

# Special Town Meeting Minutes

## February 16, 2021

Call to Order: at 6:00pm pm VIA ZOOM Meeting ID 842 9594 3667 Password 618325


NO Tellers

Attendance Count: Total: 38+ Moderator

Pledge of Alliance 6:01pm

Making the Motion this Evening: Bill Cross, Precinct 8

Roll Call at 6:05pm



Town Meeting Member name	Pct	Present /Absent	Town Meeting Member name	Pct	Present /Absent	Town Meeting Member name	Pct	Present /Absent
Arone, A.	1	A	Dunn, S.	1	P	Panico, A.	6	P
Ayube, S.	7	P	Fowler, J.	8	P	Paolini, M.	7	A
Bartolo, J.	6	P	Goodwin, P.	5	P	Riley, C.	2	P
Berube, K.	9	P	Jones, C.	1	P	Ring, D.	10	P
Brown, W.	6	P	Kelly, D.	9	P	Rossetti Jr, P.	2	P
Camuso Sr, R.	2	A	Lavoie, R.	7	P	Scrivano, M.	6	P
Cicolini, J.	8	P	Leuci, W.	4	P	Smith, R.	3	P
Connors Jr, A.	3	A	Long, R.	9	P	Spencer, B.	5	A
Costello, M.	10	P	Lopresti, A.	8	A	Stewart, W.	3	A
Cottam, J.	9	A	Manoogian Sr, P.	10	P	Thompson, R.	3	P
Cross III, W.	8	P	McCarthy, S.	7	A	Traverse, T.	8	P
Currie, K.	6	P	Migliore, M.	5	P	Vecchione IV, J.	2	P
Davis, G.	4	P	Mitchell, J.	5	A	Wallace, R.	5	P
Delios, P.	10	P	Moore, W.	2	P	Whitcomb, A.	4	P
Devlin, F.	1	P	Nickolas, G.	3	P	Whitcomb, M.	4	P
Divirgilio, S.	10	A	Palleschi, R.	7	P	Worthley, J.	9	P
Doherty, S.	4	P	Paloma, A.	1	P			
						Total Present=	39	
Town Meeting:			2/16/2021 STM			Absent count=	11	
		Date:	2/16/2021					

Unanimous vote yes on accepting the minutes at 6:07pm

Ballard School Committee – Peter Manoogian speaks at 6:08pm to accept the report as presented to Town Meeting. The Board of Selectmen accepted the recommendations by the Ballard School Committee but it didn’t get on the December STM warrant or this warrant. The neighborhood just wants to see the property kept up. The neighbors want to that anything happens for future use there will be a public hearing.

Move to accept by Robert Long at 6:11pm.

Seconded at 6:11pm

Unanimous Voice Vote Yes to accept.

Peter Rossetti Jr. Chairman of the Planning Board speaks at 6:12pm there was meeting held on the Highway Business Zoning Article last week, there were 5 people present and many people present. 4 in favor and 1 in opposition. He does have legal counsel opinion:

“Simple Majority Zoning Changes Under Amended Chapter 40A, Section 5:

- (1) an amendment to a zoning ordinance or by-law to allow any of the following as of right:
- (a) multifamily housing or mixed-use development in an eligible location;

(b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or

(c) open space residential development;

- (2) *an amendment to a zoning ordinance or by-law to allow by special permit:*
- (a) *multi-family housing or mixed-use development in an eligible location;*
  - (b) *an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed-use development pursuant to section 9;*
  - (c) *accessory dwelling units in a detached structure on the same lot; or*
  - (d) *a diminution in the amount of parking required for residential or mixed-use development pursuant to section 9;*
- (3) *zoning ordinances or by-laws or amendments thereto that:*
- (a) *provide for TDR zoning or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality; or*
  - (b) *modify regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or by-law; and*
- (4) *the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R.*

*Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote. If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.”*

Robert Long. Precinct 9 speaks about the Westside Fire Station report at 6:18pm.

Tom Traverse, Precinct 8 asks about Article 4 moving it out of order.

Peter Manoogian Precinct 10, makes a mention to take Article 4 out of order at 6:19pm

**Unanimous Voice Vote Yes to move Article 4 out of order.**

As a courtesy to the Board of Selectmen, Mr. Cross III, Precinct 8 Article 4 to the floor for consideration as recommended:

Seconded at 6:20 pm

**Article 4 as Written:** To see if the Town will vote to name the Saugus Senior Center building located at 466 Central Street; Richard Barry Senior Center. (Saugus Board of Selectmen).

Anthony Cogliano, Board of Selectmen Chairman speaks at 6:21pm in favor of this article to rename the Senior Center the Richard Barry Senior Center.

Mike Serino Board of Selectmen speaks at 6:22pm speaks in favor of the article.

Kathleen Capobianco daughter of Richard Barry with her family at 6:23pm, wants to thank the BOS to name the Senior Center the Richard Barry. Good evening, I am Richard “Dick” Barry's daughter, Kathleen Barry Capobianco. On behalf of my mother Eleanor and my siblings Maureen, Rich and Stephen I would like to start off by thanking the Saugus Board of Selectman, Chairman Anthony Cogliano, Corrine Riley, Jeff Cicolini, Deb Panetta, and Michael Serino for voting to put forth the warrant to name the Saugus Senior Center the Richard J. “Dick” Barry Saugus Senior Center. It is fitting that my Dad's fifty plus years of town service started in Town Meeting as a Precinct 10 town meeting member and the circle is now complete that Town Meeting will vote today on honoring his legacy by naming the Senior Center after him. Interestingly, one of his most treasured possessions was his gavel from when he served as Town Moderator. He was well versed in Robert's Rules of Order and was a stickler for running a good meeting on time so I will try to be brief.

Naming the Senior Center after my dad would be the utmost honor to end a lifetime of dedication to community service. My dad loved the Town of Saugus and the town of Saugus loved him. He has been called a “Saugus Legend” having served for 40 years in the elected offices of Town Moderator, Chairman

of the School Committee, and on the Board of Selectman. He then spent another ten plus years as Chairman of the Council on Aging. His civic contributions included Director of CYO, Member of Saugus American Little League, he was Grand Marshall of the home coming parade for the boys who made it to the Little League World Series in 2003, Director of Saugus High School Sports Hall of Fame, a church usher at St. Margaret's, and a member of the Saugus VFW, Saugus Historical Society, Saugus Lodge of Elks, Lifetime Member of Saugus Knights of Columbus and the Saugus Italian-American Club where he might have been the only Irish member at the time. He became the friendly voice of the Saugus High Football games for over nine years. He worked selflessly to build the new Saugus Senior Center helping secure a \$750,000 state grant to help offset the cost. The bench out front of the Saugus Senior Center bears his name as does a plaque at the Veteran's Baseball field for all his years of involvement with town Little League. During his retirement he wrote the monthly article for the Senior Center Golden Spirit Newsletter and included a column for jokes. He was also President of the Men's Club. His record of service to the community of Saugus is unmatched. Saugus is a better place because of the hard work, care and dedication of Dick Barry.

He helped anyone who asked for his help and gave his time to causes he held dear to his heart. To this day when any of us say we are Dick Barry's children, someone inevitably replies I know your dad from Little League, CYO basketball, town politics, the senior center – what a great guy. He was once quoted in the paper after being honored for the Community Service Award as saying “I could never be the one who sat on the sidelines. I was never good at practical things like fixing stuff around the house but I could handle finances and politics and speaking in public. I liked being involved.” He spent a good deal of his retirement golfing and participating in events at the Senior Center he helped build. He enjoyed emceeding many events and attending holiday parties there where he would sit with the new and old elected town officials and reminisce about the good old days.

My father would be so humbled to have the Senior Center bear his name. As a family we could not be any prouder of all of my dad's accomplishments and are so grateful to the town for this beautiful tribute. It would be our hope as a family that his name will live on as a person dedicated to his town and community and that upon seeing his name on the Senior Center, others will be inspired to follow in his footsteps.

Thank you to all of the Town Meeting members for your consideration in this vote.

Debra Panetta speaks at 6:27pm Board of Selectmen member speaks in favor of the article.

Judy Worthley Precinct 9 speaks at 6:27pm in favor of the article.

Robert Long Precinct 9 speaks at 6:28pm was protector of other board members. In Support of the article

Peter Manoogian Precinct 10 speaks at 6:29pm in favor of this article.

No other discussion

**Articles as Voted:** To see if the Town will vote to name the Saugus Senior Center building located at 466 Central Street; Richard Barry Senior Center. (Saugus Board of Selectmen).

Seconded at 6:30pm

**Unanimous vote Yes at 6:30pm**

As a courtesy to the Planning and Economic Development Department, Mr. Cross III, Precinct 8 Article 2 to the floor for consideration as recommended:

**Article 2 as written:** To see if the town will vote to amend the zoning by-laws of the Town of Saugus by deleting Article XXI-Business Highway Sustainable Development Zoning District in its entirety and inserting the following Article XXI- Business Highway Sustainable Development Zoning District.

### **Article XXI--Business Highway Sustainable Development Zoning District**

Within the Business Highway Sustainable Development Zoning District (BHSD), the following provisions govern. Where these provisions conflict with other sections of the Saugus Zoning By-Laws ("By-Laws"), the provisions of this Article shall apply.

#### **SECTION 21.1: PURPOSE AND INTENT**

The primary purpose of the Business Highway Sustainable Development Zoning District (BHSD) is to realign an aging major arterial commercial strip corridor with the forces of market demand so it is restructured into a form which property owners and developers will reinvest and create attractive mixed-use sustainable development centers that ensure the development and redevelopment of a mix of compatible uses including the creation of new housing opportunities. Specifically, the BHSD Zoning District is intended to:

- Embrace smart growth principles to enhance economic development opportunities along Routes 1 and 99.
- Provide the broadest range of compatible commercial and residential uses and encourage the development and redevelopment of underutilized or obsolete commercial property and ensure development and redevelopment that includes current retail and service trends, allows for a wide variety of mixed uses, and includes the creation of new housing opportunities for a range of incomes and lifestyles. These uses include residential, office, retail, entertainment, hotels, and other compatible uses.
- Prohibit auto-related services.
- Allow market-driven growth in places that are most conducive to accommodating additional activity.
- Promote developments that have an internal walkable and pedestrian-oriented environment with plazas and have open spaces and a mix of uses that connect to other buildings within a development.
- Create and support lively, human-scaled activity areas and gathering places within a development.
- Promote development that accommodates the automobile but also allows for development to be accessible by public transportation, biking and walking where feasible and practical.
- Prohibit residential-only development in favor of mixed-use development.
- Discourage strip-style single story commercial development which requires incongruous architectural styles, excessive paved areas, and numerous curb cuts.
- Encourage consolidation of driveways, parking and curb cuts to provide more efficient and economical access and parking.
- Encourage internal vehicle connections to adjacent developments within the Business Highway District.
- Encourage a coordinated pedestrian path system to provide efficient and convenient pedestrian access from parking areas to and among the various permitted uses.
- Assure suitable uses, design and buffers to protect the character and property values of adjacent and nearby residential districts.
- Prohibit vehicular access to existing residential neighborhoods.

#### **SECTION 21.2: ESTABLISHMENT/ APPLICABILITY/DISTRICT BOUNDARIES**

The BHSD Zoning District includes parcels shown on the zoning map entitled "Town of Saugus Route 1 Corridor-Route 1 study area North" and "Town of Saugus, Route 1 Corridor-Study area South" dated April 7, 2015 and prepared by the Metropolitan Area Planning Council on file with the Town Clerk and hereby made a part of this by-law.

The BHSD Zoning District contains two sub-districts - the Business Highway sub-district (BH); and the Business Highway Residential sub-district (BHR).

It is the intent of the BHSD Zoning District to encourage a mix of uses and better use of the land that only can be accomplished by a comprehensive design and development of the entire lot or lots, and to protect existing residential district by mandating within the BHR subdistrict residential uses as transitional uses when new structures abut an existing residential zoning district.

#### **SECTION 21.3: RELATIONSHIP TO EXISTING ZONING AND OTHER REGULATIONS**

**A.** The special provisions apply to all projects to develop and redevelop land within the BHSD Zoning District. These must conform to all applicable requirements of this By-Law, including any regulations or guidelines that may be adopted to support this By-Law.

**B.** All current regulations of the existing Saugus Zoning By-Law shall remain in effect, except where these regulations supersede or provide an alternative to such requirements.

**C.** If the provisions of the BHSD Zoning District By-Law are in conflict with any other section of the Saugus Zoning By-Law, the regulations of the BHSD Zoning District By-Law shall

prevail.

#### **SECTION 21.4: PRE-APPLICATION MEETING**

Prior to submitting an application to any Town Board, Committee, or Department for projects under the BHSD Zoning District, applicants shall contact the Town Manager and request a Pre-Application Meeting with relevant Town Officials and Boards. The purpose of the meeting is to present the project concept and discuss zoning, public safety, traffic, wetland issues, drainage, housing concerns, infrastructure, 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 21.5: ADMINISTRATION**

**A.** For purposes of this By-Law, the Saugus Board of Selectmen (BOS) shall retain Special Permit Granting Authority (SPGA 2) for all uses and dimensional requirements as defined in the Saugus Zoning By-Law, including Table of Uses and Parking Regulations and Table of Dimensional and Density Regulations requiring SPGA 2. Provided the use is an allowed use in the BHSD Zoning District. The Saugus Planning Board is designated as the Special Permit Granting Authority (SPGA 1) for all uses so designated in the Business Highway Sustainable Development Zoning District. All Special Permit Applications made pursuant to this Article shall conform to the requirements of this Article and Article 12-Special Permits and Conditions, Section 12.1, 12.2, and 12.3 of the Saugus Zoning By-Law. The decision of the Board of Selectmen or the Planning Board for a Special Permit may be approval, approval with conditions, or denial of the requested special permit(s).

Before the Saugus Board of Selectmen rules on a Special Permit application, they shall forward such application to the Saugus Planning Board for review and recommendation. Said recommendation from the Saugus Planning Board must be issued with 21 business days.

**B.** Consistent with the Saugus Zoning By-Law Section 12.6 Site Plan Review, the Planning Board will perform Site Plan Review, including sign review, for all applicable projects submitted under the Business Highway Sustainable Development Zoning District. Per Section 12.6 of the Saugus Zoning By-Law, the Planning Board shall hold a public hearing on all applications subject to site plan review. The applicability criteria shall include any new structure, group of structures, or additions in which there is:

1. Construction of any new structure, or
2. 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.

**C.** All properties proposed for development – whether being subdivided or developed as a single parcel- shall be developed in accordance with a master plan that has been approved by the Planning Board.

1. Master plans shall meet the following requirements:

- a. Master plans shall be prepared when any property, existing at the time of adoption of this ordinance, is initially proposed for subdivision or land development. Subdivided properties that are intended to be developed at a later date shall be subject to this initial master plan.
- b. Master plans can be prepared simultaneously with and as part of site plan review and special permit or can be prepared before submittal for site plan review and special permit.
- c. Master plans shall show proposed buildings, land uses, lots, streets, and open space for the entire tract and shall be consistent with the Saugus Subdivision Rules and Regulations.
- d. The Planning Board may require changes in the master plan in order to meet the legislative intent and other standards of the Business Highway Zoning District.
- e. Development of property may be done in phases; however, any proposed subdivision or land development of a property or portion of a property must be consistent with the master plan. If a proposed subdivision or land development is not consistent with the master plan, the master plan as a whole may be revised provided the following requirements are met:
- f. The master plan complies with all (BHSD) zoning requirements.
- g. All owners of land within the original Master Plan development area, whose property is affected by the revised master plan, approve the revisions to the master plan that affect their properties.
- h. The revised master plan is approved by the Planning Board.

**D.** Master plans shall include, without limitation, engineering plans and architectural

drawings, such as elevations, perspective drawings, and cross-sections, which demonstrate compliance with the standards in the Business Highway District.

**E.** Special Permit needing Planning Board approval as well as Site Plan Approval applications along with Master Plans can be prepared simultaneously to the Planning Board.

**F.** The Planning Board may adopt regulations for the implementation of this Article, including but not limited to design guidelines that support the intent of the Business Highway Sustainable Development District Design Criteria/Standards.

#### **SECTION 21.6: SITE PLAN REVIEW**

Site Plan Review shall be consistent with the Saugus Zoning By-Law Section 12.6 Site Plan Review. This section is enacted under authority of M.G.L. Chapter 40A to accomplish the purpose set forth in Section 1.3 of the Zoning By-Law for the purpose of protecting the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures that may have a significant impact on traffic, municipal and public services and utilities, environmental quality, and community values in the Town. The Planning Board shall perform Site Plan Review, including design review as well as sign review, for all applicable projects submitted under the Business Highway Zoning District. The applicability criteria shall include any new structures, group of structures, or additions in which:

**A.** Any new structure is constructed or

**B.** 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 area in excess of 3,000 square feet.

The Planning Board shall conduct Site Plan Review and Master Plan Review concurrently with Special Permit review, as applicable. In performing Site Plan Review, the Planning Board may employ provisions for the imposition of reasonable fees for the employment of outside consultants in the same manner as set forth in Section 53G of M.G.L. chapter 44 as amended, entitled "Employment of outside consultants" as it relates to the Board's purview under the State's Zoning Act (M.G.L. Chapter 40A and Subdivision Control Law (M.G.L. Chapter 41). These services may include those of an urban designer, traffic engineer, architect and/or landscape architect as well as other consultants deemed necessary to give professional consulting services to the planning board because the town lacks the necessary expertise to perform the work related to the application.

In addition to the above or as an alternative, the Planning Board may, at its option, appoint a volunteer Technical Advisory Team (TAT) to assist in the review of any project within the Business Highway Sustainable Development Zoning District that requires site plan review. Persons serving on this advisory committee may have expertise in an urban design, traffic engineering, architecture and/or landscape architecture as well as other fields deemed necessary to give professional consulting services to the planning board.

The TAT will provide advisory professional services to the Planning Board and may also submit a written report to the Planning Board. The TAT will be appointed at a regularly scheduled meeting where public notice has been provided.

#### **SECTION 21.7: SPECIAL PERMIT CRITERIA**

In addition to Article 19.5a- special permits and conditions-, in the Saugus Zoning By-Law, the Planning Board as well as the Board of Selectmen shall consider the following criteria before issuing a Special Permit for development or redevelopment under the provisions of the BHSD Zoning District:

**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 and intent of the Business Highway Sustainable Development Zoning District.

**D.** The extent to which affordable housing is a component of the project.

**E.** Impact on traffic and pedestrian flow, safety and access for emergency vehicles.

**F.** Impact on Residential Zones including but not limited to noise, lighting and traffic.

**G.** Extent to which the project promotes mixed-use development.

**H.** The extent to which the project promotes sustainable building and site design.

**I.** Extent to which buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties. In order to limit the adverse impact of any proposed use the special permit may require alternative sitelayouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and

trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.

J. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections. The Special Permit may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.

#### **SECTION 21.8: INCLUSIONARY HOUSING**

Projects developed under the BHSD Zoning District shall be subject to and follow the requirements of the Saugus Zoning By-Law, Article 15: Inclusionary Housing.

#### **SECTION 21.9: USES**

Except as provided in the Zoning Act, Ch. 40A M.G.L., no building, structure or land in the BHSD shall be used except for the purpose permitted in the Business Highway Sustainable Zoning District as described. More than one principal permitted or special permit use(s) or structure on a lot is allowed. Any use not listed herein shall be construed to be prohibited.

##### **A. Minimum Commercial Uses**

All properties proposed for development or re-development are required to contain a minimum percentage of commercial use(s) as follows:

1. Tracts of developable land from 40,000 sq. ft. to one and one-half (1.5) acres in size must include a minimum gross floor area of commercial use(s) equal to or greater than ten percent (10%) of the total gross floor area of the entire structure(s) in the proposed development.
2. Tracts of developable land greater than one and one-half (1.5) acres to three (3) acres in size must include a minimum gross floor area of commercial use(s) equal to or greater than twenty percent (20%) of the total gross floor area of the entire structure(s) in the proposed development.
3. Tracts of developable land greater than three (3) acres to six (6) acres in size must include a minimum gross floor area of commercial use(s) equal to or greater than twenty five percent (25%) of the total gross floor area of the entire structure(s) in the proposed development.
4. Tracts of developable land greater than six (6) acres to twenty (20) acres in size must include a minimum gross floor area of commercial use(s) equal to or greater than thirty percent (30%) of the total gross floor area of the entire structure(s) in the proposed development.
5. Tracts of developable land greater than twenty (20) acres in size must include a minimum gross floor area of commercial use(s) equal to or greater than thirty five percent (35%) of the total gross floor area of the entire structure(s) in the proposed development.

##### **B. Within the Business Highway sub-district (BH), uses shall be regulated as follows:**

1. More than one principal Permitted or Special Permit use or structure on a lot within the Business Highway District is allowed.
2. A single use or a mixed use either within a structure or among several structures is allowed. Single use developments of multifamily apartment units and/or attached townhouses along with their accessory uses are prohibited.
3. Ownership. All applications for development in the BHSD shall be filed jointly by every/all owner(s) of the land area proposed for development, under single direction, using one overall master plan and complying with all requirements of the Business Highway Zoning District.
4. Ownership and Maintenance of Common Open Space, Plaza Areas, and Other Facilities. Common open space, plaza areas, and other common facilities shall have agreements stating ownership and maintenance responsibilities. The required usable open space and plaza areas shall be permanently deed restricted from future development prior to the issuance of occupancy permits for the project. Failure to timely record such deed restriction(s) shall result in the revocation of occupancy permits until such time as the restriction(s) is/are recorded.

##### **C. Within the Business Highway/Residential sub-district (BHR) uses shall be regulated as follows:**

1. More than one principal Permitted or Special Permit use or structure on a lot within the Business Highway/Residential Sub District (BHR) is allowed.
2. A single use or a mixed use either within a structure or among several structures is allowed, however,
3. Single use residential buildings and their related accessory uses shall be

allowed only when proposed as part of a larger mixed-use development, and in that case shall be designed and located so as to abut any off site residential zoned districts. These single use residential buildings shall be designed to provide a transition between abutting off-site residential zoned districts and any new nonresidential single use, mixed uses, and other single use residential uses located in either the Business Highway/Residential or the Business Highway sub-districts.

**D.** Within the Business Highway Sustainable Development District, except as provided above for the BHR sub-district, the following shall apply:

1. Mix of allowed uses shall mean: A combination of uses from four general land use groups.
  - a. Office, Entertainment, Hotels, and Institutions
  - b. Retail and Restaurants
  - c. Residential-multifamily apartments & Townhouses
  - d. Light Industrial

**E.** In any project in the BHSD District, mixed uses can be located on one lot or adjoining lots, and can be arranged vertically (in multiple stories or structures) or horizontally (adjacent to one another in one or more building). Mix of uses shall be balanced and compatible and shall contribute to a vibrant atmosphere within a development. In this District, this definition supersedes the Saugus Zoning By-Law definition of "Principal Use". It is recognized that development within the BHSD District will be more dynamic and sustainable with an appropriate mix of complementary uses. As the size of properties increases, the potential for sterile one-use developments also increases. The Business Highway Zoning District requires a greater mix of uses as property sizes increase. Structured parking is allowed in all single and mixed-use development.

#### **F. Mix of Uses**

Within the BHSD Zoning District it is important to create more dynamic and sustainable developments with an appropriate mix of complementary uses. As the size of properties increases, the potential for sterile one-use developments also increases. To avoid this problem, the BHSD District requires a greater mix of uses as property sizes increase. Within the BHSD District, it is required that a development meet the following mix of use requirements. In all cases, the required minimum percentage of commercial use(s) indicated in Section 21.9.1-21.9.5 must be met.

1. **Tracts of developable land up to 40,000 sq. ft.** - Developments shall consist of one or more of the allowed land uses or uses allowed by special permit.
2. **Tracts of developable land greater than 40,000 sq. ft. to six (6) acres -**  
Developments must consist of at least two of the land use groups under allowed uses or uses allowed by special permit.
3. **Tracts of developable land greater than six (6) acres - acres** -Developments must consist of at least three of the land use groups listed under allowed uses or uses allowed by special permit.

#### **G. Allowed Uses**

A lot(s) and/or building(s) may be used for one or more of the following principal by-right permitted uses, in compliance with the standards and requirements contained in this article.

The following uses are permitted by right, subject to site plan approval, provided no-drive- through facilities are proposed. Uses of the same general character as those found in this section may be permitted after consultation with the Building Inspector.

##### **1. Office, entertainment, institutional and related uses, as listed below:**

- a. Professional, administrative, and business offices.
- b. Offices of doctor, dentist, and other healthcare providers.
- c. Hospitals, medical clinics, sanitariums, nursing homes, assisted living facilities, rest homes, philanthropic institutions.
- d. Bank or financial institutions, excluding drive-through facilities.
- e. Business services establishments including copy centers, retail printing and duplication services, computer rental, mailbox rental.
- f. Hotels, bed and breakfast facilities, convention centers, meeting space, and banquet facilities.
- g. Studio for dance, art, music, photography, or exercise
- h. Galleries and museums.
- i. Schools and day care centers.



- j. Technical schools and training centers
- k. Government administrative uses, post offices, community centers, and libraries.
- l. Club or fraternal organization.
- m. Emergency service facilities such as ambulance and fire services.

**2. Retail, restaurant, and related uses, as listed below:**

- a. Retail commercial sales, excluding drive-through facilities, offering dry goods, variety merchandise, clothing groceries, baked goods, beverages, flowers, plants, drugs, books, furnishings or other household supplies, antiques, hardware, jewelry, clocks, optical goods, cameras, home appliances, electronic equipment, videos, scientific and professional instruments, and/or similar goods. Shopping centers, as defined in this by-law, are only permitted by a special permit.
- b. Personal service businesses including but not limited to: barbershop and/or hairdresser, shoe repair, tailor, dry cleaning (pick up establishments only), laundromat.
- c. Restaurants and other food or beverage establishments, excluding drive through facilities.
- d. Studios for dance, music, art, or photography.
- e. Indoor sports facilities, including bowling alley, racquet sports, and health club.
- f. Bar or tavern
- g. Convenience stores, without fuel pumps.
- h. Adult use-SP 2 (in accordance with definition and Section 12.C Saugus Zoning By-Law)

**3. Multi-family Residences (including rental apartment units, residential condominium units, and attached townhouses) that are part of a mixed-use development that includes the required minimum percentage of commercial uses indicated in Sections 21.9.1-21.9.5. The commercial uses that are included in a mixed-use development may require special permits.**

**4. Accessory uses to principle use, including structured and surface and below ground parking.**

**H. Uses Allowed by Special Permit**

The following uses may be permitted by Special Permit from the Planning Board (SP 3) or the Board of Selectmen (SP 2) in accordance with the special permit use criteria of Section 19.5a and Section 19.7 of this Article, the standards listed below, and all other regulations of the Saugus Zoning By-Law including Articles 12, 12.5, 12.5D and the Table of Use Regulations of the Saugus Zoning By-Law. Notwithstanding anything to the contrary in the Saugus Zoning By-Law, special permit powers and responsibilities of the Saugus Zoning Board of Appeals as it pertains to the Business

Highway Sustainable Development (BHSD) Zoning District uses shall be the responsibility of the Planning Board.

Uses of the same general character as those found in this section may be permitted by the Planning Board as a Special Permit (SP 3) or the Board of Selectmen as a Special Permit (SP 2) after consultation with the Building Inspector.

**1. Class One Special Permit Uses**

On lots with a minimum area of 40,000 square feet and a minimum lot width of 100 feet at all points along the street-facing plane of the building(s) closest to the street upon which lot frontage is based line of 100 feet, the following uses are permitted as class one conditional uses:

- a. Nail salon, tanning salon, health clubs, fitness studios, health and beauty spas, public baths, sauna baths personal fitness establishments. SP 2
- b. Places of business for Massage Therapy, Bodywork and Movement Education as defined and regulated by the Saugus Board of Health. SP2
- c. Uses with drive through facilities, including restaurants, drug stores, banks and financial institutions, and other uses listed in Sections 19.9c provided. SP2 The stacking lanes shall not interfere with parking spaces or the internal and external circulation of the site and drive through windows shall face the rear or side yard of the site. Drive through windows shall not face a public street. Restaurants shall have a minimum of seven (7) staking spaces for queuing cars

accessing the ordering window or speaker. If pick up/payment windows are provided separately, the queuing distance between windows and/or speaker(s) shall be a minimum of three (3) stacking spaces.

Banks, service, and retail establishments shall have a minimum of four (4) stacking spaces for queuing cars accessing a drive-through window or speaker. The use provides sufficient on-site stacking lanes to accommodate a minimum of six (6) automobiles leading to the first drive-through window, bank teller window, remote teller window, or drive through automatic teller machine on the site, and two (2) automobiles for each additional drive-through facility on the site.

**d. Veterinarian's office or commercial kennel, pet care or pet sales provided. SP2**

1. Buildings are adequately soundproofed so that sounds generated within the building cannot be perceived at the lot boundary.

2. No shelter, run, or structure that will contain animals at night is located within 100 feet of any property line or street line.

**e. Repair shop SP2 - excluding repair of automobiles, other vehicles, and large equipment - provided:**

1. All items must be repaired on the premises in an enclosed and roofed building.

2. No outside storage is permitted.

**f. Radio and/ or television studios – SP2**

**g. Funeral home or mortuary. SP2**

## **2. Class Two Special Permit Uses**

On lots with a minimum area of 3 acres and a minimum width at the building line of two hundred (200) feet, the following uses are permitted as Class Two conditional uses:

**a. Shopping center – SP3**

**b. Indoor theaters, bowling alleys, billiard rooms, skating rinks, sports facilities, health clubs, racquet sports other indoor amusement centers and other similar places of amusement, recreation, entertainment or sports provided: SP2**

1. Pick-up and drop-off areas are provided with at least one (1) automobile waiting space per screen or amusement center, up to a maximum of 6 spaces.

**c. Outdoor amusement facilities such as golf courses, batting cages, miniature golf courses, golf driving ranges, amusement parks and similar uses, in accordance with the following: - SP2**

1. Driving Ranges, provided:

(i) A minimum lot area of five (5) acres is provided.

(ii) Protective screens to stop stray golf balls from crossing property lines are installed, unless the Board of Selectmen determines that screens are unnecessary. Protective screens over six (6) feet in height are located at least 100 feet from the property line.

(iii) A fifty (50) foot wide landscaped buffer area is installed along all street ultimate right-of-way lines and along all property lines abutting a nonresidential use, and a one hundred (100) foot buffer is installed along all property lines abutting a residential use.

**d. Building supply center, lumber yard and contractor's business, including masonry, carpentry, remodeling, electrical, house cleaning, plumbing, painting, roofing, landscaping contractor, wholesale establishment for the sale and distribution of supplies and general merchandise provided that: - SP2**

1. Outdoor storage areas are limited to 50% of the total site area and are screened from public roads and residential properties.

2. All products stored outdoors are stored and displayed behind areas that are clearly defined for such purpose, such as completely enclosed fences, walls or other structures.

3. The display of goods and merchandise is not located between the building and the street and meets the minimum required rear and side yard setbacks.

4. Such uses have a defined pick-up area that does not interfere with the flow of internal traffic or required parking areas.

5. Commercial vehicles and outdoor storage areas are at least sixty (60) feet from residential property lines and street ultimate right-of-way lines.

6. A ten (10) foot wide landscaped buffer area is provided along all property lines.

**e. Nursery and Truck gardens, stands for wholesale and retail sales, garden center, or greenhouse provided: - SP2**

1. Outdoor storage is limited to 75% of the total site area.
2. Materials to be sold outdoors include; patio Block/Stone, wall/stone, flag/Stone, marble chips, mulch, peat moss, cow manure, top soil, block & board, treated and untreated lumber, nursery stock, trees, plants, hanging plants, ponds, pond accessories, other similar products.
3. No storage or displaying for sale of any chemical, fertilizers or other material potentially hazardous when exposed to the elements out of a building/ structure.
4. All non-plant materials are stored and displayed behind areas that are clearly defined for such purpose, and are screened from public roads and residential properties.
5. Such uses have a defined pick-up area that does not interfere with the flow of internal traffic or required parking areas.
6. Commercial vehicles and outdoor storage areas are at least sixty (60) feet from residential property lines and street ultimate right-of-way lines.

### **3. Class Three Conditional Uses**

The following Light Industrial Uses shall be allowed only by Special Permit:

- a. light manufacturing employing electricity and/or other unobjectionable motive power, using hand labor and/or unobjectionable machinery or process. - SP2
- b. plant for the manufacture of electrical or electronic devices, appliances, apparatus or supplies. - SP2
- c. plant for the manufacturing of medical, dental, drafting supplies, optical goods or other precision instruments,; accessory manufacturing uses of light manufacturing nature incidental to a permitted use, and where the product is customarily sold on premises directly to the customer. - SP2
- d. general and scientific research and development and related production activity, and accessory uses. - SP2
- e. **removal** of earth material other than for Residential Development purposes. - SP2
- f. wireless communications services - S2. In accordance with Article 14 of the Saugus Zoning By-Law wireless communications serves shall be allowed.

### **4. Accessory uses.**

a. Accessory uses allowed. Accessory uses to a principal use (s), on the same lot with and customarily incidental to the use(s) permitted and utilized, including structured and surface parking lots. Accessory uses shall meet all the requirements for permitted uses. In addition, the following accessory uses are allowed (1-5 as of right; 6 with SP 2):

1. Swimming pools
2. Garage for storage of vehicles incidental to operation of business, clubs, motels, hotels
3. Accessory Manufacturing uses, of light manufacturing nature incidental to a permitted use, and where product is customarily sold on premises directly to a customer
4. Accessory off-street parking
5. Structured parking facilities
6. Accessory uses to scientific research and development and related production activity. SP2

## **SECTION 21.10 DIMENSIONAL AND DENSITY REGULATIONS**

For new construction all Dimensional and Density Regulations in the Business Highway Sustainable Development Zoning District shall be in accordance with this Section and any Table of Dimensional and Density Regulations, and notes thereto created to support these regulations.

### **A. Minimum lot size 40,000 sq. ft.**

### **B. Frontage**

1. Minimum lot frontage along the major arterials - Route 1 and route 99 For lots 40,000 - 3 acre=100 feet  
For lots above 3 acres= 200 feet
2. Minimum lot frontage along all other public way, a private way approved and endorsed by the Saugus Planning Board, or a private internal access street or drive = 70 feet
3. Where frontage is provided by an internal access street or drive such access shall contain a paved roadway width from curb to curb of at least twenty-four (24) feet. In addition, sidewalks shall be provided on both sides of the roadway.
4. Where parking is allowed on the internal access street or drive, the paved width shall

be increased nine (9) feet for each side of the access drive used for parallel parking and eighteen (18) feet for each side of the access drive used for head-in parking.

**C. Setbacks**

**1. Front**

- a. For buildings fronting on routes 1/99 (major arterials). or other Town Roadways -50 feet. For buildings within a development fronting on internal public ways, private ways, access roads, internal roads, drives or parking areas – maximum setback of 25 feet.
- b. This setback must be reserved and maintained as open space, with the exception that it is permissible to include driveways, shared access drive between adjacent properties within the BHSD zoning district, or for emergency/utility access.

**2. Side - 15 feet**

- a. This setback must be reserved and maintained as open space, with the exception that it is permissible to include a shared access drive between adjacent properties within the BHSD zoning district or for emergency/utility access.

**3. Rear - 50 feet (Please see footnote #1)**

- a. This setback must be reserved and maintained as open space, with the exception that it is permissible to include a shared access drive between adjacent properties within the BHSD zoning district or for emergency/utility access.

Footnote #1. Parcel located at 44 Collins Ave, Saugus, map id # D6-1-1, parcel id # F\_783717\_2990841, shall have a rear lot set back of 100 feet which shall be protected by a conservation easement in favor of the Town of Saugus

**4. Setbacks between buildings within a development**

- a. For separate buildings up to 3 stories (40 feet) = 20 ft. setback between buildings is required
- b. For separate buildings 4 to 6 stories (90 ft.) = 40-foot setback between buildings is required.

**D. Additional Setback requirements within the BH and BHR subdistricts.**

1. A 50 foot setback buffer shall be created from any yard side that abuts an existing residential district zone. This setback shall be a buffer zone. The buffer zone shall not contain any structures, including accessory structures, parking lots, parking structures, roadways, driveways or access ways (except for emergency access), outdoor loading and trash storage areas. Buffers shall be heavily landscaped and planted with year-round opaque planted screens, and/or opaque fencing, walls or sound barriers. When fencing, walls and/or sound barriers are used they must be screened with opaque planted screening buffers. In certain circumstances the use of berms could be encouraged.

2. In addition, buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential districts. In order to limit the adverse impact of a proposed residential, commercial or mixed-use development on existing residential neighborhoods, in addition to an increased buffer area, locations of buildings, parking areas, and driveway areas and the incorporation of loading and trash collection areas shall be located in such a manner as to lessen any negative impacts on existing residential districts.

**E. Height**

1. As-of-Right = 4 stories with a maximum height of 55 feet.

- a. Structures located less than 25 feet from any buffer zone setback may not exceed 3 stories and 40 feet in height.

2. It is permissible to request a Special Permit from the Saugus Board of Selectmen (SP2) to increase the height beyond what is allowed as-of-right within a range not to exceed 6 stories and a maximum height of 90 ft.

- a. Any structure over 55 feet in height allowed by Special Permit by the Board of Selectmen must be at least 100 feet away from any property line.

3. Notwithstanding anything to the contrary in the Saugus Zoning By-Law, any increases in grade exceeding two feet as compared to existing grade shall be included in the calculation of maximum building height in the BHSD.

**F. Additional Height requirements within the BHR district**

1. Structures or portions of structures within 50 feet of the buffer zone required by Section 21.10.D.1 shall not exceed a height of 3 stories to a maximum height of 40 feet.

G. Maximum Coverage

- 1. Maximum Building Area Coverage: 70%.
- 2. Maximum total Impervious Coverage: 85%.
- 3. Minimum of 15% of the lot(s) must be reserved and maintained as open space. For lots greater than 3 acres in size, 25% of the lot must be reserved and maintained as open space.

H. Density

- 1. Residential = 25 units per acre

I. Structures on a site or lot

- 1. More than one principle structure may be permitted on a lot.

J. Hillside Protection

- 1. The Provision of the Saugus Zoning By-Law Section 6.8(k) Hillside Protection shall be applicable to all properties and land area within the Business Highway Sustainable Development Zoning District including the Business Highway and Business Highway Residential Sub Districts.

SECTION 21.11: PARKING

Parking spaces shall be 9 feet wide by 18 feet long, except for required Handicapped Spaces.

A. The following table provides Minimum parking requirements for certain uses. All other Parking requirements shall be the same as listed in Article VIII-Off Street Parking and Loading Regulations in the Saugus Zoning By-Law.  
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. No Special Permit Granting Authority may decrease the requirements of this section.

Use	Minimum Parking Spaces:
Studio/1 Bedroom	1.5 per unit
All other residential units	2 per unit
Motels, hotels	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 400 square feet of gross floor area thereafter for all other floors used by businesses, (excluding basement storage area). Additionally, restaurants require 1 space per employee expected during the largest anticipated shift.
Theaters	1 space for each four seats or for each 100 s.f. of auditorium area, if there are not fixed seats

B.

C.

D. Parking requirements for two (2) or more buildings or uses may be provided in combined parking facilities on the same lot of the proposed development.

Shared Parking

Notwithstanding any other parking requirements set forth in the By-law for individual land uses, when any land or building is used for two or more distinguishable purposes (including Mix Use development), the minimum total number of parking spaces required to serve the combination of all uses shall be determined in the following manner:

- 1. Multiply the minimum parking requirement for each individual use (See Section above) by the appropriate percentage (as shown in the Shared Parking Chart below) for each of the five designated time periods.
- 2. Add the resulting sums from each vertical column.
- 3. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.
- 4. The calculations shall be reviewed and approved as part of the Site Plan and Design Review process.
- 5. All shared parking spaces shall remain on the same lot or on adjacent lots held under the same ownership of the proposed development.

Shared Parking Chart					
	Weekday	Weekday	Weekday	Weekend	Weekend

USE	Night Midnight to 7:00 a.m. (percent)	Day 7:00 a.m. to 5:00 p.m. (percent)	Evening 5:00 p.m. to Midnight (percent)	Day 6:00 a.m. to 6:00 p.m. (percent)	Evening 6:00 p.m. to Midnight (percent)
Residential	100	60	90	80	90
Office/Industrial	5	100	10	10	5
Commercial/Retail	5	80	90	100	70
Hotel	70	70	100	70	100
Restaurant	10	50	100	50	100
Restaurant associated with hotel	10	50	60	50	60
Entertainment/recreation (theaters, bowling allies, cocktail lounges and similar)	10	40	100	80	100
Day-care facilities	5	100	10	20	5
All other (unless documentation is submitted by a registered engineer, etc.)	100	100	100	100	100

**SECTION 21.12: DESIGN STANDARDS**

The Planning Board shall ensure that the following criteria are met during Site Plan Review. Site Plan Approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant including performance guarantees, to promote these objectives.

These design criteria are intended to promote quality development that is compatible with the intent of the zoning for route 1 and the desire for contextual, human scale and pedestrian oriented projects. Compatible design helps enhance the quality of life for all residents while strengthening the economic viability of the Route 1 corridor, this design criteria seeks to encourage visual harmony and encourage creative design solutions. This design criteria encourages a variety of choices for achieving design compatibility with the Business Highway Sustainable Development Zoning District. New building and/or substantial alterations shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Such features include varied facades, rooflines, roof heights and materials. Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or open space shall not be permitted.

**A. General Layout and Street Pattern**

The following general layout and street pattern requirements shall be shown on the Master Plan:

1. Various land uses shall be laid out and spaced to make walking from one land use to any other land uses as easy as possible.
2. Retail uses shall be located as physically close to as many of the following on and off-site features as possible: existing retail areas, existing higher classification streets (Routes 1 and 99), and proposed plaza areas.
3. Single-use residential buildings, when proposed as part of a mixed-use development, shall be located and designed to provide a transition between abutting off-site residential zoning districts, when they exist, and the nonresidential uses in the Business Highway district.
4. Any streets or driveways internal to a development within the Business Highway District, shall be connected with internal streets or driveways of abutting properties zoned Business Highway. Streets or driveways shall be extended to abutting properties in logical locations, as determined by the planning board.

**B. Building Design Standards**

Any new structure or where there is an increase of 1,000 square feet to an existing structure shall strive to meet the following standards:

1. Pitched roofs with a minimum pitch of 6 vertical inches to every 12 horizontal inches are encouraged.
2. 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.

**3.** 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.

**4.** No more than 15% of a structure's external building treatment shall be of metal.

**5.** Rear and side facades shall be of finished quality and shall be of color and materials that are similar to the front facade and blend with structures within the development as well as with structures in the surrounding area.

**6.** Any development with more than one building on the site shall have a common and coherent architectural theme throughout the development. They should share similar uniform design characteristics and vocabulary. Precise replication is not desirable; instead similar colors, materials and textures, and repeat patterns, rhythms and proportions of other units to achieve unity.

**7.** Predominant wall materials shall have the appearance of wood, brick, or stone. If painted or coated, only non-metallic finish will be used and shall be non-reflective.

**8.** Awnings and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with existing awnings on adjacent buildings.

**9.** For all buildings front facades shall be oriented toward existing or proposed streets or driveway, with an everyday entrance in the front façade. Side facades of buildings should not be oriented toward Route 1 or route 99.

**10.** Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 40 percent of the façade surface.

**11.** Building shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Facades must be interrupted at least once within every eighty (80) horizontal feet, with offsets of five (5) feet or more feet in depth along any building facade facing a public street or public parking. Offsets shall be continuous from grade to the roof. Roofs cannot extend more than 80 feet without a change in Roof Mass, shape or height.

**12.** Building facades of two hundred (200) feet or more which face public streets or public parking shall, in addition to offsets, include other design elements to break up the façade, such as awnings, porches, canopies, towers, balconies, bays, changes in building materials, gables, and planted trellises; medallions; opaque or translucent glass; artwork; vertical/ horizontal articulation; lighting fixtures; or a similar architectural element not listed above, as approved by planning board.

**13.** The following features should be considered as potential elements to help break down building scale:

- Low planters and walls, base plantings and unique architectural treatments at pedestrian levels.
- Covered walkways, trellises or architectural awnings that provide varying degrees of shade and sun at ground level.
- Distinct and multiple architectural roof forms, clearly pronounced eaves, distinct parapet designs and cornice treatments
- Clearly pronounced recesses, projections, wall plane off-sets, and recessed entries
- Use of deep set windows and mullions
- Use of vertical accents or focal points
- Ground level arcades and galleries/balconies on upper floors
- Use of exterior façade treatments to define smaller masses through the use of different materials, textures and color.

**14.** Blank walls shall not be permitted along any exterior wall facing a street. Walls in these locations shall comprise a minimum of 35 percent window area and a maximum of 75 percent window area, with windows interspersed across the façade.

**15.** Walls or portions of walls where windows are not provided shall have architectural treatments designed to break up the bulk of the wall by incorporating treatments such as: masonry but not flat concrete block; belt courses of a different texture or color; projecting cornice; projecting metal canopy; decorative tilework; trellis containing planting; medallions; opaque or translucent glass; artwork; vertical/horizontal articulation; lighting fixtures; or a similar architectural element not listed above, as approved by the planning board.

**16.** Any development with more than one building on the site shall have a common and coherent architectural theme throughout the development.

**17.** Principal buildings shall have clearly defined, highly visible customer entrances with features such as canopies, porticoes, arches, and integral planters that

incorporate landscaped areas and/ or areas for sitting.

**18.** Where parking is located to the rear of a building, any rear entrance is to be visible and accessible from the parking lot. Directional signage to the building entrance(s) shall be installed. All entrances are to have sufficient illumination at night time.

**19.** Loading doors, service doors, and load docks shall not be located in any façade facing a street.

**20.** Mechanical equipment shall be screened and if located on roofs shall be screened, organized and designed as a component of the roof design, and not appear to be a leftover or add-on element. Mechanical equipment shall be installed to minimize the noise impacts on any adjacent residences, whether on the project lot(s) or on adjacent lot(s).

**21.** Buildings with less than 15,000 square feet of building area on the ground floor that are located adjacent to a residential zoning district shall have pitched roofs covering at least 80 percent of the building with a pitch of at least 6 vertical inches to every 12 horizontal inches.

**22.** Buildings with more than 15,000 square feet on the ground floor shall meet one of the following roof requirements:

**a.** Pitched roofs covering at least 80 percent of the building with a pitch of at least 6 vertical inches to every 12 horizontal inches.

**b.** Parapets or mansard roofs that conceal flat roofs and rooftop equipment such as HVAC units along all roof edges.

**23.** All shopping centers and other retail establishments with 100,000 square feet or more in gross floor area shall meet the following additional requirements:

**a.** Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty (60) percent of their horizontal length.

**b.** Large buildings and shopping centers shall have clearly defined, highly visible customer entrances for primary buildings featuring no less than three (3) of the following: canopies or porticoes; overhangs; recesses/ projections; arcades; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; and display windows.

