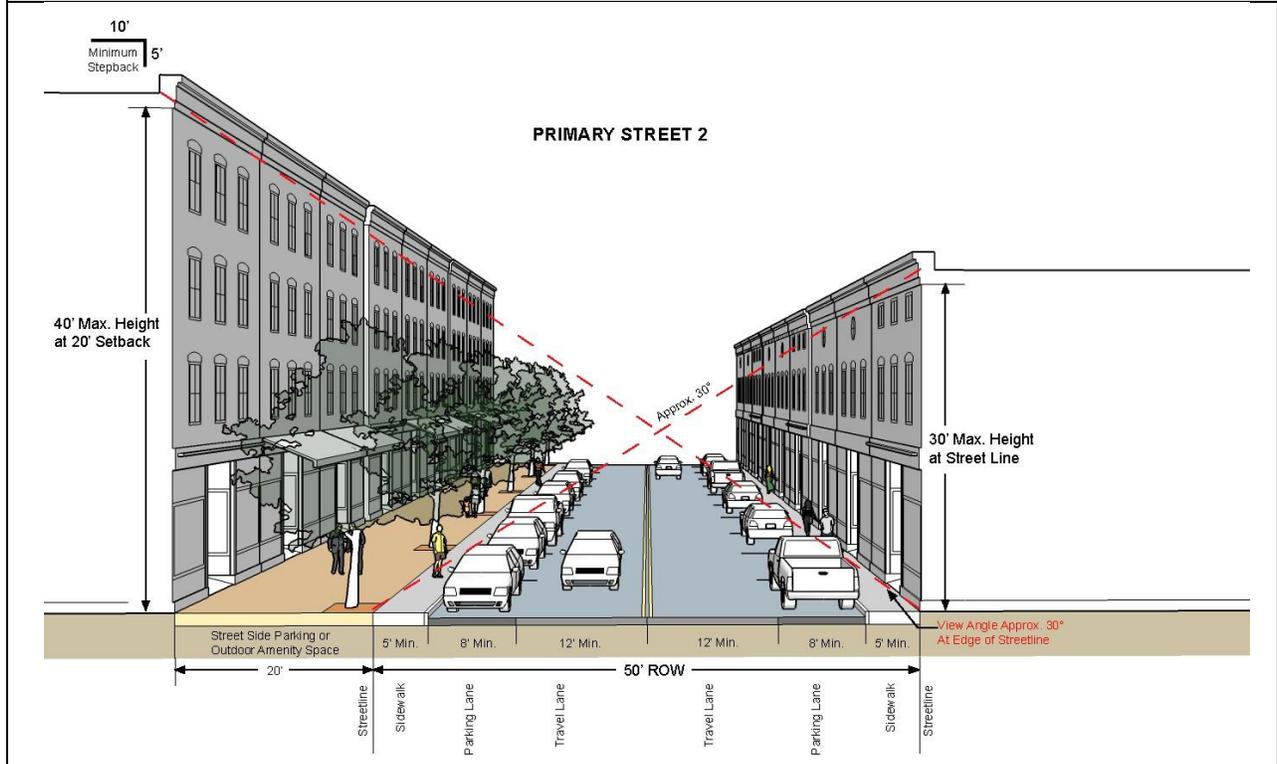


11. **Height Exceptions:** Height limits do not apply to Outdoor Amenity Areas such as roof decks, gardens, and related structures conforming to Section 18.8. Height limits do not apply to mechanical and stairwell penthouses; roof mounted cellular, radio, and internet transmission equipment; vents or exhausts; solar panels or skylights; flagpoles; belfries, chimneys, cupolas, monuments, parapets, spires, steeples, and other non-habitable architectural features.
12. **Roofs Types:** Flat and Pitched Roofs may be allowed for different building types. Pitched roofs, if provided, must be symmetrically sloped no less than twenty-two and one half degrees (22.5°; 5:12), except that roofs for porches, porticos, and rear additions may be no less than nine and one-half degrees (9.5°; 2:12).
13. **Height Stepback and Street Enclosure:** Any building in the MSTND fronting on a Primary or Secondary Street shall be required to meet the building height, setback and stepback requirements in Figure 10A and 10B. For the purposes of this standard, Primary Street 1 shall include Maple Street; Primary Street 2 shall include Hobart Street and Locust Street; and Secondary Streets shall include N. Putnam Street, Maple Ave., Charter Street, and Oak Street.

Figure 10A - Building Stepback Requirement for Taller Buildings



Primary Street 1 – Maple Street



Primary Street 2 – Hobart Street and Locust Street



Secondary Streets – North Putnam Street, Maple Avenue, Oak Street, Charter Street

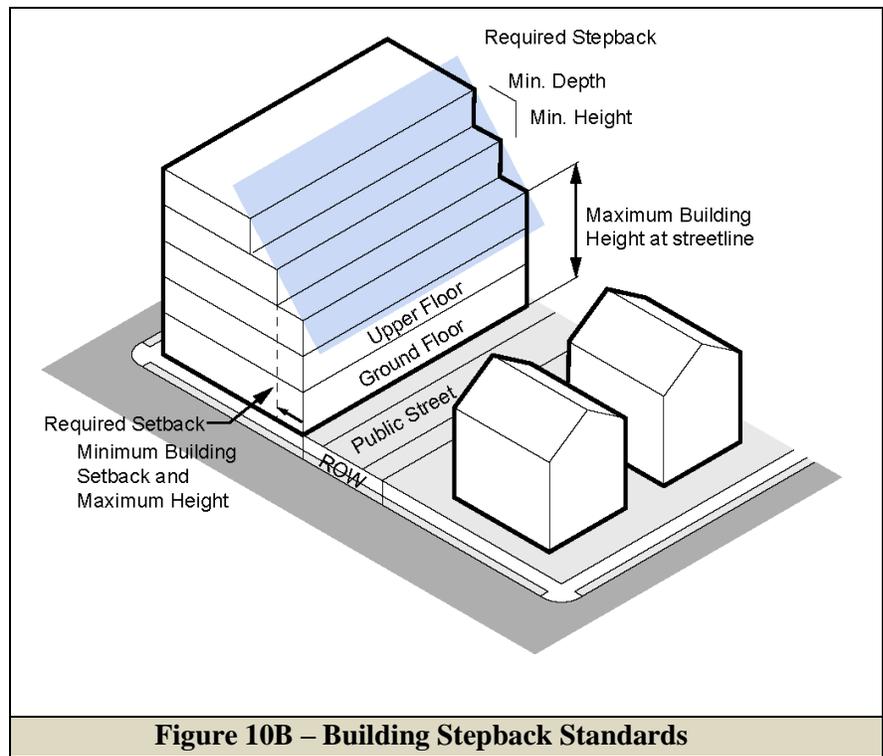


Figure 10B – Building Stepback Standards

14 Facade Composition:

a. Fenestration:

- I. As further detailed in the Design Standards, facades are required to have windows and doors with highly transparent, low reflectivity glass for a percentage of the total area of a facade, measured for each story independently.
- II. Fenestration of a ground story facade is measured between two (2) feet and twelve (12) feet above the abutting sidewalk.
- III. Fenestration of an upper story facade is measured from the top of a finished floor to the top of the finished floor above.
- IV. Fenestration requirements are only applicable to facades facing a front street line.
- V. All fenestration (doors and windows) of a facade must be square or vertical in proportion, except storefront windows which are exempt.

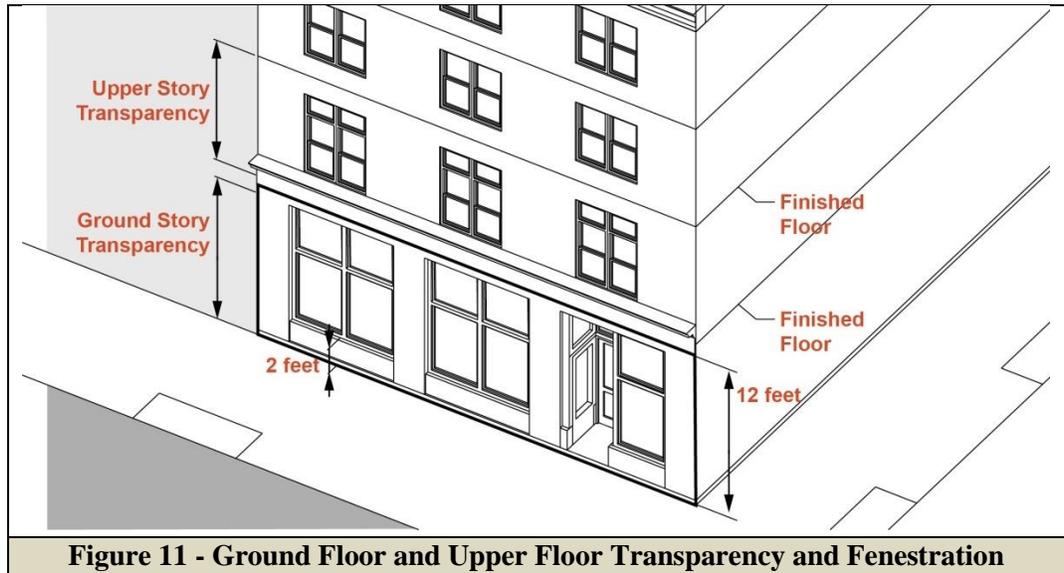
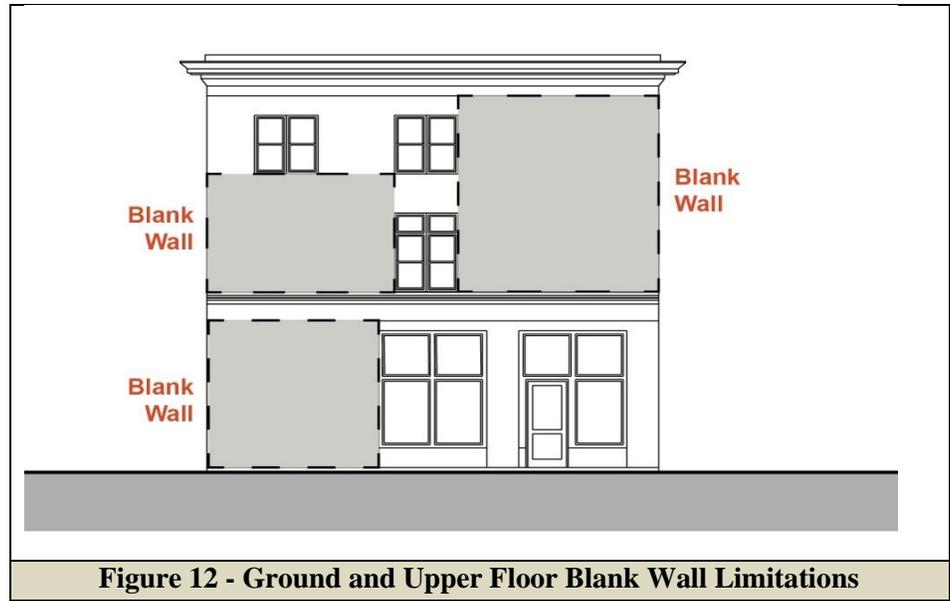


Figure 11 - Ground Floor and Upper Floor Transparency and Fenestration

b. Blank Wall Area:

- I. Blank wall area is any portion of a facade that does not include fenestration (doors and windows) and surface relief through the use of columns, cornices, moldings, piers, pilasters, sills, sign bands, murals, or other equivalent architectural features that either recess or project from the average plane of the facade.
- II. Blank wall area limitations apply both vertically and horizontally for all stories of a building for street-facing facades.



c. Pedestrian Access:

- I. Principal entrances must be located on the street-facing facade of a building, provide both ingress and egress, and be operable at all times.
- II. Principal entrance spacing is measured as the distance between centerline of doors along a facade.

B. PRINCIPAL BUILDING TYPES

The Principal Building Types allowed in each of the MSTND Sub-Districts are listed in Table 2 below. Specific lot and design standards for each building type are defined in Table 3. Additional definitions and descriptions for Lot Standards and Design Standards required for each Building Type on Table 3 is included in Section 18.7.

TABLE 2: BUILDING TYPES ALLOWED BY MSTND SUB-DISTRICT			
Building Types	Character-Based Zoning Districts		
	1. Core Mixed Use Sub-District	2. Maple Street Limited Mixed Use Sub-District	3. Hobart and Locust Street Limited Mixed Use Sub-District
A. Workers' Cottage/Cottage Court	■	■	■
B. S.F. Attached - Rowhouse/Townhouse	■	■	■
C. Paired House (2 and 3 DUs)	■	■	■
D. Multi-Family Building (4 or More DUs)	■	■	■
E. Live-Work/Shop House	■	■	■
F. General Commercial Building	□	□	□
G. Mixed-Use Building	■	■	□
H. Flex Space/Fabrication Building	■	■	□
I. Gas Backwards	■	■	□
J. Civic Buildings	□	□	□
K. Other Building Types	□	□	□
<i>Allowed By Right</i>		■	
<i>Allowed By Special Permit from the Planning Board</i>		□	

TABLE 3: BUILDING TYPE, USE AND DESIGN STANDARDS

A. WORKERS' COTTAGE		
1.1. DEFINITION AND PERMITTED USES		
A small floor plate detached single family building type with one dwelling unit. Defined by a narrow massing.		
1.2. LOT STANDARDS		
A.	Min. Lots Size (S.F.)	N/A
B.	Frontage (Min./Max.)	25 Min. / 40 Max.
C.	Lot Depth (Min./Max.)	N/A
D.	Build-To-Zone (Min./Max.)	5 Ft. / 20 Ft.
E.	B-T-Z/Façade Build Out (Min.)	80%
F.	Side Setback (Min.)	5 Ft
G.	Rear Setback (Min.)	10 Ft
H.	% Outdoor Amenity (Min.)	20%
I.	Parking Setback (Min.)	Behind Building
1.3. DESIGN STANDARDS		
A.	Building Height (Max.)	1.5 Stories / 20 Ft
B.	Ground Floor Elevation (Min./Max.)	2 Ft. / 4 Ft.
C.	Ground Story Height (Min./Max.)	8 Ft. / 10 Ft.
D.	Upper Story Height (Min./Max.)	N/A
E.	Roof Types	Gable, Hip
F.	Street Facing Wall Width (Min.)	18 Ft.
G.	Street Facing Wall Off-Set (Min.)	N/A
H.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	20% / 20%
I.	Building Length - Street Facing Facade (Max.)	20
J.	Street Facing Entrance	Required
1.4. ADDITIONAL STANDARDS		
A.	Maximum unit size is 1,400 GFA and 2 Bedrooms	
B.	See Section 18.5.E for Cottage Court Development Standards	

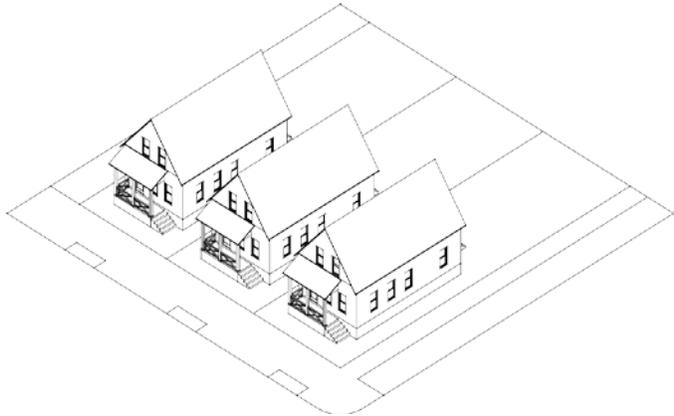


TABLE 3: BUILDING TYPE, USE AND DESIGN STANDARDS

B. ROWHOUSE AND TOWNHOUSE		
1.1. DEFINITION AND PERMITTED USES		
A small floor plate attached residential building type with one dwelling unit where each unit is separated horizontally by a common wall. Rowhouses are not intended for non-residential uses.		
1.2. LOT STANDARDS		
A.	Min. Lots Size (S.F.)	1,200 SF
B.	Frontage (Min./Max.)	18 Min./24 Max.
C.	Lot Depth (Min.)	50 Ft
D.	Build-To-Zone (Min./Max.)	5 Ft./15 Ft.
E.	B-T-Z/Façade Build Out (Min.)	80%
F.	Side Setback (Min.)	0 Ft
G.	Rear Setback (Min.)	15 Ft
H.	% Outdoor Amenity (Min.)	20%
I.	Parking Setback (Min.)	Behind Building
1.3. DESIGN STANDARDS		
A.	Building Height (Max.)	2.5 Stories/35 Ft
B.	Ground Floor Elevation (Min./Max.)	2 Ft./4 Ft.
C.	Ground Story Height (Min.)	9 Ft.
D.	Upper Story Height (Min.)	9 Ft.
E.	Roof Types	All
F.	Street Facing Wall Width (Min.)	18 Ft.
G.	Street Facing Wall Off-Set (Min.)	N/A
H.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	20% / 20%
I.	Building Length - Street Facing Façade (Max.)	24 Ft
J.	Street Facing Entrance	Required
1.4. ADDITIONAL STANDARDS		
A.	Onsite parking is not allowed between the buildings; rear-loaded vehicle access is required.	
B.	A maximum of 8 units can be attached by a common wall before access is provided for pedestrains, vehicles or outdoor amenity space	



TABLE 3: BUILDING TYPE, USE AND DESIGN STANDARDS

C. PAIRED HOUSE		
1.1. DEFINITION AND PERMITTED USES		
A large floor plate detached residential building type with two or three dwelling units.		
1.2. LOT STANDARDS		
A.	Min. Lots Size (S.F.)	N/A
B.	Frontage (Min./Max.)	50 Ft./80 Ft.
C.	Lot Depth (Min./Max.)	N/A
D.	Build-To-Zone (Min./Max.)	10 Ft./30 Ft.
E.	B-T-Z/Façade Build Out (Min.)	60%
F.	Side Setback (Min.)	10 Ft
G.	Rear Setback (Min.)	20 Ft
H.	% Outdoor Amenity (Min.)	20%
I.	Parking Setback (Min.)	30 Ft
1.3. DESIGN STANDARDS		
A.	Building Height (Max.)	3.5 Stories/40 Ft
B.	Ground Floor Elevation (Min./Max.)	2 Ft./4 Ft.
C.	Ground Story Height (Min.)	9 Ft.
D.	Upper Story Height (Min.)	9 Ft.
E.	Roof Types	Gable, Hip, Gambrel
F.	Street Facing Wall Width (Min.)	30 Ft.
G.	Street Facing Wall Off-Set (Min.)	N/A
H.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	20% / 20%
I.	Building Length - Street Facing Façade (Max.)	48 Ft
J.	Street Facing Entrance	Required
1.4. ADDITIONAL STANDARDS		
	None	



TABLE 3: BUILDING TYPE, USE AND DESIGN STANDARDS

D. MULTI-FAMILY BUILDING		
1.1. DEFINITION AND PERMITTED USES		
A large floor plate residential building type with four or more dwelling units vertically and horizontally integrated, and accessed by common entrances and hallways. Dwelling Units may be ownership or rental. Not intended for non-residential uses.		
1.2. LOT STANDARDS		
A.	Min. Lots Size (S.F.)	N/A
B.	Frontage (Min./Max.)	80 Min.
C.	Lot Depth (Min./Max.)	N/A
D.	Build-To-Zone (Min./Max.)	10 Ft. / 30 Ft.
E.	B-T-Z/Façade Build Out (Min.)	70%
F.	Side Setback (Min.)	15 Ft
G.	Rear Setback (Min.)	20 Ft
H.	% Outdoor Amenity (Min.)	20%
I.	Parking Setback (Min.)	30 Ft
1.3. DESIGN STANDARDS		
A.	Building Height (Max.)	4 Stories / 45 Ft
B.	Ground Floor Elevation (Min./Max.)	2 Ft. / 4 Ft.
C.	Ground Story Height (Min.)	9 Ft.
D.	Upper Story Height (Min.)	9 Ft.
E.	Roof Types	All
F.	Street Facing Wall Width without Offset (Max.)	60 Ft.
G.	Street Facing Wall Off-Set Depth and Length (Min.)	4 Ft / 8 Ft
H.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	20% / 20%
I.	Building Length - Street Facing Facade (Max.)	100 Ft
J.	Street Facing Entrance	Required
1.4. ADDITIONAL STANDARDS		
A.	Multi-Family Buildings must be a minimum of 2 stories	
B.	Multi-Family Buildings shall not contain more than 24 dwelling units without a Special Permit from the Planning Board.	

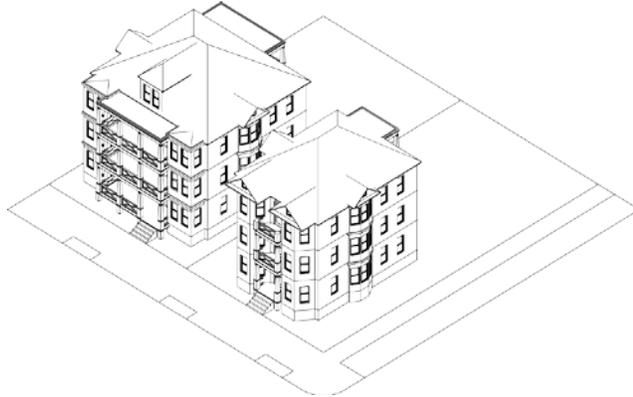


TABLE 3: BUILDING TYPE, USE AND DESIGN STANDARDS

E. LIVE-WORK SHOPHOUSE		
1.1. DEFINITION AND PERMITTED USES		
A small floor plate attached residential building type with one dwelling unit and one ground floor commercial unit.		
1.2. LOT STANDARDS		
A.	Min. Lots Size (S.F.)	N/A
B.	Frontage (Min./Max.)	40 Min.
C.	Lot Depth (Min./Max.)	N/A
D.	Build-To-Zone (Min./Max.)	0 Ft./15 Ft.
E.	B-T-Z/Façade Build Out (Min.)	80%
F.	Side Setback (Min.)	0 Ft
G.	Rear Setback (Min.)	20 Ft
H.	% Outdoor Amenity (Min.)	15%
I.	Parking Setback (Min.)	Behind Building
1.3. DESIGN STANDARDS		
A.	Building Height (Max.)	2.5 Stories/35 Ft
B.	Ground Floor Elevation (Min./Max.)	0 Ft./2 Ft.
C.	Ground Story Height (Min.)	9 Ft.
D.	Upper Story Height (Min.)	9 Ft.
E.	Roof Types	All
F.	Street Facing Wall Width without Offset (Max.)	80 Ft.
G.	Street Facing Wall Off-Set Depth and Length (Min.)	4 Ft/8 Ft
H.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	50% / 20%
I.	Building Length - Street Facing Facade (Max.)	50 Ft
J.	Street Facing Entrance	Required
1.4. ADDITIONAL STANDARDS		
	None	



TABLE 3: BUILDING TYPE, USE AND DESIGN STANDARDS

F. GENERAL COMMERCIAL BUILDING		
1.1. DEFINITION AND PERMITTED USES		
A variable floor plate building type that typically accommodates a variety of ground floor commercial uses and upper office uses at the scale that compliments the historic character of the neighborhood. Not intended for residential uses.		
1.2. LOT STANDARDS		
A.	Min. Lots Size (S.F.)	N/A
B.	Frontage (Min./Max.)	50 Min.
C.	Lot Depth (Min./Max.)	N/A
D.	Build-To-Zone (Min./Max.)	0 Ft./20 Ft.
E.	B-T-Z/Façade Build Out (Min.)	70%
F.	Side Setback (Min.)	0/10 Ft
G.	Rear Setback (Min.)	15 Ft
H.	% Outdoor Amenity (Min.)	10%
I.	Parking Setback (Min.)	20 Ft
1.3. DESIGN STANDARDS		
A.	Building Height (Max.)	3 Stories/40 Ft
B.	Ground Floor Elevation (Min./Max.)	0 Ft./2 Ft.
C.	Ground Story Height (Min.)	12 Ft.
D.	Upper Story Height (Min.)	9 Ft.
E.	Roof Types	All
F.	Street Facing Wall Width without Offset (Max.)	60 Ft.
G.	Street Facing Wall Off-Set Depth and Length (Min.)	4 Ft/8 Ft
H.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	60% / 20%
I.	Building Length - Street Facing Façade (Max.)	100 Ft
J.	Street Facing Entrance	Required
1.4. ADDITIONAL STANDARDS		
A.	One-Story buildings must have a minimum street facing façade height of 18 feet.	
B.	Maximum Building Footprint is 10,000 SF	
C.	Side Setback is not required when there is a common wall and 10 feet if there is not to accommodate pedestrian and/vehicle access to the side and rear of the property	

