

# Proposed Motion:

1. **Insert a new Section 5.4, Character Based Zoning Districts**, and renumber the subsequent section, District Boundaries, appropriately, by inserting the following:

*Character-Based Zoning Districts: The Character-Based Zoning Districts (CBZD) are mixed-use and pedestrian-oriented districts located and bounded as shown on the map entitled “Town of Danvers Zoning Map.” Sections 18 through 22 provide the specific development standards for each CBZD including a Regulating Plan which is an enhanced zoning map that illustrates standards specific to each district. The CBZD Design Standards provide supplemental design standards for the development review process. CBZD Districts include:*

- Danvers Town Center – Core (Section 19)
- Danvers Town Center – Live/Work (Section 20)
- High Street Mixed Use Corridor (Section 21)
- Maple Street Traditional Neighborhood Development Overlay District (Section 22)

These changes are shown in Appendix 1.

2. **Amend the Zoning Map**, to incorporate the new districts as depicted on the map included in Appendix 2.
3. **Replace Section 18, Maple Street MSTND, and insert new Sections 18 through 22**, as summarized below.

Section 16	WATERFRONT VILLAGE DISTRICT
Section 17	TAPLEYVILLE OVERLAY DISTRICT
Section 18	<del>MAPLE STREET TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT</del> <b>CHARACTER BASED ZONING DISTRICTS</b>
Section 19	<del>RESERVED</del> <b>DANVERS TOWN CENTER – CORE DISTRICT (DTC-C)</b>
Section 20	<del>RESERVED</del> <b>DANVERS TOWN CENTER – LIVE/WORK DISTRICT (DTC-L/W)</b>
Section 21	<del>RESERVED</del> <b>HIGH STREET CORRIDOR MIXED USE DISTRICT (HSMUD)</b>
Section 22	<del>RESERVED</del> <b>MAPLE STREET TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT</b>
Section 23	RESERVED
Section 24	RESERVED

The proposed text of Sections 18 through 22 is included in Appendix 3.<sup>1</sup>

4. **Delete Section 35, Sign Regulations for the Downtown Improvement District, and Section 30.2.17, Signs within the Downtown Improvement District.**<sup>2</sup>

These sections pertain to signage rules for a small area of downtown, which would be superseded by the signage rules associated with the proposed zoning.

<sup>1</sup> Revised January 7, 2020, to move text exempting existing single- and two-family homes from Site Plan Approval. Revised January 14, 2020, to correct typos on pages 103 and 119, and also on page 119, exempt existing single-family homes adding one unit from the affordable housing fractional payment.

<sup>2</sup> Revised January 7, 2020, to correct erroneous citation to Section 37 and include the titles of both references.

## Appendix 1: Establishment of Districts

### Section 5 - Establishment of Districts

#### SECTION 5

##### ESTABLISHMENT OF DISTRICTS

###### 5.1 Establishment of Districts

For the purpose of this by-law, the Town of Danvers is divided into classes of districts as shown on the zoning map entitled, "Zoning Map, Danvers, Mass. Scale 1" = 600', May 1, 1961, Clifton R. Grinnell, Town Engineer," as revised.

###### 5.2 Names of Districts

Said classes of districts are designated as follows:

Residence I

Residence IA

Residence II

Residence IIA: To provide an appropriate location for the development of moderate-density, multi-family residences in order to introduce variety and choice into residential development; to allow an increase in housing stock; to allow clustering of structures in order to preserve open space on site and facilitate economical and efficient provision of utilities.

Residence III

Residence IIIA

Waterfront Village District

Commercial I

Commercial IA

Commercial III: The purpose of this section of the Danvers Zoning By-Laws is to define a specific zoning district in the Endicott Street area and to regulate the future growth and development within the district based upon, and consistent with, the predominant development and land uses existing within the district in 1998, as well as re-development options.

Industrial I

Industrial II

Danversport Industrial

Section 5 - Establishment of Districts

**Highway Corridor Zone:** The purpose of the Highway Corridor District is to provide for large-scale development in a manner that encourages creative site planning in order to enhance the appearance and the economic health of that area of the Town of Danvers through which two major highways create a corridor with distinctive characteristics.

**Route 114 Corridor Zone A:** The purpose of the Route 114 Corridor Zone A is to control and design commercial and industrial development along the Route 114 Corridor in such a manner that encourages sound site planning, enhances the physical appearance of the area, and enhances the economic health of a major commercial and industrial area of Danvers.

**Route 114/Centre Street/Collins Street Area Zone B:** The purpose of the Route 114/Centre Street/Collins Street Area Zone B is to control and design office and industrial development in such a manner that encourages sound site planning, enhances the physical appearance of the area; and enhances the economic health of a major industrial area of Danvers; and to serve as a transition area between commercial and industrial development along Route 114 Corridor and the residential and historic homes along Centre Street and Collins Street.

**Hathorne West**

**Health Care District:** The purpose of the Health Care District is to provide medical, and other related uses in a central location so as to provide comprehensive health care services to the citizens of the Town of Danvers and on a regional basis.

**Village District:** The purpose of the Village District is to provide a convenient center for business persons, professionals, craftsmen and residents to efficiently serve and be served by the community in a way which enhances the historic integrity of the area and the economic health of Danvers and to serve as a transition area between commercial and industrial development along Route 114 Corridor and the residential and historic homes along Centre Street.

**5.3 Certain Overlay Districts are Designated as Follows:**

The overlay districts are established in recognition of special conditions which exist in these areas. Each overlay district establishes additional requirements above and beyond those of the base zoning district. In case of any conflict between the requirements of the base and overlay districts the more restrictive provision shall apply. Where practical, the overlay districts are also shown on the Zoning Map.

Adult Overlay District

Flood Plain Districts and Floodways

Downtown Improvement District

Groundwater Protection District

Maple Street Traditional Neighborhood District

Tapleyville Overlay District

Registered Marijuana Dispensary Overlay District

Section 5 - Establishment of Districts

**5.4 Character-Based Zoning Districts**

The Character-Based Zoning Districts (CBZD) are mixed use and pedestrian oriented districts located and bounded as shown the map entitled "Town of Danvers Zoning Map." Sections 18 through 22 provide the specific development standards for each CBZD including a Regulating Plan which is an enhanced zoning map that illustrates standards specific to each district. The CBZD Design Standards provide supplemental design standards for the development review process.

Danvers Town Center – Core District

Danvers Town Center – Live/Work District

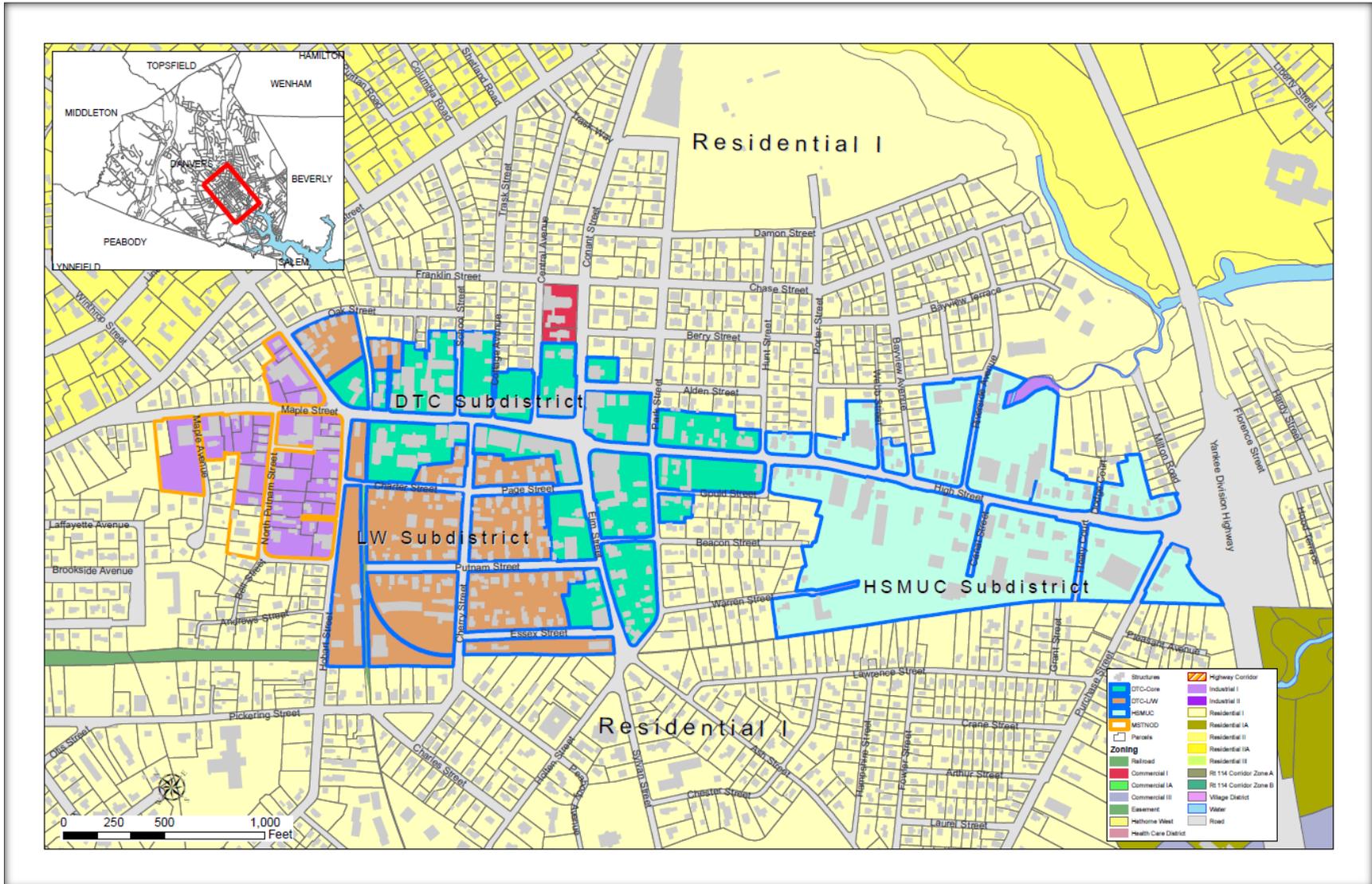
High Street Mixed Use Corridor District

Maple Street Traditional Neighborhood District

**5.5 District Boundaries**

The boundaries between districts are either the side lines of streets, center lines of railroads, center lines of brooks and boundary lines of lots, or lines parallel to an indicated distance from the side lines of streets or center lines of railroads and brooks and boundary lines of lots as otherwise indicated on the zoning map.

## Appendix 2: Zoning Map



## Appendix 3: Sections 18 through 22

### **SECTION 18: Character-Based Zoning Districts**

#### **18.1 Purpose and Intent**

The general purpose and intent of the Character-Based Zoning Districts are to:

1. Guide the physical character of development with context-based building and site development standards that reflect the scale, design characteristics, and settlement patterns existing or envisioned for the district.
2. Create a vibrant public realm with high quality streetscape, and active public or publicly-oriented open spaces that enhance the pedestrian environment.
3. Encourage high quality housing production for a variety of age groups, household types, and income ranges.
4. Encourage a range of business development opportunities using the advantages of access and visibility along commercial streets but also providing convenient services to surrounding neighborhoods.

#### **18.2 Application**

All lots hereafter created or modified, all buildings and structures hereafter erected, reconstructed, altered, enlarged, or improved within the above Character-Based Zoning Districts (CBZD) shall be reviewed by the Planning Board in accordance with the requirements and conditions set out in all of the following: zoning map and regulating plans; Character-Based Zoning District Bylaw Sections 18 through 22; and the Planning Board's Character-Based Zoning District Design Standards. Where the Zoning Bylaw conflicts, the above regulations and this Character-Based Zoning District Bylaw shall prevail. Existing single- and two-family homes conducting routine maintenance, including additions, are not subject to the CBZD provisions.

#### **18.3 Zoning Map and Regulating Plan**

##### **A. Establishment**

The Character-Based Zoning Districts (CBZD) are located and bounded as shown on a map entitled "Town of Danvers Zoning Map," copies of which are on file in the offices of the Town Clerk and Planning Department. Each CBZD includes a Regulating Plan which is an enhanced zoning map that illustrates additional development and design standards specific to each district.

##### **B. Character-Based Districts**

Character-Based Zoning Districts include the following:

1. Danvers Town Center – Core District (DTC-C): See Section 19.
2. Danvers Town Center – Live/Work District (DTC-L/W): See Section 20.
3. High Street Mixed Use Corridor District (HSMUC): See Section 21.
4. Maple Street Traditional Neighborhood Development Smart Growth Overlay District (MSTND): See Section 22.

## 18.4 Density and Bulk Standards

### A. Base Residential Density

Buildings and Developments within a CBZD are subject to the following density standards:

**TABLE 18-1: RESIDENTIAL DENSITY BY CHARACTER-BASED ZONING DISTRICT  
BY RIGHT/SPECIAL PERMIT UNITS PER ACRE**

BUILDING TYPES	BY RIGHT/SPECIAL PERMIT UNITS PER ACRE			
	DTC-C	DTC-L/W	MSTND	HSMUC
Workers Cottage (1 Dwelling Unit)	0/16	8/16	8/16	0/0
Single-Family Detached House (1 Dwelling Unit)	0/0	8/12	0/0	0/0
Single-Family Attached House (1 Dwelling Unit)	12/16	12/16	12/16	12/16
Paired House (2 or 3 Dwelling Units)	0/12	12/16	12/12	0/0
Multi-Family Building (4 or More Dwelling Units)	0/24	16/24	20/36	20/36
Live-Work/Shop House (1 Dwelling Unit)	12/16	8/12	12/16	12/16
Mixed-Use Buildings (Commercial/Multi-Family Units)	12/24	12/24	20/36	20/36

*P = Allowed by Right;*

*SP = Allowed by Special Permit from the Planning Board*

### 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 18-2: MINIMUM DWELLING UNIT SIZE**

Unit Type	Useable Floor Area (Min.)
Studio	400 sq. ft.
1 Bedroom	600 sq. ft.
2+ Bedrooms	900 sq. ft.

2. **Dwelling Units Per Building:** The maximum number of dwelling units per building shall not exceed 24 without a Special Permit from the Planning Board.

#### 3. Dwelling Unit Assemblage:

- 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 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 in the table 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 CBZDs and surrounding area. If sufficient Public Realm Improvements are made, the Planning Board shall make a written finding that the applicant will provide significant improvements providing a public

benefit, in addition to those improvements necessary to meet the base density requirements of this bylaw.

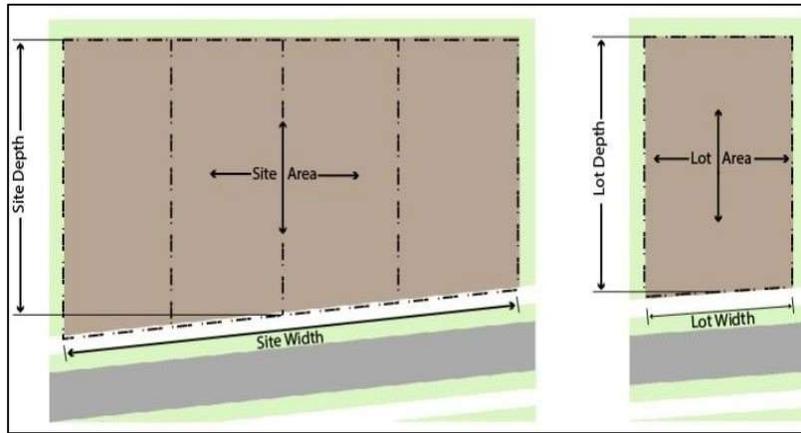
2. **Eligible Public Benefit Improvements:** These improvements shall include on-site or off-site infrastructure improvements, streetscape improvements, open space or other amenities not otherwise required by any town board or agency, serving a public purpose, to be constructed in an attractive, context-sensitive, or pedestrian-oriented manner. Some eligible improvements include the following:
  - a. Improvements to designated Civic Zones for the purpose of enhancing publicly controlled active or passive recreation in desirable locations within the CBZDs, in addition to the Outdoor Amenity Space required by this Section.
  - b. Land acquisition or donation to the Town or a designated non-profit agency for the purpose of publicly accessible active or passive recreation in desirable locations within the CBZD or surrounding area, in addition to the Outdoor Amenity Space required by this Section.
  - c. Transfer of Development Rights (TDR) between eligible sending zones and eligible receiving zones. See the Planning Board's *Zoning Regulations* for eligible locations and standards.
  - d. Sidewalks and pathways.
  - e. Streetscape improvements such as street trees and furnishings on public streets or contribution of land suitable for a public way or public streetscape improvements.
  - f. Public parking spaces and publicly-accessible parking facilities.
  - g. Additional affordable housing units above the number required by this Section.

## 18.5 Development Site Standards

### A. Development Site

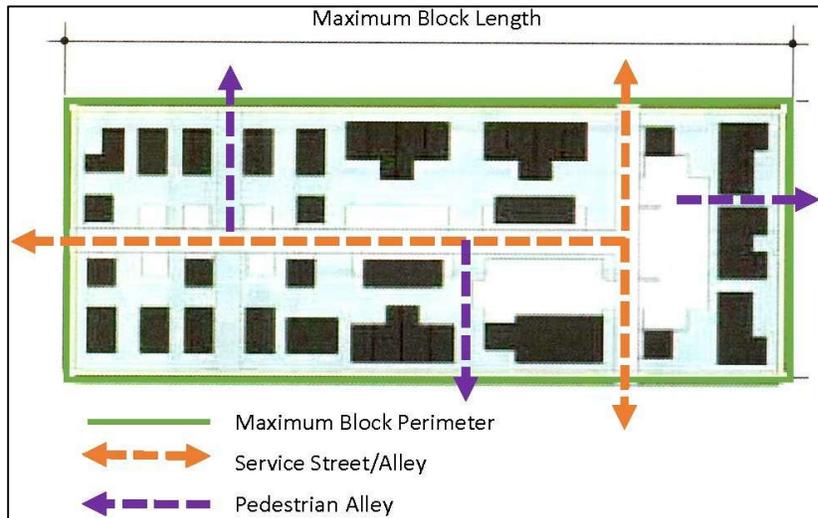
A Development Site is any lot or group of contiguous building lots owned or controlled by the same person or entity, assembled for the purpose of a single development, and including one or more principal buildings.

**FIGURE 18-1: DEVELOPMENT SITE BUILDING ENVELOPE**



1. **Site Area:** Development Site area is the cumulative area of all contiguous building lots that the site is composed of. Development Site area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.
2. **Permitted Building Types:** A Development Site may include a combination of Building Types as permitted in Section 18.7 that are assembled on an individual lot or group of contiguous lots for the purpose of a single development.
3. **Public Street Frontage:** All Development Sites must have a minimum of 50 feet of frontage on a Public Street providing access to internal streets located within the Development Sites.
4. **Development Block Standards:** These standards establish maximum block length along public or private streets within a Development Site as a method to ensure that access and walkability are integrated into the placement of buildings, outdoor amenity spaces, and site utility areas. Generally, blocks are laid out in order to orient buildings to the street while concentrating utility elements such as electrical service, parking, and refuse collection to the center of blocks, at the rear of the buildings.

**FIGURE 18-2: MAXIMUM BLOCK LENGTH**



- a. *Size and Dimension*: The maximum length of a Block Face shall be 400 feet and the maximum length of a Block Perimeter shall be 1,200 feet. The Planning Board may grant a Special Permit a longer Block Face or Block Perimeter where the applicant can demonstrate that the block will be highly walkable with pedestrian passages, curb extensions, streetscape enhancements, mid-block crossings, and other applications.
- b. *Access and Utilities*: Access to the interior utility area of a block will be made by a paved Service Street/Alley of a minimum of 18 feet with a 4-foot sidewalk on one side. A Service Road/Alley shall be located no less than 50 feet from any intersecting street at the corner of a block. A Pedestrian Passage is required every 200 linear feet along a block face between intersecting streets where shared parking areas or community space is located within the interior of the block.

## **B. Civic Spaces**

The Character-Based Zoning Districts may identify Civic Spaces which include properties within the district that are owned by the Town of Danvers and currently utilized or intended to be used as a Public Outdoor Amenity Space under Section 18.8. Civic Spaces are identified on the CBZD Zoning Insert Map as a submap of the Town of Danvers Zoning Map.

## **C. Street Types**

The Character-Based Zoning Districts may identify Street Types which correspond the required design standards for existing and new public and private streets in the district under the CBZD Design Standards. Street Types are identified on the CBZD Zoning Map/Regulating Plan as an insert submap of the Town of Danvers Zoning Map.

## **D. Parking Standards**

### **1. Purpose and Intent**

- a. To establish parking requirements that support a human-scaled environment.
- b. To minimize conflict points between pedestrians and vehicles as well as the walkability and enjoyment 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, housing choice, 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.

### **2. Applicability.** This section shall supersede parking requirements in Section 4.2 of the Danvers Zoning Bylaws and are applicable to all real property within the CBZDs:

- a. Existing parking must be maintained for the building, structure, or use which it is designed to serve, so long as the building or use exists, and the parking is required by this Section.

- b. Parking must be maintained exclusively for the parking of motor vehicles and bicycles, and not for the storage of other objects. The use of parking facilities for automobile sales, dead storage, repair, dismantling, or service of automobiles of any kind is prohibited.
- 3. **Exemptions.** This section shall exempt parking requirements from the following:
  - a. Outdoor Cafe Seating areas.
  - b. There is no individual motor vehicle parking requirement for accessory uses.
- 4. **Parking Requirements Table:** Parking spaces for motor vehicles must be provided for principal uses according to the table below. Any parking spaces in excess of the given standards shall require a Special Permit from the Planning Board.