**24.** Storefront landscaping shall be provided between the foundations of buildings and driveways/parking areas. A minimum of 25 percent of the area between the building foundation and driveways/parking areas shall be landscaped.

**25.** All sides of shopping centers and retail establishments with 50,000 square feet or more of floor area that directly face an abutting public street shall feature at least one (1) customer entrance. This requirement can be met for two sides of a shopping center or large retail establishment by a corner entrance that is visible from both sides.

**26.** It is desirable that new buildings incorporate green building techniques (such as those developed by the U.S. Green Building Council) to the maximum extent possible.

### **C. Common Use Area**

Any development of 100,000 square feet or more of gross building floor area shall contain a common use area that will serve as a focal point for the development and provide walkways, seating, and landscaping. Water features, courtyards, mini- parks and plazas are encouraged. The common use area shall meet the following requirements:

**1.** It shall be equal to or greater in size than five (5) percent of the gross floor area of the development.

**2.** It shall be directly connected to sidewalks within the development, without intervening driveways or streets.

**3.** It shall consist of one contiguous area, and the shape and location of the common use area shall be approved by the Planning Board.

**4.** It shall be improved with either a gazebo, pavilion, clock tower, or paved patio area with a fountain to help identify this area as the central gathering place for the development. This improvement shall be a minimum of 300 square feet in size.

**5.** It shall contain shade trees, ornamental plantings, and seating; it may also contain outdoor dining areas.

### **D. Parking and Driveway Design Standards**

Parking lots shall be landscaped according to the following regulations:

**1.** The ends of all parking rows shall be divided from drives by planting islands.

**2.** There shall be no more than 15 contiguous parking stalls in a row without a planting



- island.
3. Planting islands shall be a minimum of ten (10) feet by twenty (20) feet in area, underlain by soil (not base course material) and shall be protected by curbing, wheel stops, or bollards. Each planting island shall contain at least one (1) shade tree plus low growing shrubs and/ or groundcover to cover the entire area at maturity.
  4. Parking lots shall be divided by planting strips placed at intervals of one (1) for every four (4) or fewer rows of parking. These planting strips shall meet the following requirements:
    - a. At least half of the planting strips shall be a minimum of 15 feet in width, and contain a 5 foot paved walkway leading towards the building, with 5 feet provided for plantings on both sides of the walkway.
    - b. All other planting strips shall be a minimum of ten feet in width, with all ten feet for plantings.
    - c. Strips shall run the length of the parking row, be underlain by soil, and be protected by curbs, wheel stops or bollards.
    - d. Planting strips shall contain plantings of one (1) canopy tree every twenty-five (25) feet, two (2) shrubs per tree, and groundcover/shrubs to cover the entire remaining unplanted area at maturity.
  5. A perimeter planting area at least 10 feet in width shall be provided along all property lines and street ultimate rights-of-way lines.
  6. The maximum depth of a parking area located within the front yard of a general commercial building with less than 20,000 square feet of building area shall be sixty five (65) feet, measured perpendicular or radial to the street ultimate right-of-way line.
  7. Each commercial use shall provide access easements for its parking aisles and driveways guaranteeing access to all abutting lots zoned General Commercial, unless all possible interconnections between two abutting lots must cross twenty (20) linear feet or more of wetlands, floodplain, or natural slopes of 15% or more. Parking areas on adjacent lots shall be directly connected by a driveway. These interconnections shall be constructed during the initial land development.
  8. Large retail uses and shopping centers with over 100,000 square feet of gross building floor area shall provide the following:
    - a. A pickup area for public transportation located between the street and the front façade of the large retail use or shopping center. The pickup area must include a ten (10) foot by twenty (20) foot waiting area that is separated from other sidewalks in the development. The pickup area must also include an area where a forty-foot bus can park without blocking any lanes of the development's driveways.
    - b. Driveways and a parking area that can handle and are designed for the weight and length of a forty-foot passenger bus.
  9. Properties with frontages of 600 feet or less on any individual street are only permitted one driveway intersection per street. Properties with frontages greater than 600 feet may be permitted a maximum of two driveways per street frontage, provided that such driveways are at least 300 feet apart. Regardless of frontage, a development may be restricted to a single driveway depending on usage and interior and exterior traffic patterns.
  10. Parking areas containing 50 or more cars shall have a minimum driveway length of fifty (50) feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection. Parking areas containing less than 50 cars shall have a minimum driveway length of twenty (20) feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection.

#### **E. Pedestrian Walkway Standards**

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 minimize the number and size of curb cuts and provide sidewalks along roads where possible

1. There shall be clear grade separated pedestrian connections between all parking areas and all buildings. A raised, landscaped sidewalk will be constructed through the main parking lot to facilitate safe pedestrian travel through the site. The sidewalks required within planting strips may be used to meet this requirement.
2. Continuous internal pedestrian walkways, no less than 5 feet in width, shall provide a direct link from the public sidewalk or street right-of-way to the principal customer entrance of all principal retail establishments on the site. Walkways shall also connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, and building and store entry points. The sidewalks required

within planting strips may be used to meet this requirement.

3. Unobstructed sidewalks, no less than 6 feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Along facades with building entrances, the required 6-foot wide sidewalk area shall be set back from the façade by a 3-foot area that either contains planting beds or additional sidewalk width.

4. All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort.

5. Buildings and sidewalks shall be handicapped accessible.

## **F. Lighting Standards**

1. Lighting shall be shielded to meet the following requirements:

- a. No light shall shine directly into the windows of a building on abutting property.
- b. No light shall shine directly from a light source onto the ground or improvements of an abutting property, although incidental light may be permitted to fall on abutting property. Such lighting shall not exceed one-half an ISO foot candle at ground level on the abutting property.
- c. No light shall shine directly onto public roads.

2. Where the abutting property is residentially zoned or used, nonresidential uses shall direct light fixtures toward the proposed development and shield the residential properties from direct lighting or glare. The light source itself must not be visible from the abutting residential property.

3. No parking lot lighting standard or building fixture shall exceed twenty-five (25) feet in height from grade level, and no pedestrian lighting standard shall exceed fourteen (14) feet in height from grade level.

4. Light fixtures located closer to a side or rear lot line than the side or rear yard setback, shall be no more than ten (10) feet high, and shall direct the light source away from the property line.

5. Light fixtures shall not be located within any buffer zone separating an existing residential district or use from any development proposed within the Business Highway Zoning District.

6. No streamers or festoon lighting, comprising a group of incandescent light bulbs, shall be hung or strung on a building or any other structure.

7. No flashing or intermittent or moving lights, including lights on signs, shall be permitted.

## **G. Noise Control**

1. No person shall cause, suffer, allow, or permit the operation of any sound source on a commercial property or public space or right-of-way in such a manner as to create a sound level that exceeds the background sound level by 10 dBC during daytime (7:00 AM to 9:00 PM) hours and by 5 dBC during nighttime (9:00 PM to 7:00 AM) hours when measured at or within the property line of the receiving property.

2. No delivery, loading, trash removal or compaction or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty five (45) dBC, as measured at the lot line of any adjoining property.

## **H. Other Requirements**

1. Loading docks, utility meters, HVAC equipment, trash dumpsters and other service functions shall be incorporated into the overall design theme of the building so that the architectural design is continuous. These service functions shall not be located in any buffer zones separating existing residential zones or uses from development within the Business Highway Residential and the Business Highway Zones. These areas shall be located and screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and streets or primary public open space and shall incorporate effective techniques for noise buffering from adjacent uses.

2. Outdoor sales and storage areas shall conform to the following requirements:

- a. Outdoor sales and storage areas shall not be located within twenty (20) feet of any public street or public sidewalk.
- b. These areas shall be screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- c. Outdoor areas for the storage and sale of seasonal inventory shall be

permanently defined and screened with walls or fences. Materials, colors and design of screening walls or fences shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors of the building.

d. To the maximum extent possible projects shall provide pedestrian-friendly amenities, such as outdoor seating, patios, porches or courtyards. Site landscaping shall be maximized.

e. Pedestrian connections shall be built between lots to the maximum extent possible to minimize vehicle traffic between adjacent lots.

f. Curb cuts shall be minimized.

## **SECTION 21.13: BUSINESS HIGHWAY SUSTAINABLE DEVELOPMENT ACCESS STANDARDS**

**A.** All tracts of land to be developed in the BHSD shall share access with an adjacent BHSD zoned property when available and feasible, consistent with subsection 2 below. If shared access cannot be provided by an existing driveway, the applicant shall provide access in a way that maximizes the potential for shared access in the future, consistent with subsection 3 below. When the requirements of subsections 2 and 3 cannot be satisfied, an independent access may be permitted consistent with subsection 4 below. Multiple access points may be provided when the requirements of subsection 5 are satisfied.

**1. Existing Driveways.** All existing driveways providing access to the property from public roads shall be eliminated, unless they meet the requirements in subsection 3 or 4 below.

### **2. Shared Access via Existing Driveways on Adjacent Properties**

a. When the nearest edge of an existing driveway on an adjacent property zoned BHSD having frontage on the same street is within 50 feet of the subject tract, that subject tract shall utilize the driveway on the adjacent tract as a shared access, provided it is feasible and that an easement granting access to the subject tract has been recorded.

b. The shared access shall be the sole access to the site unless a second driveway is permitted consistent with subsection 5, herein.

c. Shared access shall not be required when all possible interconnections between the two abutting lots would cross twenty (20) linear feet or more

of wetlands, floodplains, and/or slopes of 15% or more.

d. Shared access may be entirely located on one lot or split along a common lot line.

e. Each property within the BHSD Zoning District shall provide an access easement guaranteeing internal vehicular access to all abutting lots zoned BHSD

### **3. Shared Access via New or Existing Driveway on the Property.**

a. When shared access cannot be provided via an existing driveway consistent with subsection above, a maximum of one driveway intersection shall be permitted per street frontage.

b. This driveway shall be located on a side lot line bordering a property zoned BHSD. In order to accommodate required sight distances, or preserve environmental features, the driveway may be set back from the side lot line no greater than 50 feet. Shared access shall not be required when all possible interconnections between the two abutting lots would cross twenty (20) linear feet or more of wetlands, floodplains, and/or slopes of 15% or more

c. Each property with a nonresidential use shall provide an access easement for this driveway guaranteeing access to all abutting lots zoned Business Highway Sustainable Development. In addition, the access easement shall provide access from the closest adjacent property line to the driveway. The easement between the driveway and the closest adjacent lot shall have a minimum width of 35 feet and shall be located between 50 and 100 feet from the street ultimate right-of-way line.

d. The location of the driveway intersection and the easement connection to the closest adjacent lot shall be subject to approval by the Planning Board based on its ability to minimize the need for future

driveways and/or maximize the distance from existing street and driveway intersections, including consideration for safe site distances.

#### **4. Independent Access.**

a. When future shared access cannot be provided consistent with subsection 2 or 3 above, a maximum of one driveway intersection per street shall be permitted.

b. The driveway intersection shall be separated from existing driveway intersections by a minimum of 300 feet.

#### **5. Dual Access.**

a. A second driveway intersection per street may be permitted when it is located at least 300 feet from the first driveway intersection and at least 300 feet from adjacent property lines.

b. When a second driveway can be permitted consistent with subsection 5.a. above, a separation from adjacent property lines may be reduced in order to provide future shared access, provided the second driveway is located within 50 feet of an adjacent property line and at least 300 feet from any other driveway intersection. The adjacent property must be zoned BHSD and the potential interconnection shall not cross twenty (20) linear feet or more of wetlands, floodplains, or slopes of 15% or more. Each property zoned BHSD shall, where feasible and practical, provide access easements to all abutting lots zoned BHSD consistent with subsection 3.c.

#### **6. Acceleration / Deceleration Lanes.**

All new development proposals that include direct ingress/egress from Route 1 are encouraged to collaborate with the Commonwealth of Massachusetts Department of Transportation, or other relevant State agencies, about the feasibility of including an acceleration lane, deceleration lane, auxiliary lane, or other similar design solution as part of the proposed development for the purpose of improving vehicular safety, traffic flow, and efficiency.

#### **7. Access.**

a. All projects in the BHSD Zoning District shall have primary access via either Route 1 or Route 99. No use/uses within the BHSD Zoning District, including the BH and BHR subdistricts, shall have vehicular access to any residential zoning district or neighborhood, except for emergency vehicle access.

b. No use/uses within the BHSD Zoning District shall have direct or indirect vehicular access other than by Route 1 and Route 99 to any residential zoning district or neighborhood, except for emergency vehicle access." The term "Indirect Vehicular Access" is defined as "vehicular access to or from roads other than Route 1 and Route 99 that can be accessed physically or via right-of-way to roads in a residential zoning district or neighborhood."

(Planning and Economic Development Department)

Seconded at 7:48pm

Peter Rossetti Jr Precinct 2 and Chairmen of the Planning Board speaks at 7:48pm about the lengthy discussion with the Planning Board; He is against this article because a new master plan is being developed and creating a new zoning with the master plan. More sense to come up with a Master Plan then new zoning; instead of a zoning plan before master plan. He is concerned that members of the Board of Selectmen developed this with no one from business owners, residents, planning board, etc...need more input. The trend is change, not the old brick and mortar stores. He has concerns with the commercial sector having issues, considerable vacancies will have an impact on the residents. This can affect the tax revenue. Because a master plan is being developed, these needs to be tabled.


Seconded at 7:57pm to table Article 2

Roll call vote

Article 2		Motion to table the article						
	Pct	Vote		Pct	Vote		Pct	Vote
Arone, A.	1	A	Dunn, S.	1	N	Panico, A.	6	N
Ayube, S.	7	N	Fowler, J.	N	Y	Paolini, M.	7	A
Bartolo, J.	6	N	Goodwin, P.	5	N	Riley, C.	2	N
Berube, K.	9	N	Jones, C.	1	N	Ring, D.	10	A
Brown, W.	6	N	Kelly, D.	9	N	Rossetti Jr, P.	2	Y
Camuso Sr, R.	2	N	Lavoie, R.	7	N	Scrivano, M.	6	N
Cicolini, J.	8	Y	Leuci, W.	4	A	Smith, R.	3	N
Connors Jr, A.	3	A	Long, R.	9	N	Spencer, B.	5	N
Costello, M.	10	N	Lopresti, A.	8	A	Stewart, W.	3	Y
Cottam, J.	9	A	Manoogian Sr, P.	10	N	Thompson, R.	3	N
Cross III, W.	8	Y	McCarthy, S.	7	A	Traverse, T.	8	Y
Currie, K.	6	Y	Migliore, M.	5	N	Vecchione IV, J.	2	N
Davis, G.	4	N	Mitchell, J.	5	A	Wallace, R.	5	N
Delios, P.	10	N	Moore, W.	2	N	Whitcomb, A.	4	N
Devlin, F.	1	N	Nickolas, G.	3	N	Whitcomb, M.	4	N
Divirgilio, S.	10	A	Palleschi, R.	7	N	Worthley, J.	9	N
Doherty, S.	4		Paloma, A.	1	N			

Date: 2/16/2021

2/16/2021 STM



Yea=	7
Nay=	32
Abst=	10

Vote Fails at 8:02pm.

Mike Serino member of the Board of Selectmen speaks at 8:03pm in favor of the article. The updated changes will increase the commercial base, lessen the needs of the residential needs and tax bases. He addresses the updates in the article.

Alexander Mello, Planning and Development dept speaks at 8:11pm if anyone has questions.

Joe Vecchione, Precinct 2 speaks at 8:12pm on the 2 year Moratorium on the BHSD zoning ending this year. He speaks in favor of the article.

Domenic Arangio, 16 Hitching Hill is against this article because the town should wait for the Master Plan for changing the Zoning.

Rick Smith Precinct 3 speaks at 8:20pm is in favor of the Article. People in town are not happy with some of the developments going on. This is a win for the Town, Town Meeting can make a positive change for the future and not wait for a Master Plan which could take a while. Any action on this article needs a roll call vote.

Peter Manoogian Precinct 10 speaks at 8:22pm in favor of the article but does have concerns. He will support this article.