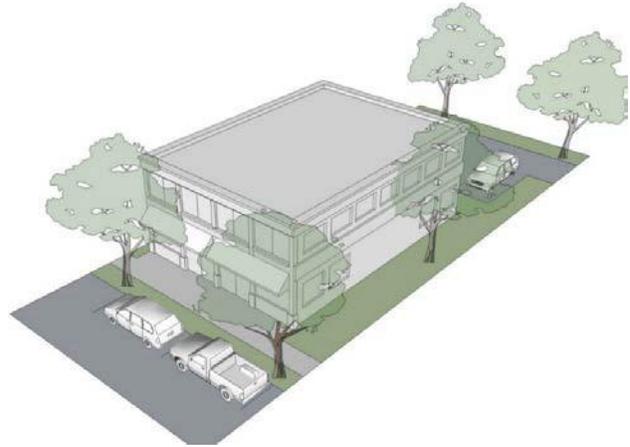


TABLE 3: BUILDING TYPE, USE AND DESIGN STANDARDS

G. MIXED USE BUILDING		
1.1. DEFINITION AND PERMITTED USES		
A variable floor plate building type that typically accommodates a variety of ground floor commercial uses and upper residential and office uses at the scale that compliments the historic character of the neighborhood.		
1.2. LOT STANDARDS		
A.	Min. Lots Size (S.F.)	N/A
B.	Frontage (Min./Max.)	50 Min.
C.	Lot Depth (Min./Max.)	N/A
D.	Build-To-Zone (Min./Max.)	0 Ft. / 20 Ft.
E.	B-T-Z/Façade Build Out (Min.)	70%
F.	Side Setback (Min.)	0/15 Ft
G.	Rear Setback (Min.)	20 Ft
H.	% Outdoor Amenity (Min.)	20%
I.	Parking Setback (Min.)	30 Ft
1.3. DESIGN STANDARDS		
A.	Building Height (Max.)	4 Stories / 45 Ft
B.	Ground Floor Elevation (Min./Max.)	0 Ft. / 2 Ft.
C.	Ground Story Height (Min.)	12 Ft.
D.	Upper Story Height (Min.)	9 Ft.
E.	Roof Types	All
F.	Street Facing Wall Width without Offset (Max.)	60 Ft.
G.	Street Facing Wall Off-Set Depth and Length (Min.)	4 Ft / 8 Ft
H.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	60% / 20%
I.	Building Length - Street Facing Facade (Max.)	150 Ft
J.	Street Facing Entrance	Required
1.4. ADDITIONAL STANDARDS		
A.	Mixed Use Buildings must be a minimum of 2 stories.	
B.	Maximum Building Footprint is 10,000 SF	
C.	Side Setback is not required when there is a common wall and 10 feet if there is not to accommodate pedestrian and/vehicle access to the side and rear of the property	
D.	Mixed Use Buildings shall not contain more than 24 dwelling units without a Special Permit from the Planning Board.	

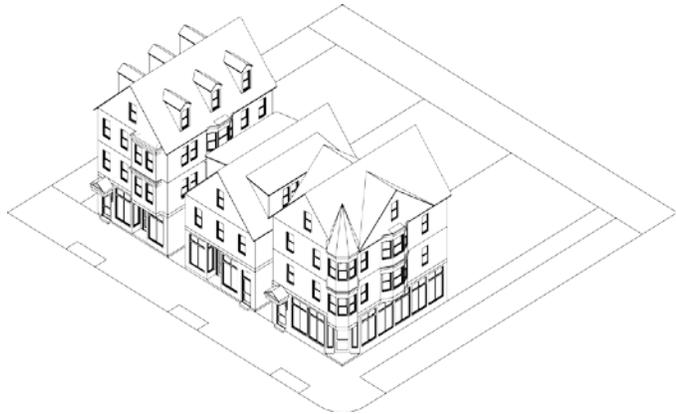


TABLE 3: BUILDING TYPE, USE AND DESIGN STANDARDS

H. FLEX SPACE/FABRICATION BUILDING		
1.1. DEFINITION AND PERMITTED USES		
A building located and designed to accommodate a large footprint commercial and light industrial use building. Large commercial and light industrial formats are integrated into a flexible building which conceals large expanses of blank walls and faces from the street with ample windows and doors opening onto the sidewalk. Flex buildings are also used to provide affordable space to small and large format business enterprises.		
1.2. LOT STANDARDS		
A.	Min. Lots Size (S.F.)	N/A
B.	Frontage (Min./Max.)	50 Min.
C.	Lot Depth (Min./Max.)	N/A
D.	Build-To-Zone (Min./Max.)	0 Ft. / 30 Ft.
E.	B-T-Z/Façade Build Out (Min.)	50%
F.	Side Setback (Min.)	0/20 Ft
G.	Rear Setback (Min.)	20 Ft
H.	% Outdoor Amenity (Min.)	10%
I.	Parking Setback (Min.)	30 Ft
1.3. DESIGN STANDARDS		
A.	Building Height (Max.)	2 Stories / 40 Ft
B.	Ground Floor Elevation (Min./Max.)	0 Ft. / 2 Ft.
C.	Ground Story Height (Min.)	12 Ft.
D.	Upper Story Height (Min.)	9 Ft.
E.	Roof Types	All
F.	Street Facing Wall Width without Offset (Max.)	60 Ft.
G.	Street Facing Wall Off-Set Depth and Length (Min.)	4 Ft / 8 Ft
H.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	30% / 20%
I.	Building Length - Street Facing Façade (Max.)	100 Ft
J.	Street Facing Entrance	Required
1.4. ADDITIONAL STANDARDS		
A.	Side Setback is not required when there is a common wall and 10 feet if there is not to accommodate pedestrian and/vehicle access to the side and rear of the property	

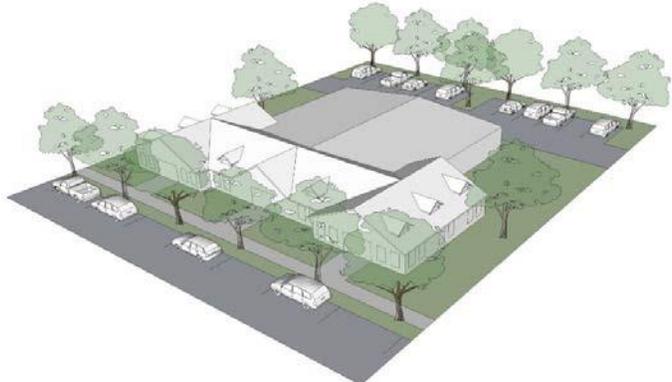


TABLE 3: BUILDING TYPE, USE AND DESIGN STANDARDS

I. GAS BACKWARD		
1.1. DEFINITION AND PERMITTED USES		
<p>The building type reverses the conventional site layout for gas stations with convenience store by placing the storefront along the street line and the gas pumps and canopy behind. This reverse layout highlights the building, shields the utilitarian pump/canopy and pulls the curb-cuts away from the intersection, creating easier access. It also provides for a direct connection to the sidewalk and improves visibility of the storefront, street enclosure, and the pedestrian environment. Access can be provided from primary and secondary streets, and lots can be either located at corners or mid-block.</p>		
1.2. LOT STANDARDS		
A.	Primary Street Build-To-Zone (BTZ)	5' Min./15' Max.
B.	Secondary Street Build-To-Zone (BTZ)	5' Min./15' Max.
C./D.	Side/Rear Yard Interior Setback (No Street)	50' Min./5' End Unit
E.	Parking Setback (All Sides)	15 Ft
F.	Primary Street BTZ Occupancy	30% Min.
G.	Secondary Street BTZ Occupancy	30% Min.
1.3. DESIGN STANDARDS		
A.	Primary Building Height (Stories/Feet)	1.5/(24') Max.
B.	Ground Floor Height (Min.)	12 Ft.
C.	Upper Floor Height (Min.)	9 Ft.
D.	Ground Floor Finished Elevation	At Grade
F.	Roof Types	All
G.	Building Footprint (Max)	4,000 S.F.
H.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	50%
I.	Building Length - Street Facing Facade (Max.)	50 Ft
J.	Street Facing Entrance	Required
1.4. ADDITIONAL STANDARDS		
A.	Gas station canopies should be designed as an integral part of the station architecture whenever possible.	
B.	Secondary entrance required to the rear for access to gas pumps.	

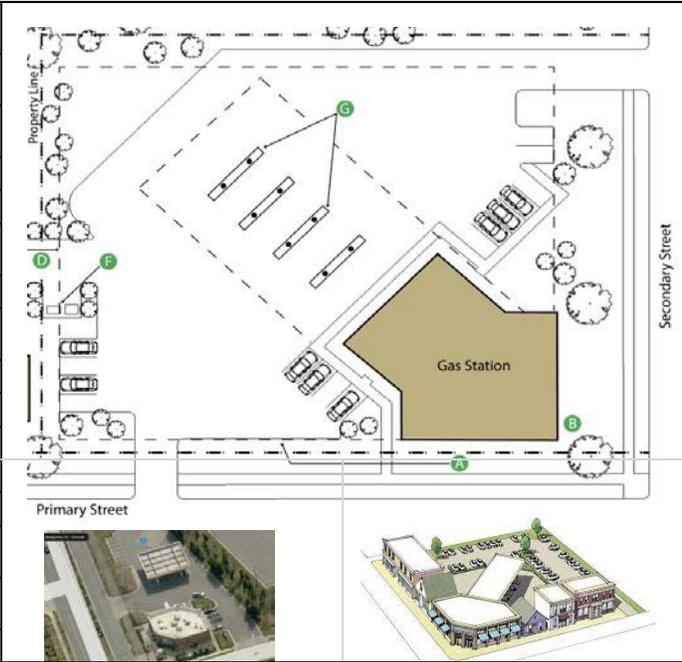


TABLE 3: BUILDING TYPE, USE AND DESIGN STANDARDS

J. CIVIC BUILDING		
1.1. DEFINITION AND PERMITTED USES		
A building located and designed to accommodate open space and buildings containing public or civic uses such as neighborhood center, library, museum, theater, and similar public gathering facilities and spaces.		
1.2. LOT STANDARDS		
A.	Min. Lots Size (S.F.)	N/A
B.	Frontage (Min./Max.)	80 Min.
C.	Lot Depth (Min./Max.)	N/A
D.	Build-To-Zone (Min./Max.)	10 Ft. / 40 Ft.
E.	B-T-Z/Façade Build Out (Min.)	50%
F.	Side Setback (Min.)	15 Ft
G.	Rear Setback (Min.)	20 Ft
H.	% Outdoor Amenity (Min.)	20%
I.	Parking Setback (Min.)	Behind Building
1.3. DESIGN STANDARDS		
A.	Building Height (Max.)	2.5 Stories / 35 Ft
B.	Ground Floor Elevation (Min./Max.)	2 Ft. / 6 Ft.
C.	Ground Story Height (Min.)	12 Ft.
D.	Upper Story Height (Min.)	9 Ft.
E.	Roof Types	All
F.	Street Facing Wall Width without Offset (Max.)	60 Ft.
G.	Street Facing Wall Off-Set Depth and Length (Min.)	4 Ft / 8 Ft
H.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	50% / 20%
I.	Building Length - Street Facing Facade (Max.)	100 Ft
J.	Street Facing Entrance	Required
1.4. ADDITIONAL STANDARDS		
	None	




C. DETERMINATION OF BUILDING TYPE

The Zoning Enforcement Officer shall classify new principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types for the zoning Sub-district where the structure is located. If the Zoning Enforcement Officer shall also classify existing structures that are being converted to residential or Mixed Use Development Projects under the MSTND standards. The Zoning Enforcement Officer is unable to classify an existing principal structure as one of the building types of this section, the structure is considered nonconforming and subject to Special Permit review and approval by the Planning Board, acting, as applicable, as the PAA .

