

To see if the Town of Saugus will vote to amend the Saugus Zoning By-laws by adding (A) a new Article 18, Waterfront Mixed Use Overlay District, for the purpose of allowing a mixture of water dependent, water related and non-water dependent/related uses and mixed-uses in the Saugus Waterfront area, to prevent encroachment by uses detrimental to the waterfront and surrounding residential area, and to promote sustainable development and public access to the Saugus Waterfront; (B) to amend the Saugus Zoning Map by adding a Waterfront Mixed Use Overlay District Map dated March 2, 2014; and (C) to amend Article III-Definitions section 3.1 of the Saugus Zoning Bylaw by adding the following definitions

(A)

**Article 18**  
**Waterfront Mixed Use Overlay District**

**Vision Statement:**

The vision of a proposed Saugus Waterfront Mixed Use Overlay District (WMUOD) is to encourage economic growth and support water dependent and water related uses, specifically including the fishing industry, as well as mixed-use developments that are both commercially practical and aesthetically pleasing and can deliver many benefits including a vibrant, sustainable community. This overlay also seeks to recognize Smart Growth Coastal and Waterfront elements as well as the unique geographical and environmental features of the area and to encourage environmentally sensitive land, water and recreational uses, including public access to and along the waterfront that interconnect with other nearby resources. This overlay promotes waterfront development that is resilient to increasing storm damage, flooding and erosion and the potential impacts of predicted sea level rise. It recognizes the area's distinctive visual, historical, and natural features which give people a strong connection to the waterfront.

**Section 18.1 Purpose and Intent**

**Purpose**

The purpose of the WMUOD is to provide a mixture of water dependent, water related and non-water dependent/related uses and mixed-uses and to prevent encroachment by uses detrimental to the waterfront and surrounding residential area and to promote sustainable development and public access to the waterfront.

By ensuring that water dependent and water related activities and compatible non-water dependent uses are close together, where appropriate, and by protecting and ensuring access to the water for water dependent uses, the Saugus waterfront can provide the basis for more sustainable growth that allows residents and businesses to thrive.

**Intent**

To encourage the development and redevelopment of water dependent and water related uses, including the preservation and protection of the fishing industry and related uses, and activities which take advantage of the unique characteristics of the waterfront area.

To aid in the revitalization of this area by encouraging a mixture of compatible uses which will attract people and generate a pedestrian friendly atmosphere and to buffer uses that are not as compatible to the residential areas.

To allow a mixed use of development by weaving together water dependent and water related uses with those not dependent on the water.

The WMUOD zoning bylaw is established to integrate a mix of land uses which will promote public access to the water and create more sustainable land uses. It encompasses:

- Existing industrial uses and new light industrial uses fostered by emerging technology.
- Innovative and sustainable building and site design.
- A variety and balance of commercial, retail and residential uses.
- A mix of water dependent, water related and non-water-related uses.
- Preservation and growth of the fishing industry and related uses
- Opportunities for affordable housing.
- Public access to the Saugus River, Pines River, waterfront and nearby estuaries and provide connections to recreational resources.
- Provision for water-based transportation options.

## **Section 18.2 District Boundaries**

The boundaries of the WMUOD are delineated on a map entitled “Saugus Zoning Map-Waterfront Mixed Use Overlay District” dated March 12, 2014, prepared by the Town of Saugus, and the Metropolitan Area Planning Council, and made part of the Official Zoning Map. The WMUOD contains two sub-districts-WMUOD 1 and WMUOD 2. All requirements of the WMUOD shall apply to both WMUOD 1 and WMUOD 2 except that the maximum height in the WMUOD 1 shall be 40 feet and 3 stories; and the maximum height in the WMUOD 2 shall be 40 feet and 3 stories, with heights over 40 feet allowed by special permit by the Board of Selectmen. Such height in the WMUOD 2 is not to exceed 90 feet and 6 stories.

## **Section 18.3 Applicability**

The WMUOD is an overlay district superimposed on the underlying zoning district which includes Industrial (I) as well as Industrial 2 (I2) and Residential (R1).

The WMUOD provides a variety of development alternatives for property owners opting into the overlay district. Anyone opting into the WMUOD will be required to freeboard a structure one to three feet above the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) one hundred (100) year storm event established Base Flood Elevation (BFE).

Freeboard shall mean elevating a building’s lowest floor above predicted flood elevations by an additional height of 1 to 3 feet above the FEMA FIRM Base Flood Elevation (BFE). Providing a

BFE higher than the minimum required by FEMA, to plan for projected sea level rise, leads to substantial reductions in flood insurance, significantly decreases the chances the structure will be damaged by storms and flooding, and helps protect against sea level rise. Moisture and rot resistant breakaway panels shall be provided to screen the building pilings or piers in the area between the natural ground elevation and the first floor. These breakaway elements should be consistent with the rest of the building's design elements.

In addition to the specific requirements outlined herein, those opting into the WMUOD will be required to review appropriate resources including the guidance document, Development Strategies for Promoting Coastal Resiliency and Sustainability, published by the Saugus River Watershed Council in conjunction with Geosyntec Consultants and the Massachusetts Environmental Trust. A copy of the document will be available on the Town of Saugus' website. The document outlines options and links to other resources for building and site design techniques that promote development that is resilient to erosion, coastal storms and sea level rise and is sensitive to the natural resources of the Rumney Marshes Area of Critical Environmental Concern. To the extent feasible, developers will incorporate appropriate sustainable design strategies into building and site designs.

#### **Section 18.4 Relationship to Existing Zoning and Other Regulations**

The WMUOD shall not restrict the rights of any owner who elects to utilize the existing underlying zoning district regulations of the Saugus Zoning Bylaws (SZB) to develop or redevelop land. If the owner of a property elects to utilize the WMUOD to develop or redevelop land, the project shall conform to all applicable requirements of this by-law, including any regulations or guidelines that may be adopted to support this by-law. Once a property owner opts into the WMUOD the regulations of the WMUOD, where applicable, shall prevail and the property owner cannot opt out of the WMUOD and the property shall be governed by the regulations contained in this Article.

In the WMUOD, all requirements of the Saugus Zoning Bylaws (SZB) applicable to the underlying districts shall remain in effect except where WMUOD regulations supersede or provide an alternative to such requirements.

If the provisions of the WMUOD are in conflict with any other section of the Saugus Zoning Bylaws (SZB), the regulations of the WMUOD shall govern.

Projects developed under the existing underlying districts and WMUOD, including new construction of any building(s) or water based structures, including piers, slips, wharves, etc. or additions to same, must secure all appropriate federal, state, and local permits and licenses. These permits and licenses may include but are not limited to: Federal, State, and Local environmental permits and approvals; U.S. Army Corps of Engineers Permit(s); Massachusetts DEP Division of Wetlands and Waterways Chapter 91 Tidelands License (Massachusetts Public Waterfront Act ); Massachusetts DEP Wetlands Protection Act; the Saugus Zoning Bylaw including Section 4.-Flood Plain Districts and the State and local wetlands permits. If any sections of the WMUOD are in conflict with the MA Chapter 91 (Massachusetts Public

Waterfront) Act, other state regulations, as Well as Federal regulations those regulations shall prevail. Regulations mandated by any state or federal permit or license obtained for any non-water dependent, or water-dependent use (including the applicability of the public trust doctrine) may be more restrictive or require certain public benefits not stated or identified in this bylaw.

It is recognized that much of the land within the WMUOD is part of or drains to the Rumney Marshes Area of Critical Environmental Concern. This region was designated by the state as an ACEC in 1988 to preserve its critical environmental value as one of the most biologically significant salt marsh systems north of Boston. Projects developed under the WMUOD will continue to be subject to all regulatory requirements associated with the ACEC designation.

### **18.5 Special Requirements**

For any property owners opting into the WMUOD, any uses allowed in the WMUOD on property fronting on the Saugus River, Pines River, the waterfront, and estuaries, development must provide for public benefit.

Said provision, including construction of access points to the waterfront and a public pedestrian walkway along the water, a minimum of 4 feet wide, the exact location to be determined by the Planning Board, designed to connect to existing or future harborfront walkways on adjoining properties, and existing or proposed public open spaces such as parks or walking and biking trails. Access from the public street to the harborfront walkway may be required at the discretion of the Planning Board. The walkway shall be open from sunrise to sunset.

The Town of Saugus shall be granted an easement from the property owner granting access to the Town and the public for use of access points to the waterfront, walkways along the waterfront and open spaces and trails, including bike trails, provided under the provisions of this Article. For liability issues see footnote #1 below.

If public access to and/or along the water is unfeasible, the Planning Board shall require some other public benefit including dedication of open space equivalent of a minimum of 5% of the lot size and made accessible for public use, or payment of a fee based on the project's construction cost, to be placed in a Waterfront Access and Improvement Trust Fund (WAITF) account established by the Town for the sole purpose of utilizing these funds to provide public access to the Saugus River, Pines River, the waterfront and estuaries.

Maintenance of access points to the waterfront, public pedestrian walkways trails, or bikeways along the waterfront, as well as open spaces created or designated as a result of this Article shall be maintained by the Town of Saugus or its designee.

Should the Chapter 91 licensing and permitting regulations (administered by the Department of Environmental Protection), as may be amended, require public benefits, additional public benefits may be required as determined by the Planning Board.

## **18.6 Waterfront Access and Improvement Trust Fund (WAITF)**

If a walkway along the water or access to the waterfront is unfeasible for any applicant entering into the WMUOD, the applicant shall make a payment into a Waterfront Access and Improvement Trust Fund (WAITF) equal to 3% of the total construction costs of the project as determined by the Building Inspector. Payments shall be made into the Waterfront Access and Improvement Trust Fund (WAITF) in two equal installments; the first installment shall be made at the time of the granting of the building permit; the second installment shall be made at the time of receipt of a temporary or permanent occupancy permit for any or all portions of the project and shall be a prerequisite. The applicant at any time may make a lump sum payment of the entire required contribution, if he or she so desires. The construction costs shall be determined by the Building Inspector, based on the value of the building permit, who may request the applicant to provide further verification of said costs by a licensed professional engineer. In determining the construction costs of the appropriate building category the Building Inspector shall use the most current Means Construction Cost Guide published by the R.S. Means Company of Norwell, Massachusetts.

### **18.6.1 Exemptions**

Notwithstanding requirements that may be set forth in Ch. 91, the first \$100,000 of total construction costs shall be exempt from the requirements of Section 18.5 and 18.6. Furthermore, any construction costs to replace, improve, or maintain existing structures that does not increase the footprint of said structure(s) shall also be exempt.

## **18.7 Administration – Waterfront Access and Improvement Trust Fund (WAITF)**

The Waterfront Access and Improvement Trust Fund (WAITF) shall be established by the Town Treasurer who shall keep said monies separate and apart from all other funds. Any monies deposited in said fund shall be expended only with the approval of a Special or Annual Town Meeting after review and recommendation by the Saugus Finance Committee. Said expenditures shall only be for the purposes stated below.

The Town Treasurer shall be the custodian of the fund and may deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loan associations situated in the commonwealth. Any interest earned thereon shall be credited to and become part of such fund. The fund shall be administered by the Town Manager or his or her designee.

## **18.8 Expenditures of Waterfront Access and Improvement Trust Fund (WAITF)**

Any money in the fund may be expended only by a majority vote of the Saugus Town Meeting and shall be appropriated for any of the following purposes:

1. infrastructure and public facilities directly impacted by the project making contribution to

said fund not limited to sidewalk improvements, pedestrian and bicycle security and safety, signalization improvements, sewer, water and drainage improvements.

2. recreation and open space programs within the WMUOD.
3. educational programs related to the waterfront, the Saugus River, Pines River, waterfront, estuaries or the ACEC.
4. public access amenities (ex. benches / seating, interpretive signage, public art, restrooms) additions within the WMUOD.
5. establishment and maintenance of new or existing public parks, walkways, docks, piers, boat ramps, waterway safety improvements, or parking facilities.
6. local match requirement for any grants that will accomplish any of the above stated purposes including grants for dredging.

No money in this fund shall be used for any purposes not included or directly related to the purposes listed above. Further, money contributed by an applicant for a permit obtained as a result of entering the WMUOD shall be spent on town services related to mitigating the impact of said development. In no instance shall the funds be used to offset the construction costs of traditional and mandatory project improvements which are necessary to secure a building permit or provide access to existing services including but not limited to water, drainage, sewer and transportation improvements as may be required under the Massachusetts Environmental Protection Act.

### **Section 18.9 Administration of Special Permits and Site Plan Review**

- a. For purposes of this by-law, the Board of Selectmen is designated as the Special Permit Granting Authority (SPGA) for all uses noted S-2 below. The Zoning Board of Appeals is the SPGA for all uses noted as S-1 below. All Special Permit Applications made pursuant to this by-law shall conform to the requirements of the WMUOD and Article XII - Special Permits and Conditions, Sections 12.1, 12.2 and 12.3 of the Saugus Zoning By-law.
- b. A Special Permit may be approved, approved with conditions, or denied by the special permit granting authority.
- c. Consistent with the Saugus Zoning Bylaws (SZB) Section 12.6 Site Plan Review, the Planning Board shall perform Site Plan Review, including sign review, for all applicable projects submitted under the WMUOD. The applicability criteria shall include any new structure, group of structures, or additions in which:
  1. The lot has 50% coverage by primary and accessory structures or
  2. The use is commercial or mixed use or
  3. The use /land directly abuts the Saugus River, Pines River, waterfront or an estuary or
  4. Any new structure having a total gross floor area in excess of 3,000 square feet or
  5. There is an increase of at least 1,000 square feet to an existing structure and where the final structure will have a total gross floor area in excess of 3,000 square feet.

- d. The Planning Board shall forward all applications for Site Plan Review, including signage, within the Waterfront Mixed Use Overlay to the Saugus Boats and Waterways Commission, where applicable, for review and recommendation. Said recommendation from the Boats and Waterways Commission must be issued within 21 business days unless the Planning Board agrees to extend the period to 35 business days.
- e. The Planning Board may adopt regulations for the implementation of this by-law, including but not limited to design guidelines that support the intent of the Waterfront Mixed Use Design Criteria, Section 18.16 below.

### **Section 18.10 Special Permit Criteria**

In addition to the applicable sections of Article XII-Special Permits and Conditions of the Saugus Zoning Bylaws (SZB) the Special Permit Granting Authority shall consider the following criteria before issuing a Special Permit for development or redevelopment under the provisions of the WMUOD:

- a. Adequacy of the site for the size of the proposed project.
- b. Suitability of the site for the proposed uses(s).
- c. Degree to which the proposed project complies with the purposes of the WMUOD.
- d. The extent to which the project contributes to sustainability of the WMUOD.
- e. The extent to which affordable housing is a component of the project.
- f. The extent to which public access and/or trail connectivity to lands along the Saugus River, Pines River, waterfront or estuaries is provided, if applicable.
- g. Impact on traffic and pedestrian flow, safety and access for emergency vehicles.
- h. The extent to which the project incorporates sustainable building and site design techniques aimed at protecting natural resources and promoting coastal resiliency.

### **Section 18.11 Inclusionary Housing**

Projects developed under the Waterfront Mixed Use Overlay District shall follow the requirements of Saugus Zoning By-law, Section XV: Inclusionary Housing.

### **Section 18.12 Pre Application Meeting**

Prior to submitting an application to the Building Inspector for projects under the WMUOD, applicants are strongly encouraged to contact the Town Manager and request a Pre-Application Meeting with relevant Town officials and Board members including but not limited to the Affordable Housing Trust, Planning Board, Conservation Commission and where applicable, the Saugus Boats and Waterways Commission. The purpose of the meeting is to present the project concept and discuss zoning, public safety, conservation, public access to the Saugus River, Pines

River, waterfront, or estuaries as well as housing concerns, etc. as applicable, in order to facilitate project development and coordinate the permitting processes. Project proponents are encouraged to bring sufficient information to the meeting to enable attendees to become familiar with the site and the project. This information includes photographs, a map of existing conditions, and a preliminary concept plan for the proposed project.

### **Section 18.13 Uses**

Except as provided in the Zoning Act, M.G.L. Ch. 40A, or the Saugus Zoning Bylaws (SZB), or in this WMUOD, no building, structure or land shall be used except for the purpose permitted in the WMUOD as described. Any use not listed herein shall be construed to be prohibited.

Mix of Uses shall mean: A combination of Residential, Community Facility, Retail Service-Commercial, Wholesale Transportation and Industrial Uses or Miscellaneous Uses on one lot or adjoining lots, arranged vertically (in multiple stories of a structure) or horizontally (adjacent to one another in one or more buildings). In this District, this definition supersedes the Saugus Zoning Bylaws (SZB) definition of “Principal Uses”.

For development or redevelopment under the provisions of the WMUOD, retail uses shall be limited to 50% of the structure’s total gross built floor area.

#### **A. Development as of Right**

The following uses are permitted by right in the WMUOD:

##### Residential Uses

- Two Family Dwellings
- Multi-Family Dwelling-Apartment House, Town House (attached or detached)
- Home Occupation
- Bed and Breakfast

##### Community Facilities

- Church
- School
- Public Libraries
- Public Museums
- Parish Houses
- Non-Profit Day Nursery or Kindergarten.
- Parks, Playgrounds
- Hospitals, Nursing Homes, Rest Homes
- Philanthropic Institutions
- Private Day Nursery or Kindergarten
- Municipal or Church Recreational Buildings
- Governmental Buildings (except garage).
- Municipal Parking Lot or Structures
- Public or private ferry terminals/docks including waterborne passenger transportation facilities such as those serving ferries, excursion boats, water shuttles and taxis

- Public Marinas
- Public boat access
- Town Piers, docks and wharves,  
including fishing lockers-  
Commercial fishing boats shall be  
allowed to use these facilities
- Public Fishing piers or areas
- Harbormaster's Quarters

### **Retail Service-Commercial**

- Retail Stores and Shops for Custom Work or Making of Articles to be Sold at Retail on Premises
- Retail Establishments Selling Principally Convenience Goods and Services including, but not limited to: Food, Drugs, and Proprietary Goods
- Professional Office for Engineers, Surveyors, Lawyers, Architects, Accountants, Doctors of Medicine, Osteopathy, Banks, Real Estate, Insurance, Manufacturer's Representative, Brokers, Travel Agents, and Headquarters for Non-Political, Civic, Cultural or Professional Societies and Organizations
- Restaurants and other Places Serving Food (no fast food restaurants shall be allowed)
- Hotels (motels shall not be allowed)
- Theatres

### **Miscellaneous**

- Conservation of Water Plants and Wildlife
- Outdoor Recreation
- Private Yacht Clubs
- Private Marinas, launching ramps, boat storage
- Private docks, piers and wharves
- Commercial fishing facilities including fish storage and sales but not commercial fish processing, packaging or wholesale distribution.
- Aquaculture facilities
- Aquariums, marine related museums, and other educational facilities, research or training facilities dedicated primarily to marine purposes
- Harbor/marine supplies and services and boat supply.

### **B. Development Authorized by Special Permit**

All Mixed-Use projects developed or redeveloped under the provisions of the WMUOD shall require a Special Permit (S-1) authorized by the Zoning Board of Appeals.

In addition, the following Uses shall require a Special Permit (S-2) authorized by the Board of Selectmen:

### **Retail Service-Commercial**

- Health Clubs
- Public Baths
- Sauna
- Personal Fitness Establishments
- Massage Therapy, Bodywork and Movement Education as regulated by the Saugus Board of Health
- Pet Care

- Theaters, Bowling Alleys, Billiard Rooms, Skating Rinks and similar places of Amusement
- Accessory Uses to Scientific Research and Development and related Production Activity
- Hospitals, Sanitariums, Nursing Homes, Rest Homes, Philanthropic Inst.\Private Utility, Transmission Lines, Sub-station or Similar Facility or Building

### **Wholesale Transportation and Industrial**

- Light manufacturing, including marine-related light manufacturing, Employing Electricity and/or other Unobjectionable Motive Power, using hand labor and/or Unobjectionable Machinery or Process.
- Plant for Manufacture of Electrical Devices, Medical, Dental, Optical goods, Maritime related devices and goods, or other Precision Instruments

### **Section 18.14 Dimensional and Density Regulations**

For new construction all Dimensional and Density Regulations in the WMUOD shall mirror the Dimensional and Density Regulations of the underlying zone, as described in Saugus Zoning Bylaws (SZB) Article VI and the Table of Dimensional and Density Regulations, and the notes thereto except as noted hereunder.

The height limit in the WMUOD-1 is 40 feet, 3 stories

The height limit in the WMUOD-2 is 40 feet, 3 stories. Structural heights of buildings over 40 feet will be allowed by special permit by the Board of Selectmen. Such height is not to exceed 90 feet, 6 stories. Height increases over 40 feet, 3 stories shall not be allowed for changes in grading or filling within the WMUOD-2.

In both the WMUOD-1 and WMUOD-2 all buildings, whether new construction or additions to existing structures, shall be elevated above the FEMA FIRM Base Flood Elevation (BFE). This requirement is made in anticipation of projected sea level rise and shall be mandated for any property opting into the WMUOD 1 or 2. The building height shall be measured from the freeboard elevation (one to three feet) above the Base Flood Elevation as determined by the current Flood Insurance Rate Maps.

For Multi-family residential uses, including mixed uses which contain multi-family residential, the dimensional and density regulations of the R4 zoning district, as stated in the Saugus Zoning Bylaws (SZB) Section 6.8 and Table of Dimensional and Density Regulations shall apply, except as noted herein. Minimum Lot Area there shall be an additional 2,000 square feet for each additional unit in excess of four (4). This minimum lot area per unit above 4 units shall also apply to mixed uses that contain residential uses.

For all other single uses or mixed uses in the WMUOD the dimensional and density regulations of the B2 zoning district as stated in the Saugus Zoning Bylaws (SZB) Section 6.8 and Table of Dimensional and Density Regulations shall apply.

The Screening and Buffers requirements of the Saugus Zoning Bylaws (SZB) section 6.6, where applicable, shall apply to all uses in the WMUOD that adjoins a residential district.

More than one principal structure may be permitted on a lot by Special Permit from the Board of Selectmen.

A minimum of 5% of the lot shall be reserved and maintained for open space.

### **Section 18.15 - Parking**

For projects submitted under the provisions of the WMUOD, parking spaces shall be 9 feet wide by 18 feet long, except for required Handicapped Spaces, and designated “small or compact car spaces” shall be 8 feet wide by 16 feet long. No more than 35% of spaces shall be designated for “small cars”.

To promote a pedestrian friendly environment, parking in front of buildings is discouraged. When parking is directly abutting the water a five foot wide public access buffer shall be created between the water and parking lot where feasible. Bicycle racking shall be provided as close as possible to the building entrances.

Parking areas shall include provisions for the “racking” of bicycles in bicycle racks in locations that are safely segregated from automobile traffic and parking. For parking areas of ten or more spaces, bicycle racks facilitating locking shall be provided to accommodate 1 bicycle per twenty (20) parking spaces or fraction thereof.

Where possible, parking areas shall be interconnected in a manner that allows the unobstructed flow of pedestrians between businesses and the parking areas.

Where possible, provisions shall be made for electric charging stations. The provision of electric vehicle charging devices in existing or future parking spaces shall not reduce the number of required spaces. Electric vehicle charging stations on parking spaces that meet the size standards of this by-law for a parking space shall count as parking spaces in all respects.

The following table provides Minimum and Maximum parking requirements for certain uses. All other Parking requirements in the Waterfront Mixed Use Overlay shall be the same as listed in Article VIII-Off Street Parking and Loading Regulations in the Saugus Zoning By-Law.

Use	Minimum Parking Spaces:	Maximum Parking Spaces
Studio/1 Bedroom All other residential units	1 per unit  1.5 per unit	1 per unit  2 per unit
Hotels	0.75 space for each guest room or dwelling unit, plus 1 space for each 500 s.f. of meeting, banquet or restaurant area	1 space for each guest room or dwelling unit, plus 1 space for each 400 s.f. of meeting, banquet or restaurant area
Retail business and service establishments	1 space for each 300 s.f. of gross floor area on the first floor of a building, and one space for each 500 square feet of gross floor area thereafter for all floors used for businesses, excluding basement storage area	1 space for each 250 s.f. of gross floor area on the first floor of a building, and one space for each 400 square feet of gross floor area thereafter for all floors used for office, retail or service businesses, excluding basement storage area
Theaters	1 space for each five seats or for each 100 s.f. of auditorium area, if there are not fixed seats	1 space for each four seats or for each 50 s.f. of auditorium area, if there are not fixed seats
Mixed uses in a single building	See Section 8.5 Combined Facilities of the Zoning By-Law.	Spaces required will be the sum of the requirements of the various individual uses
Marina	.5 spaces per boat moored, docked, stored, or trailered	

For all other uses not specifically mentioned, the number of parking spaces shall be determined by the closest similar use, as determined by the Building Inspector.