Chris Riley Precinct 2 speaks at 8:31pm about the Free Application Hearing and Section 21.4 make a wording change.

Mike Serino refers to Joe Vecchione who authorized this.

Joe Vecchione Section 21.13 answers Chris Riley’s question with regards to roads that are not Saugus Roads, like the Caddy Farms development. The goal is to protect the neighborhoods.

Chris Riley asks about the Free application hearing.

Alex Mello at 8:35pm answers that it is an initial concept brought to the town in any perspective development that can cause any impacts.

Chris Riley answers with another question on the Free application.

Mike Serino answers Mr. Riley’s question, you cannot stop the developer going to the planning board or DPW, etc. this will help.

Bob Palleschi Precinct 7 speaks at 8:37pm in favor of the article. Please support the article.

Steve Ayube Precinct 7 speaks in support of the article.



Peter Delios Precinct 10 speaks in support of the article.

Bob Camuso Precinct 2 speaks in support of the article. His concern is the residential impact of RT1 and their access to the neighborhoods. Residents come before the businesses.

Tom Traverse Precinct 8 speaks at 8:42pm the original article had a lot of work from a lot of people. Dozens of people work on the original article and 2 people make amendments too. Something was not correct by the way it was done.

Pam Goodwin Precinct 5 supports this article. Some concerns on the commercial use.

Peter Manoogian Precinct 10 speaks at 8:46pm he is not offended by what is proposed, but concerns on the way it was implemented. However, 4 members of the Planning Board supported this article.

Bill Stewart Precinct 3 the reason he voted to table was that retail established is phasing out. Amazon is taking over. We should wait.

Mike Serino speaks at 8:50pm responds to the Town Meeting Member in Precinct 8, 75% of the document is still the same. He with others went in to make changes to the document.

No further discussion

**Article 2 as Voted:** To see if the town will vote to amend the zoning by-laws of the Town of Saugus by deleting Article XXI-Business Highway Sustainable Development Zoning District in its entirety and inserting the following Article XXI- Business Highway Sustainable Development Zoning District.

## **Article XXI--Business Highway Sustainable Development Zoning District**

Within the Business Highway Sustainable Development Zoning District (BHSD), the following provisions govern. Where these provisions conflict with other sections of the Saugus Zoning By- Laws ("By-Laws"), the provisions of this Article shall apply.

### **SECTION 21.1: PURPOSE AND INTENT**

The primary purpose of the Business Highway Sustainable Development Zoning District (BHSD) is to realign an aging major arterial commercial strip corridor with the forces of market demand so it is restructured into a form which property owners and developers will reinvest and create attractive mixed-use sustainable development centers that ensure the development and redevelopment of a mix of compatible uses including the creation of new housing opportunities. Specifically, the BHSD Zoning District is intended to:

- Embrace smart growth principles to enhance economic development opportunities along Routes 1 and 99.
- Provide the broadest range of compatible commercial and residential uses and encourage the development and redevelopment of underutilized or obsolete commercial property and ensure development and redevelopment that includes current retail and service trends, allows for a wide variety of mixed uses, and includes the creation of new housing opportunities for a range of incomes and lifestyles. These uses include residential, office, retail, entertainment, hotels, and other compatible uses.
- Prohibit auto-related services.
- Allow market-driven growth in places that are most conducive to accommodating additional activity.
- Promote developments that have an internal walkable and pedestrian-oriented environment with plazas and have open spaces and a mix of uses that connect to other buildings within a development.
- Create and support lively, human-scaled activity areas and gathering places within a development.
- Promote development that accommodates the automobile but also allows for development to be accessible by public transportation, biking and walking where feasible and practical.
- Prohibit residential-only development in favor of mixed-use development.
- Discourage strip-style single story commercial development which requires incongruous architectural styles, excessive paved areas, and numerous curb cuts.
- Encourage consolidation of driveways, parking and curb cuts to provide more efficient

- and economical access and parking.
- Encourage internal vehicle connections to adjacent developments within the Business Highway District.
- Encourage a coordinated pedestrian path system to provide efficient and convenient pedestrian access from parking areas to and among the various permitted uses.
- Assure suitable uses, design and buffers to protect the character and property values of adjacent and nearby residential districts.
- Prohibit vehicular access to existing residential neighborhoods.

#### **SECTION 21.2: ESTABLISHMENT/ APPLICABILITY/DISTRICT BOUNDARIES**

The BHSD Zoning District includes parcels shown on the zoning map entitled “Town of Saugus Route 1 Corridor-Route 1 study area North” and “Town of Saugus, Route 1 Corridor-Study area South” dated April 7, 2015 and prepared by the Metropolitan Area Planning Council on file with the Town Clerk and hereby made a part of this by-law.

The BHSD Zoning District contains two sub-districts - the Business Highway sub-district (BH); and the Business Highway Residential sub-district (BHR).

It is the intent of the BHSD Zoning District to encourage a mix of uses and better use of the land that only can be accomplished by a comprehensive design and development of the entire lot or lots, and to protect existing residential district by mandating within the BHR subdistrict residential uses as transitional uses when new structures abut an existing residential zoning district.

#### **SECTION 21.3: RELATIONSHIP TO EXISTING ZONING AND OTHER REGULATIONS**

**D.** The special provisions apply to all projects to develop and redevelop land within the BHSD Zoning District. These must conform to all applicable requirements of this By-Law, including any regulations or guidelines that may be adopted to support this By-Law.

**E.** All current regulations of the existing Saugus Zoning By-Law shall remain in effect, except where these regulations supersede or provide an alternative to such requirements.

**F.** If the provisions of the BHSD Zoning District By-Law are in conflict with any other section of the Saugus Zoning By-Law, the regulations of the BHSD Zoning District By-Law shall prevail.

#### **SECTION 21.4: PRE-APPLICATION MEETING**

Prior to submitting an application to any Town Board, Committee, or Department for projects under the BHSD Zoning District, applicants shall contact the Town Manager and request a Pre-Application Meeting with relevant Town Officials and Boards. The purpose of the meeting is to present the project concept and discuss zoning, public safety, traffic, wetland issues, drainage, housing concerns, infrastructure, 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 21.5: ADMINISTRATION**

**G.** For purposes of this By-Law, the Saugus Board of Selectmen (BOS) shall retain Special Permit Granting Authority (SPGA 2) for all uses and dimensional requirements as defined in the Saugus Zoning By-Law, including Table of Uses and Parking Regulations and Table of Dimensional and Density Regulations requiring SPGA 2. Provided the use is an allowed use in the BHSD Zoning District. The Saugus Planning Board is designated as the Special Permit Granting Authority (SPGA 1) for all uses so designated in the Business Highway Sustainable Development Zoning District. All Special Permit Applications made pursuant to this Article shall conform to the requirements of this Article and Article 12-Special Permits and Conditions, Section 12.1, 12.2, and 12.3 of the Saugus Zoning By-Law. The decision of the Board of Selectmen or the Planning Board for a Special Permit may be approval, approval with conditions, or denial of the requested special permit(s).

Before the Saugus Board of Selectmen rules on a Special Permit application, they shall forward such application to the Saugus Planning Board for review and recommendation. Said recommendation from the Saugus Planning Board must be issued with 21 business days.

**H.** Consistent with the Saugus Zoning By-Law Section 12.6 Site Plan Review, the Planning Board will perform Site Plan Review, including sign review, for all applicable projects submitted under the Business Highway Sustainable Development Zoning District. Per Section 12.6 of the Saugus Zoning By-Law, the Planning Board shall hold a public hearing on all applications subject to site plan review. The applicability criteria shall include any new structure, group of structures, or additions in which there is:

3. Construction of any new structure, or

4. 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.

I. All properties proposed for development – whether being subdivided or developed as a single parcel- shall be developed in accordance with a master plan that has been approved by the Planning Board.

2. Master plans shall meet the following requirements:

a. Master plans shall be prepared when any property, existing at the time of adoption of this ordinance, is initially proposed for subdivision or land development. Subdivided properties that are intended to be developed at a later date shall be subject to this initial master plan.

b. Master plans can be prepared simultaneously with and as part of site plan review and special permit or can be prepared before submittal for site plan review and special permit.

c. Master plans shall show proposed buildings, land uses, lots, streets, and open space for the entire tract and shall be consistent with the Saugus Subdivision Rules and Regulations.

d. The Planning Board may require changes in the master plan in order to meet the legislative intent and other standards of the Business Highway Zoning District.

e. Development of property may be done in phases; however, any proposed subdivision or land development of a property or portion of a property must be consistent with the master plan. If a proposed subdivision or land development is not consistent with the master plan, the master plan as a whole may be revised provided the following requirements are met:

f. The master plan complies with all (BHSD) zoning requirements.

g. All owners of land within the original Master Plan development area, whose property is affected by the revised master plan, approve the revisions to the master plan that affect their properties.

h. The revised master plan is approved by the Planning Board.

J. Master plans shall include, without limitation, engineering plans and architectural drawings, such as elevations, perspective drawings, and cross-sections, which demonstrate compliance with the standards in the Business Highway District.

K. Special Permit needing Planning Board approval as well as Site Plan Approval applications along with Master Plans can be prepared simultaneously to the Planning Board.

L. The Planning Board may adopt regulations for the implementation of this Article, including but not limited to design guidelines that support the intent of the Business Highway Sustainable Development District Design Criteria/Standards.

#### **SECTION 21.6: SITE PLAN REVIEW**

Site Plan Review shall be consistent with the Saugus Zoning By-Law Section 12.6 Site Plan Review. This section is enacted under authority of M.G.L. Chapter 40A to accomplish the purpose set forth in Section 1.3 of the Zoning By-Law for the purpose of protecting the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures that may have a significant impact on traffic, municipal and public services and utilities, environmental quality, and community values in the Town. The Planning Board shall perform Site Plan Review, including design review as well as sign review, for all applicable projects submitted under the Business Highway Zoning District. The applicability criteria shall include any new structures, group of structures, or additions in which:

C. Any new structure is constructed or

D. 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 area in excess of 3,000 square feet.

The Planning Board shall conduct Site Plan Review and Master Plan Review concurrently with Special Permit review, as applicable. In performing Site Plan Review, the Planning Board may employ provisions for the imposition of reasonable fees for the employment of outside consultants in the same manner as set forth in Section 53G of M.G.L. chapter 44 as amended, entitled "Employment of outside consultants" as it relates to the Board's purview under the State's Zoning Act (M.G.L. Chapter 40A and Subdivision Control Law (M.G.L. Chapter 41). These services may include those of an urban designer, traffic engineer, architect and/or landscape architect as well as other consultants deemed necessary to give professional consulting services to the planning board because the town lacks the necessary expertise to perform the work related to the application.



In addition to the above or as an alternative, the Planning Board may, at its option, appoint a volunteer Technical Advisory Team (TAT) to assist in the review of any project within the Business Highway Sustainable Development Zoning District that requires site plan review. Persons serving on this advisory committee may have expertise in an urban design, traffic engineering, architecture and/or landscape architecture as well as other fields deemed necessary to give professional consulting services to the planning board. The TAT will provide advisory professional services to the Planning Board and may also submit a written report to the Planning Board. The TAT will be appointed at a regularly scheduled meeting where public notice has been provided.

#### **SECTION 21.7: SPECIAL PERMIT CRITERIA**

In addition to Article 19.5a- special permits and conditions-, in the Saugus Zoning By-Law, the Planning Board as well as the Board of Selectmen shall consider the following criteria before issuing a Special Permit for development or redevelopment under the provisions of the BHSD Zoning District:

- F.** Adequacy of the site for the size of the proposed project.
- G.** Suitability of the site for the proposed uses(s).
- H.** Degree to which the proposed project complies with the purposes and intent of the Business Highway Sustainable Development Zoning District.
- I.** The extent to which affordable housing is a component of the project.
- J.** Impact on traffic and pedestrian flow, safety and access for emergency vehicles.
- F** Impact on Residential Zones including but not limited to noise, lighting and traffic.
- K.** Extent to which the project promotes mixed-use development.
- L.** The extent to which the project promotes sustainable building and site design.
- M.** Extent to which buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties. In order to limit the adverse impact of any proposed use the special permit may require alternative sitelayouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.
- N.** Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections. The Special Permit may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.

#### **SECTION 21.8: INCLUSIONARY HOUSING**

Projects developed under the BHSD Zoning District shall be subject to and follow the requirements of the Saugus Zoning By-Law, Article 15: Inclusionary Housing.

#### **SECTION 21.9: USES**

Except as provided in the Zoning Act, Ch. 40A M.G.L., no building, structure or land in the BHSD shall be used except for the purpose permitted in the Business Highway Sustainable Zoning District as described. More than one principal permitted or special permit use(s) or structure on a lot is allowed. Any use not listed herein shall be construed to be prohibited.

##### **A. Minimum Commercial Uses**

All properties proposed for development or re-development are required to contain a minimum percentage of commercial use(s) as follows:

- 6. Tracts of developable land from 40,000 sq. ft. to one and one-half (1.5) acres in size must include a minimum gross floor area of commercial use(s) equal to or greater than ten percent (10%) of the total gross floor area of the entire structure(s) in the proposed development.
- 7. Tracts of developable land greater than one and one-half (1.5) acres to three (3) acres in size must include a minimum gross floor area of commercial use(s) equal to or greater than twenty percent (20%) of the total gross floor area of the entire structure(s) in the proposed development.
- 8. Tracts of developable land greater than three (3) acres to six (6) acres in size must include a minimum gross floor area of commercial use(s) equal to or greater than twenty five percent (25%) of the total gross floor area of the entire structure(s) in the proposed development.
- 9. Tracts of developable land greater than six (6) acres to twenty (20) acres in size must include a minimum gross floor area of commercial use(s) equal to or greater than thirty percent (30%) of the total gross floor area of the entire structure(s) in the proposed development.

10. Tracts of developable land greater than twenty (20) acres in size must include a minimum gross floor area of commercial use(s) equal to or greater than thirty five percent (35%) of the total gross floor area of the entire structure(s) in the proposed development.

**I. Within the Business Highway sub-district (BH), uses shall be regulated as follows:**

5. More than one principal Permitted or Special Permit use or structure on a lot within the Business Highway District is allowed.
6. A single use or a mixed use either within a structure or among several structures is allowed. Single use developments of multifamily apartment units and/or attached townhouses along with their accessory uses are prohibited.
7. Ownership. All applications for development in the BHSD shall be filed jointly by every/all owner(s) of the land area proposed for development, under single direction, using one overall master plan and complying with all requirements of the Business Highway Zoning District.
8. Ownership and Maintenance of Common Open Space, Plaza Areas, and Other Facilities. Common open space, plaza areas, and other common facilities shall have agreements stating ownership and maintenance responsibilities. The required usable open space and plaza areas shall be permanently deed restricted from future development prior to the issuance of occupancy permits for the project. Failure to timely record such deed restriction(s) shall result in the revocation of occupancy permits until such time as the restriction(s) is/are recorded.

**J. Within the Business Highway/Residential sub-district (BHR) uses shall be regulated as follows:**

4. More than one principal Permitted or Special Permit use or structure on a lot within the Business Highway/Residential Sub District (BHR) is allowed.
5. A single use or a mixed use either within a structure or among several structures is allowed, however,
6. Single use residential buildings and their related accessory uses shall be allowed only when proposed as part of a larger mixed-use development, and in that case shall be designed and located so as to abut any off site residential zoned districts. These single use residential buildings shall be designed to provide a transition between abutting off-site residential zoned districts and any new nonresidential single use, mixed uses, and other single use residential uses located in either the Business Highway/Residential or the Business Highway sub-districts.