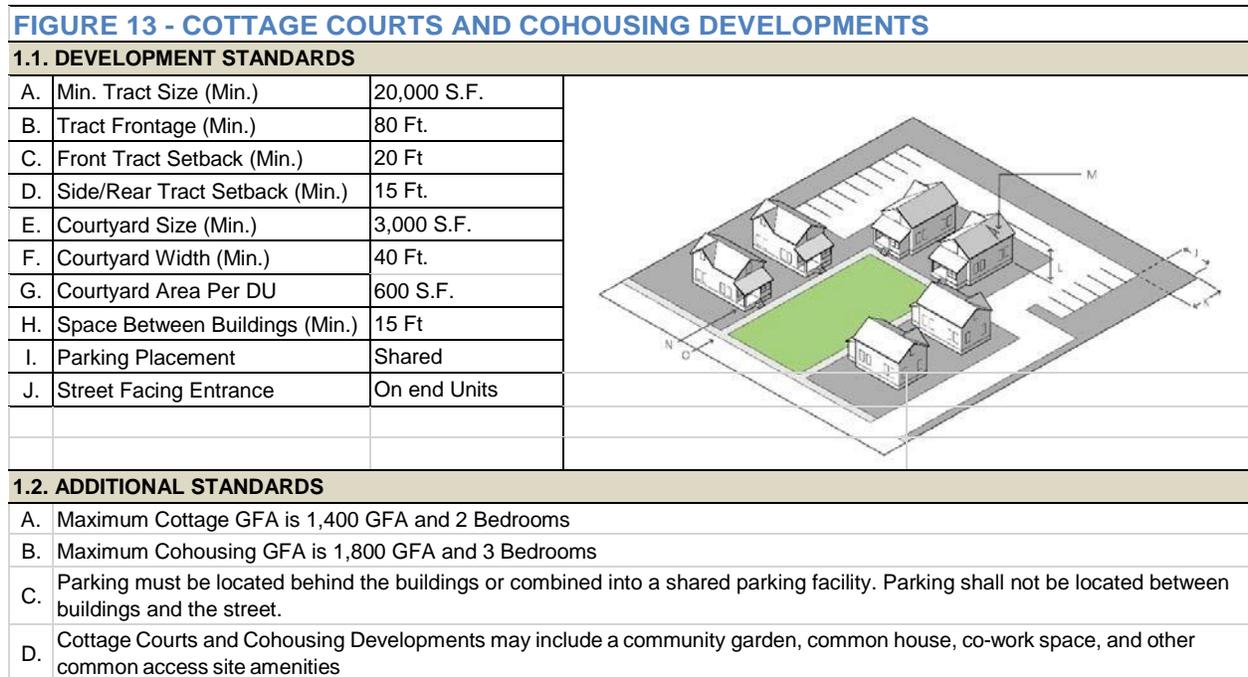
D. ALLOWABLE USES

Uses permitted in the MSTND Sub-Districts and Primary Building Types by right and by Special Permit are identified in Section 6, Table 1 – Table of Allowable Uses (as amended). All measurements in square feet refer to Gross Floor Area (GFA) as per Section 40 of the Danvers Zoning Bylaw. In the MSTND, the Planning Board will be the Special Permit Granting Authority for all uses requiring a Special Permit.

TABLE 4: BUILDING AND LAND USES ALLOWED BY MSTND SUB-DISTRICT			
Building and Land Use	Character-Based Zoning Districts		
	1. Core Mixed Use Sub-District	2. Maple Street Limited Mixed Use Sub-District	3. Hobart and Locust Street Limited Mixed Use Sub-District
Residential			
See Residential Building Types			
Commercial Uses			
Co-Work Office/Business Incubator	■	■	■
Day Care Center	■	■	■
Filling Station/Convenience Store			□
Lodging/Boarding/Rooming/Tourist House (All Types)	□	□	□
Microbrewery and Brewpub - Under 10,000 GFA	■	■	■
Neighborhood Store - Up to 5,000 GFA	■	■	■
Neighborhood Store - Over 5,000 GFA	□	□	□
Office (All Types) - Up to 5,000 GFA	■	■	■
Office (All Types) - Over 5,000 GFA	□	□	□
Personal Retail Service - Up to 2,500 GFA	■	■	■
Personal Retail Service - Over 2,500 GFA	□	□	□
Restaurant and Pub – Up to 5,000 GFA	■	■	■
Restaurant and Pub - Over 5,000 GFA	□	□	□
Retail Sales With/Without Outdoor Sales/Display - Up to 5,000 GFA	■	■	■
Retail Sales With/Without Outdoor Sales/Display - Over 5,000 GFA	□	□	□
Take Out Restaurant - Up to 2,500 GFA	■	■	■
Trades and Fabrication			
Co-Creation, Fabrication, Maker Space, Business Incubator	■	■	■
Trade Shop	■	■	■
Public and Civic Uses			
Club/Fraternal Organization - Nonprofit	□	□	□
Community and Neighborhood Center	■	■	■
Municipal Use - Only Publicly-Oriented Use	■	■	■
Performing/Cultural Arts Facility	□	□	□
Accessory Uses			
Accessory Dwelling Unit	■	■	■
Farm Stand/Farmers Market	□	□	□
Greenhouse - Under 400 GFA	■	■	■
Home Occupation - Minor and Major	■	■	■

E. SPECIAL DEVELOPMENT TYPES

Cottage Court Developments: This Development Type consists of a series of small, detached structures, providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear and becomes an important community-enhancing element of this Development Type. The Cottage Court is appropriately scaled to fit within primarily single-family or medium-density neighborhoods. It enables appropriately scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability. For the purposes of the MSTND, Cottage Courts are considered Single Family Development Projects with an As-of-Right density of 8 units per acre and 16 units per acre by Special Permit from the PPA/Planning Board.



Cohousing Developments: Cohousing is an intentional community of private homes clustered around shared space. Each attached or Single Family home has traditional amenities, including a private kitchen. Shared spaces typically feature a common house, which may include a large kitchen and dining area, laundry, and recreational spaces. For the purposes of the MSTND, Cohousing Developments are considered Single Family Developments with an as-of-right density of 8 units per acre and 16 units per acre by Special Permit from the Planning Board. Cohousing Developments shall include 20% of the land area for Outdoor Amenity Space and Shared Parking Facilities.

Gas Backwards Development: This development type involved a gas station and convenience store where the convenience store is located along the lot frontage and oriented to the sidewalk and the gas pumps, canopy and parking are located to the rear of the store. The design objective of Gas Backwards is to improve the pedestrian environment and improve safety by separating and widening the curb cuts away from the intersection. Gas Backwards developments in the MSTND are only allowed where existing gas and service stations are located.

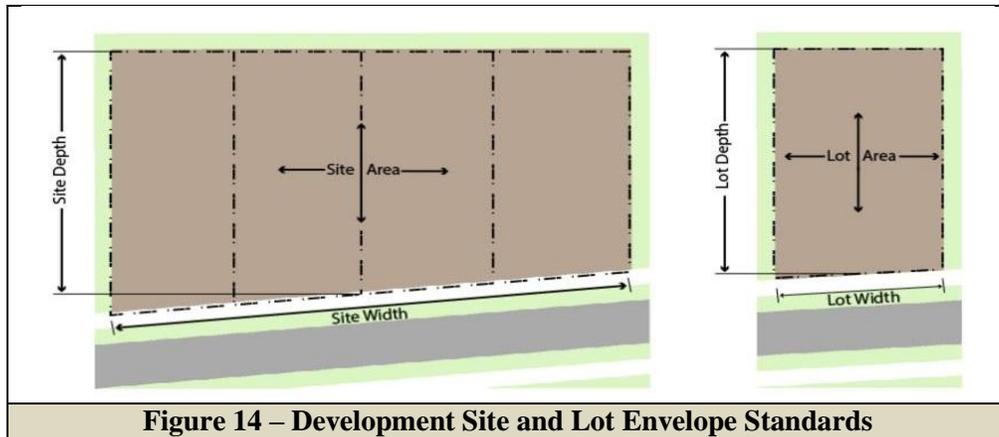
18.6 SITE PLANNING AND DEVELOPMENT STANDARDS

The following standards shall apply to new development or to expansion, exterior alteration or construction of existing buildings under the MSTND bylaw. These standards shall supersede site development standards under the Site Plan Approval process in Section 4 of Danvers Zoning Bylaws.

A. DEVELOPMENT SITE ENVELOPE STANDARDS

A Development Site is any lot or group of contiguous Building Lots owned or controlled by the same person or entity, assembled for the purpose of a single Development Project.

1. **Development Site Area:** Site area is the cumulative area of all contiguous Building Lots that the site is composed of. Site area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.
2. **Development Site Width:** Site width is the cumulative width of all contiguous Building Lots that the site is composed of.
3. **Development Site Depth:** Site depth is the distance between the front and rear property lines measured along a line midway between the outside edge of all contiguous Building Lots.



B. LANDSCAPING AND TREE PRESERVATION

1. Landscape Design:

- a. Plant Species: Landscape should consist primarily of native species requiring minimal irrigation, fertilization, and maintenance. Plantings must be cold hardy, drought tolerant, and able to survive on natural rainfall once established with no loss of health.
- b. Planting Areas: must have uncompacted coarse loam that is a minimum of twelve (12) inches deep. Soils must be appreciably free of gravel, stones, rubble, or trash. All compacted soil, contaminated soil, or road base fill must be removed.
- c. Spacing: The spacing and placement of plants must be adequate and appropriate for the typical size, shape, and habit of the plant species at maturity.
- d. Minimum Cover: A minimum of two (2) kinds of landscape cover is required, including but not limited to trees, shrubs, permeable and pervious pavers, and turf grass.
- e. Trees: A minimum of one (1) large tree is required for each one thousand (1,000) square feet of landscaped lot area for lots in the MSTND Subdistricts. Proposed trees must be a minimum height of ten (10) feet or three (3) inches in caliper.
- f. Ground Stabilization: Bare and exposed ground on a site and/or in required landscaped areas must be stabilized and maintained with turf grass, ground cover, or mulch to prevent soil erosion and allow water infiltration, with the exception of the following:
 - I. Land area dedicated to urban agricultural activities, as permitted;
 - II. Trails;
 - III. Naturally occurring stream beds, rock outcroppings, and similar features typically lacking in vegetation; and
 - IV. Clay or sand surfaces associated with recreation fields and facilities.

2. Tree Preservation: Preservation of existing, on-site trees and other vegetation is the preferred means for landscaping. Mature, healthy trees and vegetation may be used to fulfill landscape requirements of this Section 18 according to the following:

- a. Existing trees may be counted as required trees provided that:
 - I. The tree is at least four (4) inches in diameter at breast height (DBH); and
 - II. The tree is determined to be in good health and not damaged, diseased, or a threat to public health or safety.

- b. Invasive plant species to the State of Massachusetts must be removed from the site.