**TABLE 18-3: CBZD PARKING REQUIREMENTS**

Commercial, Civic	Required Parking Within 300 Ft of Municipal Parking Lot <sup>1</sup>	Parking Required in Other Locations
Retail Business, Commercial, or Personal Service Establishment	1 space per 400 gross square feet	1 space per 300 gross square feet
General Office or Retail in Mixed Use Buildings	1 space per 500 gross square feet	1 space per 400 gross 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
<b>Fabrication and Trades</b>	Determined by Planning Board	Determined by Planning Board
<b>Residential Uses</b>		
S.F. Attached or Detached Dwelling 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>Required Parking equals both the minimum and maximum parking required for the use</i>		

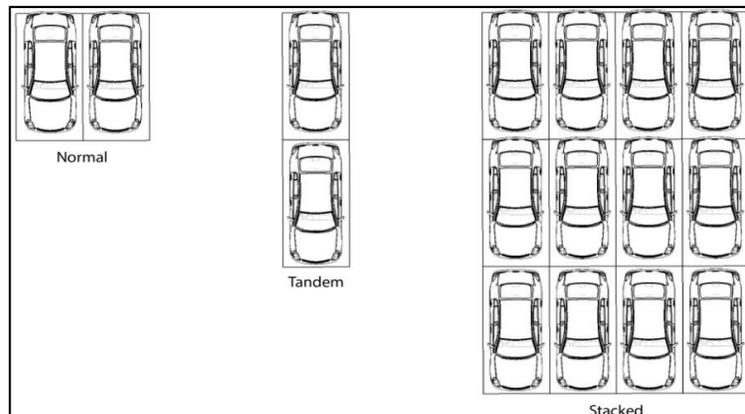
- 5. **Parking Reduction Methods:** By Special Permit, the Planning Board may reduce the minimum on-site parking requirements above under the following conditions:
  - a. On-Street Parking Off-Set: Parking spaces provided to meet the minimum parking requirements may include the actual spaces located 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. See the *CBZD Design Standards* for a detailed description of shared and mixed-use parking requirements.

- 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) or the Institute of Transportation Engineers (ITE) Shared Parking Guidelines (latest addition), 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 Facility:* There is reasonable proximity to a municipally-owned and controlled parking facility which is publicly-available during hours of operation of a non-residential building or use.
  - d. *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.
  - e. *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 Site; and where cars for the car-share program are available on the site or within a 700-foot walking distance of the site.
  - f. *Off-Site Parking:* The Planning Board may allow required parking to 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 (760) feet in walking distance, measured from the nearest point of the off-site parking along walkways to the principal building entrance 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.

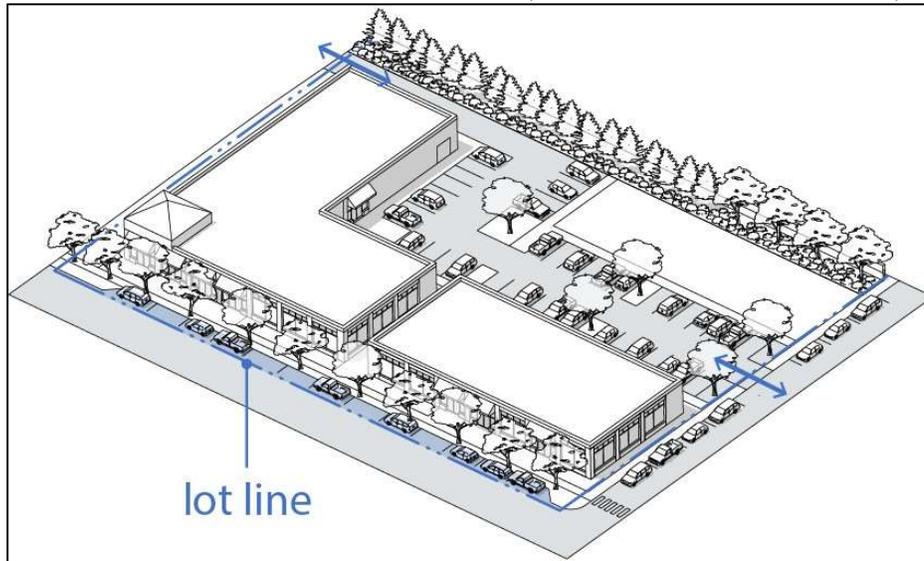
- b. ***Stacked and Valet Parking:*** By Special Permit, the Planning Board may allow valet or stacked parking if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, a written guarantee must be filed with the Town ensuring that an attendant will always be 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. To be used to meet parking requirements for residential units only.
  - 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.

**FIGURE 18-3 - TANDEM AND STACKED PARKING**

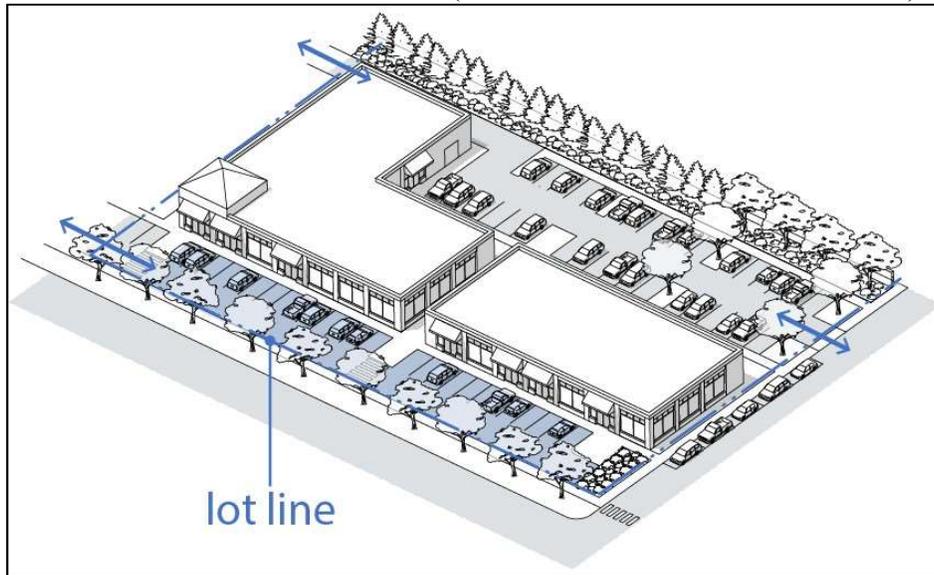


- d. *Street Side Parking*: By Special Permit, the Planning Board may allow parallel or angled parking provided on a privately-owned lot directly adjacent to the public street right-of-way in combination with a minimum five (5) foot wide planting strip with street trees planted 40 feet on center, and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

**FIGURE 18-4: STREET SIDE PARKING (ON FRONT PROPERTY LINE)**



- e. *Teaser Parking*. By Special Permit, the Planning Board may allow a limited amount of off- street surface parking to be placed between a public street and the street facing façade of a primarily building. Where this is permitted by the Planning Board, the parking area will be setback a minimum of twenty (20) feet from the street line and streetscape treatments including street trees, landscaping, and a minimum 5-foot sidewalk will be placed adjacent to the street line. The sidewalk shall also be connected to the front door of the primary building by a dedicated pedestrian connection. The portion of the parking lot located in front of the primarily building shall be limited to one (1) double row of vehicles and associated parking aisle.

**FIGURE 18-5: TEASER PARKING (IN FRONT OF PRIMARY BUILDING)**

7. **Structured Parking:** Structured parking may include above ground and below ground facilities:
  - 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 allowing pedestrians to enter directly into the building.
  - b. *Design and Construction:* The street facing 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). 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.
    - ii. Windows must be back-lit during evening hours and internal light sources must be concealed from view from public sidewalks.
    - iii. The facade area masking the floors occupied by motor vehicle parking must be seamlessly integrated into the architectural design of the building's facade.
8. **Bicycle Parking:** To facilitate bicycle use, the following bicycle parking regulations shall apply:
  - a. *Multi-Family and Mixed-Use 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 18-4 - 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.

**9. Design Standards for Off-Street Surface Parking Facilities**

- 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 Placement:*
  - i. All off-street parking, including surface and structured parking, excluding underground parking, must be located at or behind the required parking setback as indicated for the building type in Section 18.7.
  - ii. Parking is never permitted within a lot frontage except for Street Side Parking and Teaser Parking as explained in Section 18.5.D. 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. Where off-street parking facilities of 30 spaces or more are provided, a publicly accessible driveway must have a minimum of eighteen (18) feet for vehicle access and 4-foot sidewalk connecting to the public street to the parking facility.
  - iii. If an improved public alley with a right-of-way of at least (22) 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 except for single family dwellings.
  - 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 for Street Side Parking in Section 18.5.D. above.

- e. *Parking Space and Drive Aisle Dimensions*: All parking spaces and drive aisles must comply with the minimum dimensional standards shown in the table below:

**TABLE 18-5- OFF-STREET PARKING SPACE AND AISLE DIMENSIONS**

Dimension	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)

10. **Parking Access and Screening**: Unless otherwise specified below, Section 18.5 shall apply to location, design, construction, and landscaping requirements for parking lots.
- No parking shall be placed in the front Build-To-Zone and shall be located a minimum of 5 feet behind the front façade of the primary building except as permitted in Section 18.5.
  - A Street Screen shall be required where private parking is visible from a public street or sidewalk including a 5-foot buffer area which includes a wall and/or landscaping that provides a sight impervious screen.
  - In the CBZDs, only one driveway shall be allowed on a building lot. Where more than one curb cut exists, it may remain unless change of use triggers site plan review. Where access is available on a secondary street frontage, it will be utilized as an alternative to the primary street frontage.
  - Shared driveways are permitted and encouraged.
  - Shared internal access between private parking lots is permitted and encouraged.
11. **Parking Special Permit Criteria**: Where relief from the parking standards requires a Special Permit, the Planning Board shall consider the following:
- The supply and demand of public and private parking in the district, as determined through a parking study.
  - Mobility management programs and services provided by the applicant to reduce the demand for parking.
  - That parking provided in excess of the minimum requirement does not result in underutilized spaces, excessive impervious surfaces, and lost opportunities for building or outdoor amenities spaces.

## E. Sustainable Site Design Standards

- Purpose and Intent**: Sustainable Design and Low Impact Development (LID) techniques are necessary in the CBZDs to reduce stormwater runoff, improve water quality, maintain canopy tree cover, protect natural landscapes, install appropriate

planting materials, and encourage the production of local food. In achieving the requirements of this section, applicants should choose from a variety of sustainable and low impact development techniques provided in the Planning Board's CBZD Design Standards.

## 2. General Landscaping Requirements:

- a. Existing trees shall be preserved to the extent possible reducing the need to plant additional trees.
- b. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance, and free of refuse and debris.
- c. All plantings shall be arranged and maintained so as to not obscure the vision of traffic.

## 3. Stormwater Management:

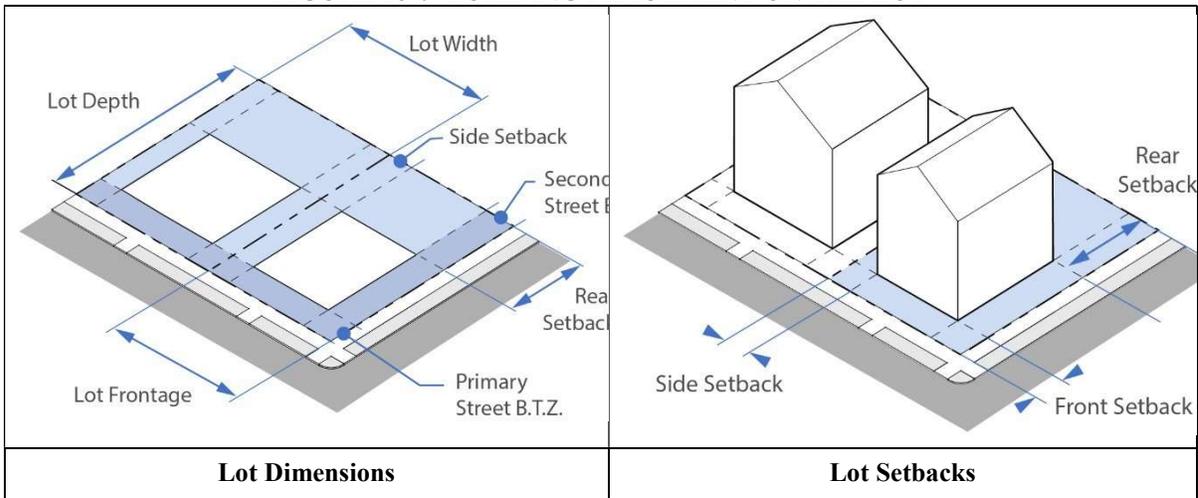
- a. Applicability:
  - i. Consistent with stormwater management best practices, new Development Projects in the CBZDs shall maintain or achieve pre-development hydrology through sustainable site design techniques that infiltrate, filter, store, evaporate and detain storm water close to its source.
  - ii. The post-construction peak runoff rate for the one-year, twenty-four (24) hour rain event shall not exceed the existing peak runoff rate for the same storm event from the site under existing conditions prior to submittal of an application. Low Impact Design (LID) practices as identified in the CBZD Design Guidelines and Standards should be incorporated into the design as necessary to achieve the required runoff rate. If constraints prevent the use of these LID practices, other stormwater treatment best practices detailed in the Commonwealth of Massachusetts Stormwater Management Handbook may be used to achieve the required post construction runoff rate.

## 18.6 General Standards for Buildings and Lots

### A. Building Placement and Orientation

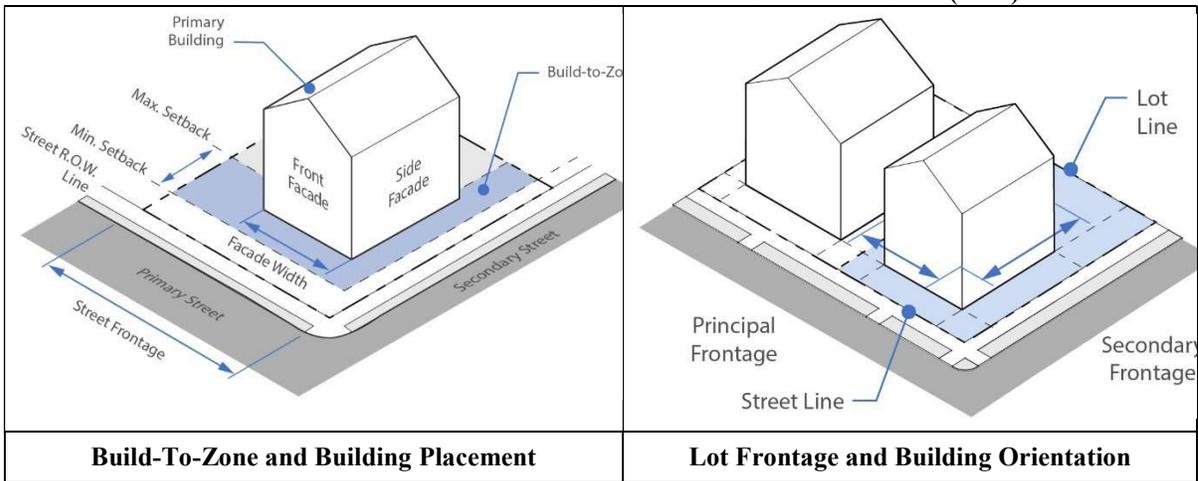
1. **Building Lot Dimensions:** The specific dimensional standards for CBZDs, including minimum lot size, lot depth, and street frontage, are defined by building type in Section 18.7 below.
2. **Number of Buildings:** More than one (1) principal building type may be built by right on a building lot as long as each building satisfies the dimensional, density, parking and other applicable building and development type standards in this section.
3. **Building Placement:** All principal buildings and accessory structures must satisfy the required minimum front, side, and rear setbacks except as otherwise permitted by in this section. Building placement standards are required for each building type in Section 18.7 below.

**FIGURE 18-6- BUILDING PLACEMENT ON THE LOT**



- 4. Build-To-Zones (BTZ):** The area between the minimum front setback and maximum front setback is the **Primary Street Built-To-Zone (BTZ)** in which the front façade of the primary building facing the primary street shall be placed. If the lot is on a street corner, the side façade facing the secondary street must also satisfy the dimensional standards of the required **Secondary Street Built-To-Zone**. The required Primary and Secondary BTZ shall be the same unless otherwise specified for each building type in Section 18.7 below.

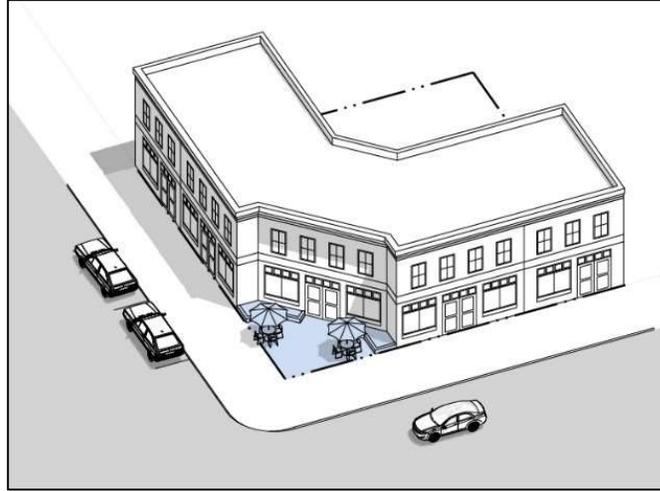
**FIGURE 18-7- PRIMARY AND SECONDARY BUILD-TO-ZONE (BTZ)**



- 5. Build-To-Zone Occupancy (BTZO):** The width of the front façade of the primary building located within the Primary Street Build-To-Zone is measured as a percentage of the width of the street-facing lot frontage to determine the percentage occupancy of the Primary Street Build-To-Zone. Primary BTZ Occupancy shall be equal to at least 50% of the frontage width at the street line unless otherwise specified by the building types in Section 18.7.
- 6. Facade Orientation (FO):** The front facade and entrance of a principal building must be built generally parallel to a **Street ROW Line** at an angle no greater than the width between the minimum and maximum setback line of the BTZ along the entire length of

the frontage. On a corner lot, the building façade may be retracted to allow for Outdoor Amenity Space.

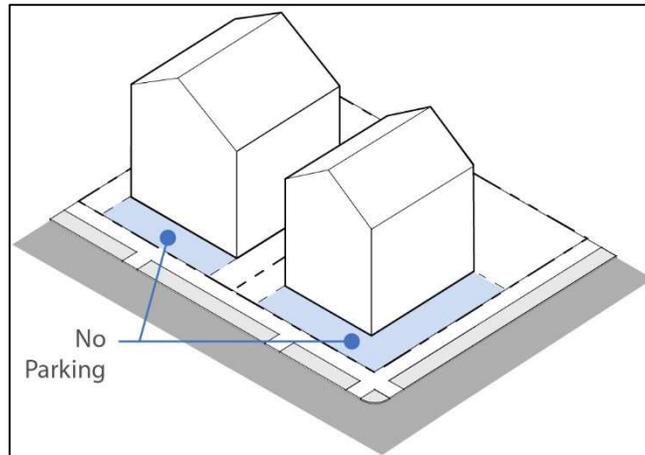
**FIGURE 18-8: FAÇADE ORIENTATION AND CORNER LOT BUILDING PLACEMENT**



7. **Setback Encroachments:** Certain Building Frontages, Building Components, and Outdoor Amenity Spaces may extend beyond a required setback as indicated in Section 18.8.F. 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 of clearance is maintained from any lot line.
  - c. Building eaves and roof overhangs may encroach up to three (3) feet, provided that at least two (2) feet of clearance is maintained from 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 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 four (4) feet of clearance is maintained from 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 9 of the Danvers Zoning By-Laws.

8. **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 as allowed in Section 18.5.

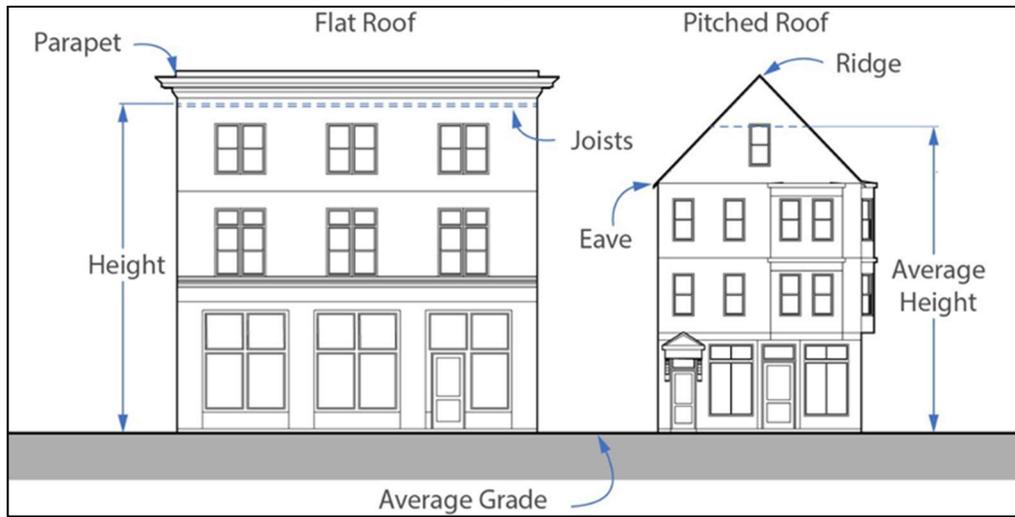
**FIGURE 18-9: PARKING SETBACKS**



## **B. Building Height**

1. **Minimum and Maximum Height:** The minimum and maximum height and number of stories is defined by building type in Section 18.7. A factor in determining the minimum and maximum building height is the typical height of traditional building types, the existing height of adjacent buildings in historic areas, and the pedestrian-orientation and level of walkability desired for each CBZD.
2. **Height Measurement and Roof Pitch:** In the CBZDs, building height is calculated in feet and measured as the vertical distance from the average ground level at the base of the building to the following:
  - a. The top of the roof joists for any building with a flat roof.
  - b. The average height between the eave and ridge for any building with a pitched roof.

**FIGURE 18-10: HEIGHT MEASUREMENT**



3. **Ground Floor Elevation:** Ground floor elevation is measured from the average top grade of the curb along the abutting streets or from the crown of the adjacent street when no curb exists, to the top of the finished floor of the ground story of a building. Generally, commercial and mixed-use buildings should be located at ground level at or near the street line in enhance permeability; residential buildings should be located at a moderate setback and elevated to enhance privacy; and civic buildings should be setback further and elevated higher to enhance prominence. Minimum and maximum ground floor elevations are established by building type in Section 18.7.

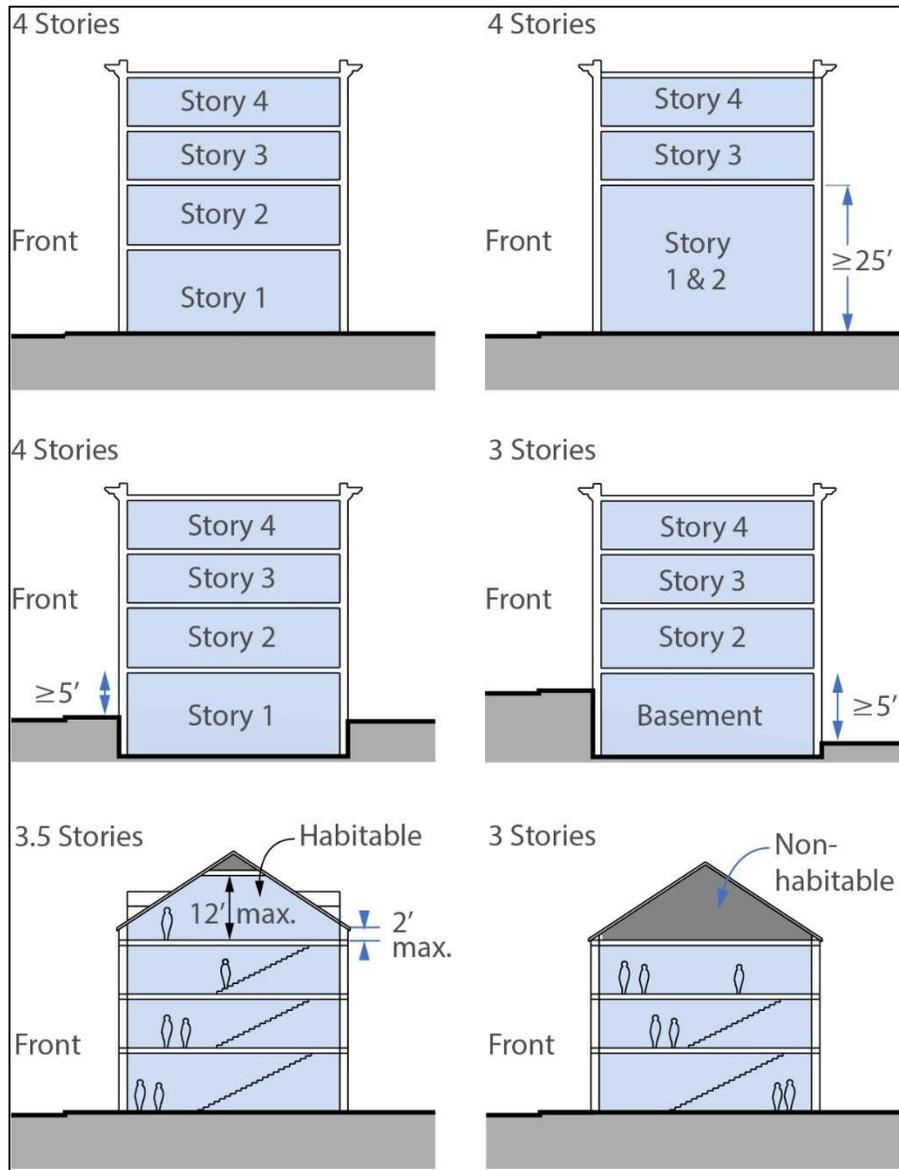
**FIGURE 18-11: GROUND FLOOR ELEVATION**



4. **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:
  - a. 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.

- b. The ceiling height of a half story must not exceed twelve (12) feet in height at any point.
5. **Attics:** Non-Habitable Attic space located under a pitched roof is not counted as a half-story. A Habitable Attic space shall meet the requirements under the definition in Section 40.
6. **Building Height in 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.
7. **Building Story Height:** Story height is measured from the top of the finished floor to the ceiling above.
  - a. Minimum story height requirements are not measured for half-stories.
  - b. 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.

**FIGURE 18-12: BUILDING HEIGHT IN STORIES AND FEET**

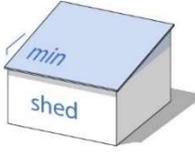
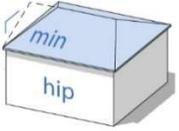
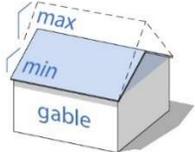
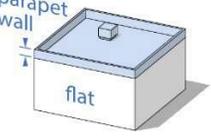


- 8. Building Height Exceptions:** Height limits do not apply to Outdoor Amenity Spaces such as a roof deck, terrace, garden, trellises, and related structures conforming to Section 18.8. Height limits do not apply to mechanical and stairwell housing; roof mounted cellular, radio, and internet transmission equipment; vents or exhausts; solar panels or small wind turbines; skylights; flagpoles; and belfries, chimneys, cupolas, monuments, parapets, spires, steeples, and other non-habitable architectural features.

**C. Roof Types and Design**

- 1. Roof Shapes and Pitch:** The shape and proportion of the roof shall be visually compatible with the architectural style of the building and with those of neighboring buildings. Roofs shall have a minimum slope as follows:

**FIGURE 18-13: ROOF SHAPE AND PITCH REQUIREMENT**

Shed	Hip	Gable	Gambrel	Flat
2:12 Min.	3:12 Min.	6:12 Min./12:12 Max.	6:12 Min./30:12 Max.	Not Applicable
				

2. **Parapet Wall:** Buildings with Flat Roofs shall be capped by an articulated parapet design that acts as a structural expression of the building façade and its materials, visible from all sides of the building. Parapet walls shall be designed to completely block views of rooftop mechanical equipment from public ways and public spaces adjacent to the building.

**D. Facade Composition for Commercial and Mixed-Use Buildings**

**1. Vertical Modulation and Articulation:**

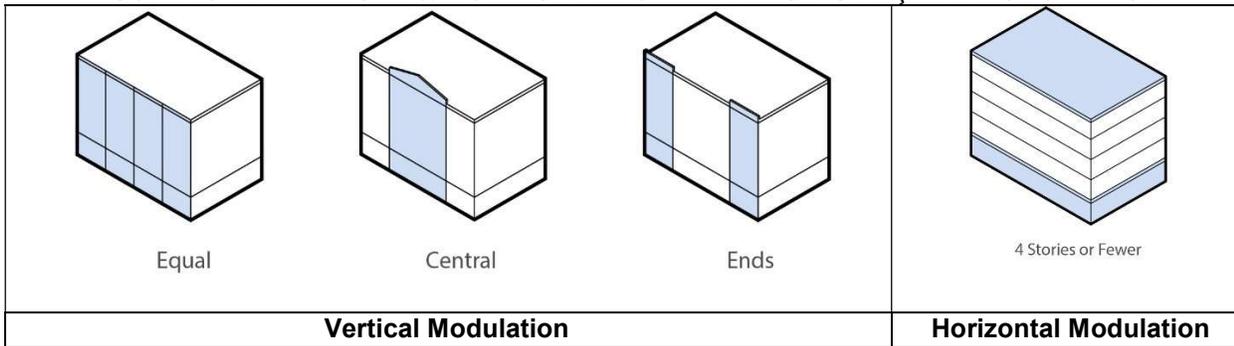
- a. Street facing building facades shall be vertically articulated with architectural bays between six (6) feet and fifty (50) feet in width to create an equal, central, or end articulated facade composition.
- b. No building shall be wider than 100 feet. Buildings greater than fifty (50) feet in width shall be designed to read as a series of smaller buildings with varied articulation, architectural detailing, fenestration patterns. Articulation must result in a change in vertical plane of the facade of at least four (4) feet (in depth or projection) for at least one (1) modulated bay in width for every one hundred (100) feet of total facade length.
- c. The façade on new buildings that are wider than tall shall be articulated and defined by piers built into the façade at least 12 inches wide and 4 inches deep or of equivalent separation on the street-facing facade.

**2. Horizontal Modulation and Articulation:** Building facades should be horizontally articulated with a clearly defined base, middle, and top as illustrated below. For buildings three (3) stories and taller, the following standards apply:

- a. The bottom one to two (2) stories of a building should be visually integrated as an appropriately scaled expression of the building’s base. The base must be visually differentiated from the stories above by a horizontal expression line or cornice and include a change in color, building material, or pattern of fenestration.
- b. The central portion of each facade should be visually integrated as an expression of the building’s middle. The middle should be visually differentiated from the base and top by a horizontal expression line or cornice and include a change in color, building material, or pattern of fenestration.

- c. The top story of each facade should have a cornice, parapet, roof element, or change in massing as an expression of the building’s top.
- d. Materials appearing heavier in weight should be used for the buildings base, with materials appearing similar or lighter in weight used above. Materials lighter in color, tint, or shade should be used for the buildings base, with materials similar or darker in color, tint, or shade used above.

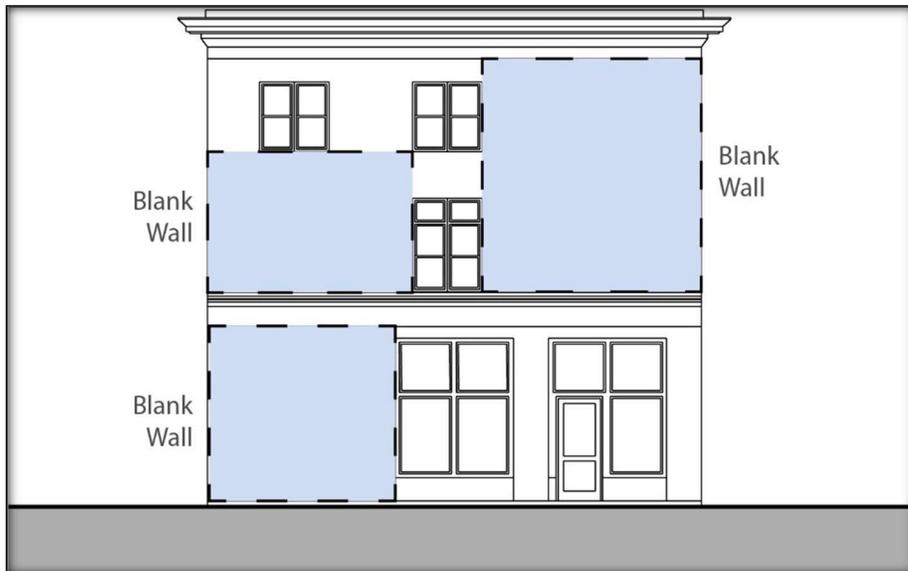
**FIGURE 18-14: VERTICAL & HORIZONTAL STREET FACING FAÇADE MODULATION**



**3. Blank Wall Area:**

- a. 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.
- b. Blank wall area limitations apply both vertically and horizontally for all stories of a building for street-facing facades.

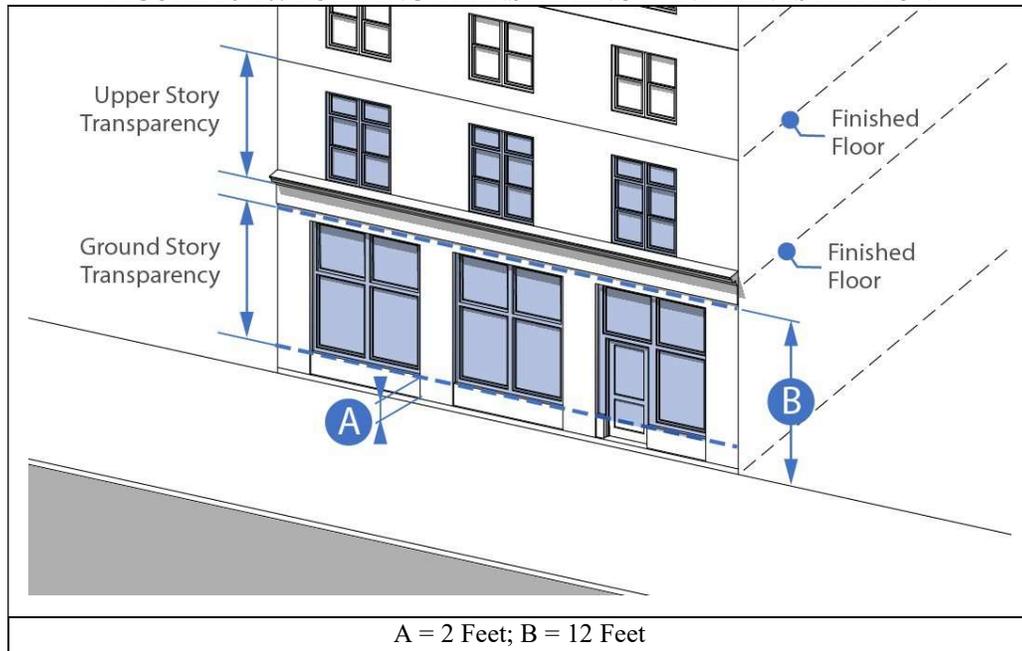
**FIGURE 18-15 - BLANK WALL LIMITATIONS**



#### 4. Building Fenestration:

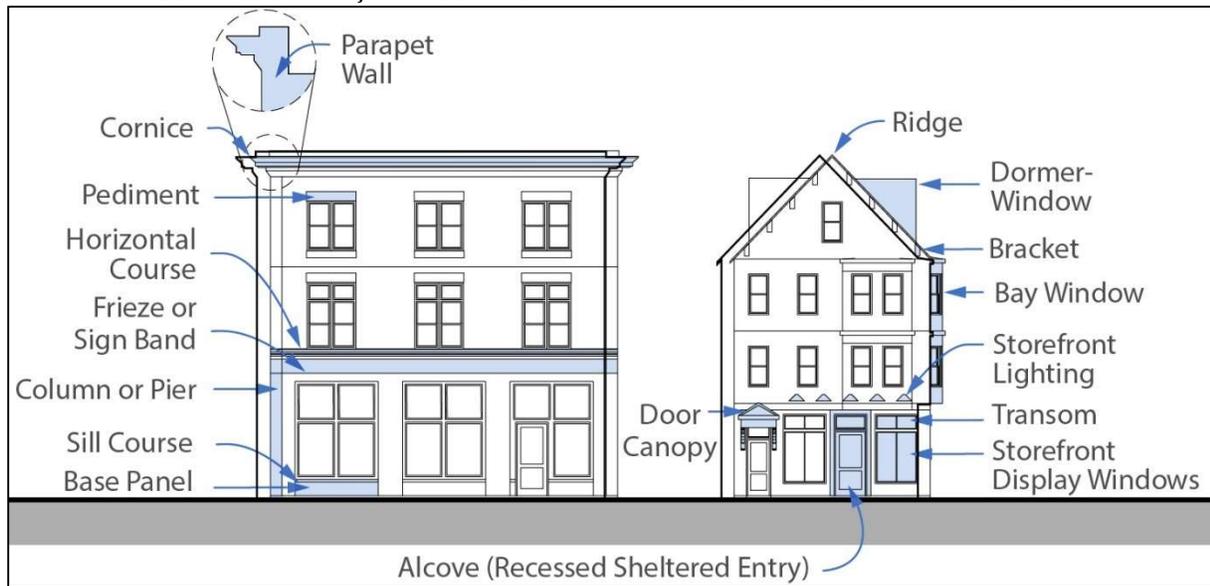
- a. As further detailed in the CBZD Design Standards, facades are required to have windows and doors with highly transparent, low reflectivity glass for a percentage of the total area of a facade, measured for each story independently.
- b. Fenestration of a ground story facade is measured between two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

**FIGURE 18-16: BUILDING TRANSPARENCY AND FENESTRATION**



5. **Surface Relief with Architectural Features:** Street-facing building facades should provide surface relief with bay windows, cladding, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, sign bands, windows, and other equivalent architectural features that either recess or project from the average plane of the facade by at least four (4) inches.

**FIGURE 18-17- FAÇADE COMPONENTS AND ARCHITECTURAL FEATURES**



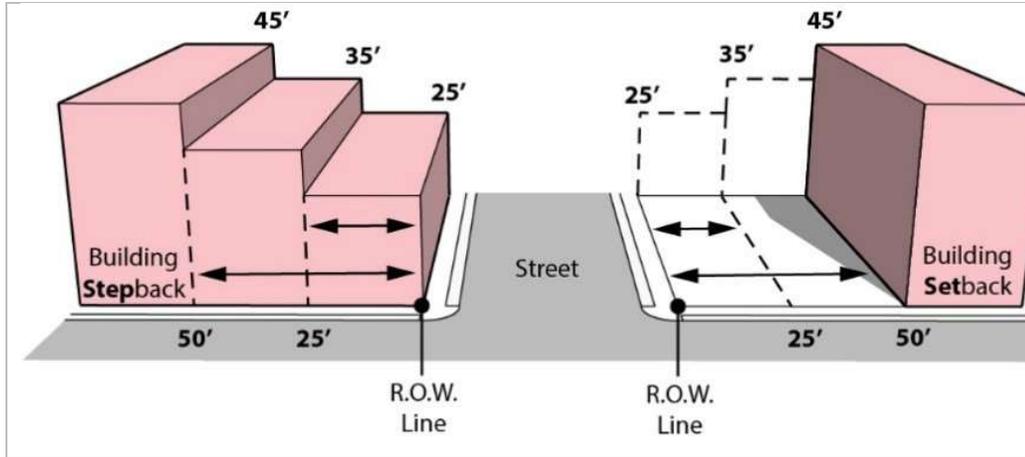
- 6. Pedestrian Access: Principal entrances must be located on the street-facing facade of a building, provide both ingress and egress, and be operable at all times.

**E. Building Stepback and Street Enclosure**

In the CBZDs, buildings shall be required to be set back or stepped back from the street right-of-way line in accordance with the diagram below. These standards supersede the maximum height requirements but not the minimum and maximum front setback requirements for individual building types in Section 18.7. The purpose of this requirement is to enhance the pedestrian environment and prevent excessive street enclosure and shadowing on narrower streets. Within the spaces created by building setbacks or stepbacks, Outdoor Amenities Space is encouraged and may be required under Section 18.8.

**FIGURE 18-18: BUILDING SETBACK, STEPBACK, AND STREET ENCLOSURE**

Distance from Street Right-of-Way Line	Max. Building Height by CBZD			
	DTC-C	DTC-L/W	MSTND	HSMUC
0 Feet	35	25	See Sec. 22	25
10 Feet	45	35	See Sec. 22	35
20 Feet	45	35	See Sec. 22	35
30 Feet	45	35	See Sec. 22	35
40 Feet	45	35	See Sec. 22	35
50 Feet or More	45	35	See Sec. 22	45



**F. Transitional Buffer Zones**

1. **Purpose:** The Transitional Buffer Zones identify certain street segments or district boundaries where certain buildings and uses may need to be buffered to create a compatible transition with the surrounding neighborhoods. Transitional Buffer Zones are identified on the CBZD Zoning Map/Regulating Plan. Transitional Buffer Zones are identified on the CBZD Zoning Insert Map as a submap of the Town of Danvers Zoning Map.

**FIGURE 18-19: TRANSITIONAL BUFFERS**

<p><b>Transitional Landscape Buffer</b> A = Minimum Depth; B = Minimum Height</p>	<p><b>Transitional Building Buffer</b> A= Minimum Setback; B=Maximum Building Height at Setback; C = Property Line</p>

2. **Landscape Buffer:** Where required, buffers may include a combination of natural or landscaped screening and fencing that provides an opaque visual barrier to a minimum height of six (6) feet above the ground. Buildings and associated accessory uses shall be setback a minimum of 25 feet from the property on which the Transitional Buffer Zone is located. The Planning Board may waive this requirement in part or in whole if they determine that such application is not necessary to create a compatible transition with the surrounding neighborhood.
3. **Building Buffers:** Buildings and associated property use shall be setback a minimum of 50 feet from the CBZD boundary on which the Transitional Buffer Zone is located. The maximum building height at the setback line shall be 25 feet with increasing height

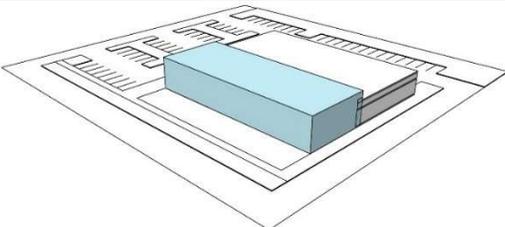
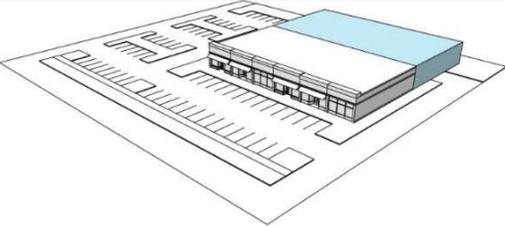
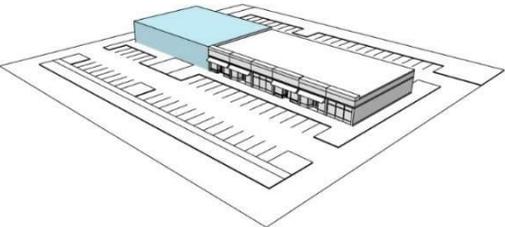
permitted on a 45-degree plane further setback from the CBZD boundary to the maximum height allowed in the district.

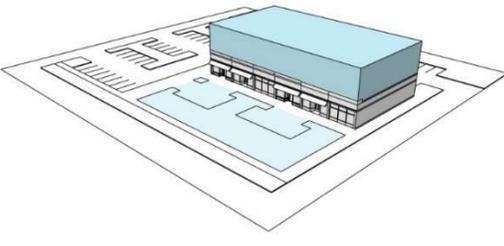
4. **Waivers:** The Planning Board may waive the buffering requirements in part or in whole if they determine that such application is not necessary to create a compatible transition with the surrounding neighborhood.

**G. Development on Pre-Existing Buildings and Development Sites**

1. **Purpose:** The purpose of this section is to establish standards for the continued utilization of existing buildings in CBZDs constructed prior to the effective date of this bylaw. Where the provisions of this section conflict with Sections 3.10-3.13: Non-Conforming Requirements, this section shall apply.
2. **Non-Conforming Building Additions:** Expansion of an existing building which is unable to meet the Building Form and Function Standards in Section 18.5 must comply with the following non-conforming provisions:

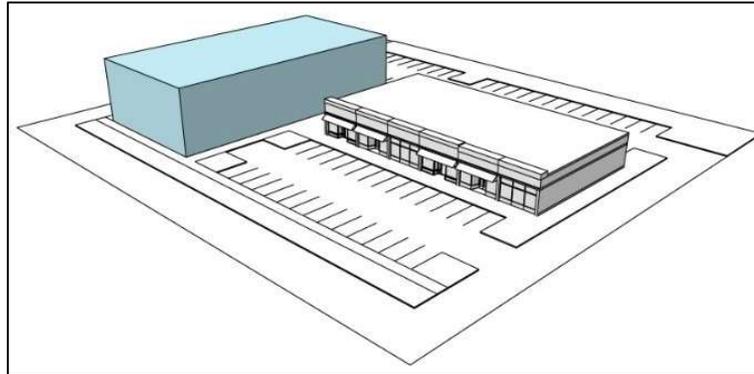
**TABLE 18-6: NON-CONFORMING BUILDING ADDITION STANDARDS**

TYPE OF ADDITION	STANDARDS
<p><b>1. FRONT ADDITION</b></p> 	<p>Any addition to the front must be placed within the Front Build-To Zone (BTZ). The addition does not have to meet the minimum Front Build-To-Zone Occupancy (BTZO)</p>
<p><b>2. REAR ADDITIONS</b></p> 	<p>Rear additions are allowed up to the minimum Rear Yard Setback line.</p>
<p><b>3. SIDE ADDITION</b></p> 	<p>Rear additions are allowed to a minimum Side Yard Setback line and to a length not exceeding the maximum Façade Modulation Length for the most similar Building Type.</p>

<p><b>4. STORY ADDITION</b></p>	
	<p>Story additions are allowed up to the maximum story and building height for the most similar building type.</p>

3. **New Buildings:** Where a new building is being constructed on a lot or site with an existing non-conforming building the following provisions apply:
  - a. Any new building must be placed in the Front Build-To-Zone (BTZ) until the minimum occupation percentage for the lot has been met.
  - b. Any new side or rear building are not allowed until the minimum Front Build-To-Zone Occupancy (BTZO) percentage for the lot has been met.

**FIGURE 18-20- NEW BUILDINGS ON EXISTING NONCONFORMING SITES**



4. **Non-Conforming Building Retrofit:** A development project involving one or more pre-existing non-conforming building may be retrofitted and repurposed as a residential or mixed-use building with a maximum residential density of 1 dwelling unit per 2,500 gross floor area or the maximum residential density allowed in the underlying zoning district, whichever is greater. Residential density for additions to the pre-existing building must comply with the maximum residential density allowed in the underlying zoning district.
5. **Outdoor Amenity Space:** The minimum Outdoor Amenity Space for pre-existing non-conforming building lots shall be 15% of the land area. All Outdoor Amenity Space types in Section 18.8 shall apply to new, expanded or retrofitted non-conforming building sites.
6. **Frontage:** A pre-existing non-conforming building lots shall have a minimum of 50 feet of frontage on a public street.
7. **Waivers:** Where an expansion or new building is proposed on a lot or site with an existing non-conforming building that does not meet the requirements of this section, the applicant can request as waiver be granted by the Planning Board.

## 18.7 Building Form and Function Standards

### A. Classification of Building Types

1. **Principal Building Types:** The Building Inspector 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 district where the structure is located. The Building Inspector shall also classify existing structures that are being substantially expanded or converted to new uses under this section. If the Building Inspector 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.
2. **Other Principle Building Types:** If a new building is proposed that cannot be classify as one of the allowed building types of this section by the Building Inspector, the building is subject to Special Permit review and approval by the Planning Board.

### B. Building Types Allowed by CBZD

Building Types permitted By Right or Special Permit in a CBZD shall comply with the table set forth below. The Planning Board shall be the Special Permit Granting Authority (SPGA) for all applications requiring a Special Use Permit in a CBZD.

**TABLE 18-7- BUILDING TYPE, USE AND DESIGN STANDARDS**

<b>1. WORKERS' COTTAGE</b>		
<b>1.1. DEFINITION AND PERMITTED USES</b>		
A small footprint detached or semi-detached single-family building with narrow massing and containing one dwelling unit.		
<b>1.2. LOT STANDARDS</b>		
A.	Min. Lots Size (S.F.)	N/A
B.	Frontage (Min./Max.)	25 Min. / 40 Max.
C.	Build-To-Zone (Min./Max.)	5 Ft. / 20 Ft.
D.	B-T-Z/Façade Build Out (Min.)	80%
E.	Side Yard Setback (Min.)	5 Ft
F.	Rear Yard Setback (Min.)	10 Ft
G.	% Outdoor Amenity (Min.)	20%
H.	Parking Setback (Min.)	Behind Building
<b>1.3. DESIGN STANDARDS</b>		
A.	Building Height (Max.)	1.5 Stories / 20 Ft
B.	Roof Types	Gable, Hip
C.	Street Facing Wall Width (Max.)	20 Ft.
D.	Street Facing Wall Off-Set (Min.)	N/A
E.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	20% / N/A
F.	Street Facing Entrance	Required
<b>1.4. ADDITIONAL STANDARDS</b>		
A.	Maximum unit size is 1,400 GFA and 2 Bedrooms	
B.	See Section 18.7.D.1	



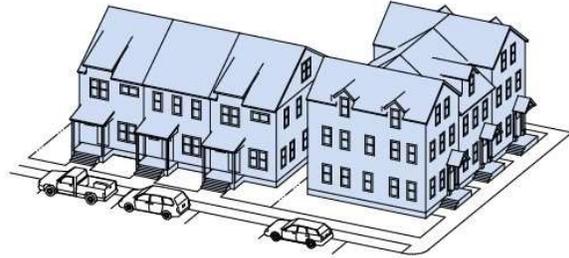
**2. ROWHOUSE AND TOWNHOUSE**

**1.1. DEFINITION AND PERMITTED USES**

A small footprint and attached residential building with one dwelling unit where each unit is separated horizontally by a common wall. Rowhouses are not allowed 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.	Build-To-Zone (Min./Max.)	5 Ft./15 Ft.
D.	B-T-Z/Façade Build Out (Min.)	80%
E.	Side Yard Setback (Min.)	0 Ft
F.	Rear Yard Setback (Min.)	15 Ft
G.	% Outdoor Amenity (Min.)	20%
H.	Parking Setback (Min.)	Behind Building



**1.3. DESIGN STANDARDS**

A.	Building Height (Max.)	2.5 Stories/35 Ft
B.	Roof Types	All
C.	Street Facing Wall Width (Max.)	24 Ft.
D.	Street Facing Wall Off-Set (Min.)	N/A
E.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	20% / N/A
F.	Street Facing Entrance	Required



**1.4. ADDITIONAL STANDARDS**

- A. On-site parking is not allowed between the buildings; rear vehicle access is required.
- B. A maximum of 8 units can be attached by a common wall before access is provided for pedestrians, vehicles, or outdoor amenity space.

**3. PAIRED HOUSE**

**1.1. DEFINITION AND PERMITTED USES**

A large footprint detached residential building containing 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.	Build-To-Zone (Min./Max.)	10 Ft./30 Ft.
D.	B-T-Z/Façade Build Out (Min.)	60%
E.	Side Yard Setback (Min.)	10 Ft
F.	Rear Yard Setback (Min.)	20 Ft
G.	% Outdoor Amenity (Min.)	20%
H.	Parking Setback (Min.)	30 Ft



**1.3. DESIGN STANDARDS**

A.	Building Height (Max.)	3.5 Stories/40 Ft
B.	Roof Types	Gable, Hip, Gambrel
C.	Street Facing Wall Width (Max.)	50 Ft.
D.	Street Facing Wall Off-Set (Min.)	N/A
E.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	20% / N/A
F.	Street Facing Entrance	Required



**1.4. ADDITIONAL STANDARDS**

None

**4. MULTI-FAMILY BUILDING**

**1.1. DEFINITION AND PERMITTED USES**

A large footprint residential building with four or more dwelling units vertically and horizontally integrated and accessed by common entrances and hallways. Dwelling Units may be ownership or rental. Non-residential uses are prohibited.

**1.2. LOT STANDARDS**

A.	Min. Lots Size (S.F.)	N/A
B.	Frontage (Min./Max.)	80 Min.
C.	Build-To-Zone (Min./Max.)	10 Ft. / 30 Ft.
D.	B-T-Z/Façade Build Out (Min.)	70%
E.	Side Yard Setback (Min.)	15 Ft
F.	Rear Yard Setback (Min.)	20 Ft
G.	% Outdoor Amenity (Min.)	20%
H.	Parking Setback (Min.)	30 Ft



**1.3. DESIGN STANDARDS**

A.	Building Height (Max.)	4 Stories / 45 Ft
B.	Roof Types	All
C.	Street Facing Wall Width without Offset (Max.)	60 Ft.
D.	Street Facing Wall Off-Set Depth and Length (Min.)	4 Ft / 8 Ft
E.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	20% / N/A
F.	Building Length - Street Facing Façade (Max.)	100 Ft
G.	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.

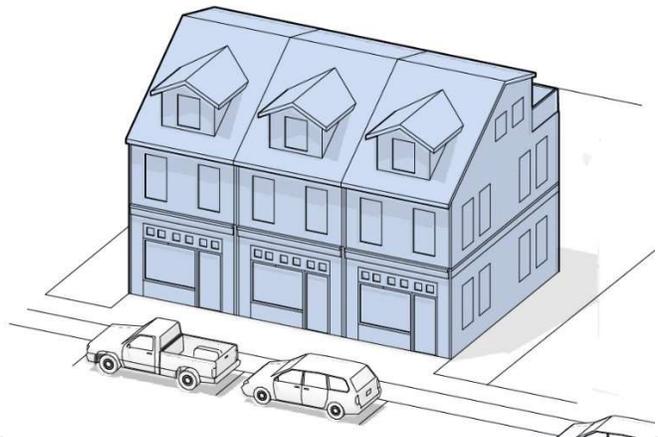
**5. LIVE-WORK SHOPHOUSE**

**1.1. DEFINITION AND PERMITTED USES**

A small footprint attached residential building 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.	Build-To-Zone (Min./Max.)	0 Ft./15 Ft.
D.	B-T-Z/Façade Build Out (Min.)	80%
E.	Side Yard Setback (Min.)	0 Ft
F.	Rear Yard Setback (Min.)	20 Ft
G.	% Outdoor Amenity (Min.)	15%
H.	Parking Setback (Min.)	Behind Building



**1.3. DESIGN STANDARDS**

A.	Building Height (Max.)	2.5 Stories/35 Ft
B.	Roof Types	All
C.	Street Facing Wall Width without Offset (Max.)	50 Ft.
D.	Street Facing Wall Off-Set Depth and Length (Min.)	4 Ft/8 Ft
E.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	50% / 20%
F.	Building Length - Street Facing Facade (Max.)	80 Ft
G.	Street Facing Entrance	Required



**1.4. ADDITIONAL STANDARDS**

	None
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**6. GENERAL COMMERCIAL BUILDING**

**1.1. DEFINITION AND PERMITTED USES**

A variable footprint building that typically accommodates a variety of ground floor commercial uses and upper office uses at the scale that compliments the historic character of the district. Residential uses are not permitted.

**1.2. LOT STANDARDS**

A.	Min. Lots Size (S.F.)	N/A
B.	Frontage (Min./Max.)	50 Min.
C.	Build-To-Zone (Min./Max.)	0 Ft./20 Ft.
D.	B-T-Z/Façade Build Out (Min.)	70%
E.	Side Yard Setback (Min.)	0/10 Ft
F.	Rear Yard Setback (Min.)	15 Ft
G.	% Outdoor Amenity (Min.)	10%
H.	Parking Setback (Min.)	20 Ft



**1.3. DESIGN STANDARDS**

A.	Building Height (Max.)	3 Stories/40 Ft
B.	Roof Types	All
C.	Street Facing Wall Width without Offset (Max.)	60 Ft.
D.	Street Facing Wall Off-Set Depth and Length (Min.)	4 Ft/8 Ft
E.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	60% / 20%
F.	Building Length - Street Facing Façade (Max.)	100 Ft
G.	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.

**7. MIXED USE BUILDING**

**1.1. DEFINITION AND PERMITTED USES**

A variable footprint 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 district.

**1.2. LOT STANDARDS**

A.	Min. Lots Size (S.F.)	N/A
B.	Frontage (Min./Max.)	50 Min.
C.	Build-To-Zone (Min./Max.)	0 Ft. / 20 Ft.
D.	B-T-Z/Façade Build Out (Min.)	70%
E.	Side Yard Setback (Min.)	0/15 Ft
F.	Rear Yard Setback (Min.)	20 Ft
G.	% Outdoor Amenity (Min.)	20%
H.	Parking Setback (Min.)	30 Ft



**1.3. DESIGN STANDARDS**

A.	Building Height (Max.)	4 Stories / 45 Ft
B.	Roof Types	All
C.	Street Facing Wall Width without Offset (Max.)	60 Ft.
D.	Street Facing Wall Off-Set Depth and Length (Min.)	4 Ft / 8 Ft
E.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	60% / 20%
F.	Building Length - Street Facing Facade (Max.)	150 Ft
G.	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.

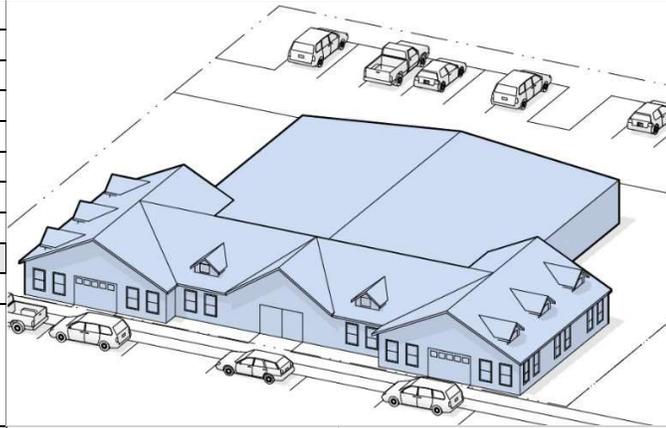
**8. FLEX SPACE/FABRICATION BUILDING**

**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.	Build-To-Zone (Min./Max.)	0 Ft. / 30 Ft.
D.	B-T-Z/Façade Build Out (Min.)	50%
E.	Side Yard Setback (Min.)	0/20 Ft
F.	Rear Yard Setback (Min.)	20 Ft
G.	% Outdoor Amenity (Min.)	10%
H.	Parking Setback (Min.)	30 Ft



**1.3. DESIGN STANDARDS**

A.	Building Height (Max.)	2 Stories / 40 Ft
B.	Roof Types	All
C.	Street Facing Wall Width without Offset (Max.)	60 Ft.
D.	Street Facing Wall Off-Set Depth and Length (Min.)	4 Ft / 8 Ft
E.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	20% / N/A
F.	Building Length - Street Facing Facade (Max.)	100 Ft
G.	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.
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**9. GAS BACKWARD**

**1.1. DEFINITION AND PERMITTED USES**

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.

**1.2. LOT STANDARDS**

A.	Min. Lot Size (S.F.)	20,000 S.F.
B.	Build-To-Zone (Min./Max.)	5' Min./15' Max.
C.	B-T-Z/Façade Build Out (Min.)	50%
D.	Side/Rear Yard Setback (Not on Street)	50 Ft.
E.	Parking Setback (All Sides)	15 Ft.



**1.3. DESIGN STANDARDS**

A.	Primary Building Height (Stories/Feet)	1.5/(24') Max.
B.	Roof Types	All
C.	Building Footprint (Max)	4,000 S.F.
D.	Street Facing Transparency - Ground Floor/Upper Floor (Min.)	50% / N/A
E.	Building Length - Street Facing Facade (Max.)	60 Ft
F.	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.

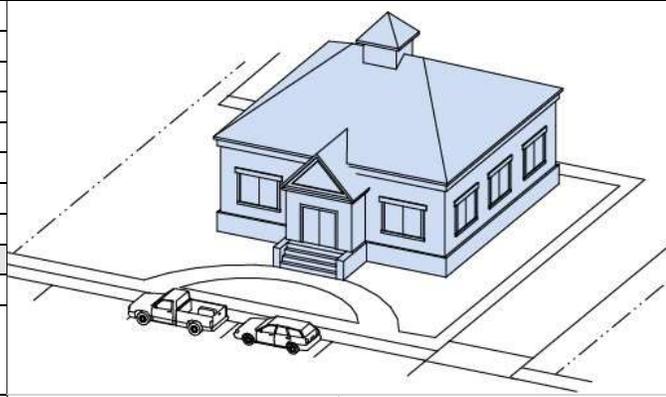
**10. CIVIC BUILDING**

**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. Build-To-Zone (Min./Max.)	10 Ft. / 40 Ft.
D. B-T-Z/Façade Build Out (Min.)	50%
E. Side Yard Setback (Min.)	15 Ft
F. Rear Yard Setback (Min.)	20 Ft
G. % Outdoor Amenity (Min.)	20%
H. Parking Setback (Min.)	Behind Building



**1.3. DESIGN STANDARDS**

A. Building Height (Max.)	2.5 Stories / 35 Ft
B. Roof Types	All
C. Street Facing Wall Width without Offset (Max.)	60 Ft.
D. Street Facing Wall Off-Set Depth and Length (Min.)	4 Ft / 8 Ft
E. Street Facing Transparency - Ground Floor/Upper Floor (Min.)	50% / 20%
F. Building Length - Street Facing Façade (Max.)	120 Ft
G. Street Facing Entrance	Required



**1.4. ADDITIONAL STANDARDS**

None
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**C. Building and Property Uses Allowed by CBZD**

Buildings, structures, and land within a CBZD shall comply with the use regulations set forth below. The Planning Board shall be the Special Permit Granting Authority (SPGA) for all applications requiring a Special Use Permit in a CBZD.

*X = Not Permitted*

*P = Allowed by Right*

*SP = Allowed by Special Permit from the Planning Board*

**TABLE 18-8: BUILDING AND PROPERTY USES ALLOWED BY CBZD**

BUILDING AND PROPERTY USES	CHARACTER-BASED DISTRICTS					
	DTC-C	DTC-L/W	MSTND			HSMUC
			1	2	3	
<b>Residential (See Section 18.4 for Density Standards)</b>						
Workers Cottage (1 Dwelling Unit)	SP	P	P	P	P	X
Single-Family Detached House (1 Dwelling Unit)	X	P	X	X	X	X
Townhouse/Rowhouse (Attached Dwelling Unit)	P	P	P	P	P	P
Paired House (2 or 3 Dwelling Units)	SP	P	P	P	X	X
Multi-Family Building (4 or More Dwelling Units)	P	P	P	P	P	P
Live-Work/Shop House (1 Dwelling Unit)	P	P	P	P	P	P
<b>Commercial Uses</b>						
Animal Hospital/Veterinary Clinic	SP	X	X	X	X	SP
Banks/Financial Services - No Drive-Up Window	P	SP	P	P	P	P

BUILDING AND PROPERTY USES	CHARACTER-BASED DISTRICTS					
	DTC-C	DTC-L/W	MSTND			HSMUC
			1	2	3	
Gas Backwards (Filling Station/Convenience Store (See 18.7.B))	SP	X	X	X	SP	SP
Lodging/Boarding/Rooming/Tourist House (Less than 3 lodgers)	P	P	SP	SP	SP	P
Lodging/Boarding/Rooming/Tourist House (3 or more lodgers)	SP	SP	SP	SP	SP	P
Office (All Types) - Up to 5,000 GFA	P	P	P	P	P	P
Office (All Types) - Over 5,000 GFA	P	SP	SP	SP	SP	P
Medical Clinic – Up to 2,500 GFA	P	P	P	P	P	P
Medical Clinic – Up to 5,000 GFA	P	P	P	P	P	P
Medical Clinic – Over 5,500 GFA	P	SP	P	SP	SP	P
Retail and Consumer Service - Up to 2,500 GFA	P	P	P	P	P	P
Retail and Consumer Service - Up to 5,000 GFA	P	P	P	P	P	P
Retail and Consumer Service - Over 5,000 GFA	SP	SP	SP	SP	SP	P
Convenience/Neighborhood Store – up to 2,500 GFA	P	SP	P	P	P	P
Take Out Restaurant - Up to 2,500 GFA	P	SP	P	P	P	P
Restaurant and Pub – Up to 2,500 GFA; No Drive-Up Window	P	SP	P	P	P	P
Restaurant and Pub – Up to 5,000 GFA; No Drive-Up Window	P	SP	P	P	P	P
Restaurant and Pub - Over 5,000 GFA; No Drive-Up Window	SP	SP	SP	SP	SP	P
Personal Services - Up to 2,500 GFA	P	P	P	P	P	P
Personal Services - Over 2,500 GFA	P	SP	SP	SP	SP	P
Day Care Center	SP	SP	P	P	P	P
Microbrewery and Brewpub - Under 10,000 GFA	P	SP	P	P	P	P
Indoor Recreation	P	SP	SP	SP	SP	P
Instructional School	P	SP	SP	SP		P
Co-Work Office/Business Incubator	P	P	P	P	P	P
<b>Trades and Fabrication</b>						
Co-Creation, Fabrication, Maker Space, Business Incubator	P	SP	P	P	P	P
Repair Service – Up to 2,500 GFA	P	P	P	P	P	P
Repair Service – Up to 5,000 GFA	P	SP	SP	SP	SP	P
Trade Shop - Up to 5,000 GFA	P	SP	P	P	P	P
<b>Public and Civic Uses</b>						
Club/Fraternal Organization - Nonprofit	P	SP	SP	SP	SP	P
Community and Neighborhood Center	P	P	P	P	P	P
Municipal Use - Only Publicly-Oriented Use	P	P	P	P	P	P
Assembly/Performing/Cultural Arts Facility	SP	SP	SP	SP	SP	P
Conservation Land	P	P	P	P	P	P
<b>Accessory Uses</b>						
Outdoor Dining Terrace	P	SP	P	P	P	P
Farm Stand/Farmers Market	SP	SP	SP	SP	SP	P

BUILDING AND PROPERTY USES	CHARACTER-BASED DISTRICTS					
	DTC-C	DTC-L/W	MSTND			HSMUC
			1	2	3	
Greenhouse - Under 250 GFA	P	P	P	P	P	P
Greenhouse – Over 250 and Under 1,000 GFA	SP	SP	SP	SP	SP	P
Home Occupation - Minor	P	P	P	P	P	P
Home Occupation - Major	P	P	P	P	P	P
Drive-Thru Facility – Not Including Restaurants	SP	SP	X	X	X	SP
Drive-Thru Facility – Including Restaurants	X	X	X	X	X	SP
Common/Shared Driveways	P	P	P	P	P	P
Outdoor Storage	X	X	X	X	X	SP
Storage Container – Temporary	X	X	X	X	X	P
Storage Container – Temporary	X	X	X	X	X	SP
Residential Accessory Uses	P	P	P	P	P	P
Land Oriented Accessory Uses	P	P	P	P	P	P
Garage – 3 or fewer spaces	P	P	P	P	P	P
Bed & Breakfast//Short Term Home Rental	P	P	P	P	P	P

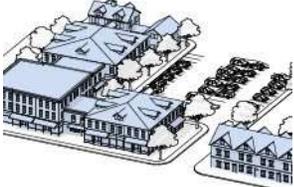
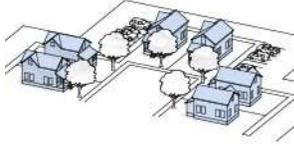
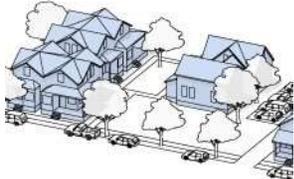
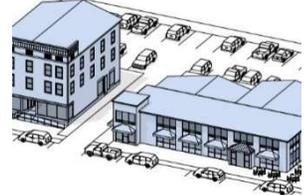
**D. Development Types**

1. **Pocket Neighborhood:** A cohesive cluster of homes gathered around a variety of common open space amenities. In the CBZDs, the following Pocket Neighborhood Development Sites are permitted:
  - a. **Cottage Court:** This Pocket Neighborhood consists of multiple small, detached single family dwellings, arranged around a courtyard. The shared courtyard takes the place of private yard space and becomes an important community-enhancing element of this Development Site. The Cottage Court is appropriately scaled to fit within or nearby medium-density neighborhoods. The Pocket Neighborhood enables appropriately scaled, well-designed, higher density developments important for providing a broad choice of housing types in a walkable environment. Cottage Courts consist of Cottages, Paired Houses, and Civic Building Types meeting the development standards of Section 18.5 and density thresholds in Section 18.4.
  - b. **Cohousing/Housing Cooperative:** Cohousing is a community of private dwellings clustered around shared building and community spaces. Each attached or single- family dwelling has traditional residential 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. Other shared spaces may include community garden plots, recreational fields, and shared work spaces. Cohousing Developments consists of Cottages, Paired Houses, and Civic Building Types meeting the design standards in the table below and the density thresholds in Section 18.4.
2. **Mixed Use Development:** A development project containing multiple residential, nonresidential, and mixed-use Building Types. Mixed Use Developments may include a

combination of horizontally and vertically mixed buildings and uses on site subject to all applicable Building Type standards in Section 18.7.

3. **General Residential Development:** A development project containing one or more residential Building Types in accordance with allowed Building Types and design standards in Section 18.7.
4. **General Commercial or Industrial Development:** A development project containing one or more commercial Building Types in accordance with allowed Building Types and design standards in Section 18.7.

**TABLE 18-9: DEVELOPMENT TYPES AND STANDARDS**

	<b>MIXED-USE DEVELOPMENT (MUD)</b>	<b>POCKET NEIGHBORHOOD (PN)</b>	<b>GEN. RESIDENTIAL DEVELOPMENT (GRD)</b>	<b>GENERAL COMM. OR IND. DEV. (GCD)</b>
				

**1.1. DEVELOPMENT STANDARDS**

A.	Development Site Size (Min.)	10,000 S.F.	10,000 S.F.	10,000 S.F.	10,000 S.F.
B.	Dev. Site Street Frontage (Min.)	50 Ft.	50 Ft.	50 Ft.	50 Ft.
C.	Dev. Site Front Yard (Min.)	None	15 Ft	None	None
D.	Side/Rear Yard (Min.)	15 Ft.	10 Ft.	15 Ft.	15 Ft.
E.	Outdoor Amenity Space (Min.)	15% of Tract Size	20% of Tract	20% of Tract Size	15% of Tract Size
F.	Outdoor Amenity Space Types	Park, Pocket Park, Playground or Recreation Field, Square, Plaza	Park, Pocket Park, Playground or Recreation Field	Park, Pocket Park, Playground or Recreation Field, Square, Plaza	Park, Pocket Park, Playground or Recreation Field, Square, Plaza
G.	Space Between Buildings (Min.)	0 with common wall/15 Ft	20 Ft.	0 with common wall/15 Ft	0 with common wall/15 Ft
H.	Street Facing Entrance	Required	On end units	No	Required
	Courtyard Size (Min.)*		3,000 S.F.		
	Courtyard Width (Min.)*		40 Ft.		
	Courtyard Area Per DU*		600 S.F.		

**1.2. PERMITTED BUILDING TYPES**

		Multi-Family, SF Attached, Live-Work/Shophouse, General Commercial, Mixed-Use, Flex Space/Fabrication, Civic	Cottage, Paired House, Civic	Multi-Family, SF Attached, Live-Work/Shophouse, Civic	General Commercial, Flex Space/Fabrication, Gas Backwards, Civic
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**1.3. ADDITIONAL STANDARDS**

A.			Cottage Courts and Cohousing Developments may include a co-work space and other common access site amenities		
B.			Standards E, F, and G above only apply to Cottage Courts		

## 18.8 Outdoor Amenity Space

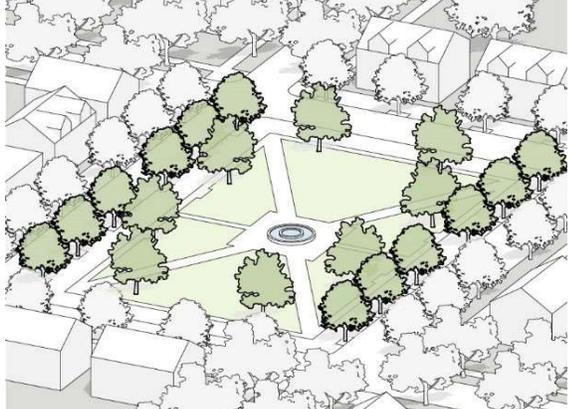
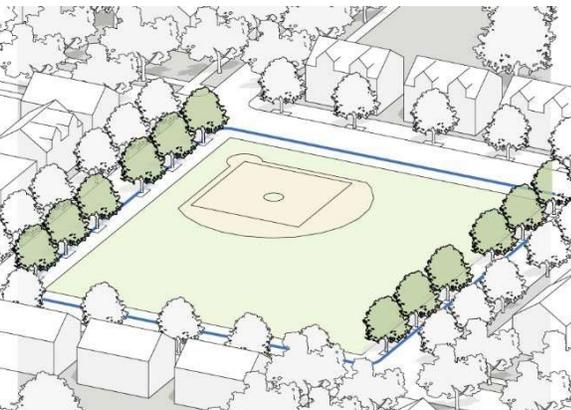
### A. General Standards

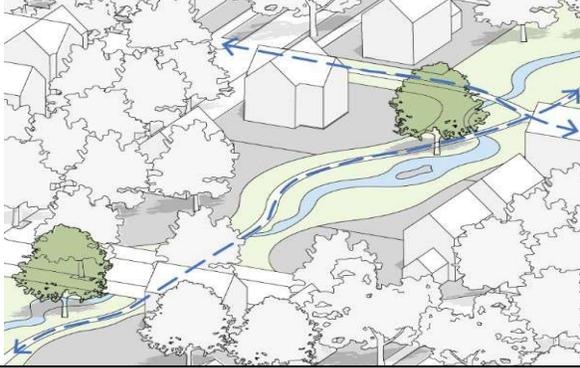
1. **Outdoor Amenity Space (OAS) Types:** Outdoor Amenity Spaces include the following types:
  - a. *Civic Space (CS)*: CS Space includes publicly-owned or controlled parks, active and passive recreation areas, civic buildings, and other gathering spaces that are fully available to the general public.
  - b. *Publicly Oriented Private Space (POPS)*: POPS are gathering spaces on private land primarily serving the residents, businesses and patrons of the principal building or development site, and generally available to the public.
  - c. *Private Open Space (PS)*: POS is associated with individual dwelling units and is not intended for public access.
2. **Required Outdoor Amenity Space:** The required percentage of a building lot dedicated to outdoor amenity space is defined in the design standards for each Building Type in Section 18.7. Where multiple lots or buildings are assembled together to form a Development Sites under Section 18.5, the required amount of Outdoor Amenity Space is 20% of the cumulative amount of all land area in the Development Site.
3. **Payments in Lieu of Outdoor Amenity Space:** By Special Permit from the Planning Board and approval by the Board of Selectmen, an applicant can make a contribution toward an existing or planned Civic Space within the CBZDs for which the principal building or development site is located in lieu of on-site outdoor amenity space. In reaching a decision, the Planning Board and Board of Selectmen shall determine that such contribution will have a significant impact on the walkability, vibrancy, multimodal access, and/or enhanced activation of public gathering areas within the CBZDs.

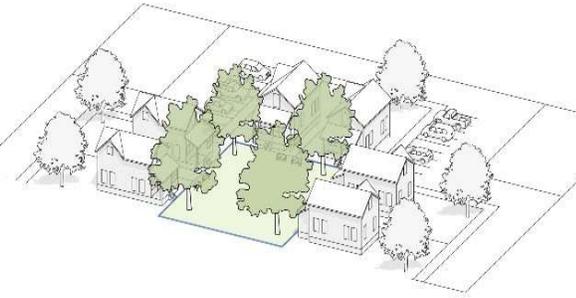
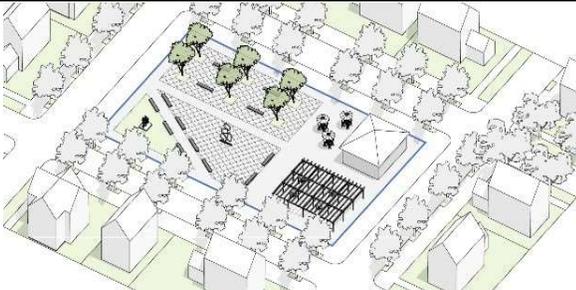
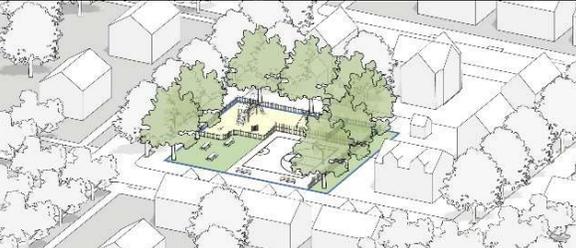
### B. Outdoor Amenity Space Design Standards

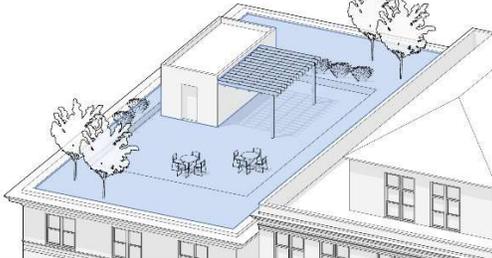
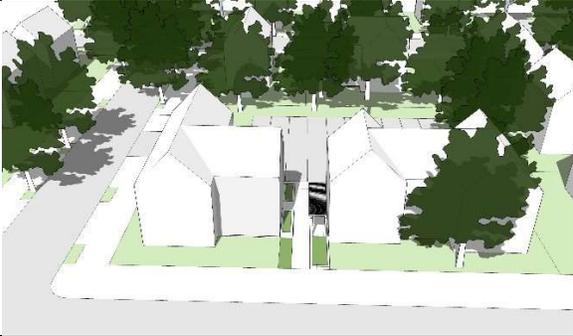
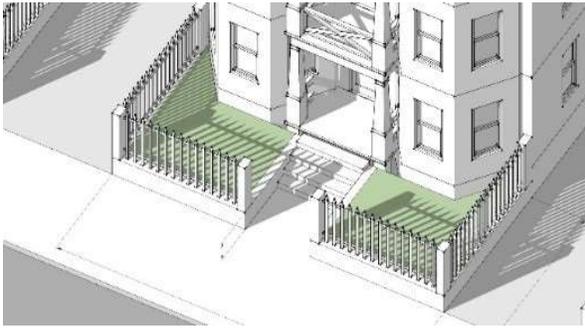
Outdoor Amenity Space Types and design standards are defined below. Additional OAS design guidelines are provided in the CBZD Design Standards:

**TABLE 18-10 - OUTDOOR AMENITY SPACE TYPES**

Outdoor Amenity Space Type	Description and General Design Standards
<p><b>1. NEIGHBORHOOD PARK, PRESERVE (CS, POPS)</b></p> 	<p><u>Description:</u> An open space designed for active and passive recreation with features and facilities that support the community or immediate neighborhood. Parks can include other Outdoor Amenity Spaces such as community gardens, recreation fields and courts, trails and pathway, and other facilities intended for public events, gatherings, and organized activities.</p> <p><u>Design Standards:</u> Neighborhood Parks should be a minimum of 8,000 S.F.; 80% permeable surfaces; and 1 tree/350 SF on average.</p>
<p><b>2. COMMON OR GREEN (CS, POPS)</b></p> 	<p><u>Description:</u> A common or green is a free-standing site with thoroughfares on all sides and landscape consisting of naturally disposed lawns, paths, and trees. This open space type is for active and passive recreation and gathering purposes.</p> <p><u>Design Standards:</u> Commons should be a minimum of 20,000 S.F.; 85% permeable surfaces; and 1 tree/2,000 SF on average.</p>
<p><b>3. ATHLETIC FIELD OR BALL COURT (CS, POPS)</b></p> 	<p><u>Description:</u> A publicly accessible open space designed and equipped for active recreation and organized sports. Playing fields and courts may include grass, artificial turf, clay, dirt, stone dust, concrete, asphalt, ice or other pervious or impervious materials to support various sporting organizations and events.</p> <p><u>Design Standards:</u>  <u>Size of Space:</u> 7,500 S.F. Min.; 20 Acres Max.  <u>Furnishing:</u>                      Seating: 1 Seat/275 S.F. Min. Tables: N/A  <u>Landscape:</u> Trees: N/A                      Permeable Surface: N/A Landscaped Area: 30%</p>

Outdoor Amenity Space Type	Description and General Design Standards
<p><b>4. PATHWAY (CS)</b></p>	
	<p><u>Description:</u> A linear open space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A pathway may be spatially defined by segment and include access to pedestrians, bicyclists, and other designated modes of transportation. Pathways may provide access and connections between natural areas, neighborhoods, villages, public facilities, and other points of interest.</p> <p><u>Design Standards:</u> The minimum width shall be 8 feet; Pathways shall be surfaced with stone dust, or asphalt.</p>
<p><b>5. PEDESTRIAN PASSAGE (CS, POPS)</b></p>	
	<p><u>Description:</u> A paved/brick pedestrian connector between buildings. Pedestrian Passages provides direct connections between parking area, buildings, streets, and sidewalks. Pedestrian Passages may be covered by a roof, trellis, and may be lined by shopfronts.</p> <p><u>Design Standards:</u> The minimum width shall be 8 feet; hard surfaces such as asphalt, concrete, or paver stones is required.</p>
<p><b>6. COMMUNITY GARDEN (CS, POPS, PS)</b></p>	
	<p><u>Description:</u> An open space designed as individual garden plots available to residents for agriculture purposes, including storage facilities for necessary equipment. Community gardens may be freestanding or incorporated as a subordinate feature of a community park, neighborhood or pocket park, and development site.</p> <p><u>Design Standards:</u> Community gardens shall be a minimum of 5,000 S.F.; 90% permeable surfaces; have 1 tree/500 SF on average; have access to a sufficient water source; and have at least 6 hours of sunlight during the growing season (June 1 – October 1).</p>
<p><b>7. FORECOURT (POPS, PS)</b></p>	
	<p><u>Description:</u> A private open space where a portion of the facade is aligned close to or at the Street ROW Line, and the central portion of the façade is set back to create a courtyard with a principal entrance at-grade and space for gathering and circulation, or for outdoor shopping or restaurant seating. The forecourt may be planted or paved to join with the public sidewalk.</p> <p><u>Design Standards:</u> Forecourts shall be a minimum width and depth of 12 feet.</p>

<b>Outdoor Amenity Space Type</b>	<b>Description and General Design Standards</b>
<p data-bbox="152 226 496 258"><b>8. COURTYARD (POPS, PS)</b></p> 	<p data-bbox="769 226 1422 426"><u>Description:</u> A courtyard (or court) is an enclosed open space, often surrounded by a building or buildings, that is open to the sky. Courtyards may include a variety of passive recreational activities, community gardens, and other amenities for community gatherings.</p> <p data-bbox="769 464 1422 590"><u>Design Standards:</u> Courtyards shall be a minimum of 3,000 S.F. in area and 40 feet in width; have a maximum ratio of building height to courtyard width of 2:1; and be enclosed by walls on 3 sides by buildings.</p>
<p data-bbox="152 594 537 625"><b>9. Plaza or Square (CS, POPS)</b></p> 	<p data-bbox="769 594 1422 762"><u>Description:</u> An open space type designed for passive recreation, civic purposes, and commercial activities, with landscape consisting primarily of hardscape. Plazas are generally located in activity centers or the nexus of major circulation routes.</p> <p data-bbox="769 800 1422 894"><u>Design Standards:</u> Squares should be a minimum of 8,000 S.F.; 50% permeable surfaces; 1 tree/2,000 SF on average; and include public seating.</p>
<p data-bbox="152 919 711 951"><b>10. Pocket Park/Playground (CS, POPS, PS)</b></p> 	<p data-bbox="769 919 1422 1014"><u>Description:</u> An open space type designed for passive recreation consisting of vegetation, a place to sit outdoors, and playground equipment.</p> <p data-bbox="769 1052 1422 1188"><u>Design Standards:</u> Pocket Parks should be a minimum of 800 S.F.; 80% permeable surfaces; and 1 tree/200 SF on average; and include seating and recreational equipment.</p>
<p data-bbox="152 1203 516 1234"><b>11. Outdoor Terrace (POPS)</b></p> 	<p data-bbox="769 1203 1422 1476"><u>Description:</u> An open space where the building facade is setback from the Street ROW Line and the space between is occupied by a hardscape intended for use as an extension of the public sidewalk and outdoor amenity space such as for outdoor seating or displays. The terrace provides may also allow for public circulation along the façade and can be used to provide at-grade access or a grade change along a Street Line.</p> <p data-bbox="769 1514 1422 1633"><u>Design Standards:</u> Where terraces are elevated above the public sidewalk, they are required to meet ADA requirements for individual or shared entries facing the street.</p>

Outdoor Amenity Space Type	Description and General Design Standards
<b>12. Rooftop Terrace (POPS, PS)</b>	
	<p><u>Description:</u> A roofless, raised platform on the roof of a building that provides community gathering space such as a terrace, community garden, food and entertainment, or other outdoor amenities.</p> <p><u>Design Standards:</u> Not Applicable.</p>
<b>13. Common Yard and Garden (PS)</b>	
	<p><u>Description:</u> A private open space associated with private residence or non-residential buildings not intended for public access or a high level of pedestrian activity.</p> <p><u>Design Standards:</u> Where applicable, a walkway should be provided between the public sidewalk and the front door.</p>
<b>14. Dooryard</b>	
	<p><u>Description:</u> A Private Frontage where the Building Facade is aligned close to the Street Line, and the Frontage Line is defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public sidewalk. The result is a small semi-private dooryard containing the principal entrance in the front yard. The dooryard may be slightly raised, sunken, or at-grade, and may be planted or landscaped. A paved walkway from the sidewalk to the front door is required. This type is commonly associated with ground-floor residential use</p> <p><u>Design Standards:</u> Not Applicable.</p>
<b>15. Other OAS Types</b>	
	Permitted by Special Permit by the Planning Board

**C. Outdoor Amenity Space Types by Principal Building Type**

Outdoor Amenity Spaces are allowed by principal building type are identified in the table below:

**TABLE 18-11: PERMITTED OUTDOOR AMENITY SPACES BY BUILDING TYPE**

OAS TYPES	BUILDING TYPES												Design Standards
	A. S.F. Detached House	B. Pocket Neighborhood	C. Rowhouse/Townhouse	D. Paired House	E. Multi-Family Bldg	F. Live-Work Building	G. Gen. Comm Building	H. Mixed-Use Building	I. Flex/Fabrication Bldg	J. Gas Backwards	KJ. Civic Building	L. Other Building Types	
1. Common Yard/Garden	P	P	P	P	P	P					P	SP	Section 18.8.B
2. Dooryard	P	P	P	P	P	P			P	P	P	SP	Section 18.8.B
3. Courtyard and Forecourt		P	P	P	P	P	P	P	P		P	SP	Section 18.8.B
4. Balcony, Terrace, Deck, Patio	P	P	P	P	P	P	P	P	P	P	P	SP	Section 18.8.B
5. Pathway, Pedestrian Passage		P	P	P	P	P	P	P	P		P	SP	Section 18.8.B
6. Neighborhood Park, Preserve		P	P		P	P		P	P		P	SP	Section 18.8.B
7. Outdoor Dining Terrace/Café						P	P	P	P	P	P	SP	Section 18.8.B
8. Roof Deck, Terrace and Garden	P		P	P	P	P	P	P	P		P	SP	Section 18.8.B
9. Athletic Field, Ball Court		P	P		P	P		P	P		P	SP	Section 18.8.B
10. Common, Green, Square, Plaza		P	P		P	P	P	P	P		P	SP	Section 18.8.B
11. Pocket Park/Playground		P	P	P	P	P	P	P	P		P	SP	Section 18.8.B
12. Community Garden		P	P	P	P	P		P	P		P	SP	Section 18.8.B

*P = Permitted*

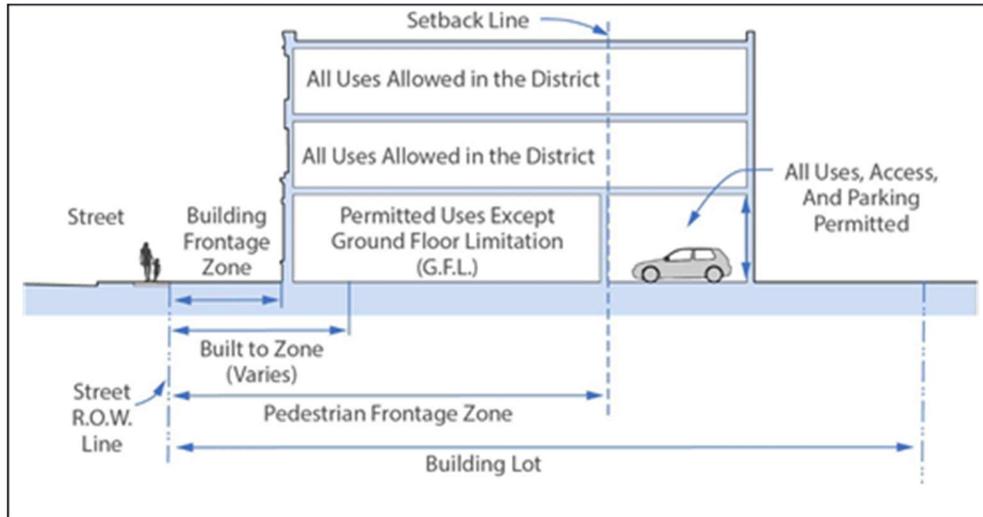
*SP = Special Permit by Planning Board*

**D. Pedestrian Frontage Zones**

1. Purpose: The Pedestrian Frontage Zones identify properties along certain public streets in the CBZD as places prioritized for pedestrian-oriented and active ground floor uses. Pedestrian Frontage Zones are identified on the CBZD Zoning Insert Map as a submap of the Town of Danvers Zoning Map.
2. 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 shall be allowed to have access at the street line by an entrance that leads to the upper floors of the building or the rear of the building as required in Section 2.c. below.
  - c. Residential and other non-residential uses not oriented to public access shall be allowed on ground floors where:
    - i. The use is within a building with frontage on the street and the use is set back a minimum of 60 feet from the street line; or

- ii. Where the Planning Board by waiver determines that street-front residential and other non-public uses will not have an adverse impact on the continuity and vitality of the pedestrian-oriented street-front uses.

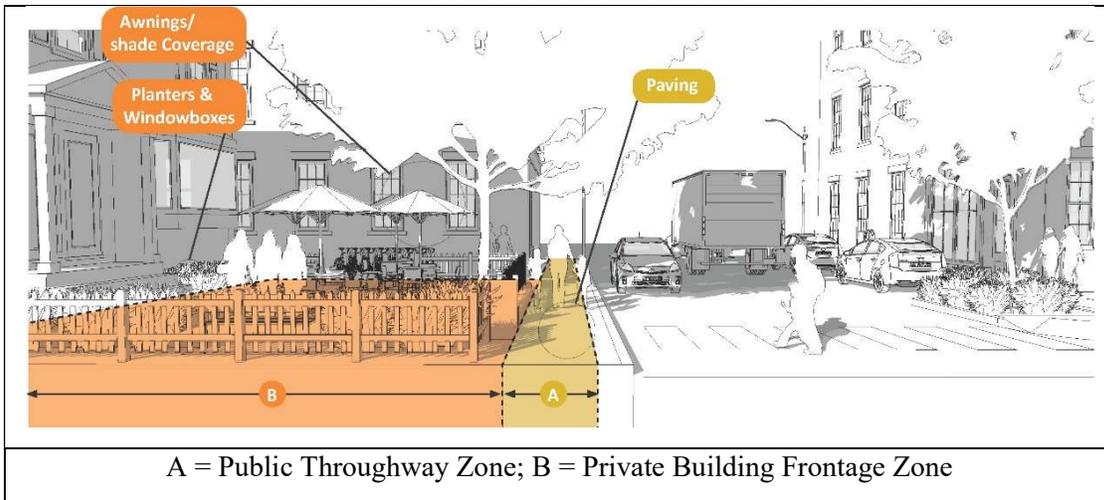
**FIGURE 18-21: PEDESTRIAN FRONTAGE ZONES**



**E. Private Building Frontage Zones**

A Building Frontage Zone is the private setback space between the front façade of the primary building and the Street ROW Line. Building Frontage Zone uses must provide a compatible transition and interface between the private realm (buildings and uses) and the public realm (sidewalks, thoroughfares, and civic spaces). Permitted Building Frontage Encroachments in Section 18.8 and Outdoor Amenity Spaces that are in the Publicly Oriented Private Spaces (POPS) categories in Section 18.8 are allowed in the CBZDs.

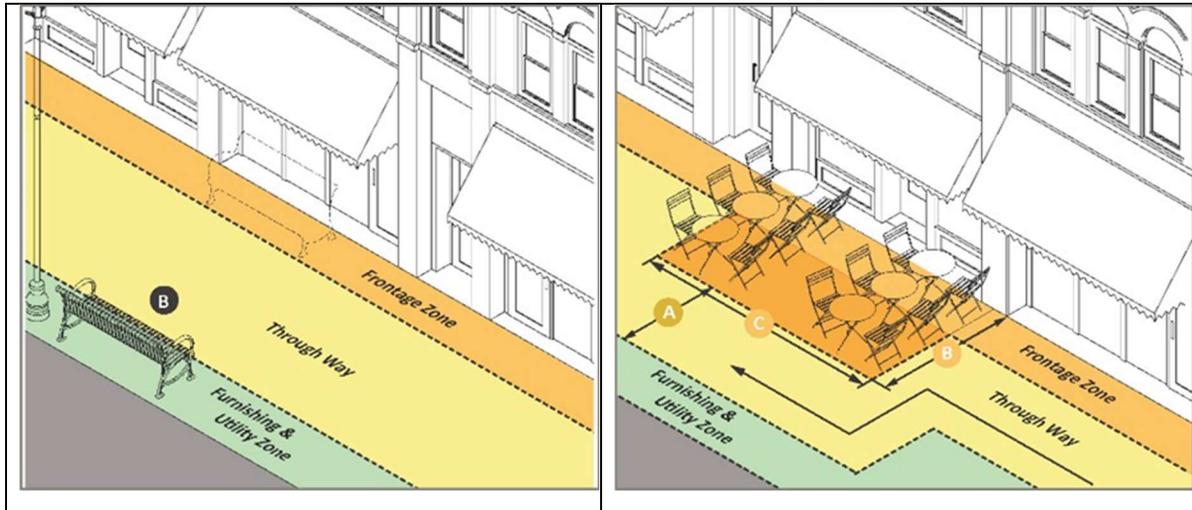
**FIGURE 18-22: PRIVATE BUILDING FRONTAGE ZONE**



**F. Public Building Frontage Zones and Allowed Encroachments**

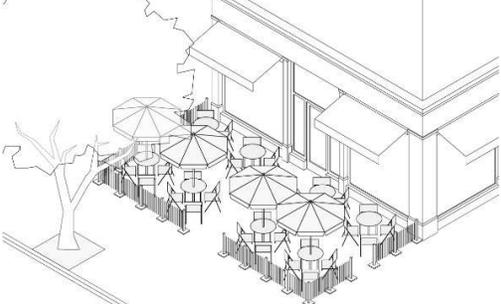
- 1. **Public Frontage:** Public frontage is the space within the Street ROW adjacent to the private property.

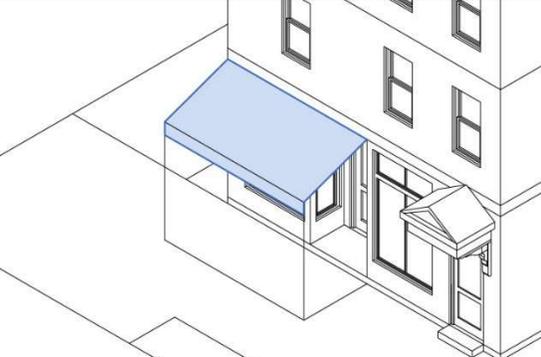
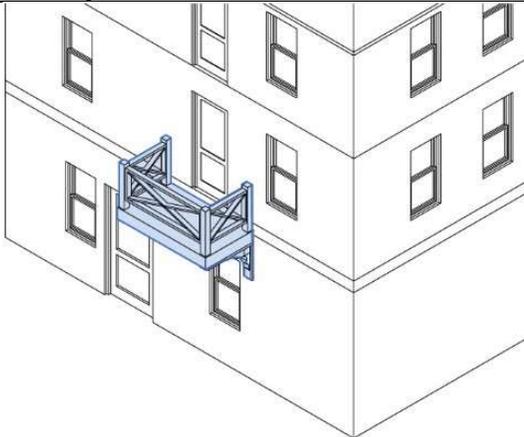
**FIGURE 18-23: PUBLIC BUILDING FRONTAGE ZONES**

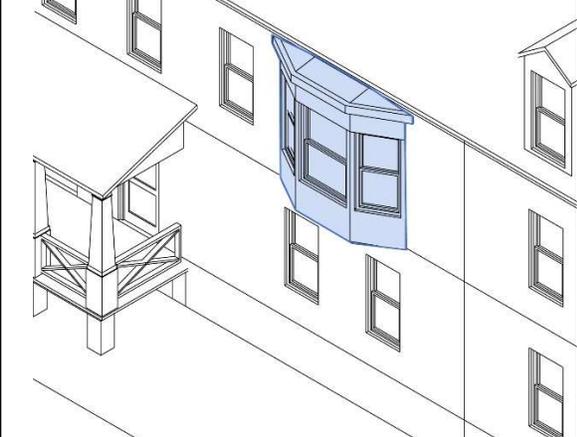
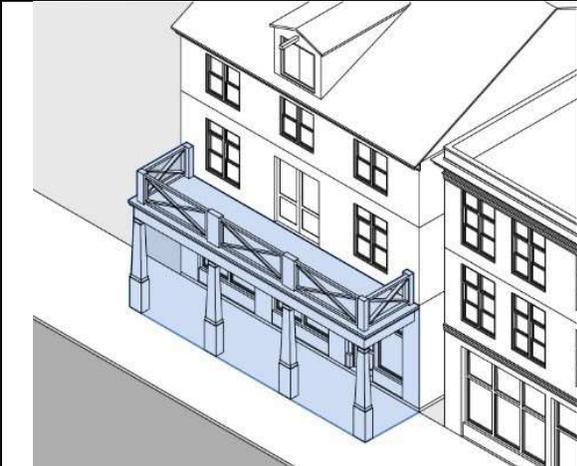


- Public Frontage Encroachments:** Building Façade Encroachments including building components, outdoor amenity spaces, accessory signs and displays, and related attributes that extend into the Public Frontage Zone and contribute to the activation of the Public Realm, walkability, and enjoyment of the public. All building encroachments that extend into the Public Frontage Zone shall require compliance with all relevant Town By-Laws and applicable regulations.

**FIGURE 18-24: BUILDING ACTIVATION ENCROACHMENTS**

Type	Description and Design Standards
<b>1. Sidewalk Dining Terrace</b>	
	<p>Outdoor dining cafes are permitted as an ancillary activity of any restaurant, pub, or other food and drink establishment. The operator of the outdoor dining cafe may be granted permission from the Town for locations on side and on the public sidewalk. See the CBZD Design Standards (Public Realm).</p>
<b>2. Storefront Display</b>	
	<p>Sidewalks displays on a public sidewalk shall be within 3 feet of the building; are prohibited from interfering with pedestrian travel and shall leave clear an accessible walkway area of 5 feet minimum; must be removed when the business is not open; and require compliance with all Town By-Laws and applicable regulations. See the CBZD Design Standards (Public Realm).</p>

Type	Description and Design Standards
<p><b>3. Sandwich Board Sign</b></p> 	<p>A freestanding portable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. Sidewalk signs displayed on a public sidewalk shall be within 3 feet of the building; are prohibited from interfering with pedestrian travel and shall leave clear an accessible walkway area of 5 feet minimum; must be removed when the business is not open; and requires compliance with all Town By-Laws and applicable regulations.</p>
<p><b>4. Projecting Signs and Banner</b></p> 	<p>A building mounted sign attached to, and extending from, a building or support beam in whole or in part which extends beyond said building. Projecting signs may encroach into the public right-of-way but shall not be located within 5 feet to the closest curb line. Project sign shall be mounted a minimum of 6 inches away from the building and 8 feet from the bottom of the sign to the sidewalk grade; and require compliance with all Town By-Laws and applicable regulations.</p>
<p><b>5. Awning</b></p> 	<p>An Awning projecting over the sidewalk of a public thoroughfare must have 8 feet of clearance in height, 8 feet in clearance from the curb line, and requires compliance with all Town By-Laws and applicable regulations.</p>
<p><b>6. Balcony</b></p> 	<p>A balcony projecting over the sidewalk of a public thoroughfare must have 12 feet of height clearance, 8 feet in clearance from the curb line, and requires compliance with all Town By-Laws and applicable regulations.</p>

Type	Description and Design Standards
<p><b>7. Bay Window</b></p> 	<p>Bay windows projecting over the sidewalk of a public thoroughfare must have 12 feet of height clearance, 8 feet in clearance from the curb line, and require compliance with all Town By-Laws and applicable regulations.</p>
<p><b>8. Arcade</b></p> 	<p>An Arcade projecting over the sidewalk of a public thoroughfare must have 12 feet of clearance, 8 feet in clearance from the curb line, and requires compliance with all Town By-Laws and applicable regulations.</p>

**18.9 Public Realm Standards**

Public Realm standards are provided in the Planning Board’s CBZD Design Standards. The intent of these standards is to ensure that private development is coordinated a well-connected travel network, composed of direct and convenient routes that reinforce the Character-Based Districts as a walkable, bikeable, and human-scaled urban environment.

**18.10 Signage & Lighting**

The standards for signage and lighting in the CBZD Districts are found in the CBZD Design Standards.

**18.11 Transportation Management**

**A. Purpose**

The Town may enact Transportation Management that allows greater opportunity for facilitating effective multi-modal transportation networks that increase the quality of life in Danvers through improved traffic and parking management and mitigation, consistent with the following principles:

- a. Multimodal consideration. To ensure that the safety and mobility of all users of the circulation and transportation networks are considered equally;
- b. Context sensitive design. To incorporate, throughout project planning, design, and construction, the overarching principles of Context Sensitive Design, including attention to scenic, aesthetic, historic, and environmental resources; and
- c. Clear process. To develop and implement plans adopted through a broad-based, clear, and transparent process.

## **B. Applicability**

The provisions of this section shall apply to developments located within or adjacent to Character Based Zoning Districts. A final certificate of occupancy shall not be issued unless or until all provisions of this section have been satisfied, except for those conditions that by their terms are intended to be satisfied after occupancy of the structures for which the certificate of occupancy is sought.

## **C. Transportation Mitigation**

The Planning Board shall determine appropriate measures for transportation mitigation that consider the following:

- a. Assessment of the impacts of reasonably anticipated future development in the district(s) considering current zoning bylaws and other legal and physical constraints;
- b. Analysis of existing capital improvement plans, or the facilities element of a plan adopted under MGL c. 41, § 81D;
- c. Cost projections for transportation or parking infrastructure improvements required to address the impacts generated by the anticipated development in the district(s), including the potential impact on nearby residential streets and neighborhoods;
- d. Required transportation mitigation fees;
- e. Off-street parking and loading requirements the district;
- f. Parking and Transportation Demand Management techniques reasonably calculated to reduce the number of vehicle trips generated by developments in the district and to ensure the long-term stability of the transportation system;
- g. An implementation program that defines and schedules the specific municipal actions necessary to achieve the objectives of the plan; and
- h. A plan to encourage voluntary participation in TDM programs by those not required to participate. The plan shall be updated periodically to reflect actual development activity, actual costs of infrastructure improvements completed or underway, plan changes, or amendments to the zoning bylaws.

**D. Transportation Mitigation Fee**

The imposition of a transportation mitigation fee shall not prevent the Town from imposing fees it may otherwise impose under local bylaws. The payment of a transportation mitigation fee is subject to the following:

- a. Timing of payment. Payment of the transportation mitigation fee shall be in cash., under terms and conditions specified in the Planning Board's Zoning Regulations.
- b. Payment use. Any transportation mitigation fees paid to the Town are intended to be used to fund transportation infrastructure and parking improvements that are necessitated by the proposed development of the applicant. Examples of appropriate uses include the costs related to the provisions of equipment, infrastructure, facilities, services, or studies associated with the following: traffic mitigation; public transportation; parking management; bicycle and pedestrian accommodations or other transportation-related improvements. Except where deficiencies are exacerbated by the new development, in which case the fee may be assessed only in proportion to the deficiency so exacerbated, the fee shall not be expended for personnel costs, normal operation and maintenance costs, or to remedy deficiencies in existing, non-related facilities.
- c. Rough proportionality and reasonable benefit to fee payer. The transportation mitigation fee shall be determined by the Planning Board, in its Zoning Regulations. The fee shall be roughly proportionate to the impacts created by the development. The purposes for which the fee is expended shall reasonably benefit the proposed development.

**E. Parking and Transportation Demand Management**

Submission of a Parking and Transportation Demand Management (PTDM) plan, which is consistent with the Zoning Regulations is required. Compliance with the submitted PTDM plan shall be a condition of any permit approvals.

**F. Enforcement**

Compliance with the PTDM plan submitted with an approved permit application may be enforced through § 2 of the Zoning By-law.

**G. Special Permit**

Where a special permit is required the SPGA shall not grant the special permit unless it imposes conditions, including transportation mitigation fees and parking and transportation demand management requirements, to meet the goals of the Zoning Regulations.

**18.12 Affordable Housing Requirements**

Developments within Danvers Town Center districts and the High Street Mixed Use Corridor District are required to participate in forwarding the Town's affordable housing goals. Developments within these districts are required to offer an affordable unit to the Town for inclusion on the subsidized housing inventory, a payment to the Town to forward affordable housing goals, or, in some instances, both. The calculation for the units or payments is based on the formula shown in Table 18.12. This

provision only applies to additional units added to a property greater than the number of units currently existing on a lot (net new units).

**TABLE 18-12: AFFORDABLE HOUSING REQUIREMENTS**

Units (net new)	Affordable Unit Percentage	Payment
1-4	0%	Payment based on affordable unit construction cost and percentage of required affordable housing per this By-law
5-9	10%	Fractional payment based on affordable unit construction cost and percentage of required affordable housing per this By-law
10+	12.5%	

Where the calculation from Table 18.12 results in a fractional dwelling unit less than 0.5, the applicant may either provide an eligible dwelling unit or make a contribution to the Town of Danvers for affordable housing purposes in an amount sufficient to construct that fraction of an eligible dwelling unit, net of the dwelling unit's restricted resale price, as determined by the Planning Division. Where this calculation results in a fractional dwelling unit greater than 0.5 the applicant must provide an affordable dwelling unit to the Town of Danvers. An example of these calculations is provided in Table 18.13.

**TABLE 18-13: EXAMPLE AFFORDABLE HOUSING CALCULATIONS**

New Units in Project	Required Affordable Percentage	Affordable Units Required	Fractional Payment
1*	0%	0	\$35,000
2	0%	0	\$70,000
3	0%	0	\$105,000
4	0%	0	\$140,000
5	10%	1	\$0
6	10%	1	\$0
8	10%	1	\$0
9	10%	1	\$35,000
10	12.5%	1	\$70,000
12	12.5%	2	\$0
14	12.5%	2	\$0
16	12.5%	2	\$0
18	12.5%	2	\$70,000
20	12.5%	3	\$0

\* Existing, detached single-family homes adding a second unit are exempt from the fractional payment.

The calculations shown in the Table 18.13 were made using the following assumptions for a potential development within the applicable districts. The required percentage of affordable units for

developments with 1 to 4 net new units is 0%. For developments adding 5 to 9 net new units the required percentage of affordable housing is 10%. For developments adding 10 or more net new units the required percentage of affordable housing is 12.5%. The proposed net new units are multiplied by the applicable percentage and results in the number of affordable units within a development. Where this number results in a fractional unit the developer will either round up the number of affordable units required if the fraction is greater than .5, or make a contribution to the Town of Danvers for affordable housing purposes in an amount sufficient to construct that fraction of an eligible dwelling unit, net of the dwelling unit's restricted resale price if the fraction is less than .5. The contribution required is based on the estimated cost to construct a new affordable dwelling unit in the region (\$465,000) net the dwelling unit's estimated, average restricted sales price (\$185,000) for the region. The mathematical breakdown for a scenario involving a 10-unit development is as follows:

$10 \text{ Units} * 12.5\% = 1.25$  In this instance, the developer is required to provide one (1) SHI eligible unit and a payment of \$70,000 for the 0.25 fraction, or  $0.25 * (\$465,000 - \$185,000) = \$70,000$ .

Affordable units constructed under this provision shall be sold or rented to households with incomes at or below 80 percent for for-sale housing and 60 percent for rental housing of the Median Regional Household Income (as determined by the U.S. Department of Housing and Urban Development (HUD) pursuant to the Housing Act of 1937, as amended and adjusted for family size), and shall be restricted to sales prices or monthly rents that are affordable to such households. The sales price or monthly rent shall, in all instances, be such that the dwelling unit qualifies as a local initiative unit under the Commonwealth's Local Initiative Program (LIP) and meets the requirements of a subsidized housing unit for the purposes of listing in the Town's subsidized housing inventory under G.L. c. 40B Sec. 20-23. For purposes of this By-law, rental housing shall be deemed affordable if rents (including utilities or a HUD-approved utility allowance if utilities are paid separately by tenants) do not exceed 30 percent of 50 percent of the gross monthly Median Regional Household Income for a family of four, adjusted for the bedroom size of the unit in accordance with the protocols accepted under Section 42 of the federal tax code. For-sale housing shall be deemed affordable for purposes of this bylaw if it is priced so that monthly principal, interest, tax, and property insurance costs and condominium fees (if applicable) do not exceed 30 percent of 70 percent of gross monthly Median Regional Household Income for a family of four, adjusted for the bedroom size of the unit, using the best generally available mortgage terms and rates for such borrowers.

#### **A. Segmentation**

A developer or property owner may not phase or segment a project or transfer ownership of contiguous properties to evade, defer or curtail the affordability or Payment-in-Lieu requirements of this regulation. The Planning Board shall consider all circumstances as to whether various applications or activities, taken together, comprise a single development or independent undertakings, regardless of whether there is more than one developer or property owner, including any time interval(s) between the applications or activities. The Planning Board may impose such additional Payment-in-Lieu requirements on segmented developments as are needed to ensure that, as a whole, a development makes the full payments warranted.

**B. Continued Affordability**

Affordable housing units developed pursuant to this bylaw shall be subject to long-term use restrictions and, where applicable, resale restrictions, to ensure that they remain affordable to low-and moderate-income households for the longest period allowed by law, but in no instance less than ninety-nine years. Such restrictions shall be enforceable by the Town of Danvers, the Danvers Housing Authority, or by a housing-related charitable corporation or trust designated by the Town of Danvers in accordance with Section 55C of Chapter 44 of the Massachusetts General Laws and shall be executed and recorded at the Essex County Registry of Deeds, Southern District. It is the intent of this bylaw that affordable housing units be restricted, and that long-term affordability be enforced in such a manner that affordable units are considered "low- and moderate-income housing" for purposes of Section 20 of Chapter 40B of the Massachusetts General Laws.

**C. Comparability**

Affordable units shall be dispersed throughout the site and shall be comparable to market-rate units except in size, interior finish, fixtures, and appliances. Affordable units shall be deemed "comparable" only when the number of bedrooms is the same in both the market-rate and the affordable unit(s). Where the mix of units bedroom is of equal proportion in the market rate units (e.g. 50% two bedroom and 50% one bedroom) the higher number shall be considered as required in the affordable unit mix (e.g., a two-bedroom unit would be required for the affordable unit). Where more than one affordable unit is required, the distribution of units by number of bedrooms shall be in the same proportion for both market-rate and affordable units.

**D. Compliance**

1. Permit Conditions. No Special Permit shall be issued without appropriate restrictions to ensure that the provisions of this subsection are made binding upon the applicant.
2. Occupancy Conditions. No certificate of occupancy shall be issued for any market-rate units in a development covered by this subsection until all deed covenants and/or other documents necessary to ensure compliance by the applicant with the requirements of this subsection have been executed. The Planning Board may grant a waiver to this requirement and allow incremental release of certificates of occupancy provided that adequate provisions are in place to ensure that the provisions of this subsection are made binding upon the applicant.

**18.13 Design Waiver Special Permits****A. Purpose**

A design waiver special permit allows a specifically authorized type of exception from the provisions governing development in the CBZDs, within specific limitations.

**B. Authority**

1. By Special Permit, the Planning Board may authorize a deviation from specified requirements set forth in Section 18, after consideration at a public hearing of the review criteria set forth in subsection C below.

2. The approval or denial of an application for a waiver is discretionary.

### **C. Review Criteria**

The Planning Board may grant a special permit upon making positive findings in determining the request meets the following criteria:

1. Consistent with the purpose of Section 18 in general;
2. Consistent with any waiver eligibility requirements, as indicated elsewhere in this Section;
3. Social, economic, or community needs are served by the proposal such as expanding housing choices;
4. Adequate safety of traffic flow, access, parking, and loading are provided;
5. Adequate utilities and other public services are provided;
6. Positive impacts on pedestrian comfort and safety;
7. Potential fiscal impact, including impact on municipal services, tax base, and employment are positive; and
8. Such relief shall not result in substantial detriment to the CBZDs or surrounding neighborhoods.

### **D. Conditions**

The Planning Board may attach supplemental conditions and/ or limitations that it deems necessary in order to ensure compliance to the findings and/or standards for the specific special permit requested.

## **SECTION 19: Danvers Town Center – Core District**

### **19.1 Purpose and Intent**

The general purpose of the Danvers Town Center – Core District (DTC-C) is to promote the historic character of Danvers’ traditional civic and central business district and ensure that new reinvestment enhances this vibrant, authentic, connected, and resilient Town center. The following standards are intended to enhance the traditional central business district and provide opportunities for moderate scale commercial, institutional, residential, and mixed-use buildings; the production of moderate density housing forms that are compatible with the historic character of the urban core; and a supporting Public Realm with convenient access multiple modes of transportation, and an attractive pedestrian environment with active streetscapes and open spaces.

### **19.2 Regulating Plan**

The Zoning Map and Regulating Plan for the Danvers Town Center Core District (DTC-C) and Danvers Town Center Live/Work District is included below. Additional standards are as follows:

#### **A. Pedestrian Frontage Zone**

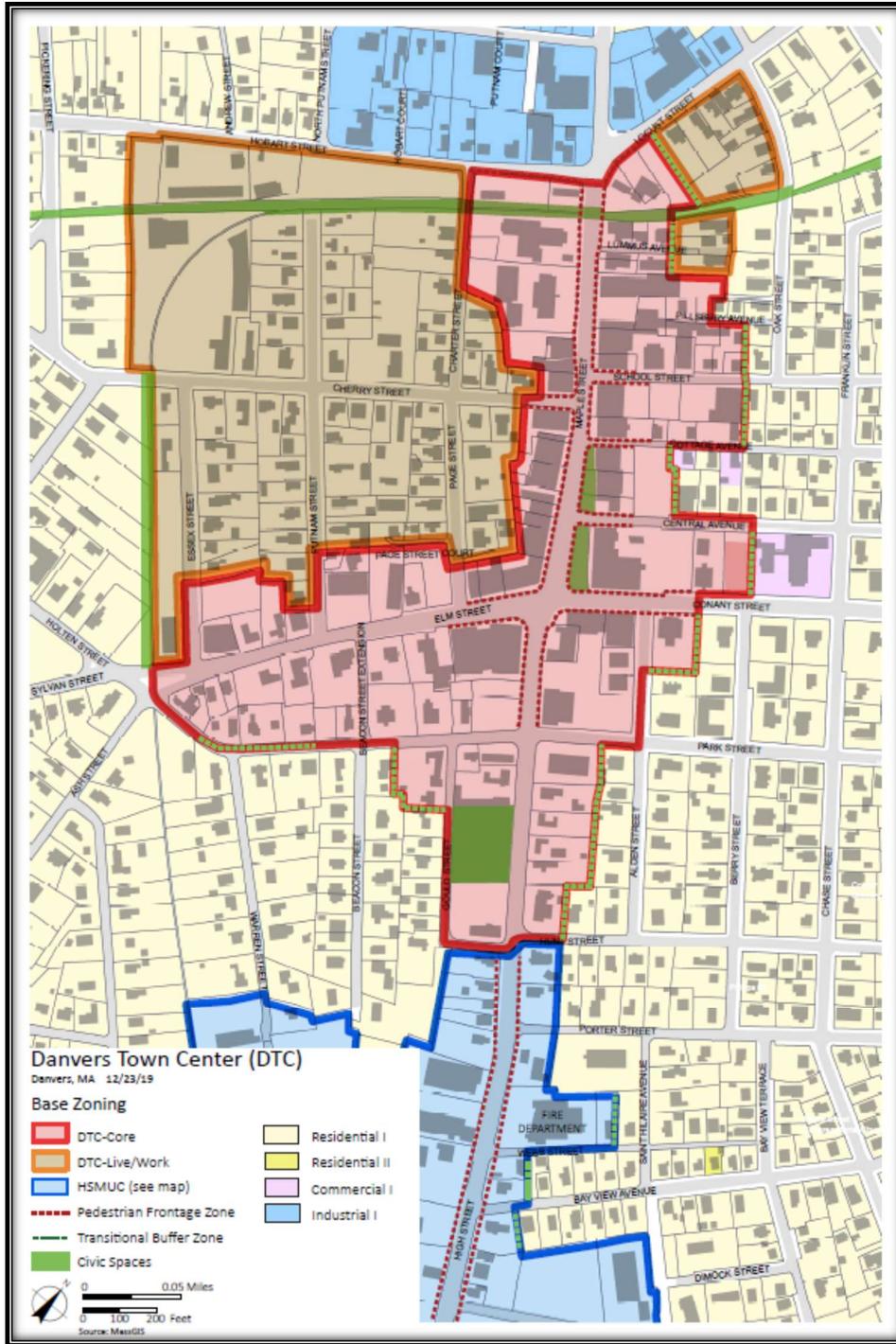
The Pedestrian Frontage Zones in the DTC-C district extend along segments of Maple Street, Hobart Street, Locust Street, Elm Street, School Street, Cottage Avenue, Conant Street, and Cherry Street. Pedestrian-oriented and active ground floor uses shall be required along these designated frontages consistent with Section 18.8.D.2.

#### **B. Civic Spaces**

Civic Spaces in the DTC-C district are designated at the Historic Cemetery on High Street, Danvers Square on the east side of Maple Street between Conant Street and Cottage Avenue, the along the Danvers Rail-Trail. These areas are targeted for public realm enhancements and active civic uses. They are eligible for improvements under Section 18.4.C for density bonuses and 18.8.A.3 payments in lieu of on-site outdoor amenity space.

#### **C. Transitional Buffer Zones**

The Transitional Buffer Zones on the DTC-C Regulating Plan shall comply with the requirements of Section 18.6.F.



### 19.3 Character-Based District Development Standards

**TABLE 19-1: DEVELOPMENT STANDARDS IN THE DTC-C DISTRICT**

1. BUILDING TYPES			7. OUTDOOR AMENITY SPACES		
See Section 18.7.			See Section 18.8.		
A.	Detached Single Family House (SFD)	X	A.	Neighborhood Park or Preserve	X
B.	Workers Cottage/Cottage Court (WC)	SP	B.	Common or Green	P
C.	Paired House (PH)	SP	C.	Recreation Field or Court	SP
D.	Townhouse/Rowhouse (Attached SF DU)	P	D.	Pathway	P
E.	Multi-Family Building (MFB)	P	E.	Pedestrian Passage	P
F.	Live-Work/Shop House (LW)	P	F.	Community Garden	P
G.	General Commercial Building (GCB)	P	G.	Forecourt	P
H.	Mixed Use Building (MUB)	P	H.	Courtyard	P
I.	Flex Space/Fabrication Building (FFB)	P	I.	Plaza or Square	P
J.	Civic or Community Building (CCB)	P	J.	Pocket Park or Playground	P
K.	Gas Backwards Building (GB)	SP	K.	Outdoor Terrace	P
L.	Other Approved by Planning Board	SP	L.	Rooftop Terrace or Garden	P
			M.	Common Yard and Garden	P
<b>2. RESIDENTIAL DENSITY AND ADUs</b>			N.	Dooryard	P
See Section 18.4.A. - Residential Density by CBZD			O.	Other Approved by Planning Board	SP
3. BUILDING AND PROPERTY USE			8. BUILDING FRONTAGE ENCROACHMENTS		
See Section 18.7.C.& D			See Sections 18.8.E. & F.		
			A.	Sidewalk Dining Terrace	SP
			B.	Storefront Display	P
<b>4. DEVELOPMENT TYPES</b>			C.	Sandwich Board Sign	P
See Section 18.7.D.			D.	Projecting Sign and Banner	P
A.	Pocket Neighborhood (PN)	SP	E.	Awning	P
B.	Mixed-Use Development (MUD)	P	F.	Balcony	SP
C.	General Residential Development (GRD)	P	G.	Bay Window	SP
D.	General Comm./Ind. Development (GCD)	P	H.	Arcade	SP
			I.	Other Approved by Planning Board	SP
<b>5. PARKING STANDARDS</b>					
See Section 18.5.D. and Section 4.2					
6. SIGNAGE			9. DESIGN STANDARDS & GUIDELINES		
See CBZD Design Standards			See CBZD Design Standards		
<b>Principal Signs</b>			G	Guideline in this CBZD	
A.	Awning and Canopy Signs	P	S	Standard Requirement in this CBZD	
B.	Band Signs	P			
C.	Blade and Projecting Signs	P	A.	General Design Standards	G
D.	Freestanding and Yard Signs	SP	B.	Building Frontage & Façade Treatments	G
E.	Vertical Blade/Banner Signs	P	C.	Building Components	G
F.	Marquee Signs	SP	D.	Open Space and Outdoor Amenities	S
G.	Suspended Signs	P	E.	Sustainable/Low Impact Development	G
H.	Wall Mural	SP	F.	Public Realm Standards	S
I.	Window Signs	P			
J.	Wall Signs	P			
K.	Other Principal Signs	SP			

## **19.4 Other Design and Development Standards Specific to the District**

### **A. Gas Backwards**

Gas Backwards is only allowed by Special Permit in the DTC-C on sites where existing gas stations with convenience stores exist at the time of this adoption of this bylaw.

## **SECTION 20: Danvers Town Center – Live/Work District**

### **20.1 Purpose and Intent**

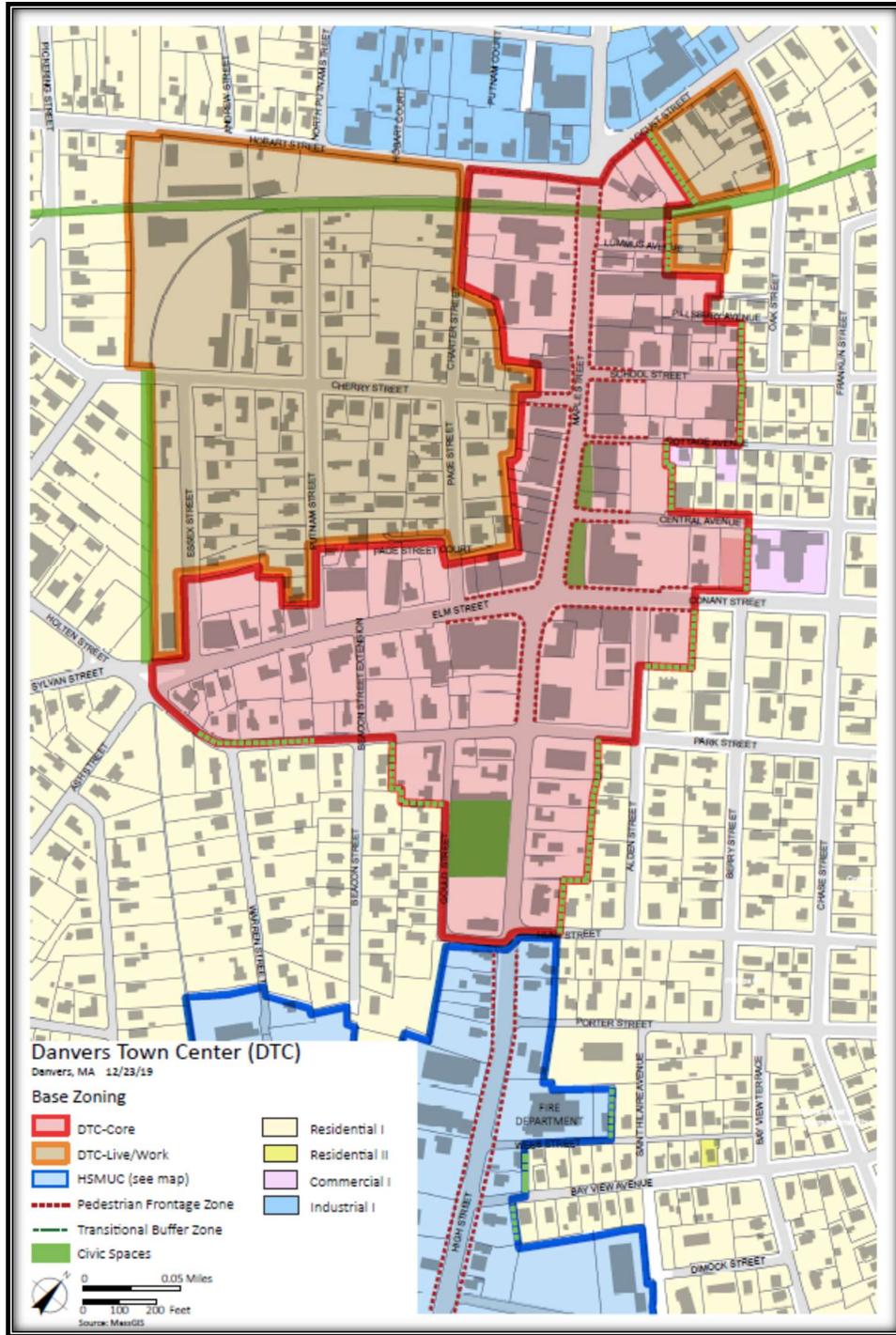
The purpose of the Danvers Town Center – Live/Work District (DTC-L/W) is to facilitate reinvestment in the downtown neighborhoods with compatible traditional residential building forms; provide housing choices to a broad range of age, income, and household types; provide for home-based business and other small scale commercial uses that are compatible with the neighborhood; and reinforce a highly walkable and connected street network that takes advances to proximity of the Danvers Town Center Core for employment, food, entertainment, shopping, and other services.

### **20.2 Regulating Plan**

The Zoning Map and Regulating Plan for the Danvers Town Center Core District (DTC-C) and Danvers Town Center Live/Work District is included below. Additional standards are as follows:

#### **A. Civic Spaces**

Civic Spaces in the DTC-L/W district are designated along the Danvers Rail-Trail. Additional areas that may be considered by the Planning Board in a Special Permit site plan review are municipal parking lots and other publicly owned and civic oriented spaces located in the district such as around Town Hall. These areas are targeted for public realm enhancements and active civic uses. They are eligible for improvements under Section 18.4.C for density bonuses and 18.8.A.3 payments in lieu of on-site outdoor amenity space.



### 20.3 Character-Based District Development Standards

**TABLE 20-1: DEVELOPMENT STANDARDS IN THE DTC-L/W DISTRICT**

<b>1. BUILDING TYPES</b>			<b>7. OUTDOOR AMENITY SPACES</b>		
See Section 18.7.			See Section 18.8.		
A.	Detached Single Family House (SFD)	P	A.	Neighborhood Park or Preserve	P
B.	Workers Cottage/Cottage Court (WC)	P	B.	Common or Green	P
C.	Paired House (PH)	P	C.	Recreation Field or Court	P
D.	Townhouse/Rowhouse (Attached SF DU)	P	D.	Pathway	P
E.	Multi-Family Building (MFB)	P	E.	Pedestrian Passage	P
F.	Live-Work/Shop House (LW)	P	F.	Community Garden	P
G.	General Commercial Building (GCB)	SP	G.	Forecourt	P
H.	Mixed Use Building (MUB)	SP	H.	Courtyard	P
I.	Flex Space/Fabrication Building (FFB)	SP	I.	Plaza or Square	P
J.	Civic or Community Building (CCB)	P	J.	Pocket Park or Playground	P
K.	Gas Backwards Building (GB)	X	K.	Outdoor Terrace	P
L.	Other Approved by Planning Board	SP	L.	Rooftop Terrace or Garden	P
			M.	Common Yard and Garden	P
<b>2. RESIDENTIAL DENSITY AND ADUs</b>			N.	Dooryard	P
See Section 18.4.A. - Residential Density by CBZD			O.	Other Approved by Planning Board	SP
<b>3. BUILDING AND PROPERTY USE</b>			<b>8. BUILDING FRONTAGE ENCROACHMENTS</b>		
See Section 18.7.C.& D			See Sections 18.8.E. & F.		
			A.	Sidewalk Dining Terrace	X
			B.	Storefront Display	SP
<b>4. DEVELOPMENT TYPES</b>			C.	Sandwich Board Sign	X
See Section 12.7.B.			D.	Projecting Sign and Banner	X
A.	Pocket Neighborhood (PN)	P	E.	Awning	P
B.	Mixed-Use Development (MUD)	SP	F.	Balcony	X
C.	General Residential Development (GRD)	P	G.	Bay Window	X
D.	General Comm./Ind. Development (GCD)	SP	H.	Arcade	X
			I.	Other Approved by Planning Board	SP
<b>5. PARKING STANDARDS</b>					
See Section 18.5.D. and Section 4.2					
<b>6. SIGNAGE</b>			<b>9. DESIGN STANDARDS &amp; GUIDELINES</b>		
See CBZD Design Standards			See CBZD Design Standards		
<b>Principal Signs</b>			G	Guideline in this CBZD	
A.	Awning and Canopy Signs	P	S	Standard Requirement in this CBZD	
B.	Band Signs	P			
C.	Blade and Projecting Signs	X	A.	General Design Standards	G
D.	Freestanding and Yard Signs	P	B.	Building Frontage & Façade Treatments	G
E.	Vertical Blade/Banner Signs	X	C.	Building Components	S
F.	Marquee Signs	X	D.	Open Space and Outdoor Amenities	S
G.	Suspended Signs	X	E.	Sustainable/Low Impact Development	G
H.	Wall Mural	SP	F.	Public Realm Standards	S
I.	Window Signs	P			
J.	Wall Signs	P			
K.	Other Principal Signs	SP			

## **20.4 Other Design and Development Standards Specific to the District**

### **A. Building Components**

The building component standards in the CBZD Design Standards are applicable as required standards for new development, additions, renovations, or reuse of existing buildings requiring major site plan approval and/or a special permit from the Planning Board.

## **SECTION 21: High Street Mixed Use Corridor District**

### **21.1 Purpose and Intent**

The purpose of the High Street Mixed Use Corridor District is to retrofit and transform from an auto-oriented highway commercial corridor into an attractive, walkable, mixed use district that creates an attractive gateway to Downtown Danvers, provides incentive for property reinvestment, and is complimentary to adjacent neighborhoods.

### **21.2 Regulating Plan**

The Zoning Map and Regulating Plan for the High Street Mixed Use Corridor District (HSMUC) is included below. Additional standards are as follows:

#### **A. Pedestrian Frontage Zone**

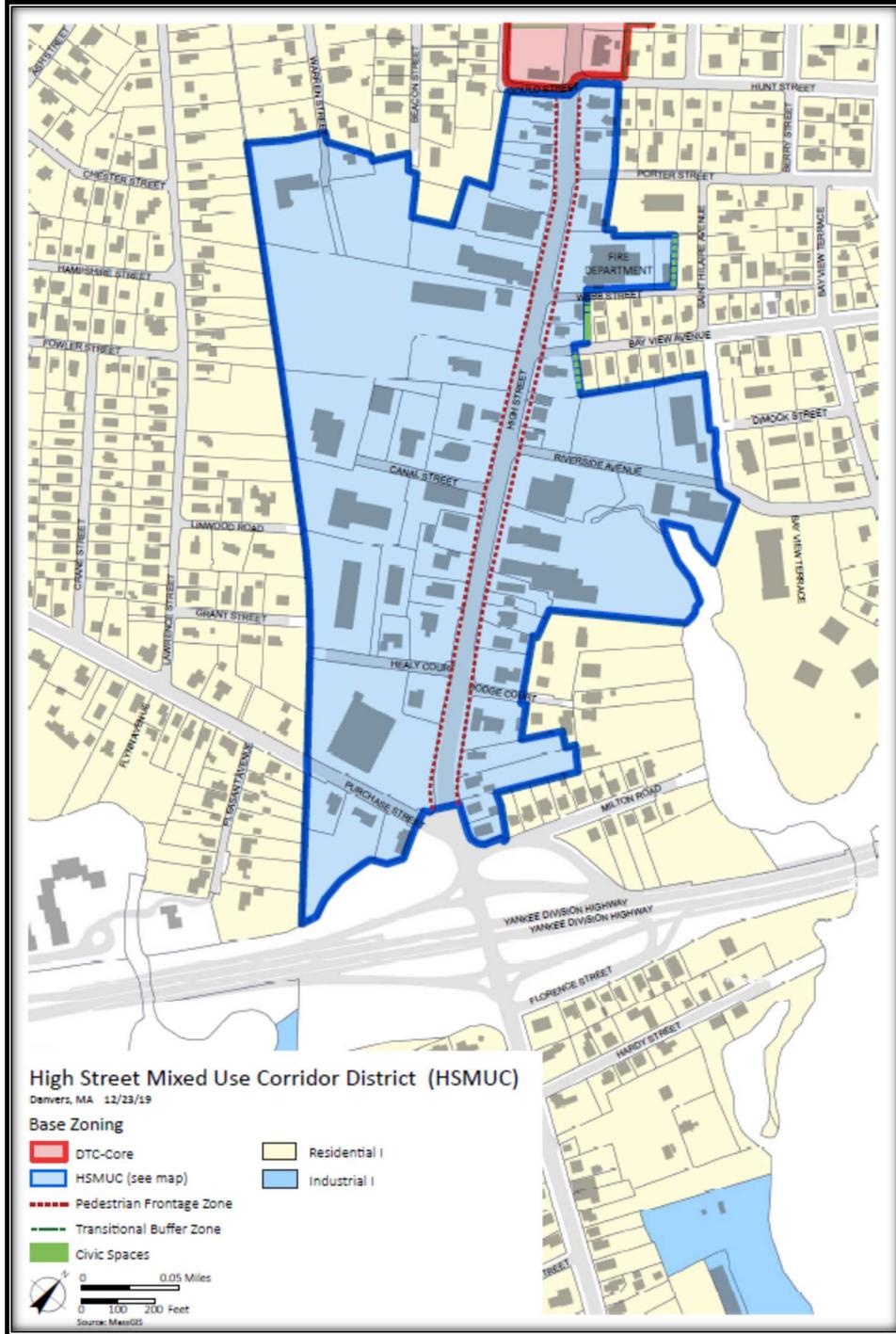
The Pedestrian Frontage Zones in the High Street Mixed Use Corridor district extend along segments of High Street. Pedestrian-oriented and active ground floor uses shall be required along these designated frontages consistent with Section 18.3.D.2.