**K. Within the Business Highway Sustainable Development District, except as provided above for the BHR sub-district, the following shall apply:**

2. Mix of allowed uses shall mean: A combination of uses from four general land use groups.
  - e. Office, Entertainment, Hotels, and Institutions
  - f. Retail and Restaurants
  - g. Residential-multifamily apartments & Townhouses
  - h. Light Industrial

**L.** In any project in the BHSD District, mixed uses can be located on one lot or adjoining lots, and can be arranged vertically (in multiple stories or structures) or horizontally (adjacent to one another in one or more building). Mix of uses shall be balanced and compatible and shall contribute to a vibrant atmosphere within a development. In this District, this definition supersedes the Saugus Zoning By-Law definition of "Principal Use". It is recognized that development within the BHSD District will be more dynamic and sustainable with an appropriate mix of complementary uses. As the size of properties increases, the potential for sterile one-use developments also increases. The Business Highway Zoning District requires a greater mix of uses as property sizes increase. Structured parking is allowed in all single and mixed-use development.

**M. Mix of Uses**

Within the BHSD Zoning District it is important to create more dynamic and sustainable developments with an appropriate mix of complementary uses. As the size of properties increases, the potential for sterile one-use developments also increases. To avoid this problem, the BHSD District requires a greater mix of uses as property sizes increase. Within the BHSD District, it is required that a development meet the following mix of use requirements. In all cases, the required minimum percentage of commercial use(s) indicated in Section 21.9.1-21.9.5 must be met.

1. **Tracts of developable land up to 40,000 sq. ft.** - Developments shall consist of one

- or more of the allowed land uses or uses allowed by special permit.
2. **Tracts of developable land greater than 40,000 sq. ft. to six (6) acres -**  
Developments must consist of at least two of the land use groups under allowed uses or uses allowed by special permit.
  3. **Tracts of developable land greater than six (6) acres - acres -**Developments must consist of at least three of the land use groups listed under allowed uses or uses allowed by special permit.

#### **N. Allowed Uses**

A lot(s) and/or building(s) may be used for one or more of the following principal by-right permitted uses, in compliance with the standards and requirements contained in this article.

The following uses are permitted by right, subject to site plan approval, provided no-drive-through facilities are proposed. Uses of the same general character as those found in this section may be permitted after consultation with the Building Inspector.

#### **3. Office, entertainment, institutional and related uses, as listed below:**

- a. Professional, administrative, and business offices.
- b. Offices of doctor, dentist, and other healthcare providers.
- c. Hospitals, medical clinics, sanitariums, nursing homes, assisted living facilities, rest homes, philanthropic institutions.
- d. Bank or financial institutions, excluding drive-through facilities.
- e. Business services establishments including copy centers, retail printing and duplication services, computer rental, mailbox rental.
- f. Hotels, bed and breakfast facilities, convention centers, meeting space, and banquet facilities.
- g. Studio for dance, art, music, photography, or exercise
- h. Galleries and museums.
- i. Schools and day care centers.
- j. Technical schools and training centers
- k. Government administrative uses, post offices, community centers, and libraries.
- l. Club or fraternal organization.
- m. Emergency service facilities such as ambulance and fire services.

#### **4. Retail, restaurant, and related uses, as listed below:**

- i. Retail commercial sales, excluding drive-through facilities, offering dry goods, variety merchandise, clothing groceries, baked goods, beverages, flowers, plants, drugs, books, furnishings or other household supplies, antiques, hardware, jewelry, clocks, optical goods, cameras, home appliances, electronic equipment, videos, scientific and professional instruments, and/or similar goods. Shopping centers, as defined in this by-law, are only permitted by a special permit.
- j. Personal service businesses including but not limited to: barbershop and/or hairdresser, shoe repair, tailor, dry cleaning (pick up establishments only), laundromat.
- k. Restaurants and other food or beverage establishments, excluding drive through facilities.
- l. Studios for dance, music, art, or photography.
- m. Indoor sports facilities, including bowling alley, racquet sports, and health club.
- n. Bar or tavern
- o. Convenience stores, without fuel pumps.
- p. Adult use-SP 2 (in accordance with definition and Section 12.C Saugus Zoning By-Law)

**3. Multi-family Residences (including rental apartment units, residential condominium units, and attached townhouses) that are part of a mixed-use development that includes the required minimum percentage of commercial uses indicated in Sections 21.9.1-21.9.5. The commercial uses that are included in a mixed-use development may require special permits.**

#### **4. Accessory uses to principle use, including structured and surface and below ground parking.**

## **O. Uses Allowed by Special Permit**

The following uses may be permitted by Special Permit from the Planning Board (SP 3) or the Board of Selectmen (SP 2) in accordance with the special permit use criteria of Section 19.5a and Section 19.7 of this Article, the standards listed below, and all other regulations of the Saugus Zoning By-Law including Articles 12, 12.5, 12.5D and the Table of Use Regulations of the Saugus Zoning By-Law. Notwithstanding anything to the contrary in the Saugus Zoning By-Law, special permit powers and responsibilities of the Saugus Zoning Board of Appeals as it pertains to the Business

Highway Sustainable Development (BHSD) Zoning District uses shall be the responsibility of the Planning Board.

Uses of the same general character as those found in this section may be permitted by the Planning Board as a Special Permit (SP 3) or the Board of Selectmen as a Special Permit (SP 2) after consultation with the Building Inspector.

### **3. Class One Special Permit Uses**

On lots with a minimum area of 40,000 square feet and a minimum lot width of 100 feet at all points along the street-facing plane of the building(s) closest to the street upon which lot frontage is based line of 100 feet, the following uses are permitted as class one conditional uses:

**h.** Nail salon, tanning salon, health clubs, fitness studios, health and beauty spas, public baths, sauna baths personal fitness establishments. SP 2

**i.** Places of business for Massage Therapy, Bodywork and Movement Education as defined and regulated by the Saugus Board of Health. SP2

**j.** Uses with drive through facilities, including restaurants, drug stores, banks and financial institutions, and other uses listed in Sections 19.9c provided. SP2  
The stacking lanes shall not interfere with parking spaces or the internal and external circulation of the site and drive through windows shall face the rear or side yard of the site. Drive through windows shall not face a public street.

Restaurants shall have a minimum of seven (7) staking spaces for queuing cars accessing the ordering window or speaker. If pick up/payment windows are provided separately, the queuing distance between windows and/or speaker(s) shall be a minimum of three (3) stacking spaces.

Banks, service, and retail establishments shall have a minimum of four (4) stacking spaces for queuing cars accessing a drive-through window or speaker. The use provides sufficient on-site stacking lanes to accommodate a minimum of six (6) automobiles leading to the first drive-through window, bank teller window, remote teller window, or drive through automatic teller machine on the site, and two (2) automobiles for each additional drive-through facility on the site.

**k.** Veterinarian's office or commercial kennel, pet care or pet sales provided. SP2

**1.** Buildings are adequately soundproofed so that sounds generated within the building cannot be perceived at the lot boundary.

**2.** No shelter, run, or structure that will contain animals at night is located within 100 feet of any property line or street line.

**l.** Repair shop SP2 - excluding repair of automobiles, other vehicles, and large equipment - provided:

**1.** All items must be repaired on the premises in an enclosed and roofed building.

**2.** No outside storage is permitted.

**m.** Radio and/ or television studios – SP2

**n.** Funeral home or mortuary. SP2

### **4. Class Two Special Permit Uses**

On lots with a minimum area of 3 acres and a minimum width at the building line of two hundred (200) feet, the following uses are permitted as Class Two conditional uses:

**a.** Shopping center – SP3

**b.** Indoor theaters, bowling alleys, billiard rooms, skating rinks, sports facilities, health clubs, racquet sports other indoor amusement centers and other similar places of amusement, recreation, entertainment or sports provided: SP2

**1.** Pick-up and drop-off areas are provided with at least one (1) automobile waiting space per screen or amusement center, up to a maximum of 6 spaces.

**c.** Outdoor amusement facilities such as golf courses, batting cages, miniature golf courses, golf driving ranges, amusement parks and similar uses, in accordance with the following: - SP2

**1. Driving Ranges, provided:**

**(i)** A minimum lot area of five (5) acres is provided.

**(ii)** Protective screens to stop stray golf balls from crossing property lines are installed, unless the Board of Selectmen determines that screens are unnecessary. Protective screens over six (6) feet in height are located at least 100 feet from the property line.

**(iii)** A fifty (50) foot wide landscaped buffer area is installed along all street ultimate right-of-way lines and along all property lines abutting a nonresidential use, and a one hundred (100) foot buffer is installed along all property lines abutting a residential use.

**d.** Building supply center, lumber yard and contractor's business, including masonry, carpentry, remodeling, electrical, house cleaning, plumbing, painting, roofing, landscaping contractor, wholesale establishment for the sale and distribution of supplies and general merchandise provided that: - SP2

**1.** Outdoor storage areas are limited to 50% of the total site area and are screened from public roads and residential properties.

**2.** All products stored outdoors are stored and displayed behind areas that are clearly defined for such purpose, such as completely enclosed fences, walls or other structures.

**3.** The display of goods and merchandise is not located between the building and the street and meets the minimum required rear and side yard setbacks.

**4.** Such uses have a defined pick-up area that does not interfere with the flow of internal traffic or required parking areas.

**5.** Commercial vehicles and outdoor storage areas are at least sixty (60) feet from residential property lines and street ultimate right-of-way lines.

**6.** A ten (10) foot wide landscaped buffer area is provided along all property lines.

**e.** Nursery and Truck gardens, stands for wholesale and retail sales, garden center, or greenhouse provided: - SP2

**1.** Outdoor storage is limited to 75% of the total site area.

**2.** Materials to be sold outdoors include; patio Block/Stone, wall/stone, flag/Stone, marble chips, mulch, peat moss, cow manure, top soil, block & board, treated and untreated lumber, nursery stock, trees, plants, hanging plants, ponds, pond accessories, other similar products.

**3.** No storage or displaying for sale of any chemical, fertilizers or other material potentially hazardous when exposed to the elements out of a building/ structure.

**4.** All non-plant materials are stored and displayed behind areas that are clearly defined for such purpose, and are screened from public roads and residential properties.

**5.** Such uses have a defined pick-up area that does not interfere with the flow of internal traffic or required parking areas.

**6.** Commercial vehicles and outdoor storage areas are at least sixty (60) feet from residential property lines and street ultimate right-of-way lines.

**5. Class Three Conditional Uses**

The following Light Industrial Uses shall be allowed only by Special Permit:

**e.** light manufacturing employing electricity and/or other unobjectionable motive power, using hand labor and/or unobjectionable machinery or process. - SP2

**f.** plant for the manufacture of electrical or electronic devices, appliances, apparatus or supplies. - SP2

**g.** plant for the manufacturing of medical, dental, drafting supplies, optical goods or other precision instruments,; accessory manufacturing uses of light manufacturing nature incidental to a permitted use, and where the product is customarily sold on premises directly to the customer. - SP2

**h.** general and scientific research and development and related production activity, and accessory uses. - SP2

**e.** removal of earth material other than for Residential Development purposes. - SP2

**f.** wireless communications services - S2. In accordance with Article 14 of the Saugus Zoning By-Law wireless communications serves shall be allowed.

**6. Accessory uses.**

**a.** Accessory uses allowed. Accessory uses to a principal use (s), on the same lot with and customarily incidental to the use(s) permitted and utilized, including structured and surface parking lots. Accessory uses shall meet all the

requirements for permitted uses. In addition, the following accessory uses are allowed (1-5 as of right; 6 with SP 2):

7. Swimming pools
8. Garage for storage of vehicles incidental to operation of business, clubs, motels, hotels
9. Accessory Manufacturing uses, of light manufacturing nature incidental to a permitted use, and where product is customarily sold on premises directly to a customer
10. Accessory off-street parking
11. Structured parking facilities
12. Accessory uses to scientific research and development and related production activity. SP2

## **SECTION 21.10 DIMENSIONAL AND DENSITY REGULATIONS**

For new construction all Dimensional and Density Regulations in the Business Highway Sustainable Development Zoning District shall be in accordance with this Section and any Table of Dimensional and Density Regulations, and notes thereto created to support these regulations.

### **I. Minimum lot size 40,000 sq. ft.**

#### **J. Frontage**

##### **5. Minimum lot frontage along the major arterials - Route 1 and route**

99 For lots 40,000 - 3 acre=100 feet

For lots above 3 acres= 200 feet

##### **6. Minimum lot frontage along all other public way, a private way approved and endorsed by the Saugus Planning Board, or a private internal access street or drive = 70 feet**

7. Where frontage is provided by an internal access street or drive such access shall contain a paved roadway width from curb to curb of at least twenty-four (24) feet. In addition, sidewalks shall be provided on both sides of the roadway.

8. Where parking is allowed on the internal access street or drive, the paved width shall be increased nine (9) feet for each side of the access drive used for parallel parking and eighteen (18) feet for each side of the access drive used for head-in parking.

#### **K. Setbacks**

##### **1. Front**

a. For buildings fronting on routes 1/99 (major arterials). or other Town Roadways -50 feet. For buildings within a development fronting on internal public ways, private ways, access roads, internal roads, drives or parking areas – maximum setback of 25 feet.

b. This setback must be reserved and maintained as open space, with the exception that it is permissible to include driveways, shared access drive between adjacent properties within the BHSD zoning district, or for emergency/utility access.

##### **2. Side - 15 feet**

a. This setback must be reserved and maintained as open space, with the exception that it is permissible to include a shared access drive between adjacent properties within the BHSD zoning district or for emergency/utility access.

##### **3. Rear - 50 feet (Please see footnote #1)**

a. This setback must be reserved and maintained as open space, with the exception that it is permissible to include a shared access drive between adjacent properties within the BHSD zoning district or for emergency/utility access.

Footnote #1. Parcel located at 44 Collins Ave, Saugus , map id # D6-1-1, parcel id # F\_783717\_2990841, shall have a rear lot set back of 100 feet which shall be protected by a conservation easement in favor of the Town of Saugus

##### **4. Setbacks between buildings within a development**

a. For separate buildings up to 3 stories (40 feet) = 20 ft. setback between buildings is required

b. For separate buildings 4 to 6 stories (90 ft.) = 40 foot setback between buildings is required.

#### **L. Additional Setback requirements within the BH and BHR subdistricts.**

1. A 50 foot setback buffer shall be created from any yard side that abuts an existing residential district zone. This setback shall be a buffer zone. The buffer zone shall not contain any structures, including accessory structures, parking lots, parking structures, roadways, driveways or access ways (except for emergency access), outdoor loading and trash storage areas. Buffers shall be

heavily landscaped and planted with year-round opaque planted screens, and/or opaque fencing, walls or sound barriers. When fencing, walls and/or sound barriers are used they must be screened with opaque planted screening buffers. In certain circumstances the use of berms could be encouraged.

2. In addition, buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential districts. In order to limit the adverse impact of a proposed residential, commercial or mixed-use development on existing residential neighborhoods, in addition to an increased buffer area, locations of buildings, parking areas, and driveway areas and the incorporation of loading and trash collection areas shall be located in such a manner as to lessen any negative impacts on existing residential districts.

**M. Height**

- 1. As-of-Right = 4 stories with a maximum height of 55 feet.
  - a. Structures located less than 25 feet from any buffer zone setback may not exceed 3 stories and 40 feet in height.
- 2. It is permissible to request a Special Permit from the Saugus Board of Selectmen (SP2) to increase the height beyond what is allowed as-of-right within a range not to exceed 6 stories and a maximum height of 90 ft.
  - a. Any structure over 55 feet in height allowed by Special Permit by the Board of Selectmen must be at least 100 feet away from any property line.
- 3. Notwithstanding anything to the contrary in the Saugus Zoning By-Law, any increases in grade exceeding two feet as compared to existing grade shall be included in the calculation of maximum building height in the BHSD.

**N. Additional Height requirements within the BHR district**

- 1. Structures or portions of structures within 50 feet of the buffer zone required by Section 21.10.D.1 shall not exceed a height of 3 stories to a maximum height of 40 feet.

**O. Maximum Coverage**

- 1. Maximum Building Area Coverage: 70%.
- 2. Maximum total Impervious Coverage: 85%.
- 3. Minimum of 15% of the lot(s) must be reserved and maintained as open space. For lots greater than 3 acres in size, 25% of the lot must be reserved and maintained as open space.

**P. Density**

- 1. Residential = 25 units per acre

**II.Structures on a site or lot**

- 1. More than one principle structure may be permitted on a lot.

**K. Hillside Protection**

- 1. The Provision of the Saugus Zoning By-Law Section 6.8(k) Hillside Protection shall be applicable to all properties and land area within the Business Highway Sustainable Development Zoning District including the Business Highway and Business Highway Residential Sub Districts.

**SECTION 21.11: PARKING**

Parking spaces shall be 9 feet wide by 18 feet long, except for required Handicapped Spaces.

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

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. No Special Permit Granting Authority may decrease the requirements of this section.

Use	Minimum Parking Spaces:
Studio/1 Bedroom	1.5 per unit
All other residential units	2 per unit
Motels, hotels	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 400 square feet of gross floor area thereafter for all other floors used

	by businesses, (excluding basement storage area). Additionally, restaurants require 1 space per employee expected during the largest anticipated shift.
Theaters	1 space for each four seats or for each 100 s.f. of auditorium area, if there are not fixed seats

- F.  
G.  
H. **Parking requirements for two (2) or more buildings or uses may be provided in combined parking facilities on the same lot of the proposed development.**

**Shared Parking**

Notwithstanding any other parking requirements set forth in the By-law for individual land uses, when any land or building is used for two or more distinguishable purposes (including Mix Use development), the minimum total number of parking spaces required to serve the combination of all uses shall be determined in the following manner:

6. Multiply the minimum parking requirement for each individual use (See Section above) by the appropriate percentage (as shown in the Shared Parking Chart below) for each of the five designated time periods.  
7. Add the resulting sums from each vertical column.  
8. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.  
9. The calculations shall be reviewed and approved as part of the Site Plan and Design Review process.  
10. All shared parking spaces shall remain on the same lot or on adjacent lots held under the same ownership of the proposed development.

Shared Parking Chart					
	Weekday	Weekday	Weekday	Weekend	Weekend
USE	Night Midnight to 7:00 a.m. (percent)	Day 7:00 a.m. to 5:00 p.m. (percent)	Evening 5:00 p.m. to Midnight (percent)	Day 6:00 a.m. to 6:00 p.m. (percent)	Evening 6:00 p.m. to Midnight (percent)
Residential	100	60	90	80	90
Office/Industrial	5	100	10	10	5
Commercial/Retail	5	80	90	100	70
Hotel	70	70	100	70	100
Restaurant	10	50	100	50	100
Restaurant associated with hotel	10	50	60	50	60
Entertainment/recreation (theaters, bowling allies, cocktail lounges and similar)	10	40	100	80	100
Day-care facilities	5	100	10	20	5
All other (unless documentation is submitted by a registered engineer, etc.)	100	100	100	100	100

**SECTION 21.12: DESIGN STANDARDS**

The Planning Board shall ensure that the following criteria are met during Site Plan Review. Site Plan Approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant including performance guarantees, to promote these objectives.

These design criteria are intended to promote quality development that is compatible with the intent of the zoning for route 1 and the desire for contextual, human scale and pedestrian oriented projects. Compatible design helps enhance the quality of life for all residents while strengthening the economic viability of the Route 1 corridor, this design criteria seeks to



encourage visual harmony and encourage creative design solutions. This design criteria encourages a variety of choices for achieving design compatibility with the Business Highway Sustainable Development Zoning District. New building and/or substantial alterations shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Such features include varied facades, rooflines, roof heights and materials. Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or open space shall not be permitted.

#### **I. General Layout and Street Pattern**

The following general layout and street pattern requirements shall be shown on the Master Plan:

**5.** Various land uses shall be laid out and spaced to make walking from one land use to any other land uses as easy as possible.

**6.** Retail uses shall be located as physically close to as many of the following on and off-site features as possible: existing retail areas, existing higher classification streets (Routes 1 and 99), and proposed plaza areas.

**7.** Single-use residential buildings, when proposed as part of a mixed-use development, shall be located and designed to provide a transition between abutting off-site residential zoning districts, when they exist, and the nonresidential uses in the Business Highway district.

**8.** Any streets or driveways internal to a development within the Business Highway District, shall be connected with internal streets or driveways of abutting properties zoned Business Highway. Streets or driveways shall be extended to abutting properties in logical locations, as determined by the planning board.

#### **J. Building Design Standards**

Any new structure or where there is an increase of 1,000 square feet to an existing structure shall strive to meet the following standards:

**27.** Pitched roofs with a minimum pitch of 6 vertical inches to every 12 horizontal inches are encouraged.

**28.** 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.

**29.** 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.

**30.** No more than 15% of a structure's external building treatment shall be of metal.

**31.** Rear and side facades shall be of finished quality and shall be of color and materials that are similar to the front facade and blend with structures within the development as well as with structures in the surrounding area.

**32.** Any development with more than one building on the site shall have a common and coherent architectural theme throughout the development. They should share similar uniform design characteristics and vocabulary. Precise replication is not desirable; instead similar colors, materials and textures, and repeat patterns, rhythms and proportions of other units to achieve unity.

**33.** Predominant wall materials shall have the appearance of wood, brick, or stone. If painted or coated, only non-metallic finish will be used and shall be non-reflective.

**34.** Awnings and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with existing awnings on adjacent buildings.

**35.** For all buildings front facades shall be oriented toward existing or proposed streets or driveway, with an everyday entrance in the front façade. Side facades of buildings should not be oriented toward Route 1 or route 99.

**36.** Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 40 percent of the façade surface.

**37.** Building shall incorporate features to add visual interest while reducing the appearance of bulk or mass. Facades must be interrupted at least once within every eighty (80) horizontal feet, with offsets of five (5) feet or more feet in depth along any building facade facing a public street or public parking. Offsets shall be continuous from grade to the roof. Roofs cannot extend more than 80 feet without a change in Roof Mass, shape or height.

**38.** Building facades of two hundred (200) feet or more which face public streets or public parking shall, in addition to offsets, include other design elements to break up the façade, such as awnings, porches, canopies, towers, balconies, bays, changes in building materials, gables, and planted trellises; medallions; opaque or translucent glass; artwork; vertical/ horizontal articulation; lighting fixtures; or a similar architectural

element not listed above, as approved by planning board.

**39.** The following features should be considered as potential elements to help break down building scale:

- Low planters and walls, base plantings and unique architectural treatments at pedestrian levels.
- Covered walkways, trellises or architectural awnings that provide varying degrees of shade and sun at ground level.
- Distinct and multiple architectural roof forms, clearly pronounced eaves, distinct parapet designs and cornice treatments
- Clearly pronounced recesses, projections, wall plane off-sets, and recessed entries
- Use of deep set windows and mullions
- Use of vertical accents or focal points
- Ground level arcades and galleries/balconies on upper floors
- Use of exterior façade treatments to define smaller masses through the use of different materials, textures and color.

**40.** Blank walls shall not be permitted along any exterior wall facing a street. Walls in these locations shall comprise a minimum of 35 percent window area and a maximum of 75 percent window area, with windows interspersed across the façade.

**41.** Walls or portions of walls where windows are not provided shall have architectural treatments designed to break up the bulk of the wall by incorporating treatments such as: masonry but not flat concrete block; belt courses of a different texture or color; projecting cornice; projecting metal canopy; decorative tilework; trellis containing planting; medallions; opaque or translucent glass; artwork; vertical/horizontal articulation; lighting fixtures; or a similar architectural element not listed above, as approved by the planning board.

**42.** Any development with more than one building on the site shall have a common and coherent architectural theme throughout the development.

**43.** Principal buildings shall have clearly defined, highly visible customer entrances with features such as canopies, porticoes, arches, and integral planters that incorporate landscaped areas and/ or areas for sitting.

**44.** Where parking is located to the rear of a building, any rear entrance is to be visible and accessible from the parking lot. Directional signage to the building entrance(s) shall be installed. All entrances are to have sufficient illumination at night time.

**45.** Loading doors, service doors, and load docks shall not be located in any façade facing a street.

**46.** Mechanical equipment shall be screened and if located on roofs shall be screened, organized and designed as a component of the roof design, and not appear to be a leftover or add-on element. Mechanical equipment shall be installed to minimize the noise impacts on any adjacent residences, whether on the project lot(s) or on adjacent lot(s).

**47.** Buildings with less than 15,000 square feet of building area on the ground floor that are located adjacent to a residential zoning district shall have pitched roofs covering at least 80 percent of the building with a pitch of at least 6 vertical inches to every 12 horizontal inches.

**48.** Buildings with more than 15,000 square feet on the ground floor shall meet one of the following roof requirements:

- a. Pitched roofs covering at least 80 percent of the building with a pitch of at least 6 vertical inches to every 12 horizontal inches.
- b Parapets or mansard roofs that conceal flat roofs and rooftop equipment such as HVAC units along all roof edges.

**49.** All shopping centers and other retail establishments with 100,000 square feet or more in gross floor area shall meet the following additional requirements:

- c. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty (60) percent of their horizontal length.
- d. Large buildings and shopping centers shall have clearly defined, highly visible customer entrances for primary buildings featuring no less than three (3) of the following: canopies or porticoes; overhangs; recesses/ projections; arcades; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; and display windows.

**50.** Storefront landscaping shall be provided between the foundations of buildings and driveways/parking areas. A minimum of 25 percent of the area between the building foundation and driveways/parking areas shall be landscaped.

**51.** All sides of shopping centers and retail establishments with 50,000 square feet or more of floor area that directly face an abutting public street shall feature at least one (1) customer entrance. This requirement can be met for two sides of a shopping center or large retail establishment by a corner entrance that is visible from both sides.

**52.** It is desirable that new buildings incorporate green building techniques (such as those developed by the U.S. Green Building Council) to the maximum extent possible.

#### **K. Common Use Area**

Any development of 100,000 square feet or more of gross building floor area shall contain a common use area that will serve as a focal point for the development and provide walkways, seating, and landscaping. Water features, courtyards, mini- parks and plazas are encouraged. The common use area shall meet the following requirements:

**6.** It shall be equal to or greater in size than five (5) percent of the gross floor area of the development.

**7.** It shall be directly connected to sidewalks within the development, without intervening driveways or streets.

**8.** It shall consist of one contiguous area, and the shape and location of the common use area shall be approved by the Planning Board.

**9.** It shall be improved with either a gazebo, pavilion, clock tower, or paved patio area with a fountain to help identify this area as the central gathering place for the development. This improvement shall be a minimum of 300 square feet in size.

**10.** It shall contain shade trees, ornamental plantings, and seating; it may also contain outdoor dining areas.

#### **L. Parking and Driveway Design Standards**

Parking lots shall be landscaped according to the following regulations:

**1.** The ends of all parking rows shall be divided from drives by planting islands.

**2.** There shall be no more than 15 contiguous parking stalls in a row without a planting island.

**3.** Planting islands shall be a minimum of ten (10) feet by twenty (20) feet in area, underlain by soil (not base course material) and shall be protected by curbing, wheel stops, or bollards. Each planting island shall contain at least one (1) shade tree plus low growing shrubs and/ or groundcover to cover the entire area at maturity.

**4.** Parking lots shall be divided by planting strips placed at intervals of one (1) for every four (4) or fewer rows of parking. These planting strips shall meet the following requirements:

**e.** At least half of the planting strips shall be a minimum of 15 feet in width, and contain a 5 foot paved walkway leading towards the building, with 5 feet provided for plantings on both sides of the walkway.

**f.** All other planting strips shall be a minimum of ten feet in width, with all ten feet for plantings.

**g.** Strips shall run the length of the parking row, be underlain by soil, and be protected by curbs, wheel stops or bollards.

**h.** Planting strips shall contain plantings of one (1) canopy tree every twenty-five (25) feet, two (2) shrubs per tree, and groundcover/shrubs to cover the entire remaining unplanted area at maturity.

**5.** A perimeter planting area at least 10 feet in width shall be provided along all property lines and street ultimate rights-of-way lines.

**6.** The maximum depth of a parking area located within the front yard of a general commercial building with less than 20,000 square feet of building area shall be sixty five (65) feet, measured perpendicular or radial to the street ultimate right-of-way line.

**7.** Each commercial use shall provide access easements for its parking aisles and driveways guaranteeing access to all abutting lots zoned General Commercial, unless all possible interconnections between two abutting lots must cross twenty (20) linear feet or more of wetlands, floodplain, or natural slopes of 15% or more. Parking areas on adjacent lots shall be directly connected by a driveway. These interconnections shall be constructed during the initial land development.

**8.** Large retail uses and shopping centers with over 100,000 square feet of gross building floor area shall provide the following:

**a.** A pickup area for public transportation located between the street and the front façade of the large retail use or shopping center. The pickup area must include a ten (10) foot by twenty (20) foot waiting area that is separated from other sidewalks in the development. The pickup area must also include an area where a forty-foot bus can park without blocking any lanes of the

development's driveways.

- b. Driveways and a parking area that can handle and are designed for the weight and length of a forty-foot passenger bus.

9. Properties with frontages of 600 feet or less on any individual street are only permitted one driveway intersection per street. Properties with frontages greater than 600 feet may be permitted a maximum of two driveways per street frontage, provided that such driveways are at least 300 feet apart. Regardless of frontage, a development may be restricted to a single driveway depending on usage and interior and exterior traffic patterns.

10. Parking areas containing 50 or more cars shall have a minimum driveway length of fifty (50) feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection. Parking areas containing less than 50 cars shall have a minimum driveway length of twenty (20) feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection.

#### **M. Pedestrian Walkway Standards**

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 minimize the number and size of curb cuts and provide sidewalks along roads where possible

6. There shall be clear grade separated pedestrian connections between all parking areas and all buildings. A raised, landscaped sidewalk will be constructed through the main parking lot to facilitate safe pedestrian travel through the site. The sidewalks required within planting strips may be used to meet this requirement.

7. Continuous internal pedestrian walkways, no less than 5 feet in width, shall provide a direct link from the public sidewalk or street right-of-way to the principal customer entrance of all principal retail establishments on the site. Walkways shall also connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, and building and store entry points. The sidewalks required within planting strips may be used to meet this requirement.

8. Unobstructed sidewalks, no less than 6 feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Along facades with building entrances, the required 6-foot wide sidewalk area shall be set back from the façade by a 3 foot area that either contains planting beds or additional sidewalk width.

9. All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort.

10. Buildings and sidewalks shall be handicapped accessible.

#### **N. Lighting Standards**

1. Lighting shall be shielded to meet the following requirements:

- a. No light shall shine directly into the windows of a building on abutting property.
- b. No light shall shine directly from a light source onto the ground or improvements of an abutting property, although incidental light may be permitted to fall on abutting property. Such lighting shall not exceed one-half an ISO foot candle at ground level on the abutting property.
- c. No light shall shine directly onto public roads.

2. Where the abutting property is residentially zoned or used, nonresidential uses shall direct light fixtures toward the proposed development and shield the residential properties from direct lighting or glare. The light source itself must not be visible from the abutting residential property.

3. No parking lot lighting standard or building fixture shall exceed twenty-five (25) feet in height from grade level, and no pedestrian lighting standard shall exceed fourteen (14) feet in height from grade level.

4. Light fixtures located closer to a side or rear lot line than the side or rear yard setback, shall be no more than ten (10) feet high, and shall direct the light source away from the property line.

5. Light fixtures shall not be located within any buffer zone separating an existing residential district or use from any development proposed within the Business Highway Zoning District.

6. No streamers or festoon lighting, comprising a group of incandescent light bulbs, shall be hung or strung on a building or any other structure.

7. No flashing or intermittent or moving lights, including lights on signs, shall be

permitted.

#### **O. Noise Control**

3. No person shall cause, suffer, allow, or permit the operation of any sound source on a commercial property or public space or right-of-way in such a manner as to create a sound level that exceeds the background sound level by 10 dBC during daytime (7:00 AM to 9:00 PM) hours and by 5 dBC during nighttime (9:00 PM to 7:00 AM) hours when measured at or within the property line of the receiving property.

4. No delivery, loading, trash removal or compaction or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty five (45) dBC, as measured at the lot line of any adjoining property.

#### **P. Other Requirements**

3. Loading docks, utility meters, HVAC equipment, trash dumpsters and other service functions shall be incorporated into the overall design theme of the building so that the architectural design is continuous. These service functions shall not be located in any buffer zones separating existing residential zones or uses from development within the Business Highway Residential and the Business Highway Zones. These areas shall be located and screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and streets or primary public open space and shall incorporate effective techniques for noise buffering from adjacent uses.

4. Outdoor sales and storage areas shall conform to the following requirements:

a. Outdoor sales and storage areas shall not be located within twenty (20) feet of any public street or public sidewalk.

b. These areas shall be screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.

c. Outdoor areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls or fences. Materials, colors and design of screening walls or fences shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors of the building.

d. To the maximum extent possible projects shall provide pedestrian-friendly amenities, such as outdoor seating, patios, porches or courtyards. Site landscaping shall be maximized.

e. Pedestrian connections shall be built between lots to the maximum extent possible to minimize vehicle traffic between adjacent lots.

f. Curb cuts shall be minimized.

### **SECTION 21.13: BUSINESS HIGHWAY SUSTAINABLE DEVELOPMENT ACCESS STANDARDS**

A. All tracts of land to be developed in the BHSD shall share access with an adjacent BHSD zoned property when available and feasible, consistent with subsection 2 below. If shared access cannot be provided by an existing driveway, the applicant shall provide access in a way that maximizes the potential for shared access in the future, consistent with subsection 3 below. When the requirements of subsections 2 and 3 cannot be satisfied, an independent access may be permitted consistent with subsection 4 below. Multiple access points may be provided when the requirements of subsection 5 are satisfied.

**8. Existing Driveways.** All existing driveways providing access to the property from public roads shall be eliminated, unless they meet the requirements in subsection 3 or 4 below.

#### **9. Shared Access via Existing Driveways on Adjacent Properties**

a. When the nearest edge of an existing driveway on an adjacent property zoned BHSD having frontage on the same street is within 50 feet of the subject tract, that subject tract shall utilize the driveway on the adjacent tract as a shared access, provided it is feasible and that an easement granting access to the subject tract has been recorded.

b. The shared access shall be the sole access to the site unless a second driveway is permitted consistent with subsection 5, herein.

c. Shared access shall not be required when all possible interconnections between the two abutting lots would cross twenty (20)



linear feet or more  
of wetlands, floodplains, and/or slopes of 15% or more.  
**d.** Shared access may be entirely located on one lot or split along a common lot line.  
**e.** Each property within the BHSD Zoning District shall provide an access easement guaranteeing internal vehicular access to all abutting lots zoned BHSD

**10. Shared Access via New or Existing Driveway on the Property.**

**a.** When shared access cannot be provided via an existing driveway consistent with subsection above, a maximum of one driveway intersection shall be permitted per street frontage.  
**b.** This driveway shall be located on a side lot line bordering a property zoned BHSD. In order to accommodate required sight distances, or preserve environmental features, the driveway may be set back from the side lot line no greater than 50 feet. Shared access shall not be required when all possible interconnections between the two abutting lots would cross twenty (20) linear feet or more of wetlands, floodplains, and/or slopes of 15% or more  
**c.** Each property with a nonresidential use shall provide an access easement for this driveway guaranteeing access to all abutting lots zoned Business Highway Sustainable Development. In addition, the access easement shall provide access from the closest adjacent property line to the driveway. The easement between the driveway and the closest adjacent lot shall have a minimum width of 35 feet and shall be located between 50 and 100 feet from the street ultimate right-of-way line.  
**d.** The location of the driveway intersection and the easement connection to the closest adjacent lot shall be subject to approval by the Planning Board based on its ability to minimize the need for future driveways and/or maximize the distance from existing street and driveway intersections, including consideration for safe site distances.

**11. Independent Access.**

**a.** When future shared access cannot be provided consistent with subsection 2 or 3 above, a maximum of one driveway intersection per street shall be permitted.  
**b.** The driveway intersection shall be separated from existing driveway intersections by a minimum of 300 feet.

**12. Dual Access.**

**a.** A second driveway intersection per street may be permitted when it is located at least 300 feet from the first driveway intersection and at least 300 feet from adjacent property lines.  
**b.** When a second driveway can be permitted consistent with subsection 5.a. above, a separation from adjacent property lines may be reduced in order to provide future shared access, provided the second driveway is located within 50 feet of an adjacent property line and at least 300 feet from any other driveway intersection. The adjacent property must be zoned BHSD and the potential interconnection shall not cross twenty (20) linear feet or more of wetlands, floodplains, or slopes of 15% or more. Each property zoned BHSD shall, where feasible and practical, provide access easements to all abutting lots zoned BHSD consistent with subsection 3.c.

**13. Acceleration / Deceleration Lanes.**

All new development proposals that include direct ingress/egress from Route 1 are encouraged to collaborate with the Commonwealth of Massachusetts Department of Transportation, or other relevant State agencies, about the feasibility of including an acceleration lane, deceleration lane, auxiliary lane, or other similar design solution as part of the proposed development for the purpose of improving vehicular safety, traffic flow, and efficiency.

**14. Access.**

- a. All projects in the BHSD Zoning District shall have primary access via either Route 1 or Route 99. No use/uses within the BHSD Zoning District, including the BH and BHR subdistricts, shall have vehicular access to any residential zoning district or neighborhood, except for emergency vehicle access.
- b. No use/uses within the BHSD Zoning District shall have direct or indirect vehicular access other than by Route 1 and Route 99 to any residential zoning district or neighborhood, except for emergency vehicle access.” The term “Indirect Vehicular Access” is defined as “vehicular access to or from roads other than Route 1 and Route 99 that can be accessed physically or via right-of-way to roads in a residential zoning district or neighborhood.”

ROLL CALL vote

Article 2											
	Pct	Vote		Pct	Vote		Pct	Vote		Pct	Vote
Arone, A.	1	A	Dunn, S.	1	Y	Panico, A.	6	Y			
Ayube, S.	7	Y	Fowler, J.	8	Y	Paolini, M.	7	A			
Bartolo, J.	6	Y	Goodwin, P.	5	Y	Riley, C.	2	Y			
Berube, K.	9	Y	Jones, C.	1	Y	Ring, D.	10	Y			
Brown, W.	6	Y	Kelly, D.	9	Y	Rossetti Jr, P.	2	N			
Camuso Sr, R.	2	Y	Lavoie, R.	7	Y	Scrivano, M.	6	Y			
Cicolini, J.	8	Y	Leuci, W.	4	Y	Smith, R.	3	Y			
Connors Jr, A.	3	A	Long, R.	9	Y	Spencer, B.	5	Y			
Costello, M.	10	Y	Lopresti, A.	8	A	Stewart, W.	3	N			
Cottam, J.	9	A	Manoogian Sr, P.	10	Y	Thompson, R.	3	Y			
Cross III, W.	8	Y	McCarthy, S.	7	A	Traverse, T.	8	Y			
Currie, K.	6	Y	Migliore, M.	5	Y	Vecchione IV, J.	2	Y			
Davis, G.	4	Y	Mitchell, J.	5	A	Wallace, R.	5	Y			
Delios, P.	10	Y	Moore, W.	2	Y	Whitcomb, A.	4	Y			
Devlin, F.	1	Y	Nickolas, G.	3	A	Whitcomb, M.	4	Y			
Divirgilio, S.	10	ABS	Palleschi, R.	7	Y	Worthley, J.	9	Y			
Doherty, S.	4		Paloma, A.	1	Y						

Yea=

38

Nay=

2

Abst=

8

Date:

2/16/2021

2/16/2021

STM

Roll Call Vote passes at 8:55pm

As a courtesy, Mr. Cross III, Precinct 8 Article 3 to the floor for consideration as recommended:

Seconded at 8:59pm

**Article 3 as Written:** To see if Saugus Town Meeting will vote to establish a 10-person committee focused on the revitalization of the Cliftdale Square business and housing district. Said committee will investigate potential opportunities, synthesize previously procured studies, and provide recommendations and initiatives for future Town Meeting consideration.

The goals, objectives and function of this committee would be as followed:

1. Work with the Town Manager and Planning and Development department to procure a parking and egress study to establish precisely how many parking spots will be needed to serve Cliftdale at full highest use capacity, in which ways those parking loads can be met, identify what strategies can be used to improve vehicular traffic, establish methodologies to enhance pedestrian safety, and form a framework for potential parking and infrastructural solutions.
2. Conduct focused roundtables with stakeholders, most importantly, property owners to understand their perspectives and brainstorm ways the town and owners of private property can work together to improve the district collectively. This committee will explore how the town can incentivise positive development and improvement of private property through municipal policy and action.
3. Conduct a digital poll(s) addressed to members of the community providing a convenient outlet to express their ideas, priorities, concerns and visions. As a body, this committee shall amalgamate the results and conduct a public meeting(s) to present the findings. There shall also be at least one open forum specific to Cliftdale to maximize the voice of residents, stakeholders and Town officials alike.

4. Contact, collaborate and partner with local and state agencies including but not limited to Saugus' Chamber of Commerce, Saugus Historical Commission, Saugus Cultural Council, DPW, MAPC, Urban Land Institute (ULI), and Massachusetts Downtown Initiative (MDI). This collaboration shall run concurrently and compliment the ongoing town-wide master planning effort. This committee will use their expertise in their respective fields to develop a framework for Cliftondale, recognize what's feasible, pinpoint short term and long term projects, create a sustainable business model and understand successful strategies used in local downtowns around Saugus that could be applied to Cliftondale.
5. Explore potential municipal policies and state grants that can be implemented to enhance economic development and program the square. This includes but is not limited to hosting town events in the square, creating a storefront improvement program, establishing a business improvement district (BID), etc.
6. Review past studies and extract relevant information, data and analysis that applies to the square today and include it in our findings.
7. Present a final report of non-binding recommendations to the Town Manager for capital improvements and proposed municipal initiatives for consideration by next year's Annual Town Meeting. Approved capital improvements shall be included in the FY2022-FY2026 Capital Improvement Plan.
8. Prepare a draft of a zoning overlay district that addresses land-use, parking, vehicular egress, pedestrian safety, design standards, signage and infrastructure. The draft of the zoning overlay shall be sent to and formalized by the department of Planning and Economic Development into a finalized article, be submitted to the Planning Board for recommendation and go before Town Meeting for a 2/3 vote for adoption.

The 10-person committee shall include the following:

- Town Manager or his designee
  - Director of Planning and Economic Development
  - Town Planner
  - Planning Board Chair
  - Two (2) members of the Board of Selectmen appointed by the Chairman of the Board of Selectmen
  - Four (4) members of Town Meeting from Precinct 2 and Precinct 6 appointed by the Moderator
- All meetings will be public and notice shall be posted on the Town's website at least 48 hours prior.

This committee will report to the next Annual Town Meeting. A final report with recommendations will be issued on or before the date of that meeting. (Joe Vecchione, Town Meeting Member Precinct 2).

Town Moderator reads Town Counsel opinion states we cannot vote on Article 3 because it gives unauthorized use.

Town Counsels Opinion: *"In accordance with Section 28 of the Town Charter of the Town of Saugus, I have reviewed the Warrant for the Special Town Meeting scheduled to be held on February 16, 2021 consisting of Four (4) Articles.*

*Article 3 seeks a town meeting vote to establish a committee focused on the revitalization of the Cliftondale Square business and housing district. The duties of this committee include procurement of a parking and egress study, conducting polls and round tables with property owners, collaborating with local and state agencies, exploring state grants, providing recommendations to the town manager for capital improvements, and preparing zoning amendments.*

*The duties of town meeting are to make appropriations for the expenses of the town to adopt bylaws, and to accept local option statutes. It is a well settled principal of law that a town meeting is not authorized to establish committees or perform municipal duties that are otherwise vested by law in designated town officers.*



*Under the provisions of Article 2 Section 14 of the Town Charter the Town Manager is vested with enumerated powers and duties and in Article 2 Section 29 is designated as chief fiscal officer of the Town. These enumerated powers and duties include the supervision, administration and appointment of departments and employees of the town as well as the ability to hire experts to perform the duties set forth in the charter. Section 13 also provides that the Town Manager shall purchase all supplies and equipment for the town and shall award all contracts for all department of he town except for the school department.*

*Any planning for revitalization of the Cliftdale Square business and housing district as proposed in the article are duties that fall under the powers and duties town manager through the planning department, the planning board and all appointed employees and agents.*

*It is therefore my opinion that the town meeting is not authorized to vote to establish a committee focused on the revitalization of Cliftdale Square as proposed in Article 3.”*

Town Counsel and the maker of the article came up with an amendment.

**Article 3 Amendment:** To see if Saugus Town Meeting will vote to establish a 9-person study committee focused on the revitalization of the Cliftdale Square business and housing district. Said committee will investigate potential opportunities, synthesize previously procured studies, investigate zoning strategies and provide recommendations and initiatives for future Town Meeting consideration.

This 7-person committee shall include the following:

- Six (6) members of Town Meeting appointed by the Moderator
- Two (2) Selectmen appointed by the Chairman of the Board of Selectmen
- Town Manager or his designee

While participation by the Planning and Development Department cannot be mandated by Town Meeting, their participation and guidance is welcomed and encouraged.

All meetings will be public and notice shall be posted on the Town's website at least 48 hours prior.

This committee shall report its progress to the next Annual Town Meeting and present a final report of non-binding recommendations for potential capital improvements, zoning updates and municipal initiatives for consideration no later than November 1, 2021.

Seconded at 9:01pm

Joe Vecchione Precinct 2 speaks at 9:02 thanking Town Counsel in his help to make the article suitable for Town Meeting. He speaks in support of this article.

Chris Riley speaks at 9:07pm in support of this article.

Tom Traverse Precinct 8 speaks at 9:08pm maybe get some town residents on the board and not just precinct members form 2 and 6.

Steve Divirgilio likes to make an amendment to add Precinct 10 members to the article.

Town Moderator changes from a 7 members to 9 members on the committee.

Seconded at 9:11pm

Joe Vecchione speaks at 9:11pm to address Tom in Precinct 8 question about limited to the people on the committee. He will entertain opening up other committee members.

Steve Divirgilio agrees with the last Town Meeting Member.

Peter Rossetti Jr speaks at 9:14pm he believes to include other members.

Peter Manoogian Precinct 10 speaks 9:16pm in favor of the Town Moderator in selecting members.

**Voice vote on 2<sup>nd</sup> Amendment 9 person committee**

**Unanimous voice vote yes at 9:18pm**

**Article 3 as voted:** To see if Saugus Town Meeting will vote to establish a 9-person study committee focused on the revitalization of the Clifftondale Square business and housing district. Said committee will investigate potential opportunities, synthesize previously procured studies, investigate zoning strategies and provide recommendations and initiatives for future Town Meeting consideration.

This 9-person committee shall include the following:

- Six (6) members of Town Meeting appointed by the Moderator
- Two (2) Selectmen appointed by the Chairman of the Board of Selectmen
- Town Manager or his designee

While participation by the Planning and Development Department cannot be mandated by Town Meeting, their participation and guidance is welcomed and encouraged.

All meetings will be public and notice shall be posted on the Town's website at least 48 hours prior.

This committee shall report its progress to the next Annual Town Meeting and present a final report of non-binding recommendations for potential capital improvements, zoning updates and municipal initiatives for consideration no later than November 1, 2021.

**Unanimous voice vote yes at 9:19pm**

Motion to Adjourn at 9:20pmpm

Seconded at 9:21pm  
Unanimous motion at 9:21pm sine die.

Respectfully Submitted,

Ellen Joyce Schena  
Saugus Town Clerk