3 Landscape Buffers

- a. Lots within any MSTND Sub-District that abut the side or rear lot line of a lot in a Residential District must be screened by a landscape buffer for 100% of the length of the shared lot line to increase privacy and minimize the trespass of undue sound and light between adjacent properties.
- b. A landscape buffer must be a minimum of four (4) feet in depth from the shared lot line, planted with a minimum of three (3) large trees with full canopy density for every one hundred (100) feet of lot line, and include a wall or fully closed fence.
- c. Fences and walls are subject to the provisions of 18.8.C below.
- d. Preexisting, substantially equivalent vegetation that is preserved within the landscape buffer may substitute for any required landscape buffer plantings provided that the preexisting vegetation is healthy and growing.
- e. Water, sanitary sewer, electrical, telephone, natural gas, cable, storm drainage, or other service lines are permitted within landscape buffers.
- f. Parking for motor vehicles is prohibited within a required landscape buffer.

4 Street Trees

- a. A minimum of one street tree must be installed within the furnishing zone of the abutting public thoroughfare for every forty (40) linear feet of lot frontage, or fraction thereof.
 - b. The Planning Board waive this requirement when:
 - I. The minimum number of required street trees already exist within the abutting street right of way along the lot frontage.
 - II. One or more mature, healthy trees planted on-site in close proximity to the front lot line, with canopy reaching over the abutting thoroughfare, would cause overcrowding of the new street tree.
 - III. The specific location of an existing curb cut, utility line, transit stop, or other feature conflicts with the proper placement of a street tree.
1. The Planning Board may require street tree installations in alternative locations within the MSTND or nearby areas when installation cannot be accommodated within the right-of-way of the abutting public thoroughfare.

C. FENCES AND WALLS

1. General Requirements:

- a. Fences and walls may be placed up to and along any lot line.
- b. Fences and walls installed directly onto a shared side or rear lot line require consent of the abutting property owner.
- c. Fences and walls do not require a Zoning Permit or Building Permit and are erected at the owners risk.
- d. Fence posts or supporting rails must face inward toward the property being fenced and the finished face must be oriented towards the adjacent property.

2. Interior Lots:

- a. Fences and walls located forward of the maximum front setback or the actual distance a building facade is setback from the front lot line (whichever is less) shall be no more than four (4) feet in height and no more than fifty percent (50%) opaque.
- b. Fences and walls located behind the maximum front setback or the actual distance a building facade is setback from the front lot line (whichever is less) greater than six (6) feet in height are prohibited, unless required as a screening.

3. Corner Lots:

- a. Fences located forward of the maximum front setback or the actual distance a building facade is setback from the front lot line (whichever is less), for both the primary and secondary frontage, shall be no more than four (4) feet in height and no more than fifty percent (50%) opaque.
- b. Fences located forward of the maximum front setback or the actual distance a building facade is setback from the front lot line (whichever is less), for both the primary and secondary frontage, shall not be chain link without a Special Permit from the Planning Board.
- c. Fences located behind the maximum front setback or the actual distance a building facade is setback from the front lot line (whichever is less) shall be no more than six (6) feet in height.

4. **Architectural Fence Features:** Fences, walls, and gate posts that are integrated as architectural features in the design of a fence are permitted up to six and one half (6.5) feet in height for side and rear fences and up to four and one half (4.5) feet for front fences. Additional requirements are as follows:

- a. Fences and walls are prohibited within any existing or required drainage or utility easement.
- b. Fences and walls within four (4) feet of windows shall be no less than seventy percent (70%) opaque.
- c. Barbed wire and concertina wire are prohibited without a Special Permit from the Planning Board.

D. SCREENING

1. Loading Facilities:

- a. Outdoor loading facilities, including all docks and areas used for the storage and staging of materials must be screened from view by a wall or fully closed fence between six (6) and twelve (12) feet in height, as necessary to sufficiently screen delivery vehicles, and finished to match the materials and design of the nearest wall of the principal building.
- b. Loading area facilities that are fully integrated into a building must be screened with a solid opaque, self-closing door or gate finished to coordinate with the materials and design of the screening wall or fence.
- c. Bay loading facility doors are only permitted to be opened during loading and unloading activities.

2. Service Areas:

- a. Trash collection, trash compaction, recycling collection and other similar service areas must be fully enclosed by a wall or fully closed fence at least six (6) feet in height with self-closing access doors and finished to match the materials and design of the principal building.
- b. Service areas that are fully integrated into a building must be screened with an opaque, self-closing door or gate finished to coordinate with the materials and design of the screening wall or fence.

3. Mechanical Equipment:

- a. Roof-Mounted:
 - I. Mechanical equipment and elevator/stairwell penthouses must be screened from ground level view from abutting properties, public thoroughfares (not including an alley), and civic spaces by a parapet wall or other screening structure constructed of the same materials as the principal building.
 - II. Roof-mounted sustainable energy systems are exempt.

b. Wall-Mounted:

- I. Mechanical equipment shall not be located on any facade.
- II. Mechanical equipment on any surface that is visible from a public thoroughfare (excluding an alley) or civic space shall be screened by landscaping or an opaque screen constructed of the same materials as the principal building.

c. Ground-Mounted:

- I. Mechanical equipment that is visible from a public thoroughfare (excluding an alley) or Outdoor Amenity Space shall be screened by landscaping or a wall constructed of the same materials as the principal building.
- II. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

E. OUTDOOR LIGHTING

1. **Applicability:** The provisions of this Section apply to all outdoor lighting fixtures except for the following:
 - a. Sign lighting (see Section 18.9 for Signs Standards)
 - b. Holiday lighting
 - c. Outdoor lighting used for emergency equipment and work conducted in the interest of law enforcement or for public health, safety, or welfare
 - d. Ground mounted pedestrian lighting
2. **Prohibited Lighting:** Lighting that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. The following type of outdoor light fixtures are prohibited:
 - a. Low pressure sodium and all mercury vapor gas- discharge lamps;
 - b. Cobra-head fixtures having dished or drop lenses or refractors;
 - c. Searchlights and other high-intensity narrow-beam fixtures; and
 - d. Strobe lights and rotating lights.
3. **Energy Efficiency:** All outdoor light fixtures must be energy efficient and produce at least 80 lumens per watt of energy consumed, as documented by manufacturer's specifications or the results of an independent testing laboratory.

4 Shielding:

- a All outdoor light fixtures must be full cutoff or fully shielded to prevent light at or above horizontal (ninety degrees [90°] above nadir) and limited to a value not exceeding ten percent (10%) of lamp lumens at or above eighty degrees (80°), as defined by the Illuminating Engineering Society of North America (IESNA, or IES).
- b All outdoor light fixtures must be fitted so that no portion of the light source or drop lens is visible below the fixture when viewed directly from the side.

5 Location:

- a All outdoor lighting fixtures must be placed and directed to prevent light trespass or glare onto adjacent thoroughfares or properties in a manner that may distract or interfere with the vision of drivers or create a nuisance for adjacent residential uses.
- b Lighting intended to illuminate areas for pedestrian travel and/or seating must be mounted between twelve (12) and fifteen (15) feet in height.
- c Lighting intended to illuminate areas for vehicular travel and parking are not permitted above thirty (30) feet in height.
- d Light fixtures located within fifty (50) feet of the side or rear lot line abutting a General Neighborhood district are not permitted above fifteen (15) feet in height.

6 Illuminance:

- a Light levels measured at the front lot line exceeding two (2.0) foot-candles are prohibited.
- b Light levels measured at any side or rear lot line of any property abutting a Residential District exceeding one (1.0) foot-candles are prohibited.

F. PARKING

1 Purpose:

- a To establish parking policies that support human-scaled urban environment.
- b To minimize the impact of sidewalk interruptions and conflict points on the walkability of the public realm.
- c To minimize excessive and inefficient off-street parking lots that result in lost opportunities to develop new buildings that expand business and the tax base.

- d. To encourage the use of public transportation, bicycling, and walking in lieu of motor vehicle use when a choice of travel mode exists.
 - e. To allow flexibility in how parking is provided by allowing shared and/or off-site arrangements in order to accommodate the parking of motor vehicles in a manner that is less disruptive to the urban environment.
 - f. To promote the efficient use of public parking resources by achieving an 85% occupancy rate of on-street parking spaces.
 - g. To balance the supply of off-street parking with local street network capacity.
2. **Applicability:** This section shall supersede parking requirements in Section 4 of the Danvers Zoning Bylaws and are applicable to all real property within the MSTND Sub-Districts except for the following exemptions:
- a. New non-residential uses in the MSTND with two thousand (2,000) square feet of gross floor area or less are exempt from the minimum parking requirements of Table 5.
 - b. Outdoor Cafe Seating areas and interior floor space designed for structured parking is except from the requirements.
 - c. There is no individual motor vehicle parking requirement for accessory uses.
3. **Parking Requirements Table:** Parking spaces for motor vehicles must be provided for principal uses according to Table 5.
- a. Parking standards for each use are identified as a ratio between one parking space and a unit of measurement applicable to the use that the parking will serve, such as the number of dwelling units, gross floor area (in square footage), classrooms, lodging rooms, or other unit of measurement indicated on Table 5.
 - b. If a specific use is not listed on Table 5, parking provided must be in accordance with the general standard for the most applicable use subcategory.
 - c. Except as specified in Section 18.6 Shared Parking below, when there is more than one principal use on a of real property, the parking standard is the sum of any minimum or maximum specified for each use.
 - d. When Table 5 requires a minimum amount of parking, any fractional value of one half or greater resulting from calculation of the requirement is rounded up to the next whole number.

TABLE 5: MSTND PARKING STANDARDS		
Commercial, Civic	Required Parking Within 300 Ft of Municipal Parking Lot¹	Parking Required in Other Locations
Retail Business, Commercial or Personal Service Establishment	1 space per 400 square feet	1 space per 300 square feet
General Office or Retail in Mixed Use Buildings	1 space per 500 square feet	1 space per 400 square feet
Medical or Dental Office or Clinic	5 spaces/doctor or dentist within a single office or suite	Same
Restaurant or Place of Assembly	1 space for each 2 seats	1 space for each 3 seats
Fabrication and Trades	Determined by Planning Board	Determined by Planning Board
Residential Uses		
S.F. Attached or Detached Residential Unit	1.5/DU with 2 bedrooms or less; and 2/DU with 3 bedrooms or more located within 300 feet of the Dwelling Unit	Same
1-bedroom unit in Mixed-Use Building	1 space	1 space per bedroom
2-bedroom unit in Mixed Use Building	1.5 spaces	1 space per bedroom
3 or more bedroom unit in Mixed Use Building	2 spaces	1 space per bedroom
<i>1. Required Parking equals both the minimum and maximum parking required for the use</i>		

4 General Parking Requirements:

- a Unless otherwise specified, parking for motor vehicles must be located on the same lot as the principal use that the accessory parking serves.
- b Existing parking must be maintained for the building, structure, or use which it is designed to serve, so long as the building, structure, or use exists and the parking is required by this Section.
- c Parking must be maintained exclusively for the parking of motor vehicles and not for the storage of other objects.
- d The use of parking facilities for automobile sales, dead storage, repair, dismantling, or service of automobiles of any kind is prohibited.

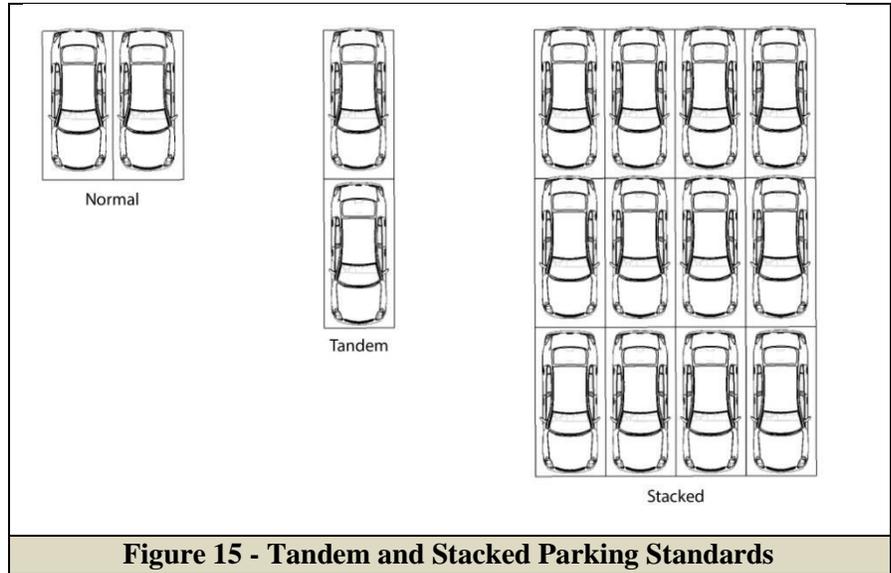
5. Parking Adjustments: By Special Permit, the Planning Board may reduce the minimum on-site parking requirements of Table 5 above under the following conditions:

- a On-Street Parking Off-Set: Parking spaces provided to meet the minimum parking requirements of Table 5 may include the actual spaces located on a lot and the spaces located along the corresponding lot frontage where on-street parking exists on the same side of an abutting street.
- b Shared Parking and Mixed Use:

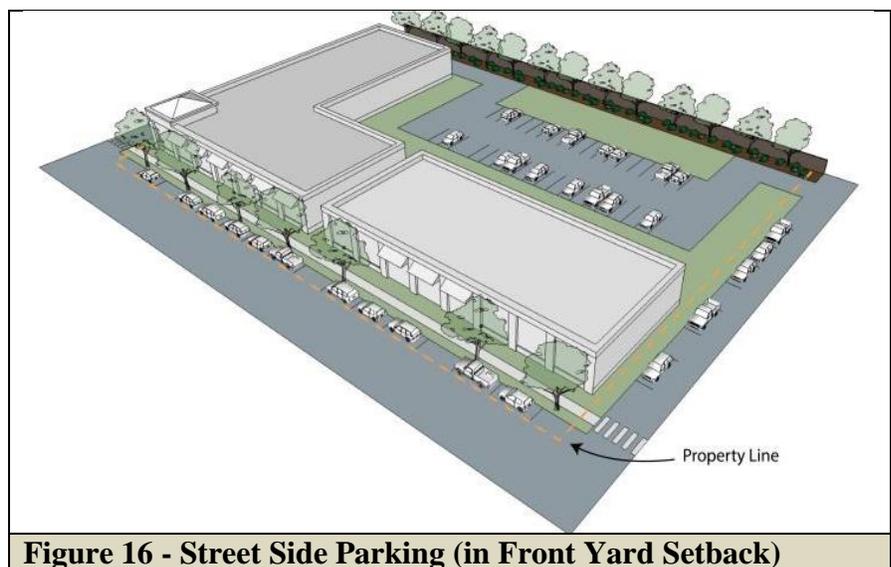
- I. A combination of uses on-site using shared parking lots with offset peak demand times where: a shared parking agreement with proximate properties where uses have offset peak demand times; uses have a high rate of parking turnover; or evidence of similar uses and location situations operating successfully with lower amounts of parking.
 - II. When the size of the parking reduction exceeds 50%, the minimum number of parking spaces (for a Commercial or Mixed Use Development where shared parking is proposed) may be determined by an evaluation prepared by the applicant following the procedures of the Urban Land Institute (ULI) Shared Parking Manual (latest edition), the Institute of Transportation Engineers (ITE) Shared Parking Guidelines (latest addition), the Smart Code 9.2 Shared Parking Matrix or other approved procedures determined by the Planning Board.
 - III. A formal parking evaluation may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal.
- c. Proximity to Public Parking: There is reasonable proximity to publicly-available off-street parking lots or on-street parking spaces.
 - d. Payment to Public Parking Fund: In lieu of providing the total minimum on-site parking required, the Planning Board may accept a one-time payment per required parking space for all or a portion of required on-site parking that would be committed to a fund for the construction of public parking in the district. The Board of Selectmen shall establish the amount of payment required per parking space.
 - e. Public Parking Reserve: In lieu of providing the total minimum on-site parking required, the Planning Board may accept a permanent easement on the property for the purposes of constructing public parking for all or a portion of required on-site parking spaces. The reserve easement shall be subject to review and approval by the Board of Selectmen.
 - f. Car-Sharing Program: The Planning Board may approve a parking reduction where an active car-sharing program is made available to residents and/or employees of a Development Project; and where cars for the car-share program are available on the site or within a 700-foot walking distance of the site.
 - g. Off-Site Parking: By Special Permit from the Planning Board, required parking may be provided off-site of employees, except for any required handicapped parking, as permitted according to the provisions of and when conforming to the following:

- I. A lot featuring the off-site parking must be located within seven hundred and sixty (700) feet in walking distance, measured from the nearest point of the off-site parking along block faces and walkways to the principal entrance of the use served;
 - II. Pedestrian access between the use and the off-site accessory parking area must be via paved sidewalk or walkways; and
 - III. A lease, recorded covenant, or other comparable legal instrument, executed and filed with the Town of Danvers, guaranteeing long term use of the site is provided to the Planning Board.
6. **Special Parking Types and Standards:** Each required off-street parking space shall be designed so that any motor vehicle may proceed to and from the space without requiring the moving of any other vehicle. Exceptions to this requirement as well as other special parking types are provided for below:
- a. Alternative Fuel Vehicles: In each parking lot or structure containing over 75 parking spaces, at least 2 spaces within the 10 spaces closest to the primary entrance to the building must be reserved for electric vehicles, and must have a sign indicating that reservation.
 - b. Stacked and Valet Parking: By Special Permit, the Planning Board may allow valet or stacked parking if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, a written guarantee must be filed with the Town ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces continue to apply for stacked parking. Valet and stacked parking spaces do not require individual striping and may be permitted on-site or off-site as a means of satisfying the applicable off-street parking requirements where:
 - I. Adequate assurance of the continued operation of the valet parking is provided.
 - II. An equivalent number of valet spaces are available to replace the number of required off-street parking spaces.
 - III. The design of the valet parking area will not cause queuing in a vehicular travel lane.
 - IV. An attendant is provided to park vehicles during business hours.
 - c. Tandem Parking: By Special Permit, the Planning Board may allow tandem parking under the following conditions:
 - I. Residential Development Projects and Mixed Use Development Projects with the residential component.
 - II. Tandem spaces shall be assigned to the same dwelling unit.
 - III. Tandem parking shall not be used to provide guest parking.

- IV. Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 30 feet in length.
- V. Up to 75% of the total off-street parking spaces provided may incorporate tandem parking.



- d. Street Side Parking: By Special Permit, the Planning Board may allow parallel or angled parking provided on a privately-owned lot directly adjacent to the public street right-of-way in combination with a minimum five (5) foot wide planting strip with street trees planted 40 feet on center, and a five (5) foot minimum concrete sidewalk connecting to public sidewalks on abutting lots and to the primary building on-site.



7. Standards for All Off-Street Parking:

- a. Permitted Types: Off-street parking may be provided as space(s) in a driveway, a parking lot, a private garage or carport, an above-ground parking structure, or an underground parking structure.
- b. Parking Setbacks:
 - I. All off-street parking, including surface and structured parking, but excluding underground parking, must be located at or behind the required parking setback as indicated for each Building Type in Section 18.5.
 - II. Parking is never permitted within a lot frontage except for Street Side Parking in Section 18.6.F above.
- c. Access:
 - I. All off-street parking must have direct access to a public street from an alley, driveway, maneuvering aisle, or permanent access easement.
 - II. If an improved alley with a right-of-way of at least eighteen (18) feet is provided, all off-street parking must be accessed from the alley.
- d. Circulation:
 - I. Parking lots and structures must be designed so that vehicles enter or exit the lot or structure onto a public street in a forward direction rather than backing out into the roadway.
 - II. Ingress and egress from individual parking spaces must be from a drive aisle or driveway. Vehicles are not permitted to enter or exit parking spaces directly from a public thoroughfare except as follows:
- e. Parking Space & Drive Aisle Dimensions: All parking spaces and drive aisles must comply with the minimum dimensional standards shown in the table below:

TABLE 6: OFF-STREET PARKING SPACE AND AISLE DIMENSIONS

	Parallel	45 Degrees	60 Degrees	90 Degrees
Stall Width (min)	8 feet	9 feet	9 feet	9 feet
Stall Length (min)	20 feet	18 feet	18 feet	18 feet
Drive Aisle, 1 Way (min)	12 feet	12 feet	14 feet	n/a
Drive Aisle, 2 Way (min)	20 feet	n/a	n/a	22 feet
Vertical Clearance	7'6" (min)	7'6" (min)	7'6" (min)	7'6" (min)

8 Surface Parking Lots:

- a. Access: Pedestrian access from parking lots must lead directly to a public sidewalk and to the primary building.
- b. Design & Construction:
 - I. Grade: No surface parking lot may have a grade in excess of ten percent (10%).
 - II. Delineation: Individual parking spaces must be delineated with paint or similar method and maintained in clear, visible condition to identify the parking spaces from drive aisles and other circulation features.
 - III. Protection: Wheel stops, bumper guards, or other alternatives must be installed to prevent vehicles from damaging or encroaching upon any sidewalk, landscaping, fence, wall, or structure and must be properly anchored and secured into the ground.
 - IV. Screening: Parking lots abutting, within fifty (50) feet, or visible from the right-of-way of a public thoroughfare, except an alley, must be effectively screened by a perimeter wall or fence. Perimeter walls and fences must be no more than four (4) feet in height measured from the surface of the lot, no less than fifty percent (50%) opaque, and designed to allow surveillance over and beyond the wall or fence by pedestrians approaching or passing the parking lot.
 - V. Capacity: Unless otherwise specified, the actual parking of motor vehicles in excess of the number of parking spaces delineated in a parking lot is prohibited.

9 Structured Parking:

- a. Access: Pedestrian access to structured parking must lead directly to a public sidewalk and to the primary building). Structured parking may also be attached directly to the primary building by pedestrians directly into a building.
- b. Design and Construction: Unless setback by space designed for occupancy by non-parking uses, the facade of any story of a building occupied by motor vehicle parking must be designed as follows:
 - I. Fenestration and facade openings must be vertically and horizontally aligned and all floors fronting on the facade must be level (not inclined).
 - II. The facade must include windows of transparent or translucent, but non-reflective, glass or openings designed to appear as windows for between twenty percent (20%) and fifty percent (50%) of the wall area of each floor.
 - III. Windows must be back-lit during evening hours and internal light sources must be concealed from view from public sidewalks.

IV. The facade area masking the floors occupied by motor vehicle parking must be seamlessly integrated into the architectural design of the building’s facade.

10. **Parking Special Permit:** Where relief from the parking standards required a Special Permit, the Planning Board shall consider the following:

- a. The supply and demand of on-street parking in the neighborhood or center, as determined through a parking study.
- b. Mobility management programs and services provided by the applicant to reduce the demand for parking.
- c. That parking provided in excess of any maximum permitted does not result in the increase in impervious lot area.

11. **Bicycle Parking:** To facilitate bicycle use, the following bicycle parking regulations shall apply:

- a. Multi-Family Residential Developments: Developments with 5 or more multi-family units shall provide at least one indoor covered bicycle parking area with space for 5 bicycles for every 5 dwelling units unless an alternative is approved by the Planning Board.
- b. Non-Residential Uses: Non-residential uses shall provide the following minimum bicycle parking spaces unless an alternative is approved by the Planning Board. A single typical inverted-U rack or pole rack accommodates two bicycles.

TABLE 7: BICYCLE PARKING REQUIREMENTS	
Size of Use	Required Spaces
5,000 to 10,000 square feet of gross floor area	4
10,001 to 30,000 square feet of gross floor area	10
30,001 square feet or more of gross floor area	14

- c. Placement: Required bicycle parking spaces may be placed on private property or on a sidewalk along the curb, provided that at least 5 feet of sidewalk remains clear for pedestrian use. Required bicycle parking shall be publicly accessible and located within 100 feet of the building entrance.

G. VEHICLE ACCESS

1. Curb Cuts

a. Restrictions:

- I. Unless otherwise specified, one (1) curb cut is permitted per front lot line.

- II. The location of curb cuts are restricted for lots abutting a block face designated on the Regulating Plan as Pedestrian Frontage Zones. See Section 18.7: Design Standards - Public Realm Standards for more information.
 - III. Curb cuts must be located to minimize conflict with pedestrians, bicyclists, and motor vehicles on the thoroughfare they provide access to and from.
- b. Design and Construction: Curb cuts must be designed in accordance with the Section 9: Public Realm, Traveled Ways provisions of the MSTND Design Standards.

2 Driveways & Vehicular Entrances

- a. Neighborhood Compatibility: Driveways and vehicular entrances providing access to off-street parking with seven (7) or more parking spaces are prohibited within fifty (50) feet of any property within a Residential District, measured from the edge of the driveway or vehicular entrance along the front lot line(s) block face to the nearest property line.
- b. Design and Construction:
 - I. Driveways may be located within required front, side, and rear setback areas, but are prohibited between the facade of a building and any front lot line.
 - II. Driveways and vehicular entrances to off-street parking with six (6) or less parking spaces must be between eight (8) feet and twelve (12) feet in width.
 - III. Driveways and vehicular entrances to off-street parking with seven (7) or more parking spaces must be between eighteen (18) and twenty-four (24) feet in width at the frontage.
- c. Shared Driveways: Driveways may provide access in whole or in part on or across an abutting lot(s), provided that an access easement exists between all property owners.

H. OUTDOOR AMENITY SPACE

The part or parts of land within a Building Type or Development Project which are reserved or restricted for permanent open space. This space shall exclude parking areas and stormwater detention areas, but include required setbacks and walkways. Open Amenity Spaces permitted by Building Types and Development Types are identified on Table 8 below. Specific design standards for Outdoor Amenity Spaces are included in Section 7 of the MSTND Design Standards.

TABLE 8: PERMITTED OUTDOOR AMENITY SPACES

OUTDOOR AMENITY SPACE TYPES	BUILDING TYPES											Specific Standards
	A. Worker's Cottage, Cottage Court,	B. S.F. Attached - Rowhouse	C. Paired House	D. Multi-Family Building	E. Live-Work/Shop House	F. General Commercial Building	G. Mixed-Use Building	H. Fabrication Building	I. Gas Backwards	J. Civic Building	K. Other Building Types	
1. Common Yard	P	P	P	P	P					P	SP	Section 18.7
2. Dooryard	P	P	P	P	P			P	P	P	SP	Section 18.7
3. Courtyard and Forecourt	P	P	P	P		P	P	P		P	SP	Section 18.7
4. Balcony	P	P	P	P	P	P	P	P		P	SP	Section 18.7
5. Deck or Patio	P	P	P	P	P	P	P	P	P	P	SP	Section 18.7
6. Porch and Terrace	P	P	P	P	P	P	P	P		P	SP	Section 18.7
7. Outdoor Dining Café					P	P	P	P	P	P	SP	Section 18.7
8. Roof Deck, Terrace and Garden	P	P	P	P	P	P	P	P		P	SP	Section 18.7
9. Neighborhood Park	P			P		P	P	P		P	SP	Section 18.7
10. Common, Square, Plaza	P					P	P	P		P	SP	Section 18.7
11. Pocket Park and Playground	P	P	P	P	P		P			P	SP	Section 18.7
12. Community Garden	P	P	P	P	P		P	P		P	SP	Section 18.7
13. Public Art Installation					P	P	P	P	P	P	SP	Section 18.7
<i>Permitted</i>	<i>P</i>											
<i>Special Permit</i>	<i>SP</i>											

I. SUSTAINABLE DEVELOPMENT AND LOW IMPACT DESIGN

See the Section 18.7: Design Standards for sustainable development and low impact design applications for the MSTND.

18.7 DESIGN STANDARDS

To ensure that new development shall be of high quality and generally consistent with MSTND Illustrative Master Plan prepared by the Town of Danvers and the PAA adopted the Design Standards relative to the issuance of Site Plan Approvals for Development Projects within the MSTND. These Design Standards are intended to clarify the permitting review process, and to define expectations for the size, bulk, exterior sheathing, open space, and placement of structures. These Design Standards shall supersede all other standards set forth elsewhere in the Zoning By-laws, other than those set forth in the MSTND. A copy of the Design Standards is on file with the Town Clerk. In addition to the other standards set forth in this Section 18, the physical character of Development Projects within the MSTND Smart Growth Overlay District shall comply with such Design Standards.

18.8 DENSITY AND BULK STANDARDS

A. BASE DENSITY

Buildings and Developments within a MSTND shall be subject to the following bulk and density requirements based on the uses of the Development.

1. **Maximum Residential Density:** The number of residential units shall be determined by the building type and shall not be greater than a the following:

Dwelling Unit Types	D.U.s Per Acre	
	By Right	By Special Permit
1. Single Family Detached Dwelling Units - includes Workers' Cottages and Cottage Courts	8	16
2. Single Family Attached Dwelling Units - includes horizontally-attached rowhouses, townhouses, and Live/Work Units	12	16
3. Multi-Family/Two and Three-Family Dwelling Units	12	12
4. Multi-Family/Four or More Dwelling Units - includes condominiums, apartment buildings, housing cooperatives	20	36
5. Mixed Use Developments (Commercial and Multi-Family)	20	36

2. **Maximum Development By MSTND Subdistrict:** The aggregate number of Dwelling Units that may be constructed in the MSTND is 211 and is calculated for each of the Sub-Districts below. The maximum non-residential development including commercial, fabrication, and civic uses permitted in the Table of Allowable Uses in Section 18.5 is measured in gross square feet shall not exceed 170,864. Notwithstanding the preceding allowance for 170,864 gross sq. ft. of non-residential use under this Section 18, non-residential development permitted under this Section 18, including the non-residential portions of any Mixed-Use Projects, may not authorize non-residential development that, when the development potential of the remaining Developable Land within the District is calculated, would preclude the District as a whole from accommodating at least the minimum number of units required to qualify for any corresponding Zoning Incentive Payment received by the Town of Danvers in conjunction with any corresponding Letter of Approval or Conditional Letter of Approval, as applicable, issued by DHCD, with such calculation taking into account those eligible Bonus Units completed or under construction as well as any Bonus Units still developable As-of-Right based on the remaining Developable Land within the MSTND. The amount of non-residential development is calculated for each Sub-District in the table below.

TABLE 10: MSTND REGULATING PLAN SUBDISTRICTS - MAXIMUM DEVELOPMENT

Requirement	Sub-District		
	1. Core Mixed Use Sub-District	2. Maple Street Limited Mixed Use Sub-District	3. Hobart and Locust Street Limited Mixed Use Sub-District
Underlying Base Zone	I-1, R-1	I-1, R-1	C-1, C-1A, R-1
Total Sub-District Parcels	23	17	17
Total Sub-District Acres	6.23	5.35	5.23
Total No. of Existing Dwelling Units	18	28	22
Max Number of New Dwelling Units ¹	94	67	50
Max. GFA of New Non-Residential Development ^{2,3}	67,845	58,262	44,758
<i>1. Maximum Number of New Dwelling Units is based on a Density Ratio of 20 DU/Acre except for parcels in the Res-Trans Frontage Zone which are based on 12 DU/Acre. Existing Dwelling Units were then subtracted from the gross number of units calculated under the Density Ratios.</i>			
<i>2. Maximum GFA of New Non-Residential Development is based on an Overall Floor Area Ratio (FAR) of .25</i>			
<i>3. Maximum Number of New Dwelling Units and GFA of New Non-Residential Development excludes the Hobart Street Municipal Parking Lot in Subdistrict 3 which is not considered a developable property.</i>			

B. BULK STANDARDS

1. Dwelling Unit Size:

- a. Dwelling units must have a minimum useable floor area as specified on the table below for all buildings providing more than one (1) dwelling unit.
- b. The useable floor area of a half story is calculated as seventy-five percent (75%) of the total floor area of the half-story.

TABLE 11: MINIMUM DWELLING UNIT SIZE	
Unit Type	Useable Floor Area (Min.)
Studio	400 sq. ft.
1 Bedroom	600 sq. ft.
2+ Bedrooms	900 sq. ft.

- c. Workers’ Cottages Homes may have a maximum of 1,400 square feet of usable floor area and two (2) bedrooms.
- 2. Dwelling Units Per Building:** To the extent there is no conflict with the minimum allowable As-of-right density requirements under MGL c. 40R and 760 CMR 59.00, the maximum number of Dwelling Units per building shall not exceed 24 without a Special Permit from the Planning Board.

3. Dwelling Unit Orientation:

- a. Dwelling Units may be stacked one above the other or attached side by side as indicated for each building type.
- b. Dwelling Units attached back-to-side are prohibited except for buildings on corner

lots.

- c. Dwelling Units attached front-to back are prohibited.

C. DENSITY BONUS REQUIREMENTS

1. **General Requirement:** The Planning Board may, by Special Permit, allow higher density up to the maximum established on Table 9 above if certain Public Realm Improvements are made by the Applicant that provide benefits to residents and businesses in the Development Project as well as to the MSTND District, and surrounding area. If sufficient Public Realm Improvements are made, the Planning Board shall make a written finding that the developer will provide significant improvements providing a public benefit, in addition to those improvements necessary to meet the requirements of this bylaw.
2. **Eligible Public Realm Improvements:** These improvements shall include on-site or off-site infrastructure improvements, streetscape, open space or other amenities not otherwise required by any town board or agency, serving a public purpose, to be constructed in an attractive, context-sensitive, or pedestrian-oriented manner. Some eligible improvements include the following:
 - a. Sidewalks.
 - b. Streetscape improvements such as street trees and furnishings on public streets or contribution of land suitable for a public way or public streetscape improvements.
 - c. Upgrades to the Danvers Rail Trail, pedestrian crosswalks, and non-vehicle transportation modes to improve safety and access to and within the district by pedestrians and bicyclists.
 - d. Land acquisition or donation for the purpose of publicly accessible active or passive recreation in desirable locations with the district or surrounding area, in addition to the open space required by this Section 18.8.
 - e. Public parking and publicly-accessible parking.
 - f. Additional affordable housing units above the number required by this Section 18.
3. **Approval of Density Bonus Improvements:** All public realm improvements used for the density bonus shall have been recommended in planning documents approved or used by the Town of Danvers Board of Selectmen, DPW, Board of Health, Conservation Commission or Planning Board. In order to make this determination, the following are required:
 - a. The Applicant shall provide the Planning Board with a written description of the intended neighborhood improvements, the public benefit provided, significance to the Town, provision for maintenance if required, Applicant's cost estimates, and a sketch plan showing the location and type, size and extent of improvements.

- b. The Planning Board may require a bond to cover the cost of any improvements that will be constructed, or a binding agreement approved by Town Counsel, to remain in place until the improvements are completed to the satisfaction of the Town.
- c. A specific time frame for the completion of all required off-site improvements shall be incorporated as a condition of approval of the Planning Board.
- d. The Applicant shall provide a list of all permits and approvals required in connection with any proposed public benefit(s) with the application. These approvals shall be obtained prior to approval of the Development Project, unless an exception for good cause is explicitly authorized by the Planning Board.
- e. The Planning Board shall be under no obligation to grant such density bonus and may determine, in its sole discretion, whether the offered improvements are sufficient in nature, scope, cost or otherwise, to justify such bonus. The offer and commitment by an Applicant to provide all or any number of the above enumerated examples does not, in and of itself, justify or require the Planning Board to grant such density bonus.

18.9 FAIR HOUSING REQUIREMENTS/HOUSING AND AFFORDABILITY

A. NUMBER OF AFFORDABLE HOUSING UNITS

For all Projects, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit. The total number of Affordable Housing units constructed in the District shall equal not less than twenty percent (20%) of the total number of all units constructed within Projects in the District. A Project shall not be segmented to evade the Affordability threshold set forth above.

B. MONITORING AGENT

A Monitoring Agent which may be the local housing authority or other qualified housing entity (the “Monitoring Agent”) shall be designated by the PAA. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a building permit for a Project within the MSTND, and on a continuing basis thereafter, as the case may be:

1. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;

2. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
3. The housing marketing and resident selection plan conform to all requirements, comply with DHCD's Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines and are properly administered;
4. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

C. SUBMISSION REQUIREMENTS

As part of any application for Plan Approval for a Project within the MSTND submitted under Sections 18.10 (or, for Projects not requiring Plan Approval, prior to submission of any application for a building permit), the Applicant must submit the following documents to the PAA and the Monitoring Agent:

1. Evidence that the Project complies with the cost and eligibility requirements of Section 18.9;
2. Project plans that demonstrate compliance with the requirements of this Section 18.9; and
3. A form of Affordable Housing Restriction that satisfies the requirements of Section 18.9.

These documents in combination, to be submitted with an application for Plan Approval (or, for projects not requiring Plan Approval, prior to submission of any application for a building permit), shall include details about construction related to the provision, within the Development Project, of units that are accessible to the disabled and appropriate for diverse populations, including, as applicable, households with children, other households, individuals, and the elderly.

D. COST AND ELIGIBILITY REQUIREMENTS

Affordable Housing shall comply with the following requirements:

1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
3. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium

and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.

Prior to the granting of any building permit or Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to Danvers.

E. DESIGN AND CONSTRUCTION

Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed proportionately throughout the Project of which they are part, across all unit types and be comparable in initial construction quality and exterior design to the other housing units in the project. Unless expressly required otherwise under one or more applicable state or federal housing subsidy programs, the total number of bedrooms in the Affordable Housing shall be equal to or greater than the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

F. AFFORDABLE HOUSING RESTRICTION

Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate Registry of Deeds or District Registry of the Land Court and which contains the following:

1. Specification of the term of the Affordable Housing Restriction which shall be no less than thirty years;
2. The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
3. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project with the initially designated Affordable Rental Units identified in, and able to float subject to approval by DHCD in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and DHCD's AFHMP guidelines.
4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and

selection plan may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

5. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
7. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
8. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Administering Agency;
9. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;
10. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
11. Provision that the restriction on Affordable Rental Units in a rental project or rental portion of a project shall run with the rental project or rental portion of a project and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
12. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
13. A requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

G. COSTS OF HOUSING MARKETING AND SELECTION PLAN

The housing marketing and selection plan may make provision for payment by the Project Applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

Such payment shall not exceed one-half (1/2%) percent of the amount of rents of Affordable Rental Units (payable annually) or one (1%) percent of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

H. AGE RESTRICTIONS

Nothing in this Section 18 shall permit the imposition of restrictions on age upon Projects unless proposed or agreed to voluntarily by the Applicant. However, the PAA may, in its review of a submission under Section 18.10, allow a specific Project within the MSTND designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable Housing units. Any Project which includes age restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

I. PHASING

For any Project that is approved and developed in phases in accordance with Section 18.10, unless otherwise expressly approved in writing by DHCD, the proportion of Affordable Housing Units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under Section 18.9.

J. NO WAIVER

Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 18.9 shall not be waived unless otherwise expressly approved in writing by DHCD.

18.10 ADMINISTRATION

The Planning Board shall be the Plan Approval Authority (PAA) for Site Plan Approvals in the MSTND, and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for Site Plan Review. Such administrative rules and any amendment thereto must be approved by the Department of Housing and Community Development (DHCD). The Site Plan Review process encompasses the following:

A. GENERAL PROVISIONS

1. **Plan Approval:** An application for Plan Approval shall be reviewed by the PAA for consistency with the Purpose and Intent of Section 18.1. Such Plan Approval process shall be construed as an As-Of-Right review and approval process as required by and in accordance with the Enabling Laws. The following categories of Projects shall be subject to the Plan Approval process:

- I. Any new Attached or Detached Single Family Dwelling Unit Project that selects the MSTND Overlay District requirements for Plan Approval.
 - II. Any new Two-Three Family Dwelling Unit Project that selects the MSTND Overlay District requirements for Plan Approval.
 - III. Any Multi-Family Development that selects the MSTND Overlay District requirements for Plan Approval.
 - IV. Any Mixed-use Development Project that selects the MSTND Overlay District requirements for Plan Approval.
 - V. All other non-residential Development Projects that select the MSTND Overlay District requirements for Plan Approval.
2. **Plan Approval Authority (PAA):** The Planning Board of the Town of Danvers, consistent with M.G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the MSTND.
 3. **PAA Regulations:** The Plan Approval Authority may adopt administrative rules and regulations, including but not limited to Design Standards, relative to Plan Approval. Such rules and regulations and amendments thereof must be approved by the Department of Housing and Community Development.
 4. **Project Phasing:** An Applicant may propose, in a Plan Approval submission, that a Development Project be developed in phases, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased Project shall comply with the provisions of Section 18.
 5. **Design Standards:** To ensure that new development shall be of high quality, and compatible with the character of the surrounding neighborhood, all Development Projects shall meet the Design Standards of Section 18.7 unless specific standards are waived by the PAA, which waiver shall evaluate and balance the public good against the development impacts.

B. PLAN APPROVAL PROCEDURES

1. **Pre-Application Meeting:** The Applicant is encouraged to participate in a pre-application review at a regular meeting of the Planning Board, serving, in such instances, in its capacity as the PAA. The purpose of the pre-application review is to minimize the applicant's cost of engineering and other technical experts, and to obtain the advice and direction of the PAA prior to filing the application. At the pre-application review the Applicant shall outline the proposal and seek preliminary feedback from the PAA, other municipal review entities, and members of the public. The Applicant is also encouraged

to request a site visit by the PAA and/or its designee in order to facilitate pre-application review.

2. **Pre-Application Concept Plan:** Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:
 - I. Overall building envelope areas;
 - II. Open space and amenity areas; and
 - III. General site improvements, groupings of buildings, parking areas, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Purpose and Intent, Design Standards and other requirements of the MSTND.

3. **General Submittals Requirement:** An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, along with application fee(s) which shall be as set forth in the PAA Regulations. All application forms and fee schedules must be approved by DHCD and on file with DHCD. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section 18.9, the application shall be accompanied by all materials required under Section 18.10. All Site Plans shall be prepared by a certified architect, landscape architect, and/or a professional engineer licensed in the Commonwealth of Massachusetts. All Landscape Plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All architectural plans and building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts.
4. **Site Development Plans:** All plans shall be prepared and submitted according to the requirements of Section 4.8 – Application Requirements of the Danvers Zoning Bylaws.
5. **Community Impact Assessment:** For Development Plans with building gross floor areas exceeding 20,000 square feet, the submission of a Community Impact Assessment shall be required as described in Section 4.9 of the Danvers Zoning Bylaw.
6. **Design Standards:** All Development Plans submitted under the MSTND Overlay District requirements shall comply with the Design Standards in Section 18.7 which supersede other design standards and guidelines in Section 4, 17, and 30 of the Danvers Zoning Bylaw that do not apply to Projects within the MSTND.
7. **Filing:** An Applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the Town Clerk and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.

8. **Circulation to Other Boards:** Upon receipt of the application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Zoning Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, the Monitoring Agent (for any project subject to the Affordability requirements of Section 18.9), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.
9. **Hearing:** The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of M.G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.
10. **Peer Review:** The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to M.G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.
11. **Performance Bond to Guarantee Construction of On- and Off-site Improvements:** The PAA shall require a performance bond or surety to assure that the proposed improvements including, but not limited to, utilities, public amenities, landscaping and the Site Plan are constructed as approved.
12. **Inspections During Construction:** The PAA may require the inspection of improvements as per the approved Site Plan and shall require the Applicant to cover the cost of the consultant's services.

C. PLAN APPROVAL DECISIONS

1. **Plan Approval:** Plan Approval shall be granted where the PAA finds that:
 - I. The Applicant has submitted the required fees and information as set forth in the PAA Regulations; and
 - II. The Project as described in the application meets all of the requirements and standards set forth in this Section 18 and the PAA Regulations, or a waiver has been granted therefrom; and
 - III. Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section 18.9, compliance with condition (2) above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 18, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

2. **Plan Disapproval:** A Plan Approval application may be disapproved only where the PAA finds that:
 - I. The Applicant has not submitted the required fees and information as set forth in the Regulations; or
 - II. The Project as described in the application does not meet all of the requirements and standards set forth in this Section 18 and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
 - III. It is not possible to adequately mitigate significant adverse Project impacts on nearby properties by means of suitable conditions.
3. **Waivers:** Upon the request of the Applicant, the Plan Approval Authority may waive dimensional and other requirements of Section 18, including the Design Standards, in the interests of design flexibility and overall project quality, subject to the specific provisions of these Sections and upon a finding of consistency of such variation with the overall Purpose and Intent of the MSTND, or if it finds that such waiver will allow the project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section 18.
4. **Project Phasing:** The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, unless otherwise expressly approved in writing by the Department in relation to a specific Project, the proportion of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under Section 18.9.
5. **Form of Decision:** The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make

such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the Registry of Deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

6. **Validity of Decision:** A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

D. CHANGE IN PLANS AFTER APPROVAL BY PAA

1. **Minor Change:** After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.
2. **Major Change:** Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

E. REVIEW AND APPROVAL OF SPECIAL PERMITS

The Special Permit Granting Authority (SPGA) for all Special Permits related to increased housing density or non-residential uses in the MSTND shall be the Planning Board. The Planning Board shall issue a decision with findings and conditions as regulated under Section 30 of the Danvers Zoning Bylaw and as required under M.G.L Chapter 40A.

F. ANNUAL UPDATE

On or before July 31 of each year, the Board of Selectmen shall cause to be filed an Annual Update with the Department of Housing and Community Development (DHCD) in a form to be prescribed by DHCD. The Annual Update shall contain all information required in 760 CMR 59.07, as may be amended from time to time, and additional information as may be required pursuant to M.G.L. c.40S and accompanying regulations. The Town Clerk of the Town of Danvers shall maintain a copy of all updates transmitted to DHCD pursuant to this By-Law, with said copies to be made available upon request for public review.

G. NOTIFICATION OF ISSUANCE OF BUILDING PERMITS

Upon issuance of a residential building permit within the MSTND, the Building Inspector of the Town of Danvers shall cause to be filed an application to the Department of Housing and Community Development (DHCD), in a form to be prescribed by DHCD, for authorization of payment of a one-time density bonus payment for each residential building permit pursuant to M.G.L. c.40R. The application shall contain all information required in 760 CMR 59.06(2), as may be amended from time to time, and additional information as may be required pursuant to M.G.L. c.40S and accompanying regulations. The Town Clerk of the Town of Danvers shall maintain a copy of all such applications transmitted to DHCD pursuant to this By-Law, with said copies to be made available upon request for public review.

18.11. ENFORCEMENT AND APPEAL

The provisions of this Section 18 shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Section 18.10 shall be governed by the applicable provisions of M.G.L. Chapter 40R. Any other request for enforcement or appeal arising under Section 18 shall be governed by the applicable provisions of M.G.L. Chapter 40A.

18.12. WAIVER OF REQUIREMENTS

If the provisions of the MSTND are in conflict with any other sections of the Danvers Zoning Bylaw, the regulations of the MSTND will govern. Subject to compliance with M.G.L. c. 40R, 760 CMR 59.00 and Section 18.9, unless expressly approved otherwise in writing by DHCD, provisions and requirements of the MSTND may be waived at the discretion of the PAA, in the interest of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under Section 18.

18.13. DATE OF EFFECT

The effective date of this By-Law shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of M.G.L. C.40A §5. Notwithstanding the preceding sentence, the MSTND Overlay District shall not be considered an Approved District under MGL c. 40R and 760 CMR 59.00 and shall not be eligible for any associated payments under MGL c. 40R or MGL c. 40S, until the DHCD has issued a corresponding Letter of Approval or Letter of Conditional Approval, as applicable.

18.14. SEVERABILITY

If any provision of Section 18 is found to be invalid by a court of competent jurisdiction, the remainder of Section 18 shall not be affected but shall remain in full force. The invalidity of any provision of Section 18 shall not affect the validity of the remainder of the Town's Zoning Bylaw.