By grant of a Special Permit by Zoning Board of Appeals, the minimum or maximum number of off-street parking spaces required may be decreased or increased by taking into consideration the following criteria where appropriate:

- a. The purpose and intent of the by-law is achieved.
- b. The amount of off-street parking to be provided will be sufficient to serve the use(s) for which it is intended.
- c. The decrease in required off-street parking is based on a parking study prepared by a professional engineer or traffic engineer registered in Massachusetts. The parking study will include, at a minimum, the following:
  1. Size and type of existing uses or activities on site
  2. Size and type of proposed uses or activities on site
  3. Rate of parking turnover
  4. Peak traffic and parking loads to be encountered
  5. Hours of usage of the proposed use/structure

6. Hours of usage of other uses/structures within the Waterfront Zoning Overlay District
  7. Amount of shared parking with other uses
  8. Demand for space can be met upon presentation of an acceptable shared parking agreement.
  9. Availability of public transportation, bicycle and/or pedestrian facilities such as sidewalks.
  10. Other factors identified by the Planning Board.
- d. The Zoning Board of Appeals may consult with the Town Building Inspector, public safety officials and/or engineer prior to granting any decrease in parking.
- e. If the Zoning Board of Appeals allows a decrease in the amount of required off-street parking spaces required by this bylaw, this reserved area shall not be developed and shall be either landscaped or maintained in a natural state. The reserved area shall not count towards the open space requirements.

### **Section 18.16 Design Criteria**

Design Criteria promotes quality development that is compatible with the character of the Waterfront Overlay District and the desire for contextual, human-scaled and pedestrian orientated projects.

New buildings, additions and reconstruction when and where appropriate shall be designed to reflect the traditional New England coastal village architecture found within the region.

Compatible Design helps to enhance the quality of life for all residents while strengthening the economic viability of the Waterfront Mixed Use Overlay District.

The Design Criteria seeks to encourage visual harmony, maintain and create access to the waterfront and create and maintain view sheds to the waterfront as well as encourage creative design solutions. The Design Criteria encourages a variety of choices for achieving design compatibility within the Waterfront Mixed Use Overlay District.

The following Design Criteria shall be used to evaluate all projects that require a Special Permit and/or Site Plan Review submitted under the provisions of the Waterfront Mixed Use Overlay.

- a. External building treatments shall be sympathetic to the surrounding neighborhood context in placement, scale, proportion and building spacing where appropriate. No more than 15% of a structure's external building treatment shall be of metal.
- b. Development in areas with little, no, or poor architectural character shall establish a uniform design vocabulary that builds on the maritime character of the area, and fits with these guidelines for the waterfront.

- c. No roof shall have a pitch of less than 5 inches

### **Public Access, Pedestrian and Bicycle Circulation, and Sustainable Development Strategies**

- a. Projects shall enhance the pedestrian environment and bicycle circulation by providing safe and convenient pedestrian access into plans for existing buildings as well as new construction and parking areas and should be designed in concert with landscaping plans so as to:
  - 1. Minimize the number and size of curb cuts and provide sidewalks along roads within the WMUOD where possible.
  - 2. Provide improvements to pedestrian access to buildings, sidewalks and parking areas with utmost consideration of pedestrian safety, handicapped access and visual quality.
  - 3. Provide pedestrian and/or bicycle paths connecting their site with abutting areas, as feasible, in order to promote pedestrian and bicycle circulation safety in the WMUOD. When parking is located in the rear, pedestrian access via a pedestrian-oriented walkway through to the primary street is encouraged.
  - 4. New structures and additions shall relate to the pedestrian scale by including appropriate architectural details along the ground floor of all facades that face streets, waterfront, and pedestrian spaces where appropriate.

### **CHARACTER AND CONTEXT**

- a. Building design and treatments that express corporate identity shall not take precedence over these uniform design guidelines and such development shall conform to the architectural considerations in these guidelines.
- b. Buildings that are stylized in an attempt to identify a particular tenant, particularly where the proposed architectural design is the result of corporate or franchise prototype design, shall not take precedence over these uniform design guidelines and such developments shall conform to the architectural considerations of these guidelines.
- c. The design of a building that occupies a pad or portion of a larger building or shopping center should share similar uniform design characteristics and vocabulary. Precise replication is not desirable; instead utilize similar colors, materials and textures, and repeat patterns, rhythms and proportions of other units to achieve unity. If surrounding units have little or no design qualities, the new designs should establish a uniform design vocabulary that builds on the maritime character of the area and fits with these design guidelines.

## MASSING

- a. The design of a building shall reduce its perceived height by dividing the building mass into smaller scale components.
- b. Buildings or portions of buildings with a Roof Mass over 50 feet in length must divide their facades into smaller parts. A pronounced change in Roof Mass height and shape must be provided as well as pronounced changes in wall planes and building massing. Roofs, cannot extend more than 50 feet without a change in Roof Mass, shape or height.
- c. The following features should be considered as potential elements to help break down building scale:
  - i. Low planters and walls, base plantings, and unique architectural treatments at pedestrian level
  - ii. Covered walkways, trellises or architectural awnings that provide varying degrees of shade and sun at ground level
  - iii. Distinct and multiple architectural roof forms, clearly pronounced eaves, distinct parapet designs and cornice treatments
  - iv. Clearly pronounced recesses, projections, wall plane off-sets, and recessed entries
  - v. Use of deep set windows and mullions
  - vi. Use of vertical accents or focal points
  - vii. Ground level arcades and galleries/balconies on upper floor
  - viii. Use exterior façade treatments to define smaller masses through use of different materials, textures and color
  - ix. Indicate the internal function through a logical hierarchy of building masses

## Architectural Details, Materials and Colors

- a. Continuous lengths of flat, blank walls adjacent to streets and pathways are to be minimized.
- b. For visibility and accessibility, primary building entrances shall be located on street frontage, to the extent possible.
- c. For parking located to the rear or side of the building, these secondary entrances to the building are to be visible and accessible from the parking lot.
- d. Mechanical equipment shall be screened, and if located on roofs, it shall be organized and designed so as not to appear to be a “leftover” or “add-on” element.
- e. Projects shall enhance the pedestrian environment and bicycle circulation by providing safe and convenient pedestrian access into plans for existing buildings as well as new construction and parking areas and should be designed in concert with landscaping plans so as to:
  1. Minimize the number and size of curb cuts and provide sidewalks along roads within the WMUOD where possible.
  2. Provide improvements to pedestrian access to buildings, sidewalks and parking areas with utmost consideration of pedestrian safety, handicapped access and visual quality.

3. Provide pedestrian and/or bicycle paths connecting their site with abutting areas, as feasible, in order to promote pedestrian and bicycle circulation safety in the WMUOD. When parking is located in the rear, pedestrian access via a pedestrian-oriented walkway through to the primary street is encouraged.
- f. Projects abutting the Saugus River, Pines River, waterfront, and nearby estuaries shall ensure that existing public access to the river is maintained, and where none exists, public access is provided consistent with the Town's goal for more and improved riverfront access.
  - g. All buildings abutting the Saugus River, Pines River, waterfront, and nearby estuaries shall, where feasible, practical, and beneficial to the public, be so designed and placed to allow views to the waterfront from the public way.
  - h. As feasible, building rehabilitation and site design shall incorporate green building techniques (such as those developed by the U.S. Green Building Council) and Low Impact Site design techniques aimed at promoting coastal resiliency while protecting and enhancing the existing natural resources and buffer zones, particularly the areas adjacent to the Saugus River, Pines River, waterfront and estuaries. Developers seeking a special permit are required to review appropriate resources including the guidance document, Development Strategies for Promoting Coastal Resiliency and Sustainability, published by the Saugus River Watershed Council in conjunction with Geosyntec Consultants and the Massachusetts Environmental Trust. A copy of the document will be available on the Town of Saugus' website.
  - i. Where residential districts abut the WMUOD, the screening and buffers provision of the underlying zoning, § 6.6 shall apply.
  - j. Exposed storage areas, machinery, garbage dumpsters, service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting properties and streets using plantings and/or opaque fences.
  - k. Underground utilities for new and redeveloped buildings are required unless physically restricted or blocked by existing underground obstructions, or not possible due to specific site conditions
  - p. Landscaping plans shall be comprised of native plants species that have adapted to coastal site conditions such as wind, salt spray, flooding and burial. Plantings that provide a variation of seasonal colors are encouraged. Landscape plans shall show the type, size and location of all proposed plantings. The plan shall show the location of plantings, including use of plantings to buffer neighboring properties and along the street frontage and pedestrian ways.
  - q. Large parking areas or areas greater than 20 parking spaces shall be separated by landscaped islands of 8 to 10 feet in width or in the alternative shall devote at least 5% of the interior of the parking lot to landscaping. In addition, a minimum of one shade

tree shall be planted and maintained for every 6 parking spaces required or built, within appropriate locations on the lot(s). Trees planted within parking areas shall be planted in protected pervious plots of at least 60 square feet of area. In the alternative, if the above parking design standards are not feasible, parking design stands shall utilize low impact design techniques aimed at enhancing parking area by utilizing landscaping features and greenery that will meet the intent of this subsection.

### **Section 18.17 Signage-Waterfront Mixed Use Overlay District**

Waterfront Mixed Use Overlay District: In recognition of the special nature of the Waterfront District, the following signage regulations shall apply. In addition, the Saugus Boats and Waterways Commission, where applicable, shall pay special attention to signage in their review and recommendation on site plans. All signage shall complement a building's architecture and shall not negatively impact the design uniformity of the WMUOD.

No sign shall be permitted in an area zoned as WMUOD except signs permitted under S.Z.B. sections 7.3; 7.4 and the following:

- a. **Size:** The total maximum square footage of all signage for a business shall not exceed 75 square feet.
- b. **Wall Signs:** Wall Signs affixed parallel to the exterior wall of a building for each place of business shall be permitted, provided that the same shall not project beyond the face of any other wall, nor project above the roofline of said wall, nor project more than 16 inches from said wall and provided further that the aggregate area of said sign shall not exceed 10 percent of the wall area of the wall on which it is displayed up to a maximum of 75 square feet
- c. **Standing Signs:** The Zoning Board of Appeals may, in its discretion, authorize a special permit for a standing sign after finding that the nature and use of the premises or the location of the building with reference to the street or streets is such that a standing sign may be permitted in harmony with the general purpose and intent of this Sign By-Law subject to the following requirements:
  1. Each lot shall be allowed one freestanding sign, provided that the foremost building on the lot is set back from the front lot line a minimum of 10 feet, subject to the following criteria
  2. The sign area shall not exceed 25 square feet per side, 10 feet in any dimension, with a total surface area of all sides not exceeding 50 square feet in area, and shall not be higher at any point than 15 feet from the ground.
  3. In granting such special permit, the Planning Board shall specify the size, type and location of the sign and impose such other conditions, safeguards and limitations as it may deem to be in harmony with this By-Law and the public interest.
- d.

- e. Projecting Signs: Each business shall be allowed one projecting sign, mounted perpendicular to the front façade of the building line subject to the following requirements:
  - 1. The sign shall have the lowest edge no lower than 10 feet above grade, nor more than 12 feet above grade, the uppermost edge of the sign shall be no greater than 20 feet above grade or above the roof line, whichever is lower in height;
  - 2. The sign shall project no more than 4.5 feet from the front building line.
  - 3. A projecting sign shall only be placed over a sidewalk or walkway, and in no case shall a projecting sign extend over any portion of a vehicular lane.
  - 4. The sign area shall not exceed 15 square feet per side with a total surface area of all sides not exceeding 30 square feet.
- f. Window signs. Window signs shall be either painted on or attached to the inside window or etched on the window provided such signs do not cover more than 25 percent of the window glass. Interior window signs shall be non-illuminated. Any sign placed within 18” of the window glass shall be considered a window sign.
- g. Awning(s): Awnings or canopies are roof like structures above a window or door and projecting over the sidewalk. Signs shall only be incorporated into the skirt of awnings and not on the primary angled surface.
  - 1. Awnings and canopies shall be attached at or below the lower edge of the sign band
  - 2. Awnings and canopies extending over the sidewalk shall have its lowest edge no lower than 10 feet above grade.
  - 3. Awnings and canopies shall only be placed over a sidewalk or walkway, and in no case shall they extend over any portion of a vehicular lane.
  - 4. Awnings shall have dimensions that match the window and door openings.
  - 5. Awnings shall be made of canvas and waterproof cloth designed to resist fading and tearing.
- h. Material: Signs shall be made of attractive materials consistent with the character of the district. Materials may include wood (painted or natural), stone, copper, brass, galvanized steel, other durable metals, painted canvas or painted/engraved on façade surface.
- i. Color: No sign shall contain more than five (5) colors. Both black and white are considered separately as colors for enumeration under this Section.
- j. Illumination; Signs shall be externally lit by a white, steady, stationary light(s) shielded and directed solely at the sign. Use of neon lighting is prohibited. Back lighting of signs shall not be used. Any lights used for illumination shall be so arranged as to reflect away from neighboring properties and the Saugus River, Pines River, waterfront and surrounding estuaries.

- k. Temporary signs are only allowed as a result of the repair and/or reconstruction of the existing permitted sign. The Building Inspector, upon application, may issue a permit for up to one 30 day period. No sandwich board style temporary signs shall be allowed.
  
- l. Set back from residential districts: Signs shall be set back from any adjoining residential district lot line by at least the front yard distance required in the adjoining residential district.

(1)Property owner liability for access across their property: MGL Chapter 21, Section 17C limits a landowner's vulnerability to law suits. While anyone, including a person using the walkway, could sue a landowner, the owner's liability is limited by law to circumstances of unlawful, wanton, and reckless conduct. In part the law reads:

Any person having an interest in land...who lawfully permits the public to use such land for recreation, conservation, scientific, educational, environmental, ecological, research, religious, or charitable purposes without imposing a fee...shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of willful, wanton, or reckless conduct by such person.

Willful conduct is an intentional act or failure to act with knowledge (or knowledge of facts that would lead a reasonable person to know) that such conduct not only creates unreasonable risk of bodily harm to another, but also involves a high degree of probability that substantial harm will result.

(C) Amend the Saugus Zoning Bylaw, Article III – Definitions section 3.1 by adding the following definitions:

**Bed and Breakfast Establishment:** A dwelling which includes the renting of rooms at a daily rate ((whether or not billed or paid daily), wherein the rental rate includes a breakfast meal in the daily rate, and wherein the owner or operator maintains a place of principal residence. Hotels, motel, inns and lodging houses ( or boarding houses) are not classified as bed and breakfast establishments.

**Ferries:** Establishments primarily engaged in operating vessels for the transportation of passengers.

**Freeboard:** The elevation of a building’s lowest floor above predicted flood elevations by an additional height of 1 to 3 feet above the Federal Emergency Management Agency ( FEMA) Flood Insurance Rate Map ( FIRM) Base Flood Elevation (BFE).

**Passenger Ferry Terminal:** A building for on- and off-loading passengers on private and public ferries.

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**Marinas-** Establishments that provide dockage, berthing, or mooring for a fee , rent boat slips and store boats and generally provide a vessel service area that provides for the perform a range of other services including cleaning and incidental boat repair. They may sell fuel, food, and fishing supplies and may sell boats.

**Marine Supplies:** A business that provides for retail/wholesale purchase of supplies related to commercial marine activities, not to include the retail sales of boats.

**Pedestrian Access:** An area designed to allow access for pedestrians, including handicap access, from the public right-of-way to and/ or thru private land.

**Restaurant, Fast Food:** Commercial use which serves food or beverages, is built to encourage drive-through business, and minimizes the number of interior accommodations for on-site consumption of the product.

**Yacht club:** Organized and run by the membership, yacht clubs promote yachting and boating.

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