#### **B. Civic Spaces**

The Civic Space in the HSMUC district is designated as the east-west extension of the Danvers Rail-Trail. This area is targeted for public realm enhancements and active civic uses and is eligible for improvements under Section 18.4.C for density bonuses and 18.8.A.3 payments in lieu of on-site outdoor amenity space.

#### **C. Transitional Buffer Zones**

The Transitional Buffer Zones on the High Street Mixed Use Corridor Regulating Plan shall comply with the requirements of Section 18.6.F.



### 21.3 Character-Based District Development Standards

**TABLE 21-1: DEVELOPMENT STANDARDS IN THE HSMUC**

1. BUILDING TYPES			7. OUTDOOR AMENITY SPACES		
See Section 18.7.			See Section 18.8.		
A.	Detached Single Family House (SFD)	X	A.	Neighborhood Park or Preserve	P
B.	Workers Cottage/Cottage Court (WC)	X	B.	Common or Green	P
C.	Paired House (PH)	X	C.	Recreation Field or Court	P
D.	Townhouse/Rowhouse (Attached SF DU)	SP	D.	Pathway	P
E.	Multi-Family Building (MFB)	SP	E.	Pedestrian Passage	P
F.	Live-Work/Shop House (LW)	SP	F.	Community Garden	P
G.	General Commercial Building (GCB)	P	G.	Forecourt	P
H.	Mixed Use Building (MUB)	P	H.	Courtyard	P
I.	Flex Space/Fabrication Building (FFB)	P	I.	Plaza or Square	P
J.	Civic or Community Building (CCB)	P	J.	Pocket Park or Playground	P
K.	Gas Backwards Building (GB)	SP	K.	Outdoor Terrace	P
L.	Other Approved by Planning Board	SP	L.	Rooftop Terrace or Garden	P
			M.	Common Yard and Garden	P
<b>2. RESIDENTIAL DENSITY AND ADUs</b>			N.	Dooryard	P
See Section 18.4.A. - Residential Density by CBZD			O.	Other Approved by Planning Board	SP
3. BUILDING AND PROPERTY USE			8. BUILDING FRONTAGE ENCROACHMENTS		
See Section 18.7.C.& D			See Sections 18.8.E. & F.		
			A.	Sidewalk Dining Terrace	SP
			B.	Storefront Display	P
<b>4. DEVELOPMENT TYPES</b>			C.	Sandwich Board Sign	P
See Section 18.7.D.			D.	Projecting Sign and Banner	P
A.	Pocket Neighborhood (PN)	X	E.	Awning	P
B.	Mixed-Use Development (MUD)	P	F.	Balcony	SP
C.	General Residential Development (GRD)	SP	G.	Bay Window	SP
D.	General Comm./Ind. Development (GCD)	P	H.	Arcade	SP
			I.	Other Approved by Planning Board	SP
<b>5. PARKING STANDARDS</b>					
See Section 18.5.D. and Section 4.2					
6. SIGNAGE			9. DESIGN STANDARDS & GUIDELINES		
See CBZD Design Standards			See CBZD Design Standards		
<b>Principal Signs</b>			G	Guideline in this CBZD	
A.	Awning and Canopy Signs	P	S	Standard Requirement in this CBZD	
B.	Band Signs	P			
C.	Blade and Projecting Signs	P	A.	General Design Standards	G
D.	Freestanding and Yard Signs	P	B.	Building Frontage & Façade Treatments	G
E.	Vertical Blade/Banner Signs	P	C.	Building Components	G
F.	Marquee Signs	SP	D.	Open Space and Outdoor Amenities	S
G.	Suspended Signs	P	E.	Sustainable/Low Impact Development	G
H.	Wall Mural	SP	F.	Public Realm Standards	S
I.	Window Signs	P			
J.	Wall Signs	P			
K.	Other Principal Signs	SP			

## **21.4 Other Design and Development Standards Specific to the District**

### **A. Gas Backwards**

Gas Backwards is only allowed by Special Permit in the HSMUC on sites where existing gas stations with convenience stores exist at the time of this adoption of this bylaw.

## **SECTION 22: MAPLE STREET TRADITIONAL NEIGHBORHOOD DEVELOPMENT SMART GROWTH OVERLAY DISTRICT**

### **22.1 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 70 aid in accordance with G.L. Chapter 40S arising from the development of housing in the Maple Street Traditional Neighborhood Development Overlay District.

## 22.2 DEFINITIONS

For purposes of this Section 22, 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 22. Any term not defined in this Section 22 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 22 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 22.10, to review and implement the Affordability Requirements affecting projects under Section 18.7.

**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 22.9 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 22.9 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 22.9 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 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 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 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 22.10. and the Design Standards established under Section 18.9 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:

**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.

**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 Section 18 and are limited to ensuring compliance with the 40R Design Standards or other requirements under this Section.

**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.

**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 22.

**Mixed-Use Development Project:** A Project containing a mix of principal residential uses and principal nonresidential uses, as allowed in Section 22.5, and subject to all applicable provisions of Section 22.

**PAA Regulations:** The rules and regulations of the PAA adopted pursuant to Section 22.10.

**Plan Approval:** Standards and procedures which Projects in the MSTND must meet pursuant to Sections 22.10 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 22.10 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 22.10 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 22.10: Administration and the CBZD Design Standards after the conduct of a Site Plan Review.

**Site Plan Review / Plan Review:** The review procedure established by this Section 22.10 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 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 22.5. 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 22.5.

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

## **22.3 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) 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 22. 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 22, 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 22 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 22.10.B.4 and 22.10.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 22, 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 22 for such Development Project.

## **22.4 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**

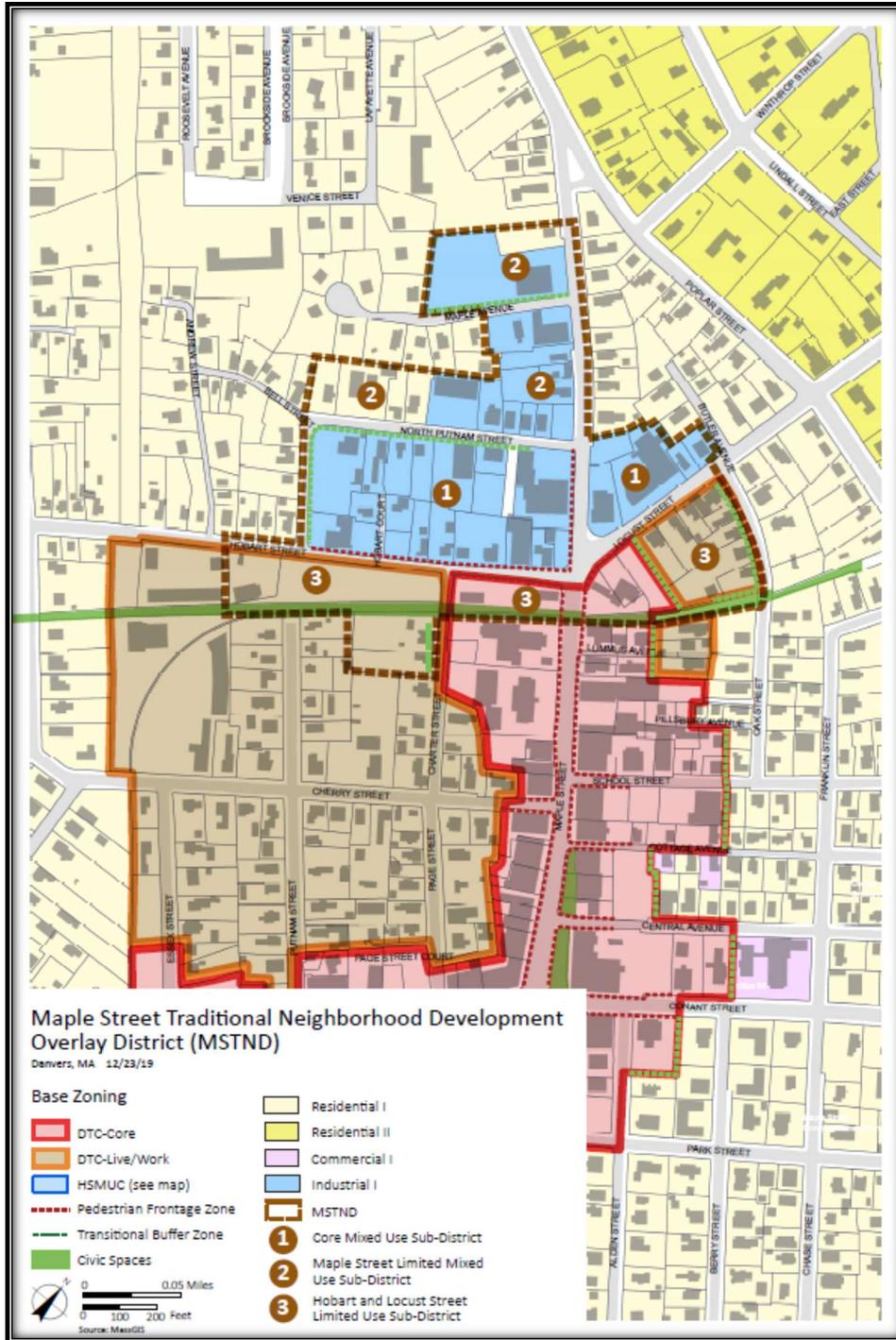
The Regulating Plan is an enhanced zoning overlay district map and the controlling instrument for implementing growth and development in the area. The Regulating Plan contains Subdistricts which are areas where specific uses, development patterns, and building characteristics are desired or intended 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:

<b>Requirement</b>	<b>Sub-District</b>		
	<b>1. Core Mixed Use Sub-District</b>	<b>2. Maple Street Limited Mixed-Use Sub-District</b>	<b>3. Hobart and Locust Street Limited Mixed-Use Sub-District</b>
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) <sup>1</sup>	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.*



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

1. **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.
2. **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.
3. **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 are established in Section 18.8.D and 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 Transitional Frontage Zones are established in Section 18.8.D and 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.

## 22.5 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. The General Standards for Building and Lots in the MSTND are referenced below:

**A. Buildings Placement and Orientation – See Section 18.4.A**

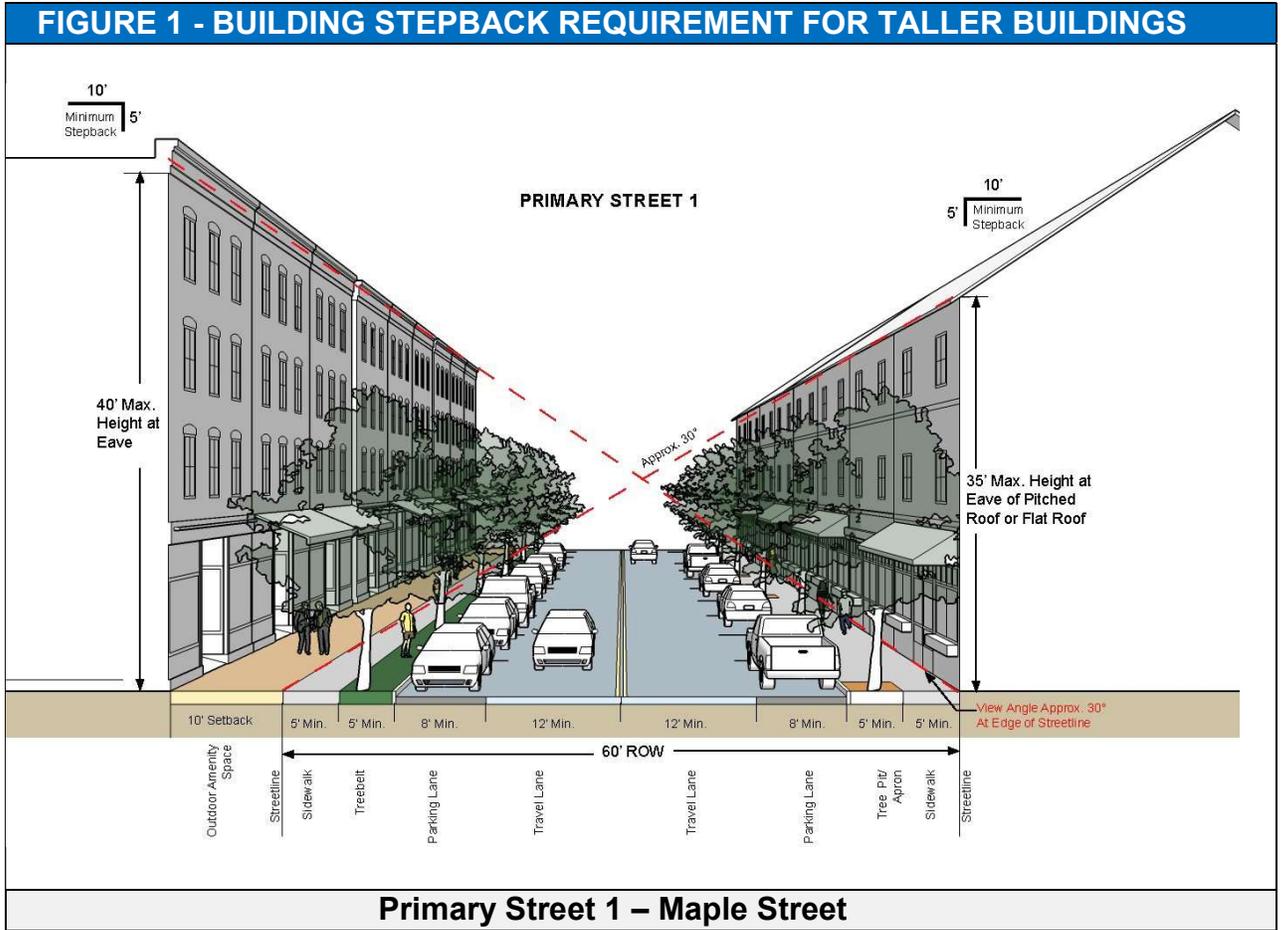
**B. Building Height – See Section 18.B**

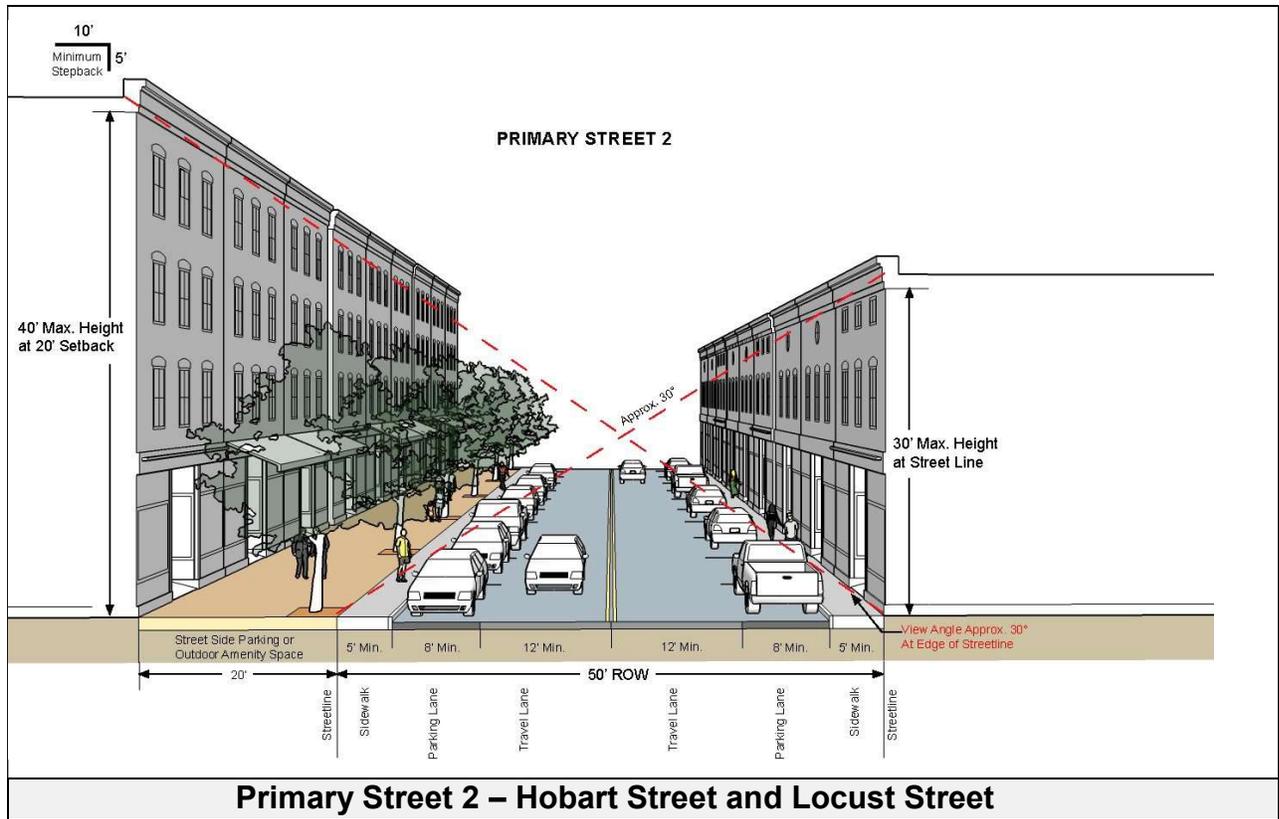
**C. Roofs Types and Design – See Section 18.D**

**D. Façade Composition for Commercial and Mixed-Use Buildings – See Section 18.E**

**E. Building Stepback and Street Enclosure**

As an exception, 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.





**Secondary Streets – North Putnam Street, Maple Ave., Oak Street, Charter Street**

## F. 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 22-1.

**TABLE 22-1: 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	P	P	P
B. S.F. Attached - Rowhouse/Townhouse	P	P	P
C. Paired House (2 and 3 DUs)	P	P	P
D. Multi-Family Building (4 or More DUs)	P	P	P
E. Live-Work/Shop House	P	P	P
F. General Commercial Building	SP	SP	SP
G. Mixed-Use Building	P	P	SP
H. Flex Space/Fabrication Building	P	P	SP
I. Gas Backwards			SP
J. Civic Buildings	SP	SP	SP
K. Other Building Types	SP	SP	SP

*P = Allowed by Right*  
*SP = Allowed by Special Permit from the Planning Board*

## G. Allowable Uses

Uses permitted in the MSTND Sub-Districts and Primary Building Types by right and by Special Permit are identified in Section 18.7.D – Building and Property Uses Allowed by CBZD. 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.

## H. Development Types

See Section 18.7.B – Development Types

## 22.6 SITE PLANNING AND DEVELOPMENT STANDARDS

The site planning and development standards under Section 22.6 shall apply to new development or to expansion, exterior alteration, or construction of existing buildings in the MSTND district. These standards shall supersede related site development standards under the Site Plan Approval process in Section 4 of Danvers Zoning Bylaws.

### A. Parking and Access

See Section 18.5.D

### B. Sustainable Site Design Standards

See Section 18.5.E

### **C. Outdoor Amenity Space**

Outdoor Amenity Space is the part or parts of land within a Building Type or Development Site 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 in Section 18. Supplemental design guidelines for Outdoor Amenity Spaces are included in the CBZD Design Standards.

### **D. Sustainable Development and Low Impact Design**

See the CBZD Design Standards for sustainable development and low impact design applications for the MSTND.

## **22.7 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 CBZD Design Standards & Guidelines relative to the issuance of Site Plan Approvals for Development Projects within the MSTND. These design standards and guidelines are intended to clarify the permitting review process, and to define expectations for the size, bulk, exterior sheathing, open space, and placement of structures. In addition to the other standards set forth in Sections 18 and 22, the physical character of Development Sites within the MSTND Smart Growth Overlay District shall comply with the CBZD Design Standards.

## **22.8 RESIDENTIAL DENSITY AND MAXIMUM DEVELOPMENT**

### **A. Maximum Residential Density**

The number of residential units shall be determined by the building type and shall not be greater than the density defined in Section 18.4.A – Residential Density By CBZD.

### **B. 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 22.5 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 3: 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 <sup>1</sup>	94	67	50
Max. GFA of New Non-Residential Development <sup>2,3</sup>	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>			

### C. Density Bonus Requirements

See Section 18.4.C

## 22.9 FAIR HOUSING AND AFFORDABILITY REQUIREMENTS

### 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 18.7;
2. Project plans that demonstrate compliance with the requirements of this Section 18.7; and
3. A form of Affordable Housing Restriction that satisfies the requirements of Section 18.7.

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 18.7 shall not be waived unless otherwise expressly approved in writing by DHCD.

## 22.10 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:
  - a. Any new Attached or Detached Single Family Dwelling Unit Project that selects the MSTND Overlay District requirements for Plan Approval.
  - b. Any new Two-Three Family Dwelling Unit Project that selects the MSTND Overlay District requirements for Plan Approval.
  - c. Any Multi-Family Development that selects the MSTND Overlay District requirements for Plan Approval.
  - d. Any Mixed-use Development Project that selects the MSTND Overlay District requirements for Plan Approval.
  - e. 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:
  - a. Overall building envelope areas;
  - b. Open space and amenity areas; and
  - c. 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 18.7, 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 18.9 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 18.7), 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:

- a. The Applicant has submitted the required fees and information as set forth in the PAA Regulations; and
- b. 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
- c. 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 18.7, 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:

- a. The Applicant has not submitted the required fees and information as set forth in the Regulations; or
- b. 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
- c. 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.

### **22.11 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.

### **22.12 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 22.9, 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.

### **22.13 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.

### **22.14 SEVERABILITY**

If any provision of Section 22 is found to be invalid by a court of competent jurisdiction, the remainder of Section 22 shall not be affected but shall remain in full force. The invalidity of any provision of Section 22 shall not affect the validity of the remainder of the Town's Zoning Bylaw.