



Town of Danvers

Department of Land Use & Community Services

BUILDING | HEALTH | PLANNING | RECREATION | SENIOR & SOCIAL SERVICES | VETERANS

MEMORANDUM

TO: Select Board
Finance Committee
Planning Board
Zoning Board
Patricia Frazier, Town Moderator

FR: Aaron Henry, Land Use & Community Services Director

CC: Steve Bartha, Town Manager
David DeLuca, Town Counsel
David Fields, Planning & Economic
Development Director

DT: September 2, 2021

RE: **Fall 2021 Special Town Meeting**

This memo is to help summarize the articles and anticipated schedule for a special town meeting, scheduled for later this fall, on Monday, November 15, 2021. Due to the number of amendments proposed, staff wants to ensure that everyone is aware of the schedule and receive your comments on these proposals as early as possible in this timeline. We hope that this summary helps ensure a smooth and productive Town Meeting.

We expect to appear at the Select Board meeting on September 7 to discuss all the potential articles. Per GL Chapter 40A, any zoning article to be included on the warrant must be “forwarded” to the Planning Board for their review. This must be done within 14 days of the Select Board’s meeting, which we are on track to accommodate. Please note that the two proposed general by-law changes do not follow the same track as zoning articles and go to Town Meeting with recommendations from the Select Board and Finance Committee without a required public hearing.

The Planning Board will open public hearings on the zoning articles on September 14. The hearings will remain open until October 12, at which time we expect the Board to close the public hearing process. To get all substantive comments before the hearings close, staff hopes to meet with the Finance Committee the week of October 4. The Select Board is scheduled to review the articles and likely close the warrant on October 19. The Finance Committee would hold its final review on November 1. Finally, we propose a Town Meeting Member workshop on Saturday, November 13, with Town Meeting falling on Monday, November 15.

The November 13th workshop will also include a presentation from the Town Clerk on the reprecinting related to the 2020 Federal Census, which will affect the May 2022 local election.

Article Summaries

Of the 18 articles described here, six of them are holdovers from last November's town meeting that did not occur due to the pandemic. As we do not yet have numbers assigned to these drafts, we have given each a letter. As the process moves along and the warrant comes into focus, this will change.

To better organize the articles, we have grouped them into three categories:

- Proposals required due to recent changes in state law or binding case law decisions,
- Highly desirable changes (best practices and modernization), and
- Changes related to chronic nuisance and abutter issues and related technical modifications

Should you wish to dig deeper into these proposals, redline versions can be found online [HERE](#). Please note, we expect these to evolve as we garner feedback and make our way closer to Town Meeting.

Consistency with State & Case Law:

- **Article A: Wetlands Protections By-Law (General).** While the Wetlands By-Law was overhauled last year, the Attorney General noted that two paragraphs not amended were inconsistent with state statute. This Article proposes to delete both sections.
- **Article B: Flood Plain Districts (Zoning).** Driven by requirements at the federal level, the changes proposed in this Article must be incorporated to maintain compliance with the national flood insurance program.
- **Article C: Administration (Zoning).** This is a holdover article from last fall. The Zoning By-Law is missing several critical parts related to the powers of the Planning Board and general administration language that need to be inserted.

Chronic Problems (Abutter Issues & Nuisances)

- **Article D: Outdoor Sales & Storage (Zoning).** A source of frequent trouble, the Zoning Board requested staff offer edits to how the rules around outdoor sales, storage, and display could be improved.
- **Article E: Storage Containers (Zoning).** Similar to Article D, the current rules regarding storage containers cause significant issues for interpretation and enforcement.
- **Article F: Movie & TV Production (Zoning).** While the current rules for this occasional use improved upon things, with the practice learned since 2017, this amendment seeks to make additional improvements to the process.

Highly Desirable/Internal Consistency/Technical Corrections

- **Article G: Demolition of Historically Significant Buildings and Structures By-Law (General).** Commonly referred to as the Demo Delay By-Law, staff worked with the Preservation Commission and interested stakeholders to draft changes to clarify procedures and terms to improve the interpretability and enforcement of the By-Law.
- **Article H: Character Based Zoning Districts (CBZD) Clean-Up (Zoning).** This Article offers corrections to the recently passed CBZD by-law, updating citations, references, and grammatical errors.
- **Article I: Civic Space Districts & Zoning District Boundaries Clean-Up (Zoning).** First discussed last year, this proposal creates three new zoning districts (open space, institutional, and utilities) to better reflect the actual use of these properties. This also allowed a review of the zoning

boundary lines, which are generally proposed to move to property lines, eliminating many split zone situations that the current boundaries create.

- **Article J: Cluster Development (Zoning).** A holdover from last year, this Article proposes replacing the current Cluster Development by-law to allow more flexibility in design, architecture, and land conservation within cluster developments.
- **Article K: Definitions (Zoning).** Moving definitions from individual sections of the zoning by-law to the definitions section of the zoning by-law and adding definitions for existing undefined terms used in the zoning by-law.
- **Article L: Multifamily Dwelling Unit Conversion (Zoning).** These current provisions are infrequently used to create multiple units out of single-family homes or lots. As they are poorly drafted and difficult to administer, the Zoning Board of Appeals requested that they be reviewed.
- **Article M: Inclusionary Housing (Zoning).** Staff worked with the Affordable Housing Trust to draft a comprehensive replacement of several existing provisions relating to the creation of affordable housing units in new development. This Article provides consistent treatment to all forms of new housing unit growth, closing loopholes and providing more predictable outcomes.
- **Article N: Site Plan Review (Zoning).** A holdover article from last fall, this proposal modifies the scope, breadth, and applicability of Site Plan Approval, clarifying and simplifying its applicability.
- **Article O: Planned Development Districts & Use Variances (Zoning).** The Danvers' Zoning Bylaw is rare in authorizing use variances, which have been generally forbidden in the Commonwealth for decades. In its place, this article seeks to allow property owners to propose Planned Development Districts to create a coordinated development plan for individual sites, which Town Meeting would then evaluate.
- **Article P: Extended Family Living Areas (EFLAs) (Zoning).** At the request of the Board of Appeals, this Article clarifies a few changes to the standards expressed in the by-law to reflect lessons learned.