ZONING BY-LAWS
of the
TOWN OF SAUGUS
MASSACHUSETTS

Incorporated 1815

May 2021

ZONING BY-LAWS
TOWN OF SAUGUS

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ARTICLE I TITLE, AUTHORITY, AND PURPOSE

SECTION 1.1 – TITLE. This By-Law shall be known and may be cited as the "Zoning By-Law" of the Town of Saugus, Massachusetts", hereinafter referred to as "this By-Law".

SECTION 1.2 – AUTHORITY. This By-Law is adopted pursuant to the provisions of amendments thereto, herein referred to as the "Zoning Act".

SECTION 1.3 – PURPOSE. This By-Law is enacted for the following purposes: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic, and other dangers; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; to encourage the most appropriate use of land throughout the Town; to preserve and increase its amenities and to encourage an orderly expansion of the tax base by utilization, development and redevelopment of land. This By-Law shall give direction and regulate the use of land, buildings and structures in the interest of the present and future inhabitants of the Town of Saugus.

ARTICLE II – INTERPRETATION AND APPLICATION

SECTION 2.1 – INTERPRETATION. The provisions of this By-Law shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals, or the general welfare of the Town of Saugus, Massachusetts; and except for the Zoning By-Laws of the Town of Saugus dated 1929 and all amendments thereto, the provisions of this By-Law are not intended to amend, annul, abrogate, or in any way impair or interfere with any lawfully adopted By-Law, covenants, regulations or rules. Whenever the regulations made under the Authority hereof differ from those prescribed by any statute, By-Law, or other regulation, that provision that imposes the greater restriction or the higher standard shall govern.

SECTION 2.2 – APPLICATION. Except as herein provided, or as specifically exempt by the Zoning Act, the provisions of this By-Law shall apply to the erection, construction, reconstruction, alteration, or use of buildings and structures or use of land.Except as herein provided, any existing conforming use, structure, or lot shall not by any action become nonconforming and any existing nonconforming use, structure, or lot shall not become further nonconforming.

SECTION 2.3 – EXISTING BUILDINGS AND LAND. This By-Law shall not apply to existing buildings and structures, nor to the existing use of any building or of land, to the extent to which it is legally used at the time of adoption of this By-Law, but it shall apply to any change or substantial extension of such use and to any structure and to any alteration of a building or structure to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except as hereinafter provided.

SECTION 2.4 – BUILDING MORATORIUM – MULTI-FAMILY DWELLINGS. No new building permits shall be issued for the construction of multi-family dwellings consisting of three or more dwelling units in any zoning district in the town for a period of two years. The reason for this temporary moratorium is that the Town is experiencing an unanticipated increase in the construction of multi-family dwellings and, as a result, the town is conducting an analysis and/or comprehensive study to determine the impact of said construction on police, fire, and emergency public safety, the school district, the water, sewer, and roadway infrastructures and the safety of the general public. This Moratorium shall not apply to building permits for future phases of any project which has obtained all required permits and approvals (except building permits) prior to the effective date of this Bylaw. ***(Article 4, Special Town Meeting, April 8, 2019)***

ARTICLE III – DEFINITIONS

SECTION 3.1 – GENERAL. For the purpose of this By-Law, certain terms and words shall have the following meaning: words used in the present tense include the future; the singular number includes the plural, the plural the singular; the words "used" or "occupied" include the words "designed", "arranged", "intended", or "offered" to be used or occupied; the words "building", "structure", "lot", "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the State Building code or Subdivision Regulations shall have the meanings given therein unless a contrary intention clearly appears. Uses listed in the Table of Use Regulations under the classes Retail Service — Comm. and Wholesale Transportation and Industrial shall be further defined by the Standard Industrial Classification Manual published by the U.S. Bureau of the Census.

Abandonment: The cessation of a nonconforming use as indicated by the visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a structure or lot; or the replacement of a nonconforming use or structure by a conforming use or structure.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade books, magazines, and other matter which are distinguished as characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement, as defined in MGL Chapter 272 , Section 31.

Adult Club: An Establishment having as a substantial or significant portion of its entertainment a person or persons performing in a state of nudity or distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement, as defined in MGL Chapter 272, Section 31.

Adult Theater: An enclosed building use for presenting material distinguished by an emphasis on matter depicting describing, or relating to sexual conduct of sexual excitement as define din MGL Chapter 272, Section 31.

Adult Use: An Adult Bookstore, Adult Club, Adult Theater, Adult Video Store, and Adult Paraphernalia Store, as defined in this by-law.

Adult Video Store: An establishment having as a substantial or significant portion or its stock in videos other matters which are distinguished by emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272, Section 31.

Adult Paraphernalia Store: An establishment having as a substantial or substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL Chapter 272, Section 31.

Apartment House: A building designed, intended, or used as the home or residence of three or more families, each in a separate but attached dwelling unit, living independently of each other and who have a common right in halls, stairways and amenities.

Basement: A portion of a building, partly below grade, that has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground

adjoining the building. A basement is not considered a story unless its ceiling is six feet or more above the finished grade.

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

Building: An enclosed structure (see definition herein).

Building, Accessory: A detached building, the use of which is customarily incidental and subordinate to that of the principal building. All accessory buildings shall be located on the same lot as that occupied by the principal building, except in the case of buildings accessory to scientific research, development or related production.

Building Area: The aggregate of the maximum horizontal cross-section area of all buildings on lot exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies and terraces, expressed as a percentage of total lot area.

Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.

Building, Detached: A building having open space on all sides.

Building, Nonconforming: A building lawfully existing at the time of adoption of this By-Law, or any subsequent amendment thereto, that does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located.

Cellar: A portion of a building, partly or entirely below grade, that has more than one half of its height measured from finished floor to finished ceiling, below the average established finished grade of the ground adjoining the building. A cellar is not deemed a story.

Common Land: A parcel or parcels of land area within the site designated for a Cluster or Multi-Density Apartment use, maintained and preserved for open use, and designed and intended for the use and enjoyment of residents of these developments, but not including parking areas, or public or private ways. Common land may contain structures and improvements as are necessary and appropriate for the recreational benefit and enjoyment of such residents.

Conservation Easement: A property interest that limits the future use of an area of land in order to retain it in its natural, scenic or open condition or in agricultural, farming or forest use.

Contractors Yard: An area of land used for the storage of material and/or equipment used in the construction industry (including highway and landscaping). For the purpose of this By-Law a single vehicle used by the owner for the storage of small items of material and equipment that are used on a day by day basis in carrying out his trade, and/or used by the owner for transportation purposes, shall not be classified as construction equipment.

"Debilitating medical condition": shall mean cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic

laterial sclerosis (ALS), Cohn's disease, Parkinson's disease, Multiple sclerosis and other conditions as determined in writing by qualifying patient's physician.

District: A zoning district as established by Article IV of this By-Law.

Drive-through Windows: Any structure constructed, used, operated, maintained, or converted for the purpose of enabling a person, firm, corporation or other type of entity to provide food or services of any kind to customers, wherein such customers are able to drive their automobiles or any other type of vehicles up to the facility and purchase such food or services while remaining in their vehicles. See Section 12.5D.

Driveway: An open space, located on a lot, that is not more than 24 feet in width built for access to a garage, or off-street parking or loading space.

Dwelling: A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, that is occupied in whole or in part as the home residence or sleeping place of one or more persons. The terms "one-family", "two-family" or "multi-family" dwelling shall not include hotel, lodging house, hospital, membership club, mobile home, or dormitory.

Dwelling, General Residence: A building containing two dwelling units constructed (attached) on a single lot.

Dwelling, Multi-family: A building containing three or more dwelling units and including apartment house, garden apartment house and town houses.

Essential Services: Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission and distribution systems. Facilities necessary for the provision of essential services include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety or general welfare.

Family: One or more persons, including domestic employees, occupying a dwelling unit and living and cooking together as a single, non-profit housekeeping unit.

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

Flood Line: The limits of flooding from a particular body of water caused by a storm whose frequency of occurrence is once in twenty-five or more years as determined and certified by a registered professional engineer, qualified in drainage.

Floodway: The area subject to periodic flooding, the limits of which are determined by the flood line.

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

Frontage: The distance measured along the property line that divides a lot from a right-of-way, and between the points of intersection of the side lot lines and right-of-way. To be considered as frontage, this distance shall be continuous and must at all points have at least a minimum front yard depth (setback) required in the Table of Dimensional and Density Regulations for the district; same at Lot Width (see definition).

Height: The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a fiat roof, or the mean level of the highest gable or slope of a hip roof, but not to exceed ninety (90) feet.

High Rise: Any building that may have a height of greater than forty (40) feet.

Home Occupation: An accessory use that by custom has been carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use and that shall not occupy more than 30 percent of the gross floor area or 700 square feet, whichever is less, of the dwelling units used. In connection with such use, there is to be kept no stock in trade nor commodities sold on the premises. Such use shall be carried on by the occupants of the dwelling unit with not more than one nonresident employee, occupants of the dwelling unit with not more than one nonresident employee, and shall not in any manner change the residential character of the building.

Hospital: A building providing 24-hour in-patient services for the diagnosis, treatment or other care of human ailments including a sanitarium, sanitarium clinic, rest home, nursing home and convalescent home.

Hospital, Veterinary: A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

Hotel: A building or any part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances including an inn, motel, motor inn and tourist court, but not including a boarding house, lodging house or rooming house.

Junk: Any worn out, castoff, or discarded articles or material that is ready for destruction or has been collected or stored for salvage or conversion to some use.

Junk Yard: The use of more than 200 square feet of the area of any lot, whether inside or outside of a building, or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.

Loading Space: An off-street space used for loading or unloading, not less than 14 feet in width, 45 feet in length and 14 feet in height, and containing not less than 1,300 square feet including both access and maneuvering area.

Lodging House: One or more rooms for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities. A "Lodging House" shall include rooms in boarding houses, tourist houses, or rooming houses. No more than four roomers shall be allowed.

Lot: An area or parcel of land with definite boundaries, used or available for use, as the site of one or more buildings. For purpose of this By-Law, a lot shall have boundaries identical with those recorded in the Essex County Registry of Deeds.

Lot, Corner: A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle or intersection of the street lot lines, or in case of a curved street, extended lot lines, being not more than 135 degrees.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot Line, Front: The property line dividing a lot from a street (right-of-way) or designated way.

Lot Line, Rear: The lot line opposite from the front lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot, Nonconforming: A lot lawfully existing that is not in accordance with all provisions of this By-Law.

Lot Width: The horizontal distance between the side lot lines as measured at the minimum front yard depth required by this By-Law; same as Frontage (see definition).

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

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

Marijuana for Medical Use: Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in Citizens Petition 11-11.

Marijuana: The same substance defined as “marihuana” Chapter 94C of the Massachusetts General Laws.

Marijuana Establishment: A commercial marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business, subject to regulation under G.L. 94G; provided, however, that a Registered Medical Marijuana Dispensary shall not be deemed to be a Marijuana Establishment

Medical Marijuana Treatment Center (MMTC): Other than agricultural operations meeting the requirement for an exemption under Chapter 40A Section 3 of the Massachusetts General Laws, shall mean a not-for-profit entity, registered under 105 CMR 725.100 to be known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana. A Medical Marijuana Treatment Center is not a health care provider

or provider of general wellness services. Under 105 CMR 725.105(N)(7), a Medical Marijuana Treatment Center may not sell any products other than marijuana, marijuana-infused products (MIPs) and marijuana seeds, and other products such as vaporizers that facilitate the use of marijuana for medical purposes. These Medical Marijuana Treatment Centers, except cultivation, shall be located inside a structure or building.

Medical Marijuana Treatment Centers: A "not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oil or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

Membership Club: A social, sports or fraternal association or organization that is used exclusively by members and their guests.

Open Space: The space on a lot unoccupied by buildings or structures, unobstructed to the sky by man-made objects other than walks, swimming pools, terraced areas, and tennis courts, not devoted to streets, driveways, off-street parking or loading spaces and expressed as a percentage of total lot area.

Parking Space: An off-street space of at least 10 feet in width and 20 feet in length, having an area not less than 300 square feet, that includes access and maneuvering space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle. Minimum space dimensions of nine (9) feet in width and eighteen (18) feet in length are permitted on lots with at least twenty percent (20%) non-wetland*, Open Space.

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

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

Quarrying: The business or occupation of extracting stone from an open excavation. Quarrying does not include the excavation and removal of sand and gravel.

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

Setback: The shortest horizontal distance from the front lot line to the nearest building wall or part other than projecting eaves and by windows. Open and enclosed piazzas shall constitute a part of the house or structure.

Short-Term Rental: As defined in MGL Chapter 64G Section 1, an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment. A Short-term Rental shall mean rooms being rented for a period of not more than thirty one (31) consecutive calendar days.

Sign: See definitions under Article VII – Section 7.2: Signs.

Solid Waste: Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material resulting from industrial, commercial, mining, and agricultural operations, and from community or household activities including any materials destined for recycling.

Street: A way that is over 20 feet in right-of-way width that is dedicated or devoted to public use by legal mapping or by any other lawful procedure.

Structure: A combination of materials, or parts thereof, assembled at a fixed location to give support or shelter, and further defined in the State Basic Building Code.

Structure, Nonconforming: A structure lawfully existing that does not conform to one or more provisions of this ordinance.

Swimming Pool, Residential: A body of water contained in an artificial or semi-artificial receptacle, whether in or above ground, or created by artificial means from a natural water course, and all appurtenances, appliances, and other facilities for its operation or use, used or intended to be used for swimming, wading or recreational bathing, but not including pools incapable of containing a depth of water exceeding twenty-four (24) inches at any point.

Town House: A row of at least three one-family attached dwelling units whose side walls are separated from other dwelling by a fire wall or walls. Each unit in the row may be owned by a separate owner if in condominium.

Trailer: A highway vehicle designed to be hauled.

Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, that is located on the same lot as the principal structure. Uses accessory to scientific research, scientific development or related production do not have to be located on the same lot as the principal use. Accessory use by area shall be interpreted not to exceed 40 percent of the area of the total use of the structure and/or lot on which it is located.

Use, Nonconforming: A use lawfully existing that does not conform to one or more provisions of this ordinance.

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this ordinance. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this ordinance shall be considered an accessory use.

Use, Substantially Different: A use that, by reason of its normal operation, would encourage readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

Variance: Such departure from the terms of this By-Law as the Board of Appeals, upon petition or appeal in specific cases, is empowered to authorize under the terms of Chapter 40A, Section 10.

Wireless communications facility: shall mean a wireless communication monopole, including antennas and accessory structures, if any, that facilitates the provision of wireless communications services.

Wireless communications services: shall mean the provision of the following types of services: cellular telephone service, personal communications and enhanced specialized mobile radio service.

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

Yard: A portion of a lot, upon which the principal building is situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein. A court shall not be considered to be a yard or any part thereof.

Yard, Front: A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

Yard, Rear: A yard, except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

Yard, Side: Yard extending for the full length of a building between the nearest building wall and the side lot line.

ARTICLE IV – ESTABLISHMENT OF DISTRICTS

SECTION 4.1 – DIVISION INTO DISTRICTS.

The Town of Saugus, Massachusetts, is hereby divided into twelve (12) Zoning districts to be designated as follows:

FULL NAME AND CLASS	REFERENCE
*Residential A – Single Family	R-1
*Residential B – Single Family	R-2
Residential – General, Two Family	R-3
Residential – Multi Density, Apartment	R-4
Business – Neighborhood	B-1
High – Rise Business & Industrial	B-2
Business A – Special	B-3
Industrial	I
Industrial – Light	I-1
Industrial – Heavy	I-2
Flood Plain	F.P.

*Residential A – East of Broadway
*Residential B – West of Broadway

SECTION 4.2 – ZONING MAP. The location and boundaries of the Zoning Districts are hereby established as shown on a map titled "Zoning Map of the Town of Saugus, Massachusetts," dated February 28, 1977, that accompanies and is hereby declared to be a part of this By-Law. The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk, and the imprinted seal of the Town under the following words: "This is to certify that this is the Zoning Map of the Town of Saugus, Massachusetts, which was approved by the Town Meeting on May 23, 1977."

SECTION 4.3 – CHANGES TO MAP. Any change in the location of boundaries of a Zoning District hereafter made through amendments of this By-Law shall be indicated by the alteration of such map, such changes to be dated and authenticated as prescribed in SECTION 4.2. The Map, thus altered, is declared to be part of the By-Law as amended. The Building Inspector shall be responsible for making changes to the Zoning Map. Such changes shall be made within thirty (30) days of final approval of amendments. The Zoning Map shall be drawn to a scale of 1" equals 500 feet, and shall be located in the Office of the Building Inspector. Photographic reductions of the large-scale map may serve as copies of the Zoning Map.

SECTION 4.4 – BOUNDARIES OF DISTRICTS. Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules apply:

1. Where a boundary is indicated as a street, railroad, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a town boundary, then to the limits of the town boundary.

2. Where a boundary is indicated as following approximately or parallel to a street, railroad, watercourse, or other body of water, it shall be construed to be parallel thereto and at such

distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.

3. Where a dimensioned boundary coincides within ten feet or less with a lot line, the boundary shall be construed to be the lot line.

4. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other body of water, it shall be construed to intersect at right angles to said centerline, or in the case of a curved centerline, at right angles to the tangent to the curve at the point of intersection.

SECTION 4.5 – HIGH RISE BUSINESS AND INDUSTRIAL DISTRICTS. Land on Broadway, otherwise known as Routes 1 and 99, including land that is presently zoned for business or industry that does abut business or industrial land on said Broadway and has direct access to said Broadway. Lands within this district will be designated as B-2 on Zoning Map.

SECTION 4.6 – FLOOD PLAIN DISTRICTS. Lands in Saugus that are subject to seasonable and periodic flooding that must be developed, preserved, and maintained to assure the natural flow of watercourses. These are made up of the following categories:

1. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Saugus designated as Zone A or AE on the Essex County Flood Insurance Rate map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the Administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Saugus are panel numbers 25009C0393F, 25009C0394F, 25009C0506F, 25009C0507F, 25009C0508F, 25009C0509F, 25009C0517F, 25009C0526F, 25009C0528F, 25009C0529F, and 25009C0536F, dated July 3, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Inspector. All Maps and reports referenced in 4.6.A shall be on file in the Town Clerk's Office and Building Inspector's Office prior to July 3, 2012.

ARTICLE V USE REGULATIONS

SECTION 5.1 – APPLICABILITY OF USE REGULATIONS. Except as provided in the Zoning Act or in this By-Law, no building, structure or land shall be used except for the purposes permitted in the district as described in this Article. Any use not listed shall be construed to be prohibited.

SECTION 5.2 – PERMITTED USES. In the following Table of Use Regulations, the uses permitted by right in the district are designated by the letter "P", , but it shall not be a permitted use unless one of three following conditions are met: (1) the proposed location abuts on a street that has been laid out and accepted as a traveled way or, (2) the proposed location abuts on a street that has been built to subgrade so that it is passable for fire apparatus and other vehicular traffic, or (3) the proposed location abuts on a street or way in which there is public sewer and water. In any event, no Building Permit shall be issued for any lot unless water or public sewer or adequate private sewer systems are available. Those uses that may be permitted by special permit in the district, in accordance with Articles Xl and XII, are designated by the letter "S1" or "S2". Uses designated (--_ shall not be permitted in the district).

SECTION 5.3 – USES SUBJECT TO OTHER REGULATIONS. Uses permitted by right or by special exception shall be subject, in addition to use regulations, to all other provisions of the By-Law and shall comply with all of the provisions of the Massachusetts State Building Code or of local By-Laws and Codes that may be more restrictive.

SECTION 5.4 – SPECIAL PERMIT BY BOARD OF APPEALS. Those uses designated as "Sl" shall be subject to provisions of Article Xl and XII.

SECTION 5.5 – SPECIAL PERMITS BY BOARD OF SELECTMEN. Those uses designated as "S2" shall be subject to provisions of Article Xl and XII.

SECTION 5.6 – TABLE OF USE REGULATIONS. See table on accompanying pages that is declared to be a part of this By-Law. Any use permitted under l-l shall be allowed in an Industrial District.

SECTION 5.7 – ENVIRONMENTAL PERFORMANCE STANDARDS. Any use permitted by right or special permit in any district shall not be conducted in a manner to cause any dangerous, noxious, injurious or otherwise objectionable hazard; noise or vibration, smoke, dust, odor or other objectionable pollution; glare, conditions conducive to breeding of insects, rodents or other vermin, substances, conditions, or elements to an extent so as to adversely affect nearby neighborhoods. Minimum acceptable standards shall be as follows:

1. Emission shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the site location.
2. All use and storage of flammable materials shall be confined and maintained in accordance with the strict provisions set forth by the Chief of the Fire Department acting in accordance with duly established fire prevention regulations, codes and standards.
3. Any emission of visible smoke shall meet the then current color standards of the Massachusetts Department of Environmental Quality Engineering Division of Air Pollution, and in any event, no emission of smoke of a shade darker than No. 1 on the Ringlemann Smoke Chart as published by the United States Bureau of Mines shall be permitted.

4. There shall be no emission of "fly ash" that can cause damage to the health of humans, animals or vegetation, or that can cause excessive soiling. In no event shall emission of any solid or liquid particles in concentration exceeding 0.2 grams per cubic foot of conveying gas or air be permitted.
5. The maximum permissible sound pressure level at the closest residential lot line, shall not exceed 69 decibels between the hours of 8:00 a.m. and 7:00 p.m. and 61 decibels between 7:00 p.m. and 8:00 a.m. as measured on a frequency band of 125 cycles per second using a general purpose sound level meter complying with the provisions of the American National Standards Institute, properly calibrated and operated on the "A" weighing network. This regulation shall not apply to:
   - Transient noises of moving vehicles.
   - Noises of safety signals, warning devices, and pressure relief valves.
   - Noises emanating from temporary construction and maintenance activities between 7:00 a.m. and 7:00 p.m.
6. No direct or sky reflected glare whether from flood lights or from high temperature processes shall be permitted when it is determined to be hazardous to human health and welfare or obnoxious. This regulation shall not apply to street lighting or other utilities that are essential for public safety.
7. The Building Inspector may require such information, data and testing to be performed and supplied at the owners or developers expense in order to determine the findings of compliance.

SECTION 5.8 – MARIJUANA ESTABLISHMENT. The operation of any marijuana establishment, as defined in G.L. c. 94G, §1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other licensed marijuana-related business, is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution, or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.

Table of Use and Parking Regulations

Principal Use	District									Flood Plain	Parking Code See Sec. 8.11
	Residential				Business			Industrial			
	R-1	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2	F.P.	
RESIDENTIAL											
1. One Family Dwelling	P	P	P	--	--	--		S1	S1	--	A
2. Two Family Dwelling	S1	S1	P								A
3. Temp. Mobil Home, up to 12 mos., for owner-resident of home destroyed by fire or other natural cause	P	P	P	--	--	--	--	--	--	--	A
4. Multi-Family Dwelling--Apartment House, Town House	--	--	--	P	--	--	--	--	--	--	B
5. Planned Multi-Density Residential--Apartment House, Town House	--	--	--	S1	--	--	--	--	--	--	B
6. Residential One-Family Planned Cluster	S1	S1	--	--	--	--	--	--	--	--	A
7. Lodging House (no more than four roomers)	--	--	--	--	S1	S1	S1	S1	S1	--	C
8. Bed and Breakfast Establishment	--	--	--	--	S1	S1	S1	S1	S1	--	
COMMUNITY FACILITIES											
1. Church, School, Public Libraries, Public Museums, Parish Houses, Municipal or Church Recreational Buildings, Government Buildings (except garage), Non-Profit Nursery or Kindergarten	P	P	P	P	P	P	P	P	P	--	D,N, O
2. Parks, Playgrounds, Municipal Police and Fire Stations, Water Towers	P	P	P	P	P	P	--	P	P	--	O,S
3. Commercial Golf Course	P	P	P	P	P	P	--	P	P	S1	S
4. Private Club (not conducted for profit)	P	P	P	P	P	P	--	P	P	--	S
5. Passenger Stations	P	P	P	P	P	P	--	P	P	--	--
6. Cemeteries, Hospitals, Sanitariums, Nursing Homes, Rest Homes, Philanthropic Inst.	S2	S2	S2	S2	S2	S2	--	S2	S2	--	C, L, S
7. Private Stables	S2	S2	S2	S2	S2	S2	--	S2	S2	--	--
8. Telephone Exchanges (provided no service yards)	S2	S2	S2	S2	S2	S2	--	--	--	--	P
9. Private Day Nursery or Kindergarten	P	P	P	P	P	P	P	P	P	--	T
10. Town Equipment Garage	S2	S2	S2	--	S2	S2	--	S2	S2	--	S
11. Municipal Parking Lot or Structures	--	--	--	--	P	P		P	P	--	--
12. Facilities for Essential Services (streets, drains, bridges etc.)	P	P	P	P	P	P	P	P	P	P	--
13. Private Utility, Transmission Lines, Sub-station, or Similar Facility or Building	S2	S2	S2	S2	S2	S2	--	S2	S2	S2	--

Table of Use and Parking Regulations *(continued)*

Principal Use	District									Flood Plain	Parking Code See Sec. 8.11
	Residential				Business			Industrial			
	R-1	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2	F.P.	
AGRICULTURE											
1. Farms: Agriculture, Horticulture, including Facilities	P	P	P	P	P	P	P	P	P	P	S
2. Greenhouses, Forestry, Nurseries and Truck Stands for Wholesale and Retail Sales – if less than 5 acres.	S2	S2	S2	S2	S2	S2	--	S2	S2	S2	S
RETAIL SERVICES-COMM.											
1. Retails Stores and Shops for Custom Work or making of Articles to be Sold at Retail on Premises	--	--	--	--	P	P	--	P	P	--	E
2. Retail Establishments Selling Principally Convenience Goods and Services including, but not limited to: Food, Drug, Proprietary Goods	--	--	P	P	--	--	--	P	P	--	E
2a. Health Clubs, Public Baths, Sauna Baths, Personal Fitness Establishments or any other like Business, but not including any uses under Subsection 2b below	--	--	--	--	S2	S2	--	S2	S2	--	--
2b. Places of Business for Message Therapy, Body Work, and Movement Education as defined and regulated by the Saugus Board of Health	--	--	--	--	S2	S2	--	S2	S2	--	--
3. Professional Offices for Engineers, Surveyors, Lawyers, Architects, Accountants, Doctors of Medicine, Osteopathy, Banks, Real Estate, Insurance, Mfg. Representative, Brokers, Travel Agents, and Headquarters for Non-Political, Civic, Cultural or Professional Societies and Organizations	--	--	--	--	P	P	S1	P	P	--	F,H
4. Places of Business for: Blacksmith, Building, Carpenter, Contractor, Mason, Upholsterer, Plumber, Tinsmith, Roofer, Undertaker, Contractor Yards, Laundry Facility of any kind, Pet Care or Pet Sales and similar uses	--	--	--	--	S2	S2	--	S2	S2	--	F
5. Restaurants and other Places for Serving Foods, Motels and Hotels	--	--	--		P	P	--	P	P	--	D
6. Theaters, Bowling Alleys, Billiard Rms., Skating Rinks, and similar places of Amusement	--	--	--	--	S2	S2	--	S2	S2	--	D
7. Gasoline and Oil Stations, Garages for Storage and Repairs, Auto Showrooms and Lots, and Commercial Stables	--	--	--	--	S2	S2	--	S2	S2	--	F

Table of Use and Parking Regulations *(continued)*

Principal Use	District									Flood Plain	Parking Code See Sec. 8.11
	Residential				Business			Industrial			
	R-1	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2	F.P.	
8. Commercial Trailers and Storage Container – if you used in Excess of 24 hours	--	--	--	--	P	P	--	P	P	--	--
9. One-Story Mini-Storage Facility	--	--	--	--	--	S1	--	S1	S1	--	--
10. Adult Uses (see Def. & Sec 12.5C)	--	--	--	--	--	S2	--	--	--	--	S
11. Drive-through Windows	--	--	--	--	--	S2	--	S2	S2	--	--
12. Marijuana Establishment	--	--	--	--	--	--	--	--	--	--	--
WHOLESALE TRANSPORTATION AND INDUSTRIAL											
1. Building Material, Fuel, Dee, Ice Establishments, Junk Yards, Automotive Repair and Sales	--	--	--	--	--	S2	--	S2	S2	--	J, S
2. Light Manufacturing, Employing Electricity and/or other Unobjectionable Motive Power, using hand labor and/or other Unobjectionable Machinery to Process	--	--	--	--	--	S2	--	S2	S2	--	J
3. Laboratory Engaged in Experimental or Testing Research	--	--	--	--	--	--	--		S2	--	J
4. Plant for Manufacture of Electrical or Electronic Devices, Appliances, Apparatus or Supplies; Plant for Mfg. of Medical, Dental Drafting Supplies, Optical Goods or other Precision Instruments	--	--	--	--	--	--	--	--	S2	--	J
5. Plant for disposal and/or processing and storing of waste material and refuse but specifically excluding sludge or any materials containing sewage sludge. Such uses will not be allowed to any preexisting nonconforming use.	--	--	--	--	--	--	--	--	S2	--	J
6. Storage Warehouses for Building Supplies, Shop Supplies, Contractors Equip., Furniture, or any Mfg. Activities listen herein before 3/2/93	--	--	--	--	--	--	--	--	S2	--	J
7. Removal of Earth Material other than Residential Development purposes; Progressing and Treating of Raw Material	--	--	--	--	--	S2	--	S2	S2	--	J
8. Railroad Yards, Motor Freight Terminals	--	--	--	--	--	--	--	S2	S2	--	Q
9. Refuse/Solid Waste Trucking without storage or processing of refuse, solid waste hauling, storage of solid waste containers or dumpsters, recycling machinery, containers and sorting or separating of recyclables.	--	--	--	--	--	--	--	S2	S2	--	F

Table of Use and Parking Regulations *(continued)*

Principal Use	District									Flood Plain	Parking Code See Sec. 8.11
	Residential				Business			Industrial			
	R-1	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2	F.P.	
MISCELLANEOUS											
1. Conservation of Water, Plants and Wildlife	P	P	P	P	P	P	P	P	P	P	--
2. Pony Rides, Circus Fairs, Carnivals, and Similar Events, but not including Permanent Structures	--	--	--	--	S1	S1	--	S1	S1	S1	S
3. Temporary Refreshment Stand of Stands for Sale of Produce Grown on Premises	--	--	--	--	S1	S1	--	S1	S1	S1	--
4. Outdoor Recreation--Including Play Areas, Nature Study, Boating, Fishing & Hunting where legally permitted	--	--	--	P	--	--	--	--	--	P	--
5. Temporary Trailer (constriction & storage) and Storage Containers	--	--	--	P	P		P	P	--	--	--
ACCESSORY USE											
1. Home Occupation	S1	S1	S1	S1	--	--	--	--	--	--	T
2. Garages for not more than four (4) cars	P	P	P		--	--	--	--	--	--	--
3. Tool Sheds, Summer House, Outdoor Fireplaces, Fruit Arbors, Porches	P	P	P	P	--	--	--	--	--	--	--
4. Swimming Pools	P	P	P	P	P	P		P	P	--	--
5. Garages for Storage of Vehicles Incidental to Operation of Business, Clubs, Motels	--	--	--	P	P	P		P	P	--	--
6. Accessory Mfg. use, of Light Mfg. nature incidental to a permitted use, and where the product is customarily sold on the premises directly to a customer	--	--	--		P	P		P	P	--	--
7. Accessory Signs Subject to Article VII	P	P	P	P	P	P		P	P	S1	--
8. Accessory Off-street Parking Subject to Article V	P	P	P	P	P	P	P	P	P	--	--
9. Accessory Uses to Scientific Research and Development and Related Production Activity	S2	S2	S2	S2	S2	S2	S2	S2	S2	--	--
10. Family Day Care	P	P	P	--	--	--	--	--	--	--	--
11. Dwelling Unit	S1	S1	--	--	--	--	--	--	--	--	A
12. Short-Term Rental	--	--	--	--	S1	S1	S1	S1	S1	--	--

ARTICLE VI – DIMENSIONAL AND DENSITY REGULATIONS

SECTION 6.1 – APPLICABILITY OF DIMENSIONAL AND DENSITY REGULATIONS. The regulations for each district pertaining to minimum lot area, minimum lot frontage, minimum front yard depth, minimum side yard distance, minimum rear yard distance, maximum height of buildings, maximum number of stories, and maximum building area, shall be specified in this Article and set forth in the Tables of Dimensional and Density Regulations, and subject to the further provisions of this Article.

SECTION 6.2 – TABLE OF DIMENSIONAL AND DENSITY REGULATIONS. See table on accompanying pages that is declared to be part of this By-Law.

SECTION 6.3 – REDUCTION OF LOT AREAS. The lot, yard areas or open space required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this By-Law, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this By-Law, if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.

SECTION 6.4 – SEPARATION OF LOTS. Lots shall not be so separated or transferred in ownership so as not to comply with the provisions of this By-Law.

SECTION 6.5 – BUILDINGS IN FLOOD PLAIN DISTRICTS.

1. **REFERENCE TO EXISTING REGULATIONS (currently 780 CMR)**
   The Flood Plain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws, Article 24, Saugus Wetlands Protection Bylaw, and with the following:

   - Section of the Massachusetts State Building Code that addresses floodplain and coastal high hazard areas (currently 780 CMR 2102.0, "Flood Resistant Construction");
   - Wetlands Protection regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
   - Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
   - Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
   - Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
   - Any variances from the provisions and requirements of the above referenced state regulations and/or special permits may only be granted in accordance with the required variance and/or special permit procedures of these state regulations.

2. In the floodway, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional Engineer is provided by the applicant demonstrating that such encroachments shall not result in any increase in base flood water surface elevations or base flood mean velocities (feet per second). Refer to Table

3, Floodway Data, Essex County Flood Insurance Study and the Essex County Flood Insurance Rate Maps for base flood water surface elevations and base flood mean velocities. Such certification shall be supported by accompanying documentation showing the method by which such finding was arrived at. Such documentation shall be certified as to its accuracy and appropriateness of methodology.

3. **BASE FLOOD ELEVATION AND FLOODWAY DATA**

   A. **Floodway Data.** In Zone A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways that would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

   B. **Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals or other developments greater than 10 lots or 1 acre, whichever is the lesser, within unnumbered A zones.

4. **NOTIFICATION OF WATERCOURSE ALTERATION**. Notify, in a riverine situation, the following of any alteration or relocation of a watercourse: (1) Adjacent Communities,

   - NFIP State Coordinator
     Massachusetts Department of Conservation and Recreation
     251 Causeway Street, Suite 600 – 700
     Boston, MA 02114-2104

   - NFIP Program Specialist
     Federal Emergency Management Agency, Region I
     99 High Street, 6th Floor
     Boston, MA 02110

5. **Other Use Regulations** – All subdivision proposals must be designed to assure that:

   a) Such proposals minimize flood damage;
   b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
   c) Adequate drainage is provided to reduce exposure to flood hazards.

6. **SECTION F. PERMITTED USES**. The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

   a) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
   b) Forestry and nursery uses.
   c) Outdoor recreational uses, including fishing, boating, play areas, etc.
   d) Conservation of water, plants, wildlife.
   e) Wildlife management areas, foot, bicycle, and/or horse paths.
   f) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
   g) Buildings lawfully existing prior to the adoption of these provisions.

DEFINITIONS:

Area Of Special Flood Hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Development means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining dredging, filling, grading, paving, excavation or drilling operations.

Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

Flood Insurance Rate Map (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

New Construction means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

One Hundred-Year Flood – see BASE FLOOD.

Regulatory Floodway – see FLOODWAY

Special Flood Hazard Area means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Zone A means the 100-year floodplain area with the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local or other data.

Zone AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

Zone X is areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

SECTION 6.6 – SCREENING AND BUFFERS – INDUSTRIAL OR BUSINESS DISTRICTS. Screening and buffers shall be required in any industrial or business district that adjoins a residential district as follows: this strip shall be at least 25 feet in width, except when abutting a residential use in the R-3 and R-4 districts, in which case the width may be reduced to 10 feet. It shall contain a screen of plantings of vertical habit in the center of the strip not less than three (3) feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than three (3) feet on center, and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year-round, A solid wall or fence, not to exceed six (6) feet in height, complemented by suitable plantings, may be substituted for such landscaping. This screening and buffer strip shall not be paved, nor shall it ever be used for vehicular traffic or parking.

SECTION 6.7 – ACCESSORY BUILDINGS AND OTHER STRUCTURES. In all Residential Districts, a detached accessory building shall conform to the following provisions:

Maximum coverage of rear yard -25%
Distance - Set back frontage -20 feet
Lot Line - Side Yard -10 feet
Lot Line - Rear Yard -10 feet
Height -20 feet

An accessory building attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side, and rear yard requirements applicable to the principal building. In Business and Industrial Districts, accessory buildings may be located on the lot so as not to violate the minimum front yard and height restrictions set forth in the Table of Dimensional and Density Regulations. The minimum required distance from side and rear lot line for accessory swimming pools shall be 10 feet in all districts.

SECTION 6.8 – OTHER GENERAL DIMENSIONAL AND DENSITY PROVISIONS. The following regulations shall also apply:

A. Existing residential uses in all non-residential districts shall be subject to the regulations for the particular type of dwelling in the designated district. Any new residential uses in nonresidential districts shall be subject to the dimensional and density regulations of the nearest residential district as determined by the Building Inspector.

B. Except for planned density developments for multi-family use, cluster residential development, community facilities, and public utilities, only one principal structure shall be permitted on a lot. In the case of multi-family development, other than planned density development, the minimum distance between the walls of such principal buildings that contain windows shall be twice the minimum side yard or side setback required in the district. (The minimum lot area required per each individual dwelling unit, building, or other unit of use shall be multiplied by the number of such units to obtain the minimum lot area required for the total tract of land. Other area regulations shall apply to the tract as a whole.)

C. A corner lot shall have minimum street yards with depths that shall be the same as the required front yard depths for the adjoining lots.

D. At each end of a through lot, there shall be a setback depth required that is equal to the front yard depth required for the district in which each street frontage is located.

E. Projection into required yards or other required open spaces are permitted subject to the following:

   a) Balcony or Bay window, limited in total length to one half (1/2) the length of the building, but more than two (2) feet.
   b) Open terrace or steps or stoop, under four (4) feet in height, up to one half (1/2) the required yard setback.
   c) Steps or stoop over four (4) feet in height, windowsill, chimney, roof eve, fire escape, fire tower, storm enclosure or similar architectural features, not more than two (2) feet.

F. The provisions of this By-Law governing the height of buildings shall not apply to chimneys, cooling towers, elevator bulkheads, skylights, ventilators, electronic equipment, elevator shafts, and other necessary appurtenances usually carried above roof, nor to domes, towers, stacks or spires, if not used for human occupancy and that occupy not more than 20 percent of the ground floor area of the building; nor to ornamental towers, observations towers, radio broadcasting towers, television and radio antennae, and other like structures, that do not occupy more than 20 percent of the lot area; nor to churches or agricultural or institutional nonresidential buildings or buildings of private schools not conducted for profit that are primarily used for school purposes, provided the excepted appurtenances are not located within the flight paths of an airport as defined by F.A.A. regulations. This exception shall not apply to exterior lighting support structures over 35' tall at sports fields or similar facilities within 1000 feet of residential property which structures shall require a special (S-2) permit from the Board of Selectmen, who, in granting such approval, shall follow guidelines in Section 12.5 of this By-Law.

G. Where an "I" or "B" District abuts an "R" District, no building within the "I" or "B" District shall be within 25 feet of the boundary line of the "R" District. This exception shall not apply

to exterior lighting support structures over 35' tall at sports fields or similar facilities within 1000 feet of residential property which structures shall require a special (S-2) permit from the Board of Selectmen, who, in granting such approval, shall follow guidelines in Sec. 12.5 of this By-Law. 12/1/86

H. The maximum height of any hedge, fence or stone wall (except existing restraining walls) excluding chain link fences, shall not be more than 42 inches above the center line of an adjacent way when placed or constructed within 30 feet of the intersection of 2 ways or the intersection of a way and a driveway.

I. The top of the foundation of a dwelling shall be at least two (2) feet above the center line of the street in cases where septic systems are approved. In all other cases, dwellings may be allowed to be built below this requirement provided that adequate public gravity sewer is made available by whatever means necessary and approved by the Board of Health.

J. The limit of height in High Rise Business and Industrial Districts (B-2), subject to the provisions of Article XII, shall be six (6) stories, not to exceed ninety (90) feet, with the same exceptions as provided in paragraph F of this section.

K. Hillside Protection

A. **Purpose.** The purposes of this section shall be: (1) to preserve and enhance landscape amenities by encouraging the maximum retention of natural topographical features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings, vistas natural plant formations, and trees; (2) to minimize the effects of grading to insure that the natural character of steep slopes is retained; (3) to minimize water run-off and soil-erosion problems incurred in grading of steep slopes; and (4) to encourage innovative architectural, landscaping, circulation and site design. For the purposes of this section, the term "Natural slope" shall be defined as the elevation of the ground surface in its natural state, and "natural state" shall be defined as including soil and vegetation of every kind, before man-made alterations such as grading, excavation or filling.

B. The slope of land at any point, stated as a percentage, shall be defined as the change in elevation over a horizontal distance measured perpendicular to the contours divided by the distance over which the change occurs multiplied by 100.Slope=(Change in elevation/Horizontal distance measured perpendicular to contours) X 100

C. All natural slopes exceeding 25% over a horizontal distance of 30 feet as measured perpendicular to the contour are protected and shall remain in their natural state.

D. This section shall apply to R-1, R-2, R-3, R-4, B-1, B-2, B-3, I-1 and I-2 zoning districts.

E. The Saugus Planning Board may grant a special permit from the provisions of this section if, in the Board's opinion, the proposal satisfies the purposes of subsection (a) above. The application for a special permit shall be accompanied by a plan, certified by a Registered Professional Land Surveyor, showing the existing topography at two-foot (2') contour intervals.

F. The provisions of this section shall not apply for eight years to building lots in a definitive subdivision submitted in accordance with M.G. L. c. 41 in order to obtain the protections afforded by M.G.L. c. 40A Section 6, or for the same period, after endorsement, to building lots in a definitive subdivision plan approved prior to the enactment of this section.

G. The Saugus Planning Board may, by a 4/5 vote, waive the requirements of the special permit and the two-foot contour plan certified by a Registered Professional Land Surveyor if the Board votes that the following have been satisfied:

1. The Board hears the proposed modifications at a properly scheduled informal discussion at an open meeting after the receipt of an application and plan showing the extent of the work to be performed and certified by the applicant, and after notice by the Planning Board by certified mail and solicitation of input from the direct abutters of the affected lot. The fee for this review, covering mailing and other clerical cost, shall be established by the Planning Board.
2. That estimated costs of such modifications are not more than $2,000, and that no more than 10% of the total area of the slope is affected.
3. That such modifications substantially meet the requirements of subsection (a) above.
4. Subsection (g) shall apply only to lots in residential zones R-1, R-2, R-3 and R-4, and only where there is an existing primary structurel.Landfill Height Limit. The vertical distance above the mean level of the ground within ten feet of the horizontal limit of a landfill to the top surface of the landfill, including any final landfill cap or covering material, shall not exceed forty feet. This will not apply to landfills such as the Main Street town dump already being phased out at the time of this vote.

SECTION 6.9. – HOUSE NUMBERING

Every property owner shall display the house number, using only numeric digits of at least 4 inches clearly and obviously visible, day or night. If the house sits fifty (50) feet or more from the street or way, the number shall be affixed to a post at a point at least four (4) feet above ground level, at the entrance to the property.

The use of other than numeric digits as described herein, shall not conflict with nor be in lieu of the requirements of this by-law. The use of house numbers not assigned by the Town Assessors is prohibited.

It shall be the determination of the Town Assessors for the assignment of all house numbers and sub-numbers.

In all cases, the house numbers shall be in contrast with the color of the house, shall not be obstructed by shrubs or other growth, shall not be obstructed by furniture, screening or any other visual restriction, so it may be seen readily from the street, both day and night by any public safety or other emergency personnel.

During any period of construction or reconstruction, the house numbers shall be posted in plain view at the main entrance.

SECTION 6.10 – CLUSTER RESIDENTIAL SINGLE FAMILY DEVELOPMENT

1. Purpose and Intent:
    A. To encourage the permanent preservation of open space, agricultural and forestry land, other natural resources including water bodies and wetlands, and historical and archeological resources.
    B. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional or grid subdivision.
    C. Open space shall be planned as large, contiguous areas whenever possible; arranged to protect valuable natural and cultural environments. The development plan shall take advantage of the natural topography of the parcel and cuts and fills shall be minimized.
    D. Open space may be either deeded to the Town, or covenanted to be maintained as permanent "open space," in private or cooperative nonprofit ownership. All areas to be set aside as open space shall be so recorded with the Essex County Registry of Deeds, free of any mortgage interest, security interest, liens, or other encumbrances before any occupancy permit may be issued within the development.
    E. It is NOT the purpose of this law to increase the number of lots, which may be constructed on a given parcel of land.
2. Clustered development will be allowed by the Planning Board, pursuant to compliance with these rules and regulations:
    A. The tract of single or consolidated ownership at the time of application shall be at least 5 acres in size and subject to approval by the Planning Board under the Subdivision Control Law.
    B. A pre-application meeting with the Planning Board is required, where the developer will submit conceptual plans for the proposed development in both clustered and traditional development. These plans must show that the number of lots intended does not exceed the number of lots which could be developed following all of the rules and regulations applicable to an ordinary development. These sketches should include wetlands, hillside topography, bodies of water, and other features of interest or value.
    C. A definitive site plan shall be presented and approved for the entire tract.
    D. The development shall be served by public water and sewer system.
    E. Each lot shall have at least 50 feet of frontage, and conform to the standard front, rear, and side setback requirements for the district.
    F. Each building lot must be able to contain a circle of a minimum diameter of 50 feet from the front lot line to the rear building line.
    G. The minimum size of any lot may not be less than 50 percent of the normal minimum for the district.
    H. At least 30 percent of the total tract area (of which at least 50 percent shall not be wetlands) shall be set aside as common land, and restricted to open space recreational uses as park, playground, play field or conservation area; and shall have suitable access to a street.
    I. The limit of building lots may be increased, at the discretion of the Planning Board, by a bonus of up to 15 percent, if the common land exceeds 60 percent of the total tract and/or at least 15 percent of the lots are affordable housing. The sum of this increase may not exceed 15 percent in total.

ARTICLE VII – REGULATION OF ADVERTISING SIGNS AND BILLBOARDS

SECTION 7.1 – PURPOSES. The purpose of this Article is to regulate and restrict billboards, signs and other advertising devices within the Town in order to protect and enhance the scenic, historic and aesthetic qualities of the environment of this Town and the safety, convenience and general welfare of its inhabitants.

SECTION 7.2 – DEFINITIONS.

Sign: A sign shall mean and include any privately owned permanent or temporary device, structure, placard, painting, drawing, poster, letter, pictorial representation, emblem, pennant, insignia, numeral, trade flag, or representation used as, or that is in the nature of an advertisement, announcement, or direction that is on a public way or on private property within public view of a public way, public park or reservation. The above definition shall include signs located inside a window but shall not include the display of merchandise visible through such window.

Standing Sign: A standing sign shall include any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to the building.

Person: Person shall include any individual, corporation, society, association, partnership trust or other entity.

Public Way: Public way shall include a private way that is open to public use.

Sign Area of:

A. For a sign, either free standing or attached the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background whether open or enclosed on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting framework and bracing incidental to the display itself.
B. Where the sign consists of individual letters or symbols attached to a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other convex shape that encompasses all of the letters and symbols.

Outdoor Advertising Board: The Outdoor Advertising Board of the Commonwealth of Massachusetts or any board or officials that may hereafter succeed to its powers or functions.

SECTION 7.3 – GENERAL REQUIREMENTS – ALL SIGNS.

1. **MOVEMENT**: No sign shall contain any visible moving or movable parts, except such portions of a sign as consist solely of indicators of time and/or temperature and except further that individual letters and/or numerals that make up the message of sign that are normally and routinely removed and replaced on a regular basis shall not be considered movable parts. No sign shall be portable except when used as temporary signs pursuant to this Sign By-Law.

2. **ILLUMINATION**:
    a) No sign shall be illuminated between the hours of 11 p.m. and 7 a.m. unless, in the case of an accessory sign, the premises on which it is located are open for business, and except as provided in Section 7.4 herein.
    b) No sign shall contain any moving, flashing, intermittent or animated lights, except such portions of a sign as consist solely of indicators of time and/or temperature.
    c) No illumination shall be permitted that casts glare onto any portion of any street that would, in the opinion of the Chief of Police, constitute a driving hazard.
    d) The provisions of this Section shall apply not only to exterior signs, but also to interior signs that are designed or placed to show through windows of buildings.
    e) Lighted signs must be turned off from 11 p.m. to 6 a.m., or within one hour after the close of business daily, whichever occurs later in the night, and does not apply to indoor signs.

3. **WINDOW SIGNS**: Signs placed on the inside of the glass of a window shall be permitted, provided that the aggregate area of such signs does not exceed 25 percent of the area of the window glass, except as provided in Section 7.4 herein. Any sign placed within 18" of the window glass shall be considered a window sign.

4. **TEMPORARY SIGNS**: Temporary signs that conform with all regulations of this Sign By-Law shall be permitted. Before a temporary sign (other than a sign placed in a window) shall be put in place, authorization shall be obtained from the Sign Officer after payment of a fee to be determined by the Board of Selectmen.

    a) **Business Grand Opening Signs**: Fee of $50.00. Placement of sign subject to approval of Inspectional Services Dept., but it shall not interfere with public safety. Sign shall be no larger than 8 feet by 4 feet, and shall not be displayed for more than 10 days, with only one sign for each initial business opening.
    b) **Vehicle Signs**. A vehicle with advertising signage must be registered, functional and used in the normal course of business. It shall be parked on the business property for which advertising is being provided, and not on public ways. Location of parking area shall be approved by the Inspectional Services Department. Vehicles displaying advertising shall not be allowed in residential-zoned (R) areas except when used by property owner for transportation

5. **ROOF SIGNS**: A sign that projects above the top of the wall to which it is attached (but not including a canopy, marquee, or roof-type decorative shelter) and a sign primarily placed on top of a structure shall not be permitted.

6. **CONSTRUCTION AND MAINTENANCE**: No sign shall be painted or posted on the exterior surface of any wall but all signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface that shall be securely affixed to the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices securely affixed to the exterior wall of a building. All signs, together with their structural elements, shall be kept in good working repair and in a proper state of preservation to the reasonable satisfaction of the Sign Officer.

7. **TEMPORARY SIGNS** visible from the public way that are attached to the inside area only of the fence at Grabowski Field, Anna Parker Soccer Fields, World Series Park and the little league field at Oaklandvale School, that do not exceed 4' x 4' in square dimensions and that are placed between the dates of April 1st and September 30th shall be permitted

with the approval of the Town Manager. Note: The Attorney General's Office approval states: "This approval does not constitute an approval of the use of temporary signs by anyone other than the Town without full compliance with all legal requirements. Mass. Const. Amend. Art. 18".

8. **POLITICAL SIGNS** (in all districts). Limitations:

    a) No more than one sign per election contest, per lot, on private property, and only with property owner's permission.
    b) Signs shall not exceed 3 feet by 2 feet, or a total of 6 square feet in size.
    c) Freestanding signs shall be no higher than 5 feet above ground level at highest point.
    d) Signs shall be stationary and not directly illuminated.
    e) Sign shall not be erected earlier than 30 days before an election, and shall be removed within 7 days after the election. Primary Election winners need not remove signs until 7 days after the General Election.

SECTION 7.4 – SIGNS – ADDITIONAL REQUIREMENTS. No sign shall be permitted except signs that meet the General Requirements of Section 7.3 and the following additional requirements:

1. **SINGLE RESIDENCE, GENERAL RESIDENCE, MULTI-DENSITY RESIDENTIAL AND FLOOD PLAIN DISTRICTS**: No sign shall be erected or maintained on any lot in a Single Residence, General Residence, Multi-Density Residential or Flood Plain District except as hereafter expressly permitted:

    a. **Number and Size**: There may be one such sign for each lot indicating only the name of the owner or occupant, the street number, and a permitted use or occupation in the particular area under the Zoning By-Law. Such sign may be a standing sign but shall not exceed one
        i. square foot or, where a permitted use or occupation is set out, two (2) square feet in area and shall not exceed a height above the ground of eight (8) feet.

    b. **Temporary Sign**: There may be one temporary unlighted sign on each lot advertising the sale or rental of the premises or the name and address of the contractor, architect and engineer responsible for any construction on the premises, provided that such sign shall not exceed 25 square feet in area and shall be removed promptly after such sale, rental or construction has been effected.

    c. **Illumination**: No sign shall be illuminated except:
        i. By a white, steady, stationery light of reasonable intensity, shielded and directed solely at the sign; or,
        ii. By interior non-exposed lights of reasonable intensity.
        iii. The foregoing is applicable whether the sign is exterior to a building or designed to be visible through a door or a window.

    d) **Color**: No illuminated sign shall contain more than two colors nor shall any sign contain more than two (2) colors. No sign shall contain red or greed lights if such colors would, in the opinion of the Chief of Police, constitute a driving hazard. Both

black and white are considered separately as colors for enumeration under this section.

e) **Non-profit Institutions**: There may be one bulletin or announcement board, identification sign or entrance to the premises upon which a church, synagogue, school, or other nonprofit organization not exceeding all together 25 square feet in area.

2. **BUSINESS DISTRICTS**: No sign shall be permitted in an area zoned as a business district except signs permitted under Section 7.4 and the following:

   a. **Location**:
      i. A sign shall be affixed to a building except as hereinafter provided as to standing signs.
      ii. A sign affixed to a building shall be parallel with a wall of the building and shall not project beyond the face of any other wall to which it is affixed.
      iii. The base of the sign shall not project more than 16 inches from the wall to which it is affixed, in the case of a sign parallel with the wall.

   b. **Size**: If affixed against a wall, the area of the sign may not exceed 10 percent of the wall area of the wall on which it is displayed. For purposes of applying this maximum space limitation, any intermediary removable surface to which a sign is affixed shall be deemed part of the sign; and any sign composed of separate letters or devices cut into or affixed to a wall shall be deemed to occupy the entire area within a single continuous perimeter enclosing the extreme limits of the sign, including any structural elements.

   c. **Number**:
      i. There shall be not more than one (1) exterior sign affixed to the building for each business establishment consisting of a single building except that if such building has more than one public entrance, there may be a secondary sign affixed to each wall in which such entrance is located other than the wall to which the principal sign is affixed. If a single building consists of more than one (1) business establishment, there shall not be more than one (1) exterior sign affixed to the building for each such business establishment. If a business establishment consists of more than one (1) building, a secondary sign may be affixed to a wall of each such building. The secondary sign or signs for any business establishment shall not exceed, in the aggregate, 50 percent of the maximum permissible area for a single sign for said business establishment.
      ii. In addition to the foregoing sign or signs, one directory of the business establishments occupying a building may be affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one square foot for each establishment occupying the building and shall be included in determination of the area limitations.

   d. **Standing Signs:** In addition to the number of signs allowed in Section 7.4 (2-c), the Board of Appeals may, in its discretion, authorize a special permit for a standing sign after finding that the nature and use of the premises or the location of the building with reference to the street or streets is such that a standing sign may be

permitted in harmony with the general purpose and intent of this Sign By-Law and this Article subject to the following requirements:

i. Any such sign shall not exceed (a) 50 square feet in area; (b) 10 feet in any dimension; and (c) shall not be higher at any point than 20 feet from the ground.
ii. In granting such special permit, the Board of Appeals shall specify the size, type and location of the sign and impose such other conditions, safeguards and limitations as it may deem to be in harmony with this Sign By-Law and the public interest.

e. **Illumination**:
   i. No sign located in the above mentioned Zoning District shall be illuminated except by a white, steady, stationery light shielded and directed solely at the sign; or
   ii. By the interior non-exposed lights of reasonable intensity;
   iii. The foregoing is applicable whether the sign is exterior to a building or designed to be visible through a door or window.

f. **Color**: No illuminated sign shall contain more than five (5) colors nor shall any sign contain more than five (5) colors. No sign shall contain red or green lights if such colors would, in the opinion of the Chief of Police, constitute a driving hazard. Both black and white are considered separately as colors for enumeration under this Section. 1999-2009 Amendment reference a section g that section h comes after.

g.

h. **Street Banners**: Subject to approval of the Board of Selectmen by a majority vote, and applies only to non-profit or municipal use, with size of sign limited to 30 feet by 4 feet and with 30-day maximum display time. Locations are limited to Main St., Essex St. and Lincoln Ave., as approved by utility companies. Bond in the amount of $10,000 shall be posted, naming the Town of Saugus.

i. **Business Grand Opening Signs**: Fee of $50.00. Placement of sign subject to approval of Inspectional Services Department, but it shall not interfere with public safety. Sign shall be no larger than 8 feet by 4 feet, and shall not be displayed for more than 10 days, with only one sign for each initial business opening.

j. **Strip Mall Directory Signs:** A strip mall is a series of connected buildings without a common entrance. This directory shall be located at either end of mall, or at rear of mall, but not both. Size of sign is limited to 3 feet by 4 feet, and shall be back-lighted and use same lettering and colors of all mall businesses.

k. **Seasonal Flags:** One “seasonal” flag that is not advertising a product sold in the business displaying flag is permitted, with maximum size 3 feet by 4 feet. While there is no time period, such flags should be appropriate to the season. Included in this category are single 3 feet by 4 feet flags celebrating a sports victory or an American military victory.

l. **Open Flags:** “OPEN” flags shall be allowed. Size is limited to 3 feet by 4 feet and shall not interfere with public safety. Flag shall only be used when business is actually open.

3. INDUSTRIAL, LIGHT INDUSTRIAL, AND HEAVY INDUSTRIAL DISTRICTS: No sign shall be permitted in an area zoned as Industrial, Light Industrial or Heavy Industrial Districts except the following:

a. Location:

i. No sign shall be affixed to a building except as hereinafter provided as to standing signs.

ii. A sign affixed to a building shall be parallel with a wall of the building and shall not project beyond the face of any other wall to which it is attached.

iii. The base of the sign shall not project more than 16 inches from the wall to which it is affixed, in the case of a sign parallel with the wall.

b. **Size**: If attached flat against a wall, the area of the sign may not exceed 10 percent of the wall area of the wall on which it is displayed. For purposes of applying this maximum space limitation, any intermediary removable surface to which a sign is affixed shall be deemed part of the sign, and any sign composed of separate letters or devices cut into or affixed to a wall shall be deemed part of the sign, and any sign composed of separate letters or devices cut into or affixed to a wall shall be deemed to occupy the entire area within a single continuous perimeter enclosing the extreme limits of the sign, including any structural elements.

c. **Number**:

i. There shall be not more than one (1) exterior sign affixed to the building for each business establishment consisting of a single building, except that if such building has more than one public entrance there may be a secondary sign affixed to each wall in which such entrance is located other than the wall to which the principal sign is affixed. If a single building consists of more than one business establishment, there shall be not more than one (1) exterior sign affixed to the building for each such business establishment. If a business establishment consists of more than one building, a secondary sign may be affixed to a wall of each building. The secondary sign or signs for any business establishment shall not exceed, in the aggregate, 50 percent of the maximum permissible area for a single sign for said business establishment.

ii. In addition to the foregoing sign or signs, one directory of the business establishments occupying a building may be affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one square foot for each establishment occupying the building and shall be included in determination of the permissible area limitations.

d. **Standing Signs**: In addition to the number of signs allowed in Section 7.4 (3-c) a standing sign shall be allowed provided, however, that any such sign shall not exceed (a) 50 square feet in area; (b) 10 feet in any dimension; (c) shall not be higher at any point than fifteen (15) feet from the ground.

e. Illumination:

i. No sign located in these above mentioned Zoning Districts shall be illuminated except by a white, steady, stationery light shielded and directed solely at the sign; or

ii. By interior non-exposed lights of reasonable intensity;
iii. The foregoing is applicable whether the sign is exterior to a building or designed to be visible through a door or window.

f. **Color:** No illuminated sign shall contain more than five (5) colors. No sign shall contain red or green lights if such colors would, in the opinion of the Chief of Police, constitute a driving hazard. Both black and white are considered separately as colors for enumeration under this Section.

g. **Temporary Signs**: There may be one temporary sign maintained for a period of not more than 30 days upon application to the Sign Officer showing that said temporary sign is required as a result of the repair and/or reconstruction of an existing permitted sign.

h. **Business Grand Opening Signs**: Fee of $50.00. Placement of sign subject to approval of Inspectional Services Department, but it shall not interfere with public safety. Sign shall not be larger than 8 feet by 4 feet, and shall not be displayed for more than 10 days, with only one sign for each initial business opening.

i. **Strip Mall Directory Signs:** A strip mall is a series of connected buildings without a common entrance. This directory shall be located at either end of mall, or at rear of mall, but not both. Size of sign is limited to 3 feet by 4 feet, and shall be back-lighted and use same lettering and colors for all mall businesses.

j. **Lighted signs** must be turned off from 11 p.m. to 6 a.m., or within one hour after the close of business daily, whichever occurs later in the night, and does not apply to indoor signs.

4. HIGH RISE BUSINESS AND INDUSTRIAL DISTRICT. No sign shall be permitted in an area zoned as High Rise Business and Industrial Districts except the following:

a. **Location**:
   i. A sign shall be affixed to a building except as hereafter provided as to Standing Signs.
   ii. A sign affixed to a building shall be parallel with a wall of the building and shall not project beyond the face of any other wall of the building, or above the top of the wall to which it is affixed.
   iii. The base of the sign shall not project more than 16 inches from the wall to which it is affixed in the case of a sign parallel with the wall.

b. **Size**: If affixed flat against a wall the area of the sign may not exceed 15 percent of the wall area on which it is displayed. For the purposes of applying this maximum space limitation, any intermediary removable surface to which a sign is affixed shall be deemed part of the sign; and any sign composed of separate letters or devices cut into or affixed to a wall shall be deemed to occupy the entire area within a single continuous perimeter enclosing the extreme limits of the sign, including any structural elements.

c. **Number**:
   i. There shall not be more than one (1) exterior sign affixed to the building for each business establishment consisting of a single building, except that if

such building has more than one public entrance there may be a secondary sign affixed to each wall in which such entrance is located other than the wall to which the principal sign is affixed. If a single building consists of more than one business establishment, there shall be not more than one (1) exterior sign affixed to the building for each such business establishment. If a business establishment consists of more than one building, a secondary sign may be affixed to a wall of each such building. The secondary sign or signs for any business establishment shall not exceed in the aggregate 50 percent of the maximum permissible area for a single sign for said business establishment.

ii. In addition to the foregoing sign or signs, one directory of the business establishments occupying a building may be affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one

iii. square foot for each establishment occupying the building and shall be included in determination of the permissible area limitations.

d. **Standing Signs:** In addition to the number of signs allowed in Section 7.4 (4-c) a standing sign shall be allowed provided that any such sign shall not exceed:

i. Two hundred twenty-five (225) square feet in area;

ii. Fifteen (15) feet in any dimension;

iii. Shall not be higher at any point than 25 feet from the ground.

e. **Illumination**:

i. No sign located in these above mentioned Zoning Districts shall be illuminated except by a white, steady, stationery light shielded and directed solely at the sign; or

ii. By interior non-exposed lights of reasonable intensity;

iii. The foregoing is applicable whether the sign is exterior to a building or designed to be visible through a door or window.

f. **Color**: No illuminated sign shall contain more than five (5) colors. No sign shall contain red or green lights if such colors would, in the opinion of the Chief of Police, constitute a driving hazard. Both black and white are considered separately as colors for enumeration under this Section.

g. **Temporary Signs**: There may be one temporary sign maintained for a period of not more than 30 days upon application to the Sign Officer showing that said temporary sign is required as a result of the repair and/or reconstruction of an existing permitted sign.

h. **Window Signs**: Signs placed on the inside of the glass of a window shall be permitted provided that the aggregate area of such signs does not exceed 50 percent of the area of the window glass and further provided that said window sign allowed by this Section 7.4 (4-h) shall be restricted to those signs that are normally and routinely removed, replaced and the message changed on a regular basis and further provided that the use of a window sing allowed by this Section 7.4 (4-h) shall not exceed 30 days in a consecutive sixty (60) day period. The total area of a window sign allowed pursuant to Section 7.3 (3), shall not exceed, in the aggregate, 50 percent of the window glass.

i. **Business Grand Opening Signs**: Fee of $50.00. Placement of sign subject to approval of Inspectional Services Department, but it shall not interfere with public safety. Sign shall not be larger than 8 feet by 4 feet, and shall not be displayed for more than 10 days, with only one sign for each initial business opening.

j. **Strip Mall Directory Signs:** A strip mall is a series of connected buildings without a common entrance. This directory shall be located at either end of mall, or at rear of mall, but not both. Size of sign is limited to 3 feet by 4 feet, and shall be back-lighted and use same lettering and colors for all mall businesses.

k. **Lighted signs** must be turned off from 11 p.m. to 6 a.m., or within one hour after the close of business daily, whichever occurs later in the night, and does not apply to indoor signs.

Regarding the above revisions of Article VII, Sections 7.3 and 7.4:

Should any of the above proposed by-laws be held invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect any other provisions of the proposed by-laws, and the proposed by-laws shall then be construed as if such invalid, illegal or unenforceable provision had not been contained within.

SECTION 7.5 – PREEXISTING NON-CONFORMING SIGNS.

1. **Pre-Existing Non-Conforming Signs:**
   A. Except as hereinafter provided, Preexisting, Non-Conforming Signs shall meet the provisions of Article II, Section 2.3.
   B. The provisions of this By-Law shall apply with respect to any sign which:
      1) The cost alteration, repair, reconstruction, rebuilding, or change would exceed 33 1/3 percent of the replacement value of the sign; said costs and replacement value to be certified by an accredited insurance appraiser upon written request of the Sign Officer with the cost of said appraisal being borne by the sign owner.
      2) Shall have been abandoned or not used for a continuous period of two (2) years.
      3) This By-Law shall apply to any non-conforming sign that at any time during the year preceding the effective date of this Article, or at any time thereafter, advertises or promotes the sale of goods, products, or services not sold, provided, or manufactured upon the same premises on which the sign is located.
      4) Except as provided in subsections (1), (2), (3), (5) and (6), this By-Law shall not apply to any non-conforming sign legally erected prior to the effective date of this By-Law.
      5) All non-conforming signs subject to subsection (3) shall be removed within 120 days of the effective date of this By-Law or within 120 days of the date on which the sign first becomes subject to subsection (3), whichever occurs later.
      6) Shall not have been repaired or properly maintained, within 60 days, after notice to that effect has been given by the Sign Officer.
   C. Any enlargement or extension of an existing sign that does not conform in every way to the present requirements of Article VII of this zoning by-law must be

approved by the Saugus Board of Appeals, as a Special Permit, after a hearing as required by Ch. 40A Secs. 9 and 11.

Refacing of preexisting signs shall be exempted. This includes all signs for which no previous permit exists.

SECTION 7.6 – ADMINISTRATION AND ENFORCEMENT.

A. **Enforcement**: The provisions of this Article shall be enforced by the Building Inspector who is hereby designated as the Sign Officer. The Sign Officer is authorized to order the repair or removal of any sign and its supporting structure that, in his judgment, is dangerous or in disrepair or that is erected or maintained contrary to the provisions of this By-Law.
B. **Permits And Fees**: Except for signs allowed pursuant to compliance with Section 7.4 (1) , no sign shall be erected, altered or enlarged until a permit has been issued by the Sign Officer. Such permit shall be issued only if the sign complies or will comply with all applicable provisions of this Sign By-Law and any other applicable rules and regulations. A schedule of fees for permits may be determined from time to time by the Board of Selectmen. The provisions of this section shall not apply to signs permitted in a residential area or temporary signs to be placed in a window.
C. **Penalty For Violation**: Provisions of Article X, Section 10.8 apply.
D. **Appeal**: See Article XI.
E. **Severability**: See Article XI.

ARTICLE VIII – OFF STREET PARKING AND LOADING REGULATIONS

SECTION 8.1 – OFF STREET PARKING REQUIREMENTS. Off street parking spaces shall be provided for every new structure, the enlargement of and existing structure, the development of a new land use or any change of an existing use in its entirety in accordance with the Table of Use and Off Street Parking Regulations (see Article VI, the Table of Off Street Parking Regulations, and other requirements contained within Article VIII.

The Parking Code stipulated in the Table of Use and Parking Regulations shall correspond to the use and space requirements set forth in the Table of Off Street Parking Regulations as presented in this Article.

SECTION 8.2 – OFF STREET LOADING AND UNLOADING REQUIREMENTS. Every building erected for Retail and Commercial Service, Wholesale, Transportation and Industrial, and Community Facility use as specified in the Table of Use and Parking Regulations and for every such use as hereinafter established in an existing building or area, the off street loading and unloading requirements presented in the Table of Off Street Loading Regulations shall apply.

SECTION 8.3 – EXISTING SPACES. Parking or loading spaces being maintained in any district in connection with any existing use on July 1, 1978, shall not be decreased so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this Article provided: this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.

SECTION 8.4 – COMPUTATION OF SPACES. When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction over one-half (1/2) shall require one space.

SECTION 8.5 – COMBINED FACILITIES. Parking required for two (2) or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Building Inspector where it is evident that such facilities will continue to be available for the several buildings or uses.

SECTION 8.6 – CONTINUANCE. Required off street parking or loading spaces, that after development are later designated as and accepted by the Town for off street parking purposes, shall continue to serve the uses or structures to meet these requirements so long as said use or structure remains.

SECTION 8.7 – LOCATION OF PARKING SPACES. Required off street parking spaces shall be provided on the same lot as the principal use they are required to serve; when practical difficulties, as determined by the Board of Selectmen, prevent their establishment upon the same lot, they shall be established no further than 300 feet from the premises to which they are appurtenant, by special permit.

SECTION 8.8 – LOCATION OF LOADING SPACES. The loading spaces required for the uses listed in the Table of Off Street Loading Requirements shall, in all cases, be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this By-Law.

SECTION 8.9 – USE OF MUNICIPAL LOTS FOR PARKING. The Board of Selectmen by special permit may, when practical difficulties exist, allow the substitution of space within municipal-owned lots in lieu of parking requirements of this Article provided they are within 1,000 feet of the building that it is intended to serve.

TABLE OF OFF STREET PARKING REGULATIONS

Parking Code	Uses	Number of Spaces per unit (Min.)
A	Single and two-family dwelling	Two for each dwelling unit
B	Multi-family dwelling	Two for each dwelling unit, except for housing for the elderly that shall provide one for each three units
C	Lodging house, dormitory, fraternity, sorority, YMCA, YWCA, and similar group quarters	One for each rental or sleeping unit
D	Theater, restaurant, auditorium, church or similar place of public assembly with seating facilities	One for each four seats of total seating capacity
E	Automotive retail and service establishment and other retail and service establishments utilizing extensive display areas, either indoor or outdoor that are unusually extensive in relation to customer traffic	One per 1,000 square feet of gross floor space. In the case of outdoor display areas, one for each 1,000 square feet of lot area in such use
F	Other retail, service, finance, insurance, or real estate establishment	One per each 300 square feet of gross floor space except that there shall be required for every laundromat business, a number of spaces equal to one-half the number of washing machines for public use.
G	Hotel, motel, tourist court	One for each sleeping room plus one for each 400 square feet of public meeting room and restaurant space
H	Medical/Dental office building	Four spaces per each doctor
I	Wholesale establishment, warehouse or storage establishment	One per each 1,000 square feet of gross floor space
J	Manufacturing or industrial establishment	One per each 600 square feet of gross floor space OR 0.75 per each employee of the combined employment of the two largest successive shifts, whichever is larger

Source: Generally recognized highway and street standards (AASHO) adjusted to reflect the needs of Saugus.

TABLE OF OFF STREET PARKING REGULATIONS

Parking Code	Uses	Number of Spaces per unit (Min.)
K	Hospital	Two per bed at design capacity
L	Nursing home	One for each 3 beds at design capacity
M	Business, trade, or industrial school or college	One for each 200 square feet of gross floor area in classrooms, plus space for gymnasium or auditorium whichever has larger capacity (see Code D)
N	Other school	Two per classroom in an elementary and junior high school; four per classroom in a senior high school plus space for auditorium or gymnasium, whichever has the larger capacity (see Code D)
O	Community facility (town building, recreation, etc.)	One per each 400 square feet of gross floor space
P	Public utility	One for each 400 square feet of gross floor area devoted to office use One for each 88 square feet of gross floor area per other use
Q	Transportation terminal establishment	One for each 600 square feet gross floor area
R	Mixed use	Sum of various uses computed separately
S	Any use permitted by this By-Law not interpreted to be covered by this schedule	Closest similar use as shall be determined by the Building Inspector
T	Mixed residential and home occupation use	The applicable residential requirement plus one for each 600 square feet of gross floor area used for home occupation

Source: Generally recognized highway and street standards (AASHO) adjusted to reflect the needs of Saugus.

TABLE OF OFF STREET LOADING STANDARDS

Uses	Number of Spaces per unit (Min.)
Retail trade, manufacturing, and hospital establishment with over 5,000 square feet of net floor area	One per 20,000 square feet or fraction thereof of net floor area up to two spaces: one additional space for each 60,000 square feet or fraction thereof of net floor area over 40,000 square feet
Business services, other services, community facility (school, church, town building, recreation, etc.) or public utility establishment with over 5,000 square feet of net floor area	One per 75,000 square feet or fraction thereof of net floor area up to two spaces; one space for each 200,000 square feet or fraction thereof net floor area over 150,000 square feet

Source: Generally recognized highway and street standards (AASHO) adjusted to reflect the needs of Saugus.

ARTICLE IX NONCONFORMING USES, STRUCTURES AND LOTS

SECTION 9.1 – NONCONFORMITY BY INITIAL ENACTMENT OR AMENDMENT. The provisions of this article apply to nonconforming uses, structures and lots. It is the purpose of this By-Law to discourage the perpetuity of nonconforming uses whenever possible.

SECTION 9.2 – EXTENSION AND ALTERATION.

1. Preexisting nonconforming structures or uses may be extended or altered by Special Permit from the Board of Appeals, provided that no such extension or alteration shall be permitted unless there is a finding by that Board, after a hearing, that such change, extension or alterations shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.
2. This Section shall not apply to signs or other advertising devices subject to Section 7.5 herein.
3. Any nonconforming structure or portion thereof that has come into conformity shall not again become nonconforming.

SECTION 9.3 – RESIDENTIAL LOT OF RECORD. Any increase in area, frontage, width, yard, or depth requirements of this By-Law shall not apply to a lot for single to two-family residential use that at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and had less that the proposed requirements but at least 5,000 square feet of area and 50 feet of frontage. When the total area and frontage of a series of adjoining lots fronting on the same Public Way or Private Way duly recorded prior to July 1, 1978, and held in common ownership, at least equals the area and frontage requirements of this By-Law, that series of lots shall be considered as one lot.

SECTION 9.4 – RESTORATION.

1. Any nonconforming structure or structure occupied by a nonconforming use, that is totally destroyed by fire or other cause (natural) may be rebuilt on its original foundation according to the original floor area limitations, and used for its original use. Otherwise, it shall not be rebuilt, except in accordance with the use, dimensional and density regulations of this By-Law.
2. Any nonconforming structure or structure occupied by a nonconforming use, that is damaged by fire or other natural cause, may be repaired or rebuilt according to the dimensions and floor area limitations of the original structure and used for its original use or a conforming use.
3. If restoration under 2 above is not started within two (2) years of the cause of the damage, the repaired structure shall not be used except for a conforming use.

SECTION 9.5 – ABANDONMENT. Any nonconforming use of a structure or lot that has been abandoned or not used for a continuous period of two (2) years or more shall not be used again except for a conforming use.

SECTION 9.6 – MOVING. Any nonconforming structure shall not be removed to any other location on the lot or any other lot unless every portion of such structure, the use thereof, and the lot shall be conforming.

SECTION 9.7 – NON-CONFORMING TWO-FAMILY HOMES IN SINGLE FAMILY DISTRICTS

1. An owner of an existing non-conforming two –family home in a single-family residential district may apply to the Town Building Inspector for a certificate of occupancy for two family use, and shall receive such a certificate if all the following conditions are met:

a) Documentary proof from Town Assessors or Building Department files, form Essex County (South) Registry of Deeds records; from Town census or voting lists, or from Polk or other similar directories, that the structure was in existence before January 5, 1929, and was occupied by two families before that date. Formal, notarized personal affidavits may be used to corroborate there requirements, but such affidavits shall not be the only verification.
b) Documentary evidence from Town records or such publications as the Polk Directory that the second family unit was in existence and occupied for any five-year period between January 1, 1990 and January 1, 1997, which for the purpose of this by-law shall be considered prima facie evidence of continued two-family use since January 5, 1929. Notarized personal affidavits may be used to corroborate such documentary evidence.
c) Exempted from the above requirements are two-family semi-detached homes which are covered in 2. below.
d) Four off-street parking spaces must be provided.

2. For the purpose of this by-law, a semi-detached structure is defined as two one-family houses built together, with an interior fireproofed wall of separation between them, and having separate exterior entrances (separate electric meters, separate heating systems, separate domestic hot water heating appliances). When the owner of a semi-detached two-family home presently located in an R-1 or R-2 single-family district submits to the Town Building Inspector evidence from Town or Registry records that a building permit for the structure was issued before March 17, 1969, it shall be considered legally non-conforming and a certificate of occupancy shall be issued by the Town for both units. Both the fireproofed wall and the separate exterior entrances shall still exist, and parking for four vehicles, not necessarily unobstructed, shall be provided on the same lot.

ARTICLE X ADMINISTRATION AND ENFORCEMENT

SECTION 10.1 – ADMINISTRATIVE OFFICER. A Zoning Enforcement Officer, who may be the Building Inspector, shall be appointed by the Town Manager with the approval of the Board of Selectmen, and shall administer and enforce the provisions of this By-Law.

SECTION 10.2 – PERMIT REQUIRED. It shall be unlawful for any person to erect, construct, reconstruct, move, or alter a structure, or change the use or lot coverage, or extend or displace the use of any building, structure or lot without applying for and receiving the required building permit from the Building Inspector. Before a building permit is issued, the Zoning Enforcement Officer shall, within 30 days of receipt of application, issue a Certificate of Zoning Compliance stating that all requirements of the Saugus Zoning By-Laws are met.

An application for a permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location where new buildings or structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for execution and enforcement of the BY-Law. A record of ail application, plans, and permits shall be kept on file by the Building Inspector.

No building permit for demolition of a building or other structure (except signs) shall be issued by the Building Inspector without the Building Inspector first notifying the Historical Commission by certified letter. Except for minor buildings and structures, applications for demolition permits shall be accompanied by photographs of the building to be demolished, which photographs shall be deposited with the Historical Commission. If no objection is raised by the Historical Commission within 21 days of receipt of Certified Mail letter from the Building Inspector, it is assumed that no objection is present and the permit shall not be withheld under this section. The objection of the Historical Commission shall not be a legal reason for the denial of said permit.

Within Zone A, where the 100 Year flood elevation is not provided on the Flood Insurance Rate Map, the developer/applicant shall obtain any existing flood elevation data, including but not limited to such sources as Federal, State, or private hydrologic studies. Such data shall be reviewed by the Building Inspector. If the data is sufficiently detailed and accurate, it shall be relied upon to require compliance with this By-Law and the State Building Code.

SECTION 10.3 – PREVIOUSLY APPROVED PERMITS. Construction of buildings or structures allowed by a building permit, or operations approved by a special permit must commence within six (6) months and continue to completion or as continuously and expeditiously toward completion as is reasonable. After the required time period, the construction operations must conform to any amendment to the By-Law.

SECTION 10.4 – VIOLATIONS. The Building Inspector shall serve written notice to any person allegedly in violation of this By-Law and direct the immediate discontinuance of the violation.

SECTION 10.5 – PROSECUTION OF VIOLATION. If the Notice of VIOLATION AND ORDER is not complied with promptly, the Building Inspector shall institute the appropriate action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct, or abate such violation. Penalties for violations may. upon conviction, be affixed in an amount of not less than $20 or more than $100 for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

SECTION 10.6 – BUILDING FEES. A schedule of building fees shall be determined by the Board of Selectmen, after a public hearing. These will include the following categories: Residential — one and two-family homes, additions and accessory buildings; swimming pools, roofing, siding and wood stoves; demolition or moving a building; cluster and multi-units; commercial construction; signs — wall or pole; certificate of occupancy for one and two family residential, three or more multi-units, and commercial; temporary trailers/containers — construction and/or storage in ail districts; and moving a modular home in Town. .

NON-CRIMINAL DISPOSITION. In addition to the procedures for enforcement as described above, the provisions of this zoning By-Law may also be enforced by the building inspector or zoning enforcement officer by non-criminal complaint pursuant to the provisions of M.G.L. C. 40, Section 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violations of any provision of this By-Law shall be $25 for the first offense; $50 for the second offense; $100 for the third offense and $200 for the fourth and each subsequent offense.

ARTICLE XI – BOARD OF APPEALS

SECTION 11.1 – ESTABLISHMENT OF BOARD OF APPEALS. A Board of Appeals consisting of five members shall be appointed by the Board of Selectmen. The members of said Board of Appeals serving at the time of adoption of this By-Law shall hold office for terms expiring in accordance with their appointment. Upon the expiration of the term of office of any such member, the Selectmen shall appoint on March 1 of each year a member to hold office for a term of five years. The Selectmen shall also appoint five associate members of such Board in like manner and for like terms. The Board of Appeals shall have and may exercise all rights, powers, duties and privileges granted to Boards of Appeals in Chapter 40A of the General Laws.

SECTION 11.2 – ADOPTION OF RULES. The Board shall adopt rules for conducting its business and otherwise carrying out the purpose of this By-Law. A copy of such rules shall be filed with the Town Clerk. Meetings of the Board shall be held at the call of the Chairman, and in such manner as the Board shall determine in its rules.

SECTION 11.3 – POWERS. The Board shall have the following powers:

1. To hear and decide appeals in accordance with provisions of Chapter 40A, Section 8 of the General Laws.
2. To grant, upon appeal or petition, a variance from the provisions of this By-Law as set forth in Chapter 40A, Section 10.
3. To hear and decide on petitions or applications for special permits as spelled out in Article V and XII of this By-Law, as set forth in the provisions of Chapter 40A, Section 9.

In granting a variance, the Board may impose conditions, safeguards and limitations both of time and use, including the continued existence of any particular structures by excluding any condition, safeguards, or limitation based upon continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

Further, in exercising the powers granted them, the Board may, in conformity with the provisions of this By-Law and Chapter 40A, Section 14 of the General Laws, make orders or decisions, reverse or affirm in whole or in part, or modify any decision or order, and to that end shall have all the powers of the officer from whom the appeal is taken and may direct the issuance of a permit.

SECTION 11.4 – APPEALS FOR SPECIAL PERMIT.

1. An appeal may be made to the Board of Appeals by any person aggrieved by reason of his or her inability to obtain a permit or enforcement action from any administrative officer under the provisions of Chapter 40A of the General Laws, by the Metropolitan Area Planning Council or by any person including an officer or board of the Town, or of an abutting city or town aggrieved by an order or decision of the Inspector of Buildings, or other administrative official, in violation of any provisions of this By-Law or of Chapter 40A of the General Laws.

ARTICLE XII – SPECIAL PERMITS AND CONDITIONS

SECTION 12.1 – SPECIAL PERMITS. When, in their judgment, the public convenience and welfare will be substantially served, and where such will tend to improve the status of the neighborhood, and where the use would be in harmony with the intent and purpose of this By-Law, the Board of Selectmen or Board of Appeals may, in specific cases as designated in Article V, after public notice and hearing and subject to appropriate conditions and safeguards, issue a special permit.

No appeal for a special permit that has been unfavorably acted upon shall be considered on its merits by the Board within two (2) years of the date of such unfavorable action except with the consent of 4/5 of the members of the Planning board and as further provided in Chapter 40A, Section 16, of MGL.

All applications and petitions for special permits shall be filed with the Town Clerk, who shall transmit same to the appropriate Board as shown in Article V of this By-Law and in accordance with the provisions of Chapter 40A.

SECTION 12.2 – PUBLIC HEARING. The special permit granting authority shall hold a public hearing within 65 days after receipt by the Town Clerk of any appeal, application or petition in accordance with the provisions of Chapter 40A, Section 9.

Notice of public hearing shall be given in accordance with the provisions of Chapter 40A, Section 11.

SECTION 12.3 – DECISIONS OF SPECIAL PERMIT GRANTING AUTHORITY. All decisions of the Special Permit Granting Authority shall be issued in accordance with the provisions of Section 11 of Chapter 40A. Each such decision shall specify that appeals, if any, shall be made pursuant to Section 17 of Chapter 40A.

Special permits granted under this Section shall lapse within two (2) years in accordance with the provisions of Chapter 40A, Section 9.

SECTION 12.4 – SPECIAL CONDITIONS. In addition to the general conditions set forth in Section 12.1 for all special permits, the following special conditions shall apply for uses as shown in various districts in Article V – "Table of Use Regulations" as follows:

A. **BUSINESS "A" DISTRICTS:** A new building or structure shall be designed, arranged and/or constructed in accordance with the following:

   1. Construction drawings and site plans shall be approved by the Board of Appeals after a hearing held therefor.
   2. All signs shall be approved by the Board after a hearing held therefor.
   3. Buildings and structures shall be one story, not to exceed 20 feet in height; this limit shall not apply to chimneys, ventilators, or skylights.
   4. Buildings and structures shall have at least the same front, side, and rear yard setbacks as required for a dwelling in the adjacent residential area.
   5. Under this Section, the area of the lot to be used as therein described shall not be less than the area required in the adjacent residential area.
   6. There shall be sufficient off street parking provided for the intended use.

B. **FLOOD PLAIN DISTRICTS**: In a Flood Plain District, no land that is subject to periodic flooding, as hereinafter described, shall be used for residence or other purposes in such a manner as to endanger health or safety of occupants thereof. The district shall be considered as overlaying other districts and no new building or structures shall be erected or constructed and no existing structure altered, enlarged, or moved; no dumping, filling, or earth transfer or relocation shall be permitted or used for any purpose other than as shown in Article V. Those shown as requiring a Special Permit by the Board of Appeals or the Board of Selectmen shall meet the following conditions:

1. The request has been referred to the Planning Board, the Board of Health and the Conservation Commission, and reported on by all three Boards, or a period of 35 days has elapsed following such referral without receipt of such reports.
2. The proposed use will not be detrimental to the public health, safety, and welfare.
3. The proposed use will comply in all respects to the zoning requirements of the underlying district, or districts, within which the land is located.

In passing upon such applications, the Boards shall consider all relevant factors specified in other sections of this By-Law and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments;
2. The danger that materials may be swept on to other lands or downstream to the injury of others;
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
5. The importance of the services provided by the proposed facility to the community;
6. The availability of alternative locations not subject to flooding for the proposed use;
7. The requirements of the facility for a waterfront location;
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area;
10. The safety of access of emergency vehicles to the property in times of flood; and
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

C. **PLANNED MULTI-DENSITY RESIDENTIAL DEVELOPMENT**:

1. **General Requirements**. For the purpose of promoting the more efficient use of land in harmony with its natural features and within the general intent of the Zoning By-Law, an owner or owners of a tract of land situated within a R-4 (Residential – Multi-Density, Apartment) may, after consultation with the Planning Board, make application to the Board of Appeals for a special permit exempting such land from the requirements of the Zoning By-Law as pertains to lot size, usable land area, density or percentage of lot covered, yards, frontage requirements, and proximity of off-street parking space from any building or lot line. The major purpose of this section is to permit a creative approach to the development of residential land by accomplishing a more desirable environment than would be possible through the

strict application of these Zoning By-Laws. A planned multi-residential development should thus result in

a) economical and efficient street, utility and public facility installation, correction and maintenance;
b) efficient allocation, distribution, and maintenance of common open space;
c) land use harmonious with natural features; and
d) development of real property values for the long range future.

After notice and public hearing, and after due consideration of the report and recommendations of the Planning Board, the Board of Appeals may grant such a permit, subject to the following:

a) The tract shall be at least 10 contiguous acres in single or consolidated ownership at the time of application.
b) At least 50 percent of the land area shall be set aside as common open space and offered to the Town for acceptance as public open space or covenanted by the owner as open space for passive or active recreation or cultural uses by all residents of the district.
c) The remaining 50 percent of the land area may be developed for residential and community facilities.
d) The residential net density within the developed area shall not exceed 20 dwelling units per acre, not including streets.
e) Buildings shall be at least 50 feet from any district boundary and at least 15 feet from any street line or parking area and at least 24 feet apart.
f) Buildings shall not exceed six (6) stories in height.
g) The development shall be served by a public water and sewerage system.
h) The principal streets shall be offered for acceptance as public ways. The minimum roadway width of interior one-way streets shall be 18 feet. The minimum roadway width of two-way streets shall be 20 feet.
i) Reasonable visual and acoustical privacy shall be provided where feasible. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.
j) Parking convenient to all dwelling units and other uses shall be provided pursuant to the minimum requirements of Article VIII with the exception that such parking may be closer than 10 feet from any lot line. Where appropriate, common driveways, parking areas, walks, and steps shall be provided, maintained and lighted for night use.
k) If topographical or other barriers within 50 feet of the perimeter of the development do not provide reasonable privacy for existing uses adjacent to the development, the Board of Appeals shall require either or both of the following:
    1) Structures located on the perimeter of the development must be set back in accordance with the provisions of these Zoning By-Laws controlling the area in which the development is situated; and/or,
    2) Structures located on the perimeter of the development must be well screened in a manner approved by the Board of Appeals.

l) The Board of Appeals may, in appropriate cases, impose further restrictions upon the tract, or parts thereof, as a condition to granting the special permit.

2. **Procedure.** Each application for a special permit hereunder shall be accompanied by a plan, in triplicate, of the entire tract under consideration as a multi-density residential development prepared in accordance with the rules and regulations of the Planning Board as pertains to preliminary subdivision plans (whether or not all of the development constitutes a "subdivision") and without limiting the generality of the foregoing said plan shall show:

   a) The existing topography at a suitable scale and contour intervals.
   b) Proposed grading and drainage system for all ways within the development and the location herein of all off-street parking areas.
   c) Utility design and layout.
   d) Proposed fences, walks, barriers and landscaping.
   e) Location of all Common Open Spaces and, if feasible, the proposed location therein of all accessory structures and improvements for educational, passive or active recreational and cultural uses, if any. The location of any proposed easement or easements shall also be shown.

   Within 10 days after the receipt of the plan, the Board of Appeals shall transmit a copy thereof to the Planning Board which shall submit, in writing prior to the hearing upon such special permit, its recommendations and report to the Board of Appeals; said report by the Planning Board shall include as a minimum:

   a) A general description of the neighborhood in which the tract lies and the effect of the plan upon the area.
   b) The relation of the plan to the long range plan of the Town.
   c) The extent to which the plan is designed to take advantage of the natural terrain of the tract.
   d) The Planning Board's opinion of the overall design of the plan.
   e) The Planning Board's opinion of the advisability of granting the special permit and as to any restrictions that should be imposed upon the tract as a condition of such permit.

D. (*New section 6.10, replacing Art. XII, Sect. 12.4D)*

E. **HOME OCCUPATION**. A special permit may be granted for the use of a dwelling in any "R" District for a home occupation, provided:

1. No more than one nonresident shall be employed therein.
2. The use is carried on strictly within the principal building.
3. Not more than 30 percent of the existing net floor area, not to exceed 700 square feet, is devoted to such use.
4. That there shall be no display of goods or wares visible from the street.
5. No advertising on the premises other than a small non-electric sign not to exceed two (2) square feet in area and carrying only the occupants name and occupation.
6. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or

in any other way. In a multi-family dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multi-family structure.

7. Any such building shall include no feature or design not customary in buildings for residential use.
8. Such uses as clinics, barber shops, bakeries, gift shops, beauty parlors, tea rooms, tourist homes, animal hospitals, kennels, and others of a similar nature shall not be considered as home occupations.
9. Home occupations are limited to fine arts studios, dress making, real estate or insurance offices, catering, offices for lawyers, doctors and chiropractors, engineers, architects, and land surveyors, teaching of not more than four (4) pupils simultaneously.
10. Not more than one (1) commercial vehicle in connection with such home occupations shall be stored on the premises. An accepted off street parking space shall be provided for any such commercial vehicle.

F. **TWO-FAMILY DWELLINGS IN SINGLE-FAMILY RESIDENTIAL DISTRICTS**. The Board of Appeals may, on application, issue a Special Permit for the alteration of any owner-occupied dwelling of two or more stories existing in 1976 on a lot at least 10,000 square feet in area into two-family units. Such alteration shall not exceed the existing height, and shall not change the exterior of such dwelling, except that there may be allowed the addition of dormer windows or gable roof to provide additional light and air and additional egress facilities to promote safety and convenience. Off street parking requirements shall be met. In making its decision, the Board shall consider public convenience and welfare, as well as neighborhood values, and approval may be made subject to appropriate conditions and safeguards necessary to protect such consideration.

G. **ELDERLY AND HANDICAPPED HOUSING**. For the public purpose of providing for the availability of sufficient numbers of decent, safe and sanitary rental building units within the Town of Saugus for elderly and handicapped persons of low or moderate income and keeping in harmony with the general intent of the Zoning By-Law by providing housing while protecting the public health, safety, and general welfare, the Saugus Housing Authority may make application to the Board of Appeals for a Special Permit exempting a tract of land situated within an R-4 multi-density apartment district from the Zoning By-Law as it pertains to density requirements only. The major purpose of this section is to encourage and permit the efficient development of land by public funds to fill the need for increased housing now facing the older and handicapped population of the Commonwealth, which need cannot be met through strict application of the Zoning By-Law.

After notice and public hearing, the Board of Appeals may grant such a permit, subject to the following conditions:

1. The tract shall be at least four (4) acres at the time of application.
2. The residential net density within the tract shall not exceed 35 dwelling units per acre.
3. The minimum total area for any one building lot shall be 10,000 square feet, with an additional 1,250 square feet of lot area required for each housing unit in excess of 6 units.
4. Reasonable visual and acoustical privacy shall be provided where feasible. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants.

5. Parking convenient to all buildings shall be provided, with one space required for every three (3) units.
6. For the purposes of this section of the By-Law, the definitions of "elderly" and "handicapped" as currently promulgated by the U.S. Department of Housing and Urban Development (HUD) shall apply, and in case of any question as to any applicant's status, the interpretations of that agency shall control.
7. Following the grant of the permit, the Housing Authority shall submit a site plan to the Planning Board for approval of the layout of driveways, parking, internal roadways, and provisions for adequate utilities.
8. The Board of Appeals may, in appropriate cases, impose further restrictions upon the tract, or parts thereof, as a condition for granting the special permit.

H. **ONE-STORY MINI-STORAGE FACILITY**. The Board of Appeals may, on application, issue a Special Permit in the B-2 District, for the construction of Mini-Storage Facilities, provided the following conditions are met:

1. That a 6-ft. fence surround the facility.
2. That use of the facility be allowed only in the daylight hours and only when an attendant is on duty.
3. That the gate be locked securely at all other times.
4. That no storage be allowed that would be dangerous through fire or explosion, or which might create noise, odor, smoke, fumes, or similar disturbance, The Board of Appeals may, in making its decision, add other conditions and safeguards necessary to protect convenience and welfare.

I. ACCESSORY DWELLING UNITS

1. General Requirements

a) **Purpose**. The purpose of this By-law is to enable owner occupants of single-family homes to provide:

1) Safe, decent, and affordable housing that meets the changing needs of the Saugus community while protecting the character and property values of the Town's single-family residential neighborhoods.
2) An opportunity for family members who choose to live in proximity, but separate from other family members.
3) Homeowners with a means of obtaining rental income, companionship, and/or security, thereby enabling them to remain more comfortably in homes and neighborhoods they might otherwise be forced to leave.
4) Housing for persons with disabilities.
5) Affordable rental property in the Town of Saugus that meets the regulations of M.G.L. Chapter 40B, Sections 20 to 23 and 760 CMR 56.00, Local Initiative Program for Accessory Apartments.
6)

This **By-law** shall achieve these goals by providing owner-occupants of single-family homes with the option of creating two categories of Accessory Dwelling Units: family units and affordable units.

b) **Definitions**

1) **Accessory Dwelling Unit** An Accessory Dwelling Unit is a self-contained housing unit incorporated within a single-family dwelling, (not within accessory structures in accordance with this by-law) that is clearly a subordinate part of the single-family dwelling and complies with the criteria stated in the following subsections.
2) **Deed-Restricted Accessory Dwelling Units** (Affordable) An Accessory Dwelling Unit designated for households earning at or below 80% of the Area Median Income for the Boston MSA, carrying a deed restriction ensuring the unit's affordability to said households using affirmative marketing and outreach to households in need following M.G.L. Chapter 40B, Sections 20 to 23 and 760 CMR 56.00, Local Initiative Program for Accessory Apartments.
3) **Family Accessory Dwelling Unit** For the purposes of carrying out the intent of this by-law, family accessory dwelling units shall be designated for one or more persons related to the primary owner-occupant, specifically: parents, grandparents, children and their respective spouses, grandchildren, siblings, nieces, nephews, aunts, and uncles.
4) **Primary Residence** A dwelling where the owner-occupant has a true, fixed, and permanent home and principal establishment, and occupies it for a major portion of a calendar year, except for bona-fide temporary absences.

c) Applicability

An accessory dwelling unit shall be permitted in the Residential A – Single Family R-1 and Residential B – Single Family R-2 districts only when added to an existing dwelling unit and does not increase the existing building footprint. All accessory dwelling units shall meet the same criteria, except relative to those with restrictions under M.G.L. Chapter 40B, Sections 20 to 23 and 760 CMR 56.00, Local Initiative Program for Accessory Apartments.

2. PROCEDURES

a) Use and Dimensional Regulations for both Family and Deed-Restricted Accessory Dwelling Units.

1) Accessory Dwelling Units, both Family and Deed-Restricted, created under this by-law shall require a special permit from the Board of Appeals.
2) The Board of Appeals may issue a special permit authorizing the installation and use of an accessory dwelling unit within existing owner-occupied dwelling units when the following conditions are met:
    i. The unit will be a complete, separate housekeeping unit containing both a kitchen and bath.
    ii. Only one (1) accessory dwelling unit may be created within a dwelling.

iii. The lot on which the accessory dwelling unit is located shall have a minimum lot size of ten thousand (10,000) square feet.

iv. The owner(s) of the residence in which the accessory dwelling unit iscreated must continue to occupy at least one of the dwelling units as their primary residence, except for bona fide temporary absences.

v. The accessory dwelling must be designed so that the appearance of the building remains unchanged, and there shall be no change to the front façade of the dwelling. Unless otherwise required by the State Building Code, any new exterior stairs needed to provide primary or secondary means of egress for the accessory dwelling unit shall be located on the side or rear of the building.

vi. The gross floor area of an accessory unit shall not be greater than nine hundred (900) square feet or thirty-three (33) percent of the total square footage of the primary dwelling unit, whichever is greater. The unitnot be enlarged beyond the square footage allowed by this By-law unless the Board of Appeals, after making findings of fact that support the decision, approve modifications that will not exceed the use and dimensional regulations of this By-law by more than ten (10) percent.

vii. An accessory dwelling unit may not be occupied by more than three (3) people nor have more than two (2) bedrooms.

viii. The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code, and the requirements of local, state, and federal fire and life safety codes, regulations and standards as determined by the Saugus Fire Department, and other local by-laws and regulations.

ix. A parking plan showing that off-street parking spaces shall be available for use by the owner-occupant(s) and tenants shall be submitted to the Board of Appeals. Two private off-street parking spaces shall be available for use by occupants of the accessory dwelling.

x. In order to encourage the development of housing units for disabled individuals and person with limited mobility, the Board of Appeals may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility.

b) **Family Accessory Dwelling Units.** In addition to Section 1 above, family accessory dwelling units shall comply with the following:

1) Upon filing an application for a special permit, the owner-occupants of single-family dwelling units shall also submit a signed affidavit denoting familial status with the Board of Appeals.

2) The Owner-occupant shall annually re-certify the status of occupants and family status with the Building Inspector. The

property owner shall be required to notify the Building Inspector of a change of tenants at any time during the twelve-month period within thirty calendar days of said change.

3) The use shall lapse in the event of changed or transferred ownership of the primary unit and the owner shall record with the Registry of Deeds a notice of cancellation of the special permit. The property owner shall file a copy of said notice of cancellation with the Board of Appeals.

c) **Deed-Restricted Accessory Dwelling Units**. The purpose of this section is to satisfy an immediate need for more rental housing units in the Town of Saugus that meets the regulations of M.G.L. Chapter 40B, Sections 20 to 23 and 760 CMR 56.00, Local Initiative Program for Accessory Apartments and provides a means of renting accessory apartments that are not used for family members.

1) All affordable Accessory Dwelling Units shall comply with Section 1 Use and Dimensional Regulations.

2) A special permit from the Board of Appeals shall be required for an Affordable Accessory Unit. The applicant shall show to the satisfaction of the Board of Appeals that the applicant has complied with or will comply with the requirements set forth in (c), below.

3) Applicants will be required to demonstrate to the satisfaction of the Zoning Board of Appeals compliance with all requirements set forth in M.G.L. Chapter 40B, Sections 20 to 23 and 760 CMR 56.00, Local Initiative Program for Accessory Apartments during the special permit process, including:

i. Execution by the owner(s) of a Regulatory Agreement for Affordable Accessory Apartment Projects and a declaration of restrictive covenants.
ii. Said regulatory agreement and declaration of restrictive covenants shall further provide that for as long as the special permit remains in effect, the property shall be subject to the terms, conditions and restrictive covenants contained therein.
iii. Said regulatory agreement with the Town shall provide that upon receipt by the owner(s) of a special permit from the Board of Appeals, the owner(s) shall execute and record in the Essex South District Registry of Deeds or file with the Registry District of the Land Court forthwith said regulatory agreement and declaration of covenants. The owner shall provide a copy of the recorded regulatory agreement and declaration of restrictive covenants to the Board of Appeals prior to the issuance of a building permit.
iv. Said regulatory agreement with the Town shall provide that the lease may be terminated at any time, but in all cases the owner must provide an existing tenant at least sixty (60)

days prior written notice that a lease will not be renewed. If the owner desires to terminate the special permit, the owner shall give written notice to the Board of Appeals and shall file a notice of cancellation with the Registry of Deeds or Land Court.

d) **Administration and Enforcement**. The Town Manager shall appoint a Local Project Administrator to administer Affordable Accessory Dwelling Units (deed-restricted) as required by 760 CMR 56.00, Local Initiative Program for Accessory Apartments. It shall be the duty of the Building Inspector to enforce the provisions of this By-law for both family and affordable (deed-restricted) accessory dwelling units as follows:

1) No building shall be constructed or changed in use or configuration until the Building Inspector has issued a permit. No accessory dwelling unit shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
2) The Building Inspector shall refuse to issue any permit, which would result in a violation of any provision of this By-law or in violation of the conditions or terms of any special permit or variance granted by the Zoning Board of Appeals or its agent.
3) Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this section unless the construction or use is begun within a period of not more than six (6) months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner.
4) The primary homeowner unit must remain owner-occupied, continuing to occupy at least one of the dwelling units as their primary residence for a minimum of one hundred eighty-five (185) days per calendar year. Under no circumstance may both the primary and accessory unit be simultaneously occupied by tenants.
5) There shall be no boarders or lodgers within either the primary dwelling or accessory dwelling unit.
6) The use of any accessory living area without the documentation required by this By-law must be discontinued or the fines outlined in the Saugus Zoning By-law Section 10 shall apply.
7) The Saugus Zoning By-law Section 10 shall be applied in the event of violations, prosecution of violations, and building fees.
8) Appeals shall refer to the procedures in the Saugus Zoning By-law Section 11.4.
9) Accessory dwelling units created under this By-law shall not be sold separate or apart, as a condominium, from the principal structure to which it is an accessory use.

SECTION 12.5 – SPECIAL PERMITS BY BOARD OF SELECTMEN. A special permit may be issued by the Board of Selectmen, after holding of a public hearing, for uses designated as S-2 in Article V; for dog kennels and private stables (special permit to be conditional upon meeting all rules and regulations of the Board of Health); for exterior lighting support structures over 35 feet tall, located within 1,000 feet of residential property (see Sec. 6.8F); or for exceptions to height

regulations in High Rise Business and Industrial and Multi-Density Apartment districts in accordance with provisions in Article VI of this By-Law. Such permit shall be subject to conditions as deemed proper to impose, and shall include provisions in Article VI of this By-Law. Such permit shall be subject to conditions as deemed proper to impose, and shall include provisions for screening and enclosure of the property if visible at normal eye level and less than a distance of 200 feet from any point within a single family or general residence district. Screening shall be evergreen planting, suitable fencing or other attractive visual barrier. All conditions of Section 12.1 shall comply, as well as the following for specified uses:

A. **LOCATION OF AUTOMOBILE SERVICES**. No portion of the front or side lines of a public garage, automobile repair shop, greasing station, storage battery service station, or gasoline filling station, or any of their appurtenances or accessory uses, shall hereafter be placed within 50 feet of any residence district. No driveway to such premises shall be, in any part, within 50 feet of any residential district. No such premises shall have any driveway entrance or exit for motor vehicles within 30 feet of the property used by any public or private school, public library, church playground, or institution for the sick or dependent, or for children under 16 years of age. Every filling station shall hereafter be located not less than 15 feet inside the building line and no filling shall be one except into cars standing on the property of the filling station.

   On the Salem Turnpike, there shall be no gasoline pumps, signs (mobile or otherwise) or structures less than 50 feet from the street line.

   On the Newburyport Turnpike (also called Broadway or Route One) and the Frank P. Bennett Highway (also called Route C-l), any new building, structure (mobile or otherwise), gasoline pump or any alteration, enlargement or extension thereof shall have a setback of at least 50 feet from the street line.

B. **REMOVAL OF SAND, GRAVEL, QUARRY OR OTHER EARTH MATERIAL**.

   1. The Board of Selectmen, after holding a public hearing, may grant a special permit for removal of soil, loam, clay, sand, gravel, stone or other earth materials from any land not in public use, or which is zoned as residential, that would not adversely affect the health, safety, convenience and welfare of the neighborhood or Town. In granting such a special permit, the Selectmen shall impose the following conditions:

      a) Removal and processing operations shall not be conducted closer than 50 feet to a public street.
      b) All equipment for sorting, washing, crushing, grading, drying, processing and treating, or other operations machinery, shall not be used closer than 100 feet from any public street or from any adjoining lot line.
      c) Off street parking as required in the Table of Off Street Parking Regulations shall be provided.
      d) Any access to excavated areas or areas in the process of excavation will be adequately posted with KEEP OUT - DANGER signs.
      e) Any work face or bank that slopes more than 30 degrees downward, adjacent to a public street, will be adequately fenced at the top.
      f) Adequate provision is to be made for drainage during and after the completion of operations.
      g) Lateral support shall be maintained for all adjacent properties.

h) The use of explosives shall be done in accordance with the regulations for storage or handling of explosives as published by the Commonwealth of Massachusetts.
i) All operations shall be conducted in such a manner so as to comply with the laws of the Commonwealth of Massachusetts regulating water pollution and air pollution.
j) Before approval of a permit for any excavation, the owner shall file a performance bond or deposit money, or other negotiable securities, in an amount determined by the Board to be sufficient to cover costs of all, or any part of cleaning the site upon completion of work, such as removing stumps, large boulders, general cleanup, and other miscellaneous debris.
k) The permit issued shall be granted only to the owner of record and shall not be transferable.

2. Site plans shall be filed with the Board of Selectmen for any land that is used or intended to be used for the extraction of sand, gravel, rock, and associated earth materials. Site plans of the removal areas shall be prepared by a registered professional engineer and a registered land surveyor at a scale of 200 feet to the inch and shall be in accordance with and indicate the following:
   a) Lot lines.
   b) Adjacent public streets.
   c) Proper provisions for safe and adequate water supply and sanitary sewage and for temporary and permanent drainage of the site.
   d) Plan for regrading of all or parts of the slopes resulting from such excavation or fill.
   e) Plan for replacements of at least four (4) inches of topsoil over all excavated, filled, or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
   f) Plan for lighting, if night operation is contemplated.
   g) Proper provision for vehicular traffic, service roads, control of entrances and exits to highways.
   h) The relation of future buildings and operations machinery to the removal area.
   i) Delineation of removal areas.
   j) Provision for a substantial fence enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of 10 feet or more and create a slope of more than 1 foot in 2 feet. Such fence shall be located 10 feet or more from the edge of the excavation or quarry, and shall be at least 6 feet in height.

3. The Board of Selectmen, in granting a special permit, shall make the following stipulations:
   a) The permit shall be for a period of not more than six (6) months but may be extended for additional periods of six 16) months at the discretion of the Selectmen. The Selectmen may, at their discretion, after the end of any six (6) month period of permission, demand a clean-up of said excavation and require the owner to establish levels, grades, and plant cover as described in the original permit.
   b) The owner of record shall file a performance bond, deposit, or other negotiable securities in the amount determined by the Selectmen.

c) No loam, soil, sand, stone or gravel shall be removed from any parcel of land not in public use to any place outside the boundaries of the Town without the written permission of the Board of Selectmen.
d) The fee for permits granted by the Selectmen shall be at the rate of $50 per week. 5/6/91.

4. Conditions not requiring special permit:
   a) The owner of land for which a building permit has been granted may excavate, and remove from the land, material of any nature that may impede the construction of a basement, foundation, cellar, septic tank, cesspool, leaching field, swimming pool or other accessory to the permitted use, provided the cubic yardage of such excavation shall not exceed the total volume of such purpose by more than thirty-three percent (33%). 5/6/91
   b) A permit for excavation and removal of material from a lot or way that is within a subdivision that comes under the Subdivision Control Laws as defined in Mass. General Laws Chapter 41, Sections 81K to 81GG, is unnecessary, provided:
      1) A proper hearing on the subdivision plan has been held.
      2) The subdivision plan shows the proposed profile of the way and the proposed finished contour of the lots, any subsequent excavation will not alter aforesaid finished profile or contour.
      3) The subdivision plan is approved and endorsed and thereafter recorded at the Registry of Deeds.
      4) A plan that does not show such profile or contour may be supplanted by a new plan to show any profile or contour required for purposes described in this paragraph.

C. **ADULT USES**: Adult Use (see def.) the following conditions shall apply:
1. Adult uses may not be located:
   a) Within 1,000 feet of each other
   b) Within 500 feet of the nearest lot line of a Residential District
   c) Within 1,000 feet of a place of worship
   d) Within 1,000 feet of a school or other non-profit educational use library or museum
   e) Within 1,000 feet of a park or playground
2. Signage must meet all requirements of ART. VII of this by-law, except that no advertisement, display or other promotional material is to be visible to the public from any public way including but not limited to pedestrian walkways.
3. If the Adult Use allows for the showing of films or videos within the premises, the booths in which the films or videos are viewed shall not be closed off by curtains, doors or screens. All shall be clearly seen from the center of the establishment.
4. The application for the S-2 Permit shall include the following information:
   a) Names and address of the legal owner of the establishment.
   b) Name and address of all persons having a lawful, equity or security interest in the establishment.
   c) A sworn statement must be provided stating that neither the applicant nor any person having an equity or security interest in the establishment has been convicted or violating G.L. c.119, section 63 or c.262. Section 28
   d) Propose security precautions.
   e) The number of employees.

5. No Special Permit shall be issued under this section to any person convicted of violating G.L. c 119, section 63 or c.262, section 28.
6. For the purpose of this by-law, the term "substantial or significant portion" (see Adult Use Defs.) shall mean more than 25% of stock or gross floor area, for Adult Bookstore, Adult Video Store, and Adult Paraphernalia Store; and more than 25% of the entertainment at an Adult Club.

D. **Drive-Through Windows** (see definition in Article III). The Board of Selectman, after holding a public hearing, may grant a special permit for the placement, installation, use, maintenance, or conservation of a drive-through window service in B-2 and I districts only, provided it would not adversely affect the health, safety, convenience and welfare of the neighborhood or Town. After notice and public hearing, the Board of Selectman may grant a special permit provided that all the following conditions are met:

1. Approval has been given by Police, Fire, and Inspectional Services Departments.
2. More than one drive-through window may be allowed at the discretion of the Board of Selectman.
3. A single lane that is separate and distinct from any other on-sire parking circulation lane or fire lane shall be provided to channel drive-through traffic to the drive-through window. This single lane shall be termed the drive-through lane.
4. The entrance and exit to the drive-through lane shall each be a minimum of twenty-five (25) feet from any intersection, pedestrian crosswalk or curb cut.
5. Sufficient vehicle stacking space to accommodate waiting traffic shall be provided in the drive-through lane. Each stacking space shall be a minimum of ten (10) feet wide and twenty (20) feet long and shall not include the use of any parking space, street, sidewalk or parking aisle area. Stacking areas shall be separated from other internal driveways. All stacking areas serving a drive-through window shall have an inside radius of no less than twenty-five (25) feet.
   a) Restaurants shall have a minimum of seven (7) stacking spaces for queuing cars accessing the ordering window or speaker. If pick up/payment windows are provided separately, the queuing distance between window and/or speaker(s) shall be a minimum of three stacking spaces.
   b) Banks, service and retail establishments shall have a minimum of four (4) stacking spaces for queuing cars accessing a drive-through window or speaker.
6. There shall be sufficient on-site, safe access/egress for the establishment that is separate from the drive-through lane.
7. Outdoor speakers shall be located a minimum of 50 feet from residential property lines.
8. All signs shall meet the requirements of ARTICLE VII of the Zoning By-Law.
9. A lighting and landscape and/or screening plan may be required at the discretion of the Selectmen.
10. In issuing such a special permit the Board of Selectmen may require other reasonable conditions, as it may deem appropriate in each individual case.

E. **Refuse/Solid Waste** (see definition in Article III). The following conditions shall apply:

1. Refuse/Solid Waste Trucking may not be located:
   a) Within I,000 feet of each other
   b) Within 500 feet of the nearest lot line of a Residential District
   c) Within 500 feet of a public park

d) Within 500 feet of a school
e) All trucks and container must be stored in an enclosed roofed structure.

2. Signage must meet all requirements of ART. VII of this by-law.

3. The application for the -2 Permit hall include the following information:
   a) Names and address of the legal owners of the business.
   b) Identification of all current clients and the nature of the refuse or solid waste that is being hauled.
   c) Identification of all facilities receiving refuse or solid waste from the applicant.

SECTION 12.6 – SITE PLAN REVIEW

Purpose: This section is enacted under the authority of M.G.L. Chapter 40A to accomplish the purposes 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 significant impacts on traffic, municipal and public services and utilities, environmental quality, and community values in the Town.

1. **Applicability**: The Site Plan Review and approval provisions of this section shall apply to:
   A. New subdivisions of land in B or I districts into three or more lots.
   B. Any new structure, group of structures, improvements, alterations, additions or change in use in a B or I district such that:
      1) A lot has more than 50% coverage by primary and accessory structures or
      2) The use is commercial or
      3) Utility work will be performed.
   C. Any new structure, group of structures, or additions in an R district other than single or two-family dwellings such that:
      1) A lot has more than 50% coverage by primary and accessory structures or
      2) Any new structure will have total gross floor area in excess of 3,000 square feet or
      3) An increase of at least 1,000 square feet to an existing structure where the final structure will have a total gross floor area in excess of 3,000 square feet.

   NOTE: The calculation of increase of floor area shall be based on the aggregate of all new structure, improvements, alterations or enlargements.

2. **Basic Requirements**:
   A. No building permit shall be issued for, and no person shall undertake, any use or improvement subject to this section unless an application for site plan review and approval has been prepared for the proposed development in accordance with the requirements of this section and unless such application has been approved by the Planning Board.
   B. No occupancy permit shall be granted by the Building Inspector until the Planning Board has given its approval that the development and any associated off-site improvements have met all the requirements for site plan review and approval, including any conditions imposed by the Planning Board.
   C. Notwithstanding the above, a temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work

(which may include a requirement for surety in an amount and form to be determined by the Planning Board) imposed by the Planning Board. Article 52. Voted to amend the Zoning By-Laws, Article XII, Section 12.6.3 (Basic Requirements) by adding a new section (d) to read as follows: 5/6/91

D. Any changes in the approved site plan(s) or conditions attached to The Site Plan Approval must be submitted to the Planning Board for approval prior to construction completion and/or implementation. If the Board determines, by majority vote, that such changes are not significant or detrimental, then the Board may, of its own accord, enter evidence of such changes into its records without the necessity of any further public hearing or notice to interested parties. If the Planning Board finds, by majority vote, said changes to be significant and/or to deviate from the original approved plan in an adverse manner, and if said Board finds that the interests of the public in the development of property in accordance with this By-Law would best be served by the issuance of a new approval or the imposition of additional conditions then the Board will call for another Public Hearing to be held within twenty-one days of the receipt of notice of such requested change, such hearing to be held at the expense of the applicant, in order to take testimony from all interested parties. Within twenty-one days of the close of any such new public hearing, the Board will issue an amendment to its prior conditions and/or an approval or denial of the revised plans and all interested parties shall have the same rights of appeal as would be applicable under an original approval.

3. **Application And Review Procedure**:

A. Prior to the filing of an application subject to this section, the applicant shall submit plans to the Building Inspector, who shall advise the applicant as to the pertinent sections of the Zoning By-Law. The applicant shall then submit 10 copies of the application and site plan to the Planning Board.

B. Upon receiving the completed applications and plans as set forth above, the Planning Board shall forthwith transmit one copy each to the Building Inspector, the Engineering Department, the Board of Health, the Police Department, the Fire Department, the Conservation Commission, the Department of Public Works and such other departments and boards as the Planning Board may determine appropriate.

C. Such agencies shall, within 21 days of receiving said copies, report in writing to the Planning Board on (1) the adequacy of the data and methodology used by the applicant to determine impacts of proposed development and (2) the effects of the projected impacts of the proposed development. Said agencies may recommend conditions or remedial measures to accommodate or mitigate expected impacts of the proposed development. Failure by any such agency to report within the allotted time shall constitute approval by that agency of the adequacy of the submittal and also that, in the opinion of that agency, the proposed project will cause no adverse impact.

D. The Planning Board shall not render a decision on said application until it has received and considered all reports requested from Town departments and boards, or until the 21 day period has expired, which is even earlier. Where circumstances are such that the 21 day period is insufficient to conduct an adequate review, the Planning Board may, at the written request of the applicant, extend such period to 35 days.

E. The Planning Board shall hold a public hearing on any properly completed application within 42 days after filing, shall properly publish and serve notice of such hearing pursuant to the requirements of Chapter 40A, Section 11, and shall

render its decision within 14 days after the close of said hearing. Failure of the Planning Board to take final action upon any application within 14 days after the close of such hearing held within the time frame set by Chapter 40A, Section 9 shall be deemed an approval of said application. All costs of the notice requirement shall be at the expense of the applicant.

F. In reviewing the impacts of a proposed development, the Planning Board shall consider the information presented in the application for site plan approval, including all items specified in Section 5; all reports of Town departments submitted to the Planning Board pursuant to Section 4(c) and any additional information available to the Planning Board, submitted to the Planning Board by any person, official or agency, or acquired by the Planning Board on its own initiative or research.

G. The Planning Board shall establish and may periodically amend a schedule of fees for all applications under this section. No application shall be considered complete unless accompanied by the required fees.

H. The Planning Board may require the posting of a security to assure compliance with the site plan and conditions, and may revoke this special permit when work is not performed as required. Any such revocation shall require a hearing by the Planning Board within 14 days of the revocation.

4. **Contents And Scope Of Applications**: An application for site plan review and approval under this section shall be prepared by qualified professionals, including a Registered Professional Engineer and, where required by State law, a Registered Architect and/or Registered Landscape Architect, and shall include the following items and information:

A. A site plan at a scale of one inch equals forty feet (1" = 40'), or such other scale as may be approved by the Planning Board indicating.

B. Name of the project, locus, boundaries, date, and scale of the plan.

C. Name and address of the record owner, developer, and seal of the engineer or surveyor.

D. Name and address of the record owners within 300 feet of the property lines.

E. All existing lot lines, easements, rights-of-way, size in acres or square feet, abutting land used and location and use of structures within 100 feet of the site.

F. The location and use of all existing and proposed buildings and structures within the site plan, including dimensions and height, and showing exterior entrances and exits. Single family and two-family dwellings that are part of a subdivision are excluded from this Section f.

G. Location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, buffers for screening purposes, paths, landscaping, lighting fixtures, planting areas, walls, signs, service areas, refuse and other waste disposal containers.

H. Location of all present and proposed utility systems including sewage or septic system, water supply systems, existing and proposed surface and sub-surface drainage systems, telephone, cable and electric lines. Storm drainage system will include existing and proposed drain lines, culverts, drainage swales catch basins, head walls, end walls, hydrants, manholes, channels, and subdrainage, along with soil logs, percolation tests when necessary, and drainage calculations.

I. Existing and proposed topography at the two (2) foot contour level. Sufficient information to indicate areas in the site and within 50 feet of the site where gravel removal or filling is proposed and the approximate volume in cubic yards. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark.

J. A landscape plan showing all existing natural land features, forest coverage and water sources, and all proposed changes to these features. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas. In addition, the Planning board may, by a majority vote, also require a Traffic Impact Assessment and Environmental Impact Study, or portions thereof, both as are specifically described immediately hereinafter.

5. **Traffic Impact Assessment:**

A. **Purpose**: To document existing traffic conditions in the vicinity of the proposed project, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures proposed to mitigate any adverse impacts on traffic.

B. **Format And Scope**:

1) Existing Traffic Conditions: Average daily and peak hour volumes, average and peak speeds, sight distances, accident data, and levels of service of intersections and streets likely to be affected by the proposed development. Generally, likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 500 feet of the project boundaries.

2) Projected Traffic Conditions for Design Year of Occupancy: Statement of design year of occupancy, background traffic growth on an annual average basis, impacts of proposed developments that have already been approved in part or in whole by the Town.

3) Projected Impact of Proposed Development: Projected peak hour and daily traffic generated by the development on roads and ways in the vicinity of the development; sight lines at the intersections of the proposed driveways and streets; existing and proposed traffic controls in the vicinity of the proposed development; and projected post developments traffic volumes and levels of service of intersections and streets likely to be affected by the proposed development (as defined in "a" above).

C. **Traffic Impact Standards**:

1) REQUIRED: The "level of service" of all impacted intersections and streets shall be adequate following project development, or the total value of off-site traffic improvements required or approved by the Planning Board as a condition of approval shall be equal to no more than three percent (3%) of the total development cost of the proposed project. For purposes of this standard:

a) "Level of Service" (LOS) shall be determined according to criteria set forth by the Transportation Research Board of the National Research Council;

b) "Impacted" means located within 500 feet of the closest boundary of the project site and projected to receive at least 5 percent of the anticipated average daily or peak hour traffic generated by the proposed development;

c) "Adequate" shall mean a level of service of "B" or better for rural, scenic and residential streets and for all new streets and intersections to be created in connection with the project; and "D" or better for all other streets and intersections; and

d) "Total Development Cost" shall mean the total of all new development-related improvements and a percentage of the cost or value of the land. This percentage shall be the ratio of the gross

building area of the new construction to the gross building area of all improvements, including the proposed new construction. Building or construction costs for the relevant type of structure and use shall be determined on the basis of published standards such as those contained in the Engineering News Record or other source acceptable to the Planning Board.

D. **Recommended**: The proposed site plan shall minimize points of traffic conflict, both pedestrian and vehicular. The following guidelines shall be used to achieve this standard:
   1) Entrance and exit driveways shall be so located and designed as to achieve maximum practicable distance from existing and proposed access connections from adjacent properties.
   2) II. Where possible, driveways shall be located opposite similar driveways.
   3) III.Sharing of access driveways by adjoining properties and uses is encouraged.
   4) IV.Left-hand turns and other turning movements shall be minimized.
   5) Driveways shall be so located and designed as to discourage the routing of vehicular traffic to and through residential streets.
   6) Pedestrian and bicycle circulation shall be separated from motor vehicle circulation as far as practicable.

6. **(I) Environmental Impact Study**:
   A. **Purpose**: To describe the impacts of the proposed development with respect to on-site and off-site environmental quality.
   B. **Format and Scope**: Identification of Potential Impacts — Description and evaluation of potential impacts on the quality of air, public health, surface water, and ground water adjacent to or directly affected by the proposed development; on-site or off-site flooding, erosion and/or sedimentation resulting from alterations to the project site including grading changes and increases in impervious area; on-site or off-site hazards from radiological emissions or other hazardous materials; and off-site noise or light impacts.
   C. **Systems Capacity**: Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.
   D. **Proposed Mitigation Measures**: Description of proposed measures for mitigation of any potential adverse impacts identified above.

The Planning Board shall consider the following guidelines in evaluating any environmental impact study and may require a plan to provide for the protection of the interests stated herein:

A. The proposed development shall attempt to minimize any significant emission of noise, dust, fumes, noxious gases, radiation, water pollutants, or any other similar significant adverse environmental impact.
B. The proposed development shall not significantly increase the potential for erosion, flooding or sedimentation, either on-site or on neighboring properties; and shall not increase rates of runoff from the site to the satisfaction of the Town Engineer and Department of Public Works. Provision for attenuation of runoff pollutants and for ground water recharge shall be included in the proposal.
C. The design of the proposed development shall minimize the destruction of unique Natural features.

D. Outdoor lighting, including lighting on the exterior of a building or lighting in parking area, shall be arranged to minimize glare and light spill over to neighboring properties.

7. **Specific Findings Required**: Prior to granting approval or disapproval, the Planning Board shall make written findings with supporting documentation as specified below and shall file such written findings and supporting documentation in the Town Clerk's Office within 14 days of the close of the public hearing:

   A. **Approval**: The Planning Board shall approve an application based on its review of the projected development if said Board finds that the proposed development is in conformance with this By-Law and that said approval has taken into consideration the following standards for review:
      1) Protection of the abutting properties and the community to minimize any detrimental use of the site.
      2) Adequacy of the methods of disposal of sewage and refuse and the drainage of surface and subsurface water.
      3) Adequate means of protecting wetlands, watersheds, aquifers, and well areas.
      4) Provisions for off-street loading and unloading of vehicles incidental to the normal operation of the establishment, parking, lighting and internal traffic control.
      5) Provision of open space consistent with Town Master Plan concepts as incorporated in the Town Zoning By-Law.
      6) The layout of design features, such as vegetative buffers, within developments that will integrate into the existing landscape.
      7) Consistency of the proposed development with the Town Master Plan concepts as incorporated in the Town Zoning By-Law.
      8) Compliance with the provisions of Chapters 40A and 41, the rules and regulations of state and federal agencies.

   Such findings shall pertain to the entire proposed development including any site plan or design modifications imposed by the Planning Board as a condition of its approval, and any off-site improvements proposed by the applicant or required by the Planning Board as a condition of its approval.

   B. Disapproval:
      1) The Planning Board must disapprove an application if it is unable to make the written findings required for approval. Disapproval must be in writing and must specify the reasons for disapproval.
      2) Notwithstanding the above, the Planning Board may approve an application if the adverse impacts of the proposed development are not significantly greater than the impacts of uses that are or can be made of the site under existing laws and regulations without a requirement for site plan review.

8. **CONDITIONS, LIMITATIONS AND SAFEGUARDS**: In granting approval of an application, the Planning Board may impose conditions, the fulfillment of which is within the control of the applicant, limitations and safeguards that shall be in writing and shall be a part of such approval. Such conditions may include, among other matters and subjects:
   A. Controls on the location and type of access to the site.

B. Controls on the number of vehicles that arrive or depart during the morning and/or evening peak hours (including controls on the maximum number of vehicles that may use the off-street parking areas during said periods).
C. Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage, and other public facilities that are likely to be affected by the proposed development.
D. Requirements for donation and/or dedication of land for right-of-way to provide for future roadway and/or intersection widenings or improvements.
E. Requirements for securing the performance of all proposed work, including proposed off-site improvements, by either or both of the following methods: (1) A performance bond, a deposit of money, negotiable securities, letter of credit, or bank passbook in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required as conditions of approval; (2) A covenant running with the land, executed and duly recorded by the owner of record whereby the required improvements shall be completed before the property may be conveyed by other than a mortgage deed or a deed subject to the requirements of the covenant. The responsibility for filing and/or recording any covenant or restrictions referred herein shall be that of the Town Counsel acting on behalf of the Planning Board.
F. Conditions to minimize off-site impacts on traffic and environmental quality during construction.

9. Any person proposing a subdivision development may, at such person's election, combine the process of Site Plan Review under this section of the By-Law with any review of the Planning Board required under the Subdivision Control Law. The applicant shall make such request in writing to the Planning Board prior to the submission of a proposed Definitive Subdivision Plan to the Planning Board. Upon such request, the Planning Board shall, for the purpose of review, treat the subdivision development and the Definitive Subdivision Plan as a unified submission under the site Plan Review By-Law and the Subdivision Control Law. Persons proposing a residential subdivision development who do not elect to make a unified submission must satisfy, individually, this section's requirements and the requirements under the Subdivision Control Law.
10. **Appeal**: Any appeal of any decision shall be made pursuant to Article XII, Section 12.3, of the Zoning By-Laws and M.G.L. Chapter 40A, Section 17.
11. **Separability** : The validity of one or more provisions or clauses of this Section 12.6 shall not invalidate or impair the section as a whole or any other part hereof.
12. **Appointment Of An Associate Member**. As provided by M.G.L. Chapter 40A, Section 9, one Associate Member may be appointed in the same manner in which regular members are appointed, for the purpose of acting on a Site Plan Review application, in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the board. Such Associate Member shall not sit for any other type of business before the Planning Board. 5/6/91.
13. **Change Of Use Of Previously Approved Structure**. The owner of a structure which has previously received Site Plan Review approval from the Planning Board shall return to the Board for determination of whether a new hearing and approval are required for any later significant change in use of the structure, including any use which requires extensive renovations or different parking requirements. The determination of whether the change is significant shall be made by a majority vote of the Planning Board.

ARTICLE XIII – AMENDMENT AND VALIDITY

SECTION 13.1 – AMENDMENT. This By-Law may be amended from time to time in accordance with Section 5 of the Zoning Act. During the amendment procedure, subdivision plans in process of review by the Planning Board under the Subdivision Control Law shall be subject to the provisions of the Zoning Act, Section 6.

SECTION 13.2 – VALIDITY. The invalidity, unconstitutionality, or illegality of any provision of the By-Law or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality, or legality of any other provision or boundary.

ARTICLE XIV WIRELESS COMMUNICATIONS SERVICES DISTRICT

SECTION 14.1 – PURPOSE. the purpose of this section is to establish a district in which wireless communications services may be provided with minimal harm to the public health, safety and general welfare. Specifically, the Wireless Communications Services District has been created to (a) protect the general public from hazards associated with wireless communications facilities and (b) minimize visual impacts from wireless communications facilities on residential districts within Saugus. This section does not apply to satellite dishes and antennas for residential use.

SECTION 14.2 – DESCRIPTION. Description of Areas Included in the Wireless Communications services District:

1. The Wireless Communications Services District shall include all land owned by the Town of Saugus that is held in the care, custody, management and control of the Board of Selectmen or the Town Manager and all land located in B-2, B-3, I, I-l and I-2 districts.
2. The Wireless Communications services district shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.

SECTION 14.3 – USE RESTRICTIONS. A wireless communications facility (including antennas and accessory structures, if any), antenna or satellite dish may be erected in a Wireless Communications Services District upon the issuance of a special permit by the Board of Selectmen pursuant to Article V and subject to all of the following conditions:

1. The only wireless communications facilities allowed are free-standing monopoles, with associated antenna and/or panels. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.
2. To the extent feasible, all service providers shall co-locate on a single facility. Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities that will be required to be located within the community.
3. Any proposed extension in the height, addition of cells, antennas or panels, construction of a new facility, or replacement of a facility, shall be subject to a new application for an amendment to the Special Permit.
4. New facilities shall be considered by the Board of Selectmen only upon a finding by the Board of Selectmen that existing or approved facilities cannot accommodate the wireless communications equipment planned for the proposed facility.
5. In no event shall any facility be located closer than two (2) miles to any other such facility.
6. No facility or attached accessory antenna shall exceed sixty (60) feet in height as measured from ground level at the base of the facility.
7. All facilities shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use.
8. A facility shall not be erected nearer to any property line than a distance equal to the vertical height of the facility (inclusive of any appurtenant devices), measured at the mean finished grade of the facility base.
9. A facility shall not be erected nearer to a residential lot line than 500 feet.
10. Siting shall be such that the view of the facility from adjacent abutters, residential neighbors and other areas of Town shall be as limited as possible. All facilities shall be painted or otherwise colored so they will blend in with the landscape or the structure on which they are located. A different coloring scheme shall be used to blend the facility with the landscape below and above the tree or building line.

11. Wireless communications facilities shall be suitably screened from abutters and residential neighborhoods.
12. Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the Town.
13. Existing on-site vegetation shall be preserved to the maximum extent practicable.
14. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform with the Sign By-Law.
15. Night lighting of the facilities shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.
16. There shall be minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles.
17. To the extent technologically feasible, all network interconnections from the facility shall be via land lines.
18. Applicants proposing to erect facilities on municipally owned land or structures shall provide evidence of contractual authorization from the Town of Saugus to conduct wireless communications services on municipally owned property.
19. Traffic associated with the facility and accessory facilities and structures shall not adversely affect abutting ways.
20. Satellite dishes and/or antenna may be located on structures or may be free-standing.
21. Satellite dishes and/or antenna shall be situated on a structure in such a manner that they are screened, preferable not being visible from abutting streets. Free standing dishes or antenna shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.
22. Antennas or dishes located on a structure shall not exceed ten (10) feet in height above the level of its attachment to the structure.
23. Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute and required maintenance shall be filed with the Building Inspector by the Special Permit holder.
24. All unused facilities or parts thereof or accessory facilities and structures that have not been used within ninety (90) days of non-use, shall be dismantled and removed at the owner's expense.

SECTION 14.4 – PROCEDURE FOR A SPECIAL PERMIT. All applications for wireless communications facilities, antennas or satellite dishes shall be made and filed on the applicable application forms for special permit in compliance with the Saugus Board of Selectmen Application Instructions. Five copies of the following information must be submitted for an application to be considered complete.

1. A locus plan at a scale of 1" = 200' that shall show all property lines, the exact location of the proposed structure(s), street, landscape features, residential dwellings and neighborhoods and all buildings within five-hundred (500) feet of the facility.

2. A color photograph or rendition of the facility with its antennas and/or panels. For satellite dishes or antennas, a color photograph or rendition illustrating the dish or antenna at the

proposed location is required. A rendition shall also be prepared illustrating a view of the monopole, dish or antenna from the nearest street or streets.

3. The following information must be prepared by a professional engineer:

   A. A description of the facility and the technical, economic and other reasons for the proposed location, height and design.
   B. Confirmation that the facility complies with all applicable Federal and State standards.
   C. A description of the capacity of the facility including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.
   D. If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
   E. The applicable review and advertising fees as noted in the application guidelines.

SECTION 14.5 – EXEMPTIONS. The following types of wireless communications facilities are exempt from this Article XIV:

1. Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that (1) the tower is not used or licensed for any commercial purpose; (2) the tower must have a cost or replacement value of less than $10,000; and (3) the tower must be removed if the use is discontinued for one year.
2. II. Facilities used for the purposes set forth in M.G.L. c.40A, Sec. 3.

ARTICLE XV – INCLUSIONARY HOUSING REQUIREMENTS

SECTION 15.1 – PURPOSE. The purposes of this By-law are:

1. To increase the supply of housing in the Town of Saugus that is permanently available and affordable to low and moderate income households;
2. To encourage greater housing diversity to meet the needs of our workforce; and
3. To develop and maintain a proportion of the Town's housing stock as affordable housing units.

SECTION 15.2 – DEFINITIONS

Affordable Housing Trust Fund (the "Fund"): An account established and operated for the exclusive purpose of creating and preserving affordable housing in the Town of Saugus. The Fund may be used for the following purposes, including but not limited to, to purchase and improve land for affordable housing, to purchase housing units or develop new and/or rehabilitated housing units for purchase or rental by Qualified Affordable Housing Purchasers or Tenants or to preserve existing affordable housing. Expenditures from the Fund shall be authorized by a majority vote of the Board of Trustees of the Fund as outlined in Section 515 of the General By-laws of the Town of Saugus.

Affordable Housing Unit: a housing unit that by Deed Restriction is and will remain:

1. available for sale and sold at a selling price that will result in an Annual Housing Cost of not more than thirty percent (30%) of the annual income of a Qualified Affordable Housing Unit Purchaser; or
2. available for rental and rented at an annual rent, including mandatory or unavoidable fees, that will result in an Annual Housing cost of not more than thirty percent (30%) of the annual income of a Qualified Affordable Housing Unit Tenant, or rented to a tenant receiving rental assistance pursuant to a state or federal rental assistance program; and, in either case;
3. affordable to and occupied by a low or moderate income household, meet the definition of a low or moderate income housing at 760 CMR 30.02, and eligible for inclusion in the Chapter 40B Subsidized Housing Inventory through the Local Initiative Program (LIP) under G.L. c 40B sec. 20-23.

ANNUAL HOUSING COST[1]

1. For owners, the aggregate of annual charges for debt service on a mortgage, real estate taxes, homeowner's insurance, and condominium fees, if applicable.
2. For tenants, the aggregate of annual charges for rent, utilities (except telephone and other telecommunications) and renter's insurance.

Deed Restriction: A provision, acceptable in form and substance to the Town Counsel of the Town of Saugus, in a deed of real property that runs with the land in perpetuity or for the longest period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. The Deed Restriction shall limit the resale price of any ownership units, and shall bind all subsequent purchasers in perpetuity, consistent with Massachusetts Department of Housing and community Development's ("DHCD") regulations and guidelines under Chapter 40B of the Massachusetts General Laws. Subsequent resale prices shall be

[1] The annual housing cost is adjusted for household size.

determined based on a percentage of the area median income at the time of resale as determined by the United States Department of Housing and Urban Development ("HUD") and adopted by DHCD. The resale price will be determined in accordance with the Deed Restriction and will be established based on the same percentage of the area median income that was used to set the price for which the unit was originally sold. Notwithstanding the foregoing sentence, the resale price of an Affordable Housing Unit shall not exceed that amount which will require a household earning 80% of the most recent area median income number, as published by HUD and adjusted for the household size that corresponds with the number of bedrooms in the Affordable Housing Unit to spend a maximum of 30% of the household's annual income on Annual Housing Cost. The method of resale price calculation shall be included as part of the Deed Restriction. The Town of Saugus shall not be held responsible for any future fluctuations in market price or median income that may affect the resale price of any unit subject to a Deed Restriction. Any restriction created under the By-law shall survive any bankruptcy or insolvency or other actions and shall not be subject to nullification for any reason.

Qualified Affordable Housing Unit Purchaser or Tenant: An individual or family with household income that does not exceed 80% of the local metropolitan statistical area median income, with adjustments for household size, as reported by the most recent information from HUD and/or DHCD.

Saugus Resident: for purposes of this By-law only a Saugus Resident is an individual or family maintaining a primary residence in the Town of Saugus.

SECTION 15.3 – APPLICABILITY. The Requirements of this section apply to

1. Any proposed multifamily residential development that would create five or more attached or detached housing units on a single parcel of land;

2. Any proposed subdivision of land for residential development that would permit construction of five or more attached or detached housing units, including land divisions under G.L. c. 40A, sec. 9 (Special Permits), as well as conventional subdivisions allowed by G.L. c. 41, sec. 8K-81GG (Subdivision Control Law).

3. Any planned multi-density residential or cluster residential development under Section 12.4 Paragraph C and 12.4 Paragraph D respectively of this By-law that would permit construction of five or more attached or detached housing units; and

4. Any application to the Zoning Board of Appeals for a variance or a finding that would permit construction of five or more attached or detached housing units.

5. New housing units created by renovation or reconstruction of an existing building that increases the number of residential units from the number of units in the original structure to five or more; or conversion of an existing building or other structure where five new housing units are created once a change of use has been granted.

No affordable housing construction or payment is required for any new housing unit that replaces a pre-existing, legal housing unit as part of a residential development or redevelopment project. Motel or hotel units shall not be considered as housing units under this Bylaw. If requested by the Planning Board or the Zoning board of Appeals, the Building Inspector with advice from the assessor shall determine in writing the number of pre-existing, legal housing units on a development site under this Bylaw.

SECTION 15.4 – SEGMENTATION. Developments may not be segmented or phased to avoid compliance with this By-law. Parcels held in common ownership as of the passage of this By-law cannot later defeat the requirements of this regulation by segmenting the development.

SECTION 15.5 – REQUIREMENTS

1. **Multi-Density Residential Developments.** Ten percent (10%) of the housing units in any multi-density residential development shall be Affordable Housing Units.

2. **Cluster Residential Developments.** Ten percent (10%) of the housing units in any cluster residential development shall be Affordable Housing Units.

3. **Subdivisions, Residential Developments with a Finding or Variance, Renovations, Reconstruction, or Conversion.** Ten percent (10%) of the housing units in any subdivision or other residential development described in subsection 15.3.b, d, or e, shall be Affordable Housing Units.

4. **Fractions.** In determining the total number of affordable units required, a fractional unit of 0.5 or more shall be regarded as a whole unit.

SECTION 15.6 – GENERAL PROVISIONS

1. **Consultation with Affordable Housing Trust.** Developers whose projects are subject to this By-law are encouraged to consult with the Saugus Affordable Housing Trust or any other future Town committee dedicated to the creation of affordable housing early in the development process concerning the Town's affordable housing needs and the optimum manner in which the Town's needs and the developer's affordable housing requirements can be met by the proposed development consistent with any affordable housing planned production plan then in effect in the Town. The Saugus Affordable Housing Trust may consult with and give advice to the Planning Board and the Zoning Board of Appeals during the development process and, as a part of the process, may submit written reports to the board reviewing any proposed development subject to the By-law.

2. **Comparability.** Unless otherwise approved by (a) the Planning Board or (b) the Zoning Board of Appeals in the case of residential developments requiring a finding or variance, all on-site Affordable Housing Units shall be dispersed throughout the site and shall be indistinguishable from market-rate units except in interior finish, fixtures and appliances. For both on-site and off-site units that are part of any development proposal, the number of bedrooms in Affordable Housing Units shall be comparable to the bedroom mix in market-rate units in the development.

3. **Selection Process.** The selection of Qualified Affordable Housing Unit Purchasers or Tenants shall be conducted as follows:

   A. The selection process shall include a plan for marketing the Affordable Housing Units created under this By-law, which describes how the Affordable Housing Units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers and/or renters. The marketing plan must describe how the applicant will accommodate local preference requirements of

this By-law in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the Local Initiative Program.

B. Saugus Residents shall be given local preference of the maximum number of the Affordable Housing Units created in any development subject to this by-law that is permitted under DHCD guidelines (currently, up to seventy percent (70%).[2]

C. Developers may sell affordable for-sale units to the Saugus Affordable Housing Trust or to a private nonprofit entity serving Saugus for the purpose of providing affordable housing opportunities and to permit such entity to market the Affordable Housing Units and manage the choice of buyers.

SECTION 15.7 – ALTERNATIVE METHODS OF AFFORDABILITY (Off-site locations and in lieu of payments shall not apply to any rental unit developments.)

1. Off-site Location:

A. The Planning Board or the Zoning Board of Appeals in accordance with the provisions of 15.3 may approve at a public hearing upon formal written request of the applicant some or all of the required affordable housing units on an alternative site or sites suitable for housing use.

B. In granting such approval, the Planning board or Zoning Board of Appeals shall consider the location of the development, access to transportation, the type and character of the units proposed, and (if applicable) the number, quality and type of off-site affordable units proposed. The alternate site must be suitable for residential development and must be within the Town of Saugus; the project must add to the Town's stock of affordable housing units, and must be in the best interests of the Town of Saugus.

C. To have such a request considered the burden of proof shall be on the applicant, who must make full disclosure of all relevant information. In order to assist in their review, the Planning Board or the Board of Appeals may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Board. All results and reports shall be made part of the record before the Board.

D. Affordable off-site units shall either be newly created or located in an existing structure. If located in an existing structure, the units shall be lead-free and in marketable condition. In determining compliance with this By-law, affordable off-site units that are newly created and are not replacing existing legal housing shall be counted in the total number of housing units created by a proposed development. Unless otherwise approved, Affordable Housing Units provided under this subsection shall comply in all respects other than on-site location with the requirements of this By-law.

2. Housing Contribution Payments in lieu of On-Site Units

A. Approval

1) The Planning Board or the Zoning Board of Appeals in accordance with the provisions of Section 15.3 may approve at a public hearing upon formal

[2] Developers must provide the Planning Board with a Marketing and Outreach Plan to comply with this subsection.

written request of the applicant housing contribution payments to the Saugus Affordable Housing Trust in lieu of building Affordable Housing Units provided that the applicant makes a binding, written agreement with the Town of Saugus (with appropriate payment security arrangements).

2) To have such a request considered, the burden of proof shall be on the applicant who must make full disclosure of all relevant information. In order to assist in their review, the Planning Board or the Board of Appeals may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Board. All written results and reports shall be made part of the record before the board.

B. Amount

For ownership developments, the financial contribution for each affordable unit shall be equal to the difference between the median single-family home sales price in Saugus as determined by the Board of Assessors or the Warren Group and the selling price of an affordable housing unit. The maximum per unit Housing Contribution Payment amount shall be adjusted annually by the Saugus Affordable Housing Trust as set forth herein.

C. Adjustment

The Saugus Affordable Housing Trust shall adjust the maximum Housing Contribution Payment Annually.

The annual adjustment shall be equal to the percentage change in the median sale price of single family homes in the Town of Saugus during the previous calendar year, as reported by The Warren Group (or the Town of Saugus Assessors Office provided the information is current or another independent reporting agency selected by the Saugus Affordable Housing Trust), and rounded to the nearest tenth of a percent. The adjusted maximum payment amount shall apply to all Housing Contribution Payments made on or after July 1st of any year until the last day of June of the following year.

SECTION 15.8 – REGULATIONS. Affordable housing production, Housing Contribution Payments and rental and resale restrictions required by this section shall be governed by regulations recommended by the Saugus Affordable Housing Trust for purposes of carrying out this By-law and shall not be inconsistent with the Massachusetts Department of Housing and Community Development's ("DHCD") regulations and guidelines under Chapter 40B of the Massachusetts General Laws.

SECTION 15.9 – COMPLIANCE

1. Building Permit Conditions

All contractual agreements with the Town of Saugus and other documents necessary to ensure compliance with this Section 15 shall be executed and delivered to the Planning Board, the Saugus Affordable Housing Trust, and the Town Counsel prior to and as a condition of the issuance of any approval to commence construction. The Building Inspector shall not issue a building permit with respect to any project or development subject to this Section 15 unless and until the Planning Board and the Saugus Affordable Housing Trust have certified in writing to the Building Inspector that all conditions of this

Section 15, including any conditions that may be established by the Planning Board or Zoning Board of Appeals in any decision or approval, have been met.[3]

2. <u>Occupancy Conditions</u>

A. Compliance

No certificate of occupancy shall be issued for any market-rate units in a development subject to this Section 15 until all Deed Restrictions, agreements with the Town of Saugus and/or other documents necessary to ensure compliance by the applicant (and any purchasers of the Affordable Housing Units) with the requirements of this By-law have been executed and recorded.

B. Housing Contribution Payments

Prior to the issuance of a final occupancy permit for any unit in the project, the required housing contribution shall be payable in full.

C. Timing of Construction

Where feasible, Affordable Housing Units shall be provided coincident with the development of market-rate units, but in no event shall the development of affordable on-site or off-site housing units be delayed beyond the following schedule:

Market-rate Unit %	Affordable Housing Unit %
up to 30%	none required
30% to 50%	at least 10%
over 50% to 75%	at least 40%
over 75% to 90%	at least 70%
Over 90%	100%

Fractions of units shall not be counted.

<u>SECTION 15.10 – SEVERABILITY</u>. In the event that one or more of the provisions of this By-law are found or determined to be illegal or unenforceable by the Massachusetts Attorney General or any Massachusetts Court of competent Jurisdiction then the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this By-law which provisions will remain in full force and effect.

[3] Any and all Deed Restrictions or related Regulatory Agreements must be recorded at the Southern Essex District Registry of Deeds and returned to the Planning Board and the Saugus Affordable Housing Trust prior to issuance of any and all permits for the development.

Article XVI – Temporary Moratorium on Medical Marijuana Treatment Centers

SECTION 16.1. PURPOSE. The Massachusetts Medical Marijuana Initiative, also known as Ballot Question Three, was approved by voters at the Massachusetts State election on November 6, 2012. The law regulates the cultivation, distribution, possession, and use of marijuana for medical purposes. The law is effective on January 1, 2013 and the State Department of Public Health issued final regulations regarding implementation of the law on May 24, 2013.

Under the current Zoning By-Law, a Medical Marijuana Treatment Center is not defined and is not a permitted use in the Town. The Department of Public Health regulations provide guidance to communities regulating medical marijuana treatment centers at the local level. As these regulations have been recently released, the Town needs time to study and interpret them and apply them to the unique circumstances of the Town. As this is a new type of land use in the state, there will be unique and new aspects to the use that could require oversight and regulations. These local impacts, which raises novel and complex issues, including legal, land use, public safety, and public health, should be evaluated and addressed in a comprehensive manner in the Zoning By-Law prior to the permitting of a Medical Marijuana Treatment Center. The Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address these novel and complex issues, as well as address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-Law regarding regulation of Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium, of a finite duration, on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a careful study and planning process to address the potential impacts, both primary and secondary, of such structures and uses in the Town and to enact By-Laws in a manner consistent with sound land use and planning goals and objectives.

SECTION 16.2. DEFINITION. “Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oil or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

SECTION 16.3. ESTABLISHMENT OF TEMPORARY MORATORIUM AND DURATION

1. For the reasons set forth above and notwithstanding any other provision of the Zoning By-Law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Medical Marijuana Treatment Centers. No building permit, special permit, variance, site plan or other permit may be issued under this zoning ordinance, and no use of land or structures shall be allowed for the purpose of establishing a Medical Marijuana Treatment Center or associated activities.
2. The moratorium shall be in effect through and including September 30th 2014, or until such time as zoning by-laws are adopted that address medical marijuana treatment centers and associated activities, whichever shall be sooner. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Centers and related uses, and consider adopting new Zoning By-Laws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

SECTION 16.4. APPLICABILITY. This By-Law shall be effective in all zoning districts in the town, including overlay districts.

ARTICLE XVII – Historic Mills Mixed Use Overlay District

SECTION 17.1 – PURPOSE AND INTENT. The Historic Mills Mixed Use Overlay District (HMMUOD) is recognized as a special place to be protected as a community resource because it represents an important part of the Town's heritage and because its unusual character creates an identity for Saugus today.

The HMMUOD zoning by-law is established to promote preservation of historic resources. It encompasses:

1. Existing industrial uses and new industrial uses fostered by emerging technology.
2. Adaptive reuse and site redevelopment that is economically viable.
3. Innovative and sustainable building and site design.
4. A variety and balance of commercial, retail and residential uses.
5. Opportunities for affordable housing.
6. Public access to the Saugus River and connections to recreational resources.
7. Redevelopment and development that is sensitive to the historic context of the Saugus Iron Works National Historic Site.

SECTION 17.2 – APPLICABILITY. The HMMUOD includes the entire Industrial (I) and Industrial 2 (I-2), the Residential-Multi-Density, Apartment (R-4), and the Business-Neighborhood (B-1) zoning districts north of the Saugus Iron Works, and adjacent to Central Street and Elm Street. These zoning districts are shown on the map entitled "Historic Mills Mixed Use Overlay" dated December 27, 2012 and prepared by the Metropolitan Area Planning Council, on file with the Town Clerk and hereby made a part of this by-law.

SECTION 17.3 – RELATIONSHIP TO EXISTING ZONING AND OTHER REGULATIONS

1. The HMMUOD shall not restrict the rights of any owner who elects to utilize the existing underlying zoning district regulations of the Saugus Zoning By-law (SZB) to develop or redevelop land. If an owner elects to utilize the HMMUOD to develop or redevelop land, the project shall conform to all applicable requirements of this by-law, including any regulations or guidelines that may be adopted to support this by-law.
2. In the HMMUOD, all requirements of the underlying district(s) shall remain in effect except where these regulations supersede or provide an alternative to such requirements.
3. If the provisions of this by-law are in conflict with any other section of the SZB, the regulations of the HMMUOD shall govern.
4. Projects developed under the HMMUOD must comply with all applicable Federal, State and local environmental and other regulations.

SECTION 17.4 – ADMINISTRATION

1. For purposes of this by-law, the Board of Selectmen is designated as the Special Permit Granting Authority (SPGA) for all uses noted S-2 below. The Planning Board is the SPGA for non-mills properties electing to use the HMMUOD. All Special Permit Applications made pursuant to this by-law shall conform to the requirements of this by-law and Article XII – Special Permits and Conditions, Sections 12.1, 12.2 and 12.3 of the Saugus Zoning By-law. All Special Permit applications to the Board of Selectmen shall be forwarded to the Planning Board for review and recommendations.
2. The decision of the Planning Board for a Historic Mills Mixed Use Overlay Special Permit may be approval, approval with conditions, or denial of the requested special permit(s).
3. The Planning Board may adopt regulations for the implementation of this by-law, including but not limited to design guidelines that support the intent of the Historic Mills Mixed Use Design Criteria, Section 16.12 below.

4. Consistent with the SZB Section 12.6 Site Plan Review, the Planning Board will perform Site Plan Review, including sign review, for all applicable projects submitted under the HMMUOD. The applicability criteria shall include any new structure, group of structures, or additions in which:
    A. The lot has 50% coverage by primary and accessory structures <u>or</u>
    B. The use is commercial <u>or</u>
    C. Any new structure having a total gross floor area in excess of 3,000 square feet <u>or</u>
    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 floor area in excess of 3,000 square feet.
5. The Planning Board shall conduct Site Plan Review concurrently with Special Permit review, as applicable.
6. The Planning Board shall forward all applications for Site Plan Review, including signage, within the Historic Mills Mixed Use Overlay to the Saugus Historical Commission for review and recommendation. Said recommendation from the Historical Commission must be issued within 21 days unless the Planning Board agrees to extend the period to 35 days. This review does not replace reviews required by federal and/or state historic preservation requirements.

<u>SECTION 17.5 – SPECIAL PERMIT CRITERIA</u>. The Planning Board and Board of Selectmen shall consider the following criteria before issuing a Special Permit for development or redevelopment under the provisions of the HMMUOD:

1. Adequacy of the site for the size of the proposed project.
2. Suitability of the site for the proposed uses(s).
3. Degree to which the proposed project complies with the purposes of the HMMUOD.
4. The extent to which the project contributes to the historic context of the HMMUOD.
5. The extent to which affordable housing is a component of the project.
6. Public access and/or trail connectivity to lands along the Saugus River, if applicable.
7. Impact on traffic and pedestrian flow, safety and access for emergency vehicles.
8. The extent to which the project promotes sustainable building and site design.

<u>SECTION 17.6 – INCLUSIONARY HOUSING</u>. Projects developed under the Mills Mixed Use Overlay District shall follow the requirements of Saugus Zoning By-law, Section XV: Inclusionary Housing.

<u>SECTION 17.7 – PRE-APPLICATION MEETING</u>. Prior to submitting an application to the Building Inspector for projects under the HMMUOD, applicants are strongly encouraged to contact the Town Manager and request a Pre-Application Meeting with relevant Town officials and Board members including but not limited to the Planning Board, Conservation Commission and the Saugus Historical Commission. The purpose of the meeting is to present the project concept and discuss zoning, public safety, conservation, historic resources, housing concerns, etc. as applicable, in order to facilitate project development and coordinate the permitting processes. Project proponents are encouraged to bring sufficient information to the meeting to enable attendees to become familiar with the site and the project. This information includes photographs, a map of existing conditions, and a preliminary concept plan for the proposed project.

<u>SECTION 17.8 – USES</u>. Except as provided in the Zoning Act, Ch. 40A M.G.L., the SZB or in this HMMUOD, no building, structure or land shall be used except for the purpose permitted in the HMMUOD as described. Any use not listed herein shall be construed to be prohibited.

1. **<u>DEVELOPMENT AS OF RIGHT</u>**

Within the HMMUOD, the three (3) properties that include historic mills structures built prior to 1900 shall be allowed as of right to include a mix of uses, as defined below. The properties are:

A. "Pranker's Mills", 180 Central Street, including ancillary structures (Assessor's Map F-2-12)
B. 179 Central Street (Assessor's Map F-11-1-3)
C. "Scott Mills", 222 Central Street (Assessor's Map F-10-2-22).

In a redevelopment project, the mill exterior characteristics deemed by the Saugus Historical Commission to be historically significant, including the historically significant portion of the Central Street facing façade, must be preserved, restored and rehabilitated in accordance with the Secretary of the Interior's Standards for Historic Preservation.

Alternatively, the three mills properties may as of right be redeveloped for residential uses only. In any case, the same preservation requirements noted above shall apply.

Property within the underlying I-2 zoning district shall be redeveloped for residential uses only.

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

The following uses are permitted by right in the HMMUOD:

Residential Uses

- One Family Dwelling
- Two Family Dwellings
- Multi-Family Dwelling-Apartment House, Town House
- Home Occupation
- Bed and Breakfast

Community Facilities

- Church
- School
- Public Libraries
- Public Museums
- Parish Houses
- Non-Profit Day Nursery or Kindergarten
- Parks, Playgrounds
- Hospitals, Nursing Homes, Rest Homes
- Philanthropic Institutions
- Private Day Nursery or Kindergarten
- Municipal or Church Recreational Buildings
- Governmental Buildings (except garage)

Retail Service-Commercial

- Retail Stores and Shops for Custom Work or Making of Articles to be Sold at Retail on Premises
- Retail Establishments Selling Principally Convenience Goods and Services including, but not limited to: Food, Drugs, and Proprietary Goods
- Professional Office for Engineers, Surveyors, Lawyers, Architects, Accountants, Doctors of Medicine, Osteopathy, Banks, Real Estate, Insurance, Mfg. Representative, Brokers, Travel Agents, and Headquarters for Non-Political, Civic, Cultural or Professional Societies and Organizations
- Restaurants and other Places Serving Foods
- Hotels (motels shall not be allowed)
- Theatres

Wholesale Transportation and Industrial

- Light Manufacturing, using unobjectionable machinery or process
- Plant for Manufacture of Electrical Devices, Medical, Dental, Optical goods or other Precision Instruments

Miscellaneous

- Conservation of Water Plants and Wildlife
- Outdoor Recreation

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

2. **DEVELOPMENT AUTHORIZED BY SPECIAL PERMIT**

For all other properties (non-Mills properties) developed or redeveloped under the provisions of the HMMUOD, a Mix of Uses (or exclusive residential use), shall be authorized by grant of a Special Permit by the Planning Board.

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

Retail Service-Commercial

- Health Clubs
- Personal Fitness Establishments
- Massage Therapy, Bodywork and Movement Education as regulated by the Saugus Board of Health
- Place of Business for Blacksmith, Builder, Carpenter, Undertaker, Laundry Facility, Pet Care

SECTION 17.9 – DIMENSIONAL AND DENSITY REGULATIONS. For new construction all Dimensional and Density Regulations in the HMMUOD shall mirror the Dimensional and Density Regulations of the underlying zone, as described in SZB Article VI and the Table of Dimensional and Density Regulations, and the notes thereto except as noted hereunder.

If the owner of the existing Industrial Zoned land within the HMMUOD chooses to be regulated under the HMMUOD the property shall be governed by the Dimensional and Density Regulations of the appropriate "R" zoning district.

The height limit in the HMMUOD is 40 feet, 3 stories. Heights over 40 feet may be allowed by Special Permit from the Board of Selectmen.

The Screening and Buffers requirements of the SZB section 6.6 shall apply to all mixed uses in the HMMUOD that adjoins a residential district. Except that in the underlying I-2 zoning district, if the owner elects to utilize the HMMUOD, (which will only permit residential uses), the residential setback, screening and buffering requirements shall apply.

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

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

SECTION 17.10 – PARKING. For projects submitted under the provisions of the HMMUOD, parking spaces shall be 9 feet wide by 18 feet long, except for required Handicapped Spaces, and designated "small or compact car spaces" shall be 8 feet wide by 16 feet long. No more than 35% of spaces shall be designated for "small cars".

To promote a pedestrian friendly environment, parking in front of buildings is discouraged. Bicycle parking shall be provided as close as possible to the building entrances.

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

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

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

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

Use	**Minimum Parking Spaces:**	**Maximum Parking Spaces**
Studio/1 Bedroom All other residential units	1 per unit 1.5 per unit	1 per unit 2 per unit
Hotels	0.75 space for each guest room or dwelling unit, plus 1 space for each 500 s.f. of meeting, banquet or restaurant area	1 space for each guest room or dwelling unit, plus 1 space for each 400 s.f. of meeting, banquet or restaurant area
Retail business and service establishments	1 space for each 300 s.f. of gross floor area on the first floor of a building, and one space for each 500 square feet of gross floor area thereafter for all floors used for	1 space for each 250 s.f. of gross floor area on the first floor of a building, and one space for each 400 square feet of gross floor area thereafter for all floors used for office,

	businesses, excluding basement storage area	retail or service businesses, excluding basement storage area
Theaters	1 space for each five seats or for each 100 s.f. of auditorium area, if there are not fixed seats	1 space for each four seats or for each 50 s.f. of auditorium area, if there are not fixed seats
Mixed uses in a single building	See Section 8.5 Combined Facilities of the Zoning By-Law.	Spaces required will be the sum of the requirements of the various individual uses

By grant of a Special Permit by the Planning Board, the Minimum number of off-street parking spaces required may be decreased provided that the following criteria have been met:

1. The purpose and intent of the by-law is achieved.

2. The amount of off-street parking to be provided will be sufficient to serve the use(s) for which it is intended.

3. The decrease in required off-street parking is based on a parking study prepared by a professional engineer or traffic engineer registered in Massachusetts. The parking study will include, at a minimum, the following:
   A. Size and type of existing uses or activities on site
   B. Size and type of proposed uses or activities on site
   C. Rate of parking turnover
   D. Peak traffic and parking loads to be encountered
   E. Hours of usage of the proposed use/structure
   F. Hours of usage of other uses/structures within the Mill Zoning Overlay District
   G. Amount of shared parking with other uses
   H. Demand for space can be met upon presentation of an acceptable shared parking agreement
   I. Availability of public transportation, bicycle and/or pedestrian facilities such as sidewalks
   J. Other factors identified by the Planning Board

4. The Planning Board may consult with the Town Building Inspector, public safety officials and/or engineer prior to granting any decrease in parking.

5. If the Planning Board allows a decrease in the amount of required off-street parking spaces required by this bylaw, this reserved area shall not be developed and shall be either landscaped or maintained in a natural state. The reserved area shall not count towards the open space requirements.

SECTION 17.11 – DESIGN CRITERIA. Design Criteria promotes quality development that is compatible with the character of the Historic Mills Overlay District and the Saugus Iron Works National Historic Site, and the desire for contextual, pedestrian-scaled projects.

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

The Design Criteria seeks to encourage visual harmony and historic integrity, and encourage creative design solutions. The Design Criteria encourages a variety of choices for achieving design compatibility within the Mills Mixed Use Overlay District.

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

1. New structures and additions shall relate to the pedestrian scale by including appropriate architectural details along the ground floor of all facades that face streets and pedestrian spaces.
2. External building treatments shall relate to and be in harmony with surrounding historic structures.
3. Continuous lengths of flat, blank walls adjacent to streets and pathways are to be minimized.
4. For visibility and accessibility, primary building entrances shall be located on a Central Street frontage, to the extent possible.
5. For parking located to the rear or side of the building, these secondary entrances to the building are to be visible and accessible from the parking lot.
6. Any alteration to historic structure designated as historic by the Saugus Historical Commission shall use materials, colors and textures, massing, size, scale and architectural features that are compatible with the original structure(s). Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. Any awnings and canopies shall be compatible with the architectural style of the building.
7. All new mixed use or residential structures approved under the Mills Mixed Use Overlay by-law shall incorporate architectural elements that are compatible with the existing historic mills and housing styles.
8. Mechanical equipment shall be screened, and if located on roofs, it shall be organized and designed so as not to appear to be a “leftover” or “add-on” element.
9. 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:
    A. Minimize the number and size of curb cuts and provide sidewalks along Central Street to the extent possible.
    B. Provide improvements to pedestrian access to buildings, sidewalks and parking areas with utmost consideration of pedestrian safety, handicapped access and visual quality.
    C. Provide pedestrian and/or bicycle paths connecting their site with abutting areas, as feasible, in order to promote pedestrian and bicycle circulation safety in the Mill District. When parking is located in the rear, pedestrian access via a pedestrian-oriented walkway through to the primary street is encouraged.
10. Projects abutting the Saugus River shall ensure that existing public access to the river is maintained, and where none exists, public access is provided consistent with the Town’s goal for more and improved riverfront access.
11. As feasible, building rehabilitation and site design will incorporate green building techniques (such as those developed by the U.S. Green Building Council) and Low Impact Site design techniques aimed at protecting and enhancing the existing natural resources and buffer zones, particularly the areas adjacent to the Saugus River.
12. Where residential districts abut the Historic Mills Mixed Use Overlay, the screening and buffers provision of the underlying zoning, § 6.6 shall apply.

13. Exposed storage areas, machinery, garbage dumpster, service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting properties and streets using plantings and/or opaque fences.
14. Underground utilities for new and redeveloped buildings are required unless physically restricted or blocked by existing underground obstructions, or not possible due to specific site conditions.
15. Landscape plans shall show the type, size and location of all proposed plantings. The plan shall show the location of plantings, including use of plantings to buffer neighboring properties and along the street frontage and pedestrian ways.
16. Large parking areas or areas greater than 20 parking spaces shall be separated by landscaped islands of 8 to 10 feet in width or in the alternative shall devote at least 5% of the interior of the parking lot to landscaping. In addition, a minimum of one shade tree shall be planted for every 6 parking spaces required or built, within appropriate locations on the lot(s). Trees planted within parking areas shall be planted in protected pervious plots of at least 60 square feet of area. In the alternative, if the above parking design standards are not feasible, parking design stands shall utilize low impact design techniques aimed at enhancing parking area by utilizing landscaping features and greenery that will meet the intent of this subsection.

SECTION 17.12 – SIGNAGE. Historic Mill Mixed Use Overlay District: In recognition of the special nature of the Historic Mills District, the following signage regulations shall apply. In addition, the Saugus Historical Commission shall pay special attention to signage in their review and recommendation on site plans. All signage shall complement a building's architecture.

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

1. **Size.** The total maximum square footage of all signage for a business shall not exceed 75 square feet.

2. **Wall Signs**. Wall Signs affixed parallel to the exterior wall of a building for each place of business shall be permitted, provided that the same shall not project beyond the face of any other wall, nor project above the roofline of said wall, nor project more than 16 inches from said wall and provided further that the aggregate area of said sign shall not exceed 10 percent of the wall area of the wall on which it is displayed up to a maximum of 75 square feet.

3. **Standing Signs**. The Planning Board may, in its discretion, authorize a special permit for a standing sign after finding that the nature and use of the premises or the location of the building with reference to the street or streets is such that a standing sign may be permitted in harmony with the general purpose and intent of this Sign By-Law subject to the following requirements:
    A. Each lot shall be allowed one freestanding sign, provided that the foremost building on the lot is set back from the front lot line a minimum of 10 feet, subject to the following criteria.
    B. The sign area shall not exceed 25 square feet per side, 10 feet in any dimension, with a total surface area of all sides not exceeding 50 square feet in area, and shall not be higher at any point than 15 feet from the ground.
    C. In granting such special permit, the Planning Board shall specify the size, type and location of the sign and impose such other conditions, safeguards and limitations as it may deem to be in harmony with this By-Law and the public interest.

4. **Projecting Signs**. Each business shall be allowed one projecting sign, mounted perpendicular to the front façade of the building line subject to the following requirements:
    A. The sign shall have the lowest edge no lower than 10 feet above grade, nor more than 12 feet above grade, the uppermost edge of the sign shall be no greater than 20 feet above grade or above the roof line, whichever is lower in height.
    B. The sign shall project no more than 4.5 feet from the front building line.
    C. A projecting sign shall only be placed over a sidewalk or walkway, and in no case shall a projecting sign extend over any portion of a vehicular lane.
    D. The sign area shall not exceed 15 square feet per side with a total surface area of all sides not exceeding 30 square feet.

5. **Window signs**. Window signs shall be either painted on or attached to the inside window or etched on the window provided such signs do not cover more than 25 percent of the window glass. Interior window signs shall be non-illuminated. Any sign placed within 18" of the window glass shall be considered a window sign.

6. **Awning.** Awnings or canopies are roof like structures above a window or door and projecting over the sidewalk. Signs shall only be incorporated into the skirt of awnings and not on the primary angled surface.
    A. Awnings and canopies shall be attached at or below the lower edge of the sign band.
    B. Awnings and canopies extending over the sidewalk shall have its lowest edge no lower than 10 feet above grade.
    C. Awnings and canopies shall only be placed over a sidewalk or walkway, and in no case shall they extend over any portion of a vehicular lane.
    D. Awnings shall have dimensions that match the window and door openings.
    E. Awnings shall be made of canvas and waterproof cloth designed to resist fading and tearing.

7. **Material**. Signs shall be made of attractive materials consistent with the character of the district. Materials may include wood (painted or natural), stone, copper, brass, galvanized steel, other durable metals, painted canvas or painted/engraved on façade surface.

8. **Color**. No sign shall contain more than five (5) colors. Both black and white are considered separately as colors for enumeration under this Section.

9. **Illumination**. Signs shall be externally lit by a white, steady, stationary light(s) shielded and directed solely at the sign. Use of neon lighting is prohibited. Back lighting of signs shall not be used. Any lights used for illumination shall be so arranged as to reflect away from neighboring properties.

10. **Temporary signs**, such as sandwich boards, with a specific expiration date, not to exceed one 30 day period from date of issuance shall be allowed, after approval by the Building Inspector. In addition when a temporary sign is required as a result of the repair and/or reconstruction of the existing permitted sign, the Building Inspector, upon application, may issue a permit for up to one 30 day period.

1. **Set back from residential districts**. Signs shall be set back from any adjoining residential district lot line by at least the front yard distance required in the adjoining residential district.

Article XVIII--Waterfront Mixed Use Overlay District

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

SECTION 18.1 PURPOSE AND INTENT

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

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

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

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

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

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

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

provide connections to recreational resources.
- Provision for water-based transportation options.

SECTION 18.2 DISTRICT BOUNDARIES

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

SECTION 18.3 APPLICABILITY

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

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

Freeboard shall mean elevating a building's lowest floor above predicted flood elevations by an additional height of 1 to 3 feet above the FEMA FIRM Base Flood Elevation (BFE). Providing a BFE higher than the minimum required by FEMA, to plan for projected sea level rise, leads to substantial reductions in flood insurance, significantly decreases the chances the structure will be damaged by storms and flooding, and helps protect against sea level rise. Moisture and rot resistant breakaway panels shall be provided to screen the building pilings or piers in the area between the natural ground elevation and the first floor. These breakaway elements should be consistent with the rest of the building's design elements.

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

SECTION 18.4 RELATIONSHIP TO EXISTING ZONING AND OTHER REGULATIONS

The WMUOD shall not restrict the rights of any owner who elects to utilize the existing underlying zoning district regulations of the Saugus Zoning Bylaws (SZB) to develop or redevelop land. If the owner of a property elects to utilize the WMUOD to develop or redevelop land, the project shall

conform to all applicable requirements of this by-law, including any regulations or guidelines that may be adopted to support this by-law. Once a property owner opts into the WMUOD the regulations of the WMUOD, where applicable, shall prevail and the property owner cannot opt out of the WMUOD and the property shall be governed by the regulations contained in this Article.

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

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

Projects developed under the existing underlying districts and WMUOD, including new construction of any building(s) or water based structures, including piers, slips, wharves, etc. or additions to same, must secure all appropriate federal, state, and local permits and licenses. These permits and licenses may include but are not limited to: Federal, State, and Local environmental permits and approvals; U.S. Army Corps of Engineers Permit(s); Massachusetts DEP Division of Wetlands and Waterways Chapter 91 Tidelands License (Massachusetts Public Waterfront Act); Massachusetts DEP Wetlands Protection Act; the Saugus Zoning Bylaw including Section 4.-Flood Plain Districts and the State and local wetlands permits. If any sections of the WMUOD are in conflict with the MA Chapter 91 (Massachusetts Public Waterfront) Act, other state regulations, as Well as Federal regulations those regulations shall prevail. Regulations mandated by any state or federal permit or license obtained for any non-water dependent, or water-dependent use (including the applicability of the public trust doctrine) may be more restrictive or require certain public benefits not stated or identified in this bylaw.

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

18.5 SPECIAL REQUIREMENTS

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

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

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

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

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

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

18.6 WATERFRONT ACCESS AND IMPROVEMENT TRUST FUND (WAITF)

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

18.6.1 EXEMPTIONS

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

18.7 ADMINISTRATION – WATERFRONT ACCESS AND IMPROVEMENT TRUST FUND (WAITF)

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

The Town Treasurer shall be the custodian of the fund and may deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks

under the laws of the commonwealth or in federal savings and loan associations situated in the commonwealth. Any interest earned thereon shall be credited to and become part of such fund. The fund shall be administered by the Town Manager or his or her designee.

18.8 EXPENDITURES OF WATERFRONT ACCESS AND IMPROVEMENT TRUST FUND (WAITF)

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

1. infrastructure and public facilities directly impacted by the project making contribution to said fund not limited to sidewalk improvements, pedestrian and bicycle security and safety, signalization improvements, sewer, water and drainage improvements.
2. recreation and open space programs within the WMUOD.
3. educational programs related to the waterfront, the Saugus River, Pines River, waterfront, estuaries or the ACEC.
4. public access amenities (ex. benches / seating, interpretive signage, public art, restrooms) additions within the WMUOD.
5. establishment and maintenance of new or existing public parks, walkways, docks, piers, boat ramps, waterway safety improvements, or parking facilities.
6. local match requirement for any grants that will accomplish any of the above stated purposes including grants for dredging.

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

SECTION 18.9 ADMINISTRATION OF SPECIAL PERMITS AND SITE PLAN REVIEW

a. For purposes of this by-law, the Board of Selectmen is designated as the Special Permit Granting Authority (SPGA) for all uses noted S-2 below. The Zoning Board of Appeals is the SPGA for all uses noted as S-1 below. All Special Permit Applications made pursuant to this by-law shall conform to the requirements of the WMUOD and Article XII - Special Permits and Conditions, Sections 12.1, 12.2 and 12.3 of the Saugus Zoning By-law.

b. A Special Permit may be approved, approved with conditions, or denied by the special permit granting authority.

c. Consistent with the Saugus Zoning Bylaws (SZB) Section 12.6 Site Plan Review, the Planning Board shall perform Site Plan Review, including sign review, for all applicable projects submitted under the WMUOD. The applicability criteria shall include any new structure, group of structures, or additions in which:

    1. The lot has 50% coverage by primary and accessory structures <u>or</u>
    2 The use is commercial or mixed use <u>or</u>

3. The use /land directly abuts the Saugus River, Pines River, waterfront or an estuary or
4. Any new structure having a total gross floor area in excess of 3,000 square feet or
5. There is an increase of at least 1,000 square feet to an existing structure and where the final structure will have a total gross floor area in excess of 3,000 square feet.

d. The Planning Board shall forward all applications for Site Plan Review, including signage, within the Waterfront Mixed Use Overlay to the Saugus Boats and Waterways Commission, where applicable, for review and recommendation. Said recommendation from the Boats and Waterways Commission must be issued within 21 business days unless the Planning Board agrees to extend the period to 35 business days.

e. The Planning Board may adopt regulations for the implementation of this by-law, including but not limited to design guidelines that support the intent of the Waterfront Mixed Use Design Criteria, Section 18.16 below.

SECTION 18.10 SPECIAL PERMIT CRITERIA

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

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

SECTION 18.11 INCLUSIONARY HOUSING

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

SECTION 18.12 PRE APPLICATION MEETING

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

development and coordinate the permitting processes. Project proponents are encouraged to bring sufficient information to the meeting to enable attendees to become familiar with the site and the project. This information includes photographs, a map of existing conditions, and a preliminary concept plan for the proposed project.

SECTION 18.13 USES

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

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

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

A. Development as of Right

The following uses are permitted by right in the WMUOD:

Residential Uses

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

Community Facilities

- Church
- School
- Public Libraries
- Public Museums
- Parish Houses
- Non-Profit Day Nursery or Kindergarten.
- Parks, Playgrounds
- Hospitals, Nursing Homes, Rest Homes
- Philanthropic Institutions
- Private Day Nursery or Kindergarten
- Municipal or Church Recreational Buildings
- Governmental Buildings (except garage).
- Municipal Parking Lot or Structures
- Public or private ferry terminals/docks including waterborne passenger transportation facilities such as those serving ferries, excursion boats, water shuttles and taxis
- Public Marinas
- Public boat access
- Town Piers, docks and wharves, including fishing lockers-Commercial fishing boats shall be allowed to use these facilities
- Public Fishing piers or areas
- Harbormaster's Quarters

Retail Service-Commercial

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

Miscellaneous

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

B. Development Authorized by Special Permit

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

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

Retail Service-Commercial

- Health Clubs
- Public Baths
- Sauna
- Personal Fitness Establishments
- Massage Therapy, Bodywork and Movement Education as regulated by the Saugus Board of Health
- Pet Care
- Theaters, Bowling Alleys, Billiard Rooms, Skating Rinks and similar places of Amusement
- Accessory Uses to Scientific Research and Development and related Production Activity
- Hospitals, Sanitariums, Nursing Homes, Rest Homes, Philanthropic Inst.\Private Utility, Transmission Lines, Sub-station or Similar Facility or Building

Wholesale Transportation and Industrial

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

SECTION 18.14 DIMENSIONAL AND DENSITY REGULATIONS

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

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

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

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

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

For all other single uses or mixed uses in the WMUOD the dimensional and density regulations of the B2 zoning district as stated in the Saugus Zoning Bylaws (SZB) Section 6.8 and Table of Dimensional and Density Regulations shall apply.
The Screening and Buffers requirements of the Saugus Zoning Bylaws (SZB) section 6.6, where applicable, shall apply to all uses in the WMUOD that adjoins a residential district.

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

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

SECTION 18.15 - PARKING

For projects submitted under the provisions of the WMUOD, parking spaces shall be 9 feet wide by

18 feet long, except for required Handicapped Spaces, and designated “small or compact car spaces” shall be 8 feet wide by 16 feet long. No more than 35% of spaces shall be designated for “small cars”.

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

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

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

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

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

Use	**Minimum Parking Spaces:**	**Maximum Parking Spaces**
Studio/1 Bedroom All other residential units	1 per unit 1.5 per unit	1 per unit 2 per unit
Hotels	0.75 space for each guest room or dwelling unit, plus 1 space for each 500 s.f. of meeting, banquet or restaurant area	1 space for each guest room or dwelling unit, plus 1 space for each 400 s.f. of meeting, banquet or restaurant area
Retail business and service establishments	1 space for each 300 s.f. of gross floor area on the first floor of a building, and one space for each 500 square feet of gross floor area thereafter for all floors used for businesses, excluding basement storage area	1 space for each 250 s.f. of gross floor area on the first floor of a building, and one space for each 400 square feet of gross floor area thereafter for all floors used for office, retail or service businesses, excluding basement storage area
Theaters	1 space for each five seats or for each 100 s.f. of auditorium area, if there	1 space for each four seats or for each 50 s.f. of auditorium area, if there

	are not fixed seats	are not fixed seats
Mixed uses in a single building	See Section 8.5 Combined Facilities of the Zoning By-Law.	Spaces required will be the sum of the requirements of the various individual uses
Marina	.5 spaces per boat moored, docked, stored, or trailered	

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

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

a. The purpose and intent of the by-law is achieved.
b. The amount of off-street parking to be provided will be sufficient to serve the use(s) for which it is intended.
c. The decrease in required off-street parking is based on a parking study prepared by a professional engineer or traffic engineer registered in Massachusetts. The parking study will include, at a minimum, the following:
    1. Size and type of existing uses or activities on site
    2. Size and type of proposed uses or activities on site
    3. Rate of parking turnover
    4. Peak traffic and parking loads to be encountered
    5. Hours of usage of the proposed use/structure
    6. Hours of usage of other uses/structures within the Waterfront Zoning Overlay District
    7. Amount of shared parking with other uses
    8. Demand for space can be met upon presentation of an acceptable shared parking agreement.
    9. Availability of public transportation, bicycle and/or pedestrian facilities such as sidewalks.
    10. Other factors identified by the Planning Board.

d. The Zoning Board of Appeals may consult with the Town Building Inspector, public safety officials and/or engineer prior to granting any decrease in parking.

e. If the Zoning Board of Appeals allows a decrease in the amount of required off-street parking spaces required by this bylaw, this reserved area shall not be developed and shall be either landscaped or maintained in a natural state. The reserved area shall not count towards the open space requirements.

SECTION 18.16 DESIGN CRITERIA

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

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

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

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

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

a. External building treatments shall be sympathetic to the surrounding neighborhood context in placement, scale, proportion and building spacing where appropriate. No more than 15% of a structure's external building treatment shall be of metal.

b. Development in areas with little, no, or poor architectural character shall establish a uniform design vocabulary that builds on the maritime character of the area, and fits with these guidelines for the waterfront.

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

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

a. Projects shall enhance the pedestrian environment and bicycle circulation by providing safe and convenient pedestrian access into plans for existing buildings as well as new construction and parking areas and should be designed in concert with landscaping plans so as to:

    1. Minimize the number and size of curb cuts and provide sidewalks along roads within the WMUOD where possible.

    2. Provide improvements to pedestrian access to buildings, sidewalks and parking areas with utmost consideration of pedestrian safety, handicapped access and visual quality.

    3. Provide pedestrian and/or bicycle paths connecting their site with abutting areas, as feasible, in order to promote pedestrian and bicycle circulation safety in the WMUOD. When parking is located in the rear, pedestrian access via a pedestrian-oriented walkway through to the primary street is encouraged.

    4. New structures and additions shall relate to the pedestrian scale by including appropriate architectural details along the ground floor of all facades that face streets, waterfront, and pedestrian spaces where appropriate.

CHARACTER AND CONTEXT

a. Building design and treatments that express corporate identity shall not take precedence

over these uniform design guidelines and such development shall conform to the architectural considerations in these guidelines.

b. Buildings that are stylized in an attempt to identify a particular tenant, particularly where the proposed architectural design is the result of corporate or franchise prototype design, shall not take precedence over these uniform design guidelines and such developments shall conform to the architectural considerations of these guidelines.

c. The design of a building that occupies a pad or portion of a larger building or shopping center should share similar uniform design characteristics and vocabulary. Precise replication is not desirable; instead utilize similar colors, materials and textures, and repeat patterns, rhythms and proportions of other units to achieve unity. If surrounding units have little or no design qualities, the new designs should establish a uniform design vocabulary that builds on the maritime character of the area and fits with these design guidelines.

MASSING

a. The design of a building shall reduce its perceived height by dividing the building mass into smaller scale components.

b. Buildings or portions of buildings with a Roof Mass over 50 feet in length must divide their facades into smaller parts. A pronounced change in Roof Mass height and shape must be provided as well as pronounced changes in wall planes and building massing. Roofs, cannot extend more than 50 feet without a change in Roof Mass, shape or height.

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

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

Architectural Details, Materials and Colors

a. Continuous lengths of flat, blank walls adjacent to streets and pathways are to be minimized.
b. For visibility and accessibility, primary building entrances shall be located on street frontage, to the extent possible.
c. For parking located to the rear or side of the building, these secondary entrances to the building are to be visible and accessible from the parking lot.
d. Mechanical equipment shall be screened, and if located on roofs, it shall be organized and designed so as not to appear to be a “leftover” or “add-on” element.

e. Projects shall enhance the pedestrian environment and bicycle circulation by providing safe and convenient pedestrian access into plans for existing buildings as well as new construction and parking areas and should be designed in concert with landscaping plans so as to:

1. Minimize the number and size of curb cuts and provide sidewalks along roads within the WMUOD where possible.
2. Provide improvements to pedestrian access to buildings, sidewalks and parking areas with utmost consideration of pedestrian safety, handicapped access and visual quality.
3. Provide pedestrian and/or bicycle paths connecting their site with abutting areas, as feasible, in order to promote pedestrian and bicycle circulation safety in the WMUOD. When parking is located in the rear, pedestrian access via a pedestrian-oriented walkway through to the primary street is encouraged.

f. Projects abutting the Saugus River, Pines River, waterfront, and nearby estuaries shall ensure that existing public access to the river is maintained, and where none exists, public access is provided consistent with the Town's goal for more and improved riverfront access.

g. All buildings abutting the Saugus River, Pines River, waterfront, and nearby estuaries shall, where feasible, practical, and beneficial to the public, be so designed and placed to allow views to the waterfront form the public way.

h. As feasible, building rehabilitation and site design shall incorporate green building techniques (such as those developed by the U.S. Green Building Council) and Low Impact Site design techniques aimed at promoting coastal resiliency while protecting and enhancing the existing natural resources and buffer zones, particularly the areas adjacent to the Saugus River, Pines River, waterfront and estuaries. Developers seeking a special permit are required to review appropriate resources including the guidance document, Development Strategies for Promoting Coastal Resiliency and Sustainability, published by the Saugus River Watershed Council in conjunction with Geosyntec Consultants and the Massachusetts Environmental Trust. A copy of the document will be available on the Town of Saugus' website.

i. Where residential districts abut the WMUOD, the screening and buffers provision of the underlying zoning, § 6.6 shall apply.

j. Exposed storage areas, machinery, garbage dumpsters, service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting properties and streets using plantings and/or opaque fences.

k. Underground utilities for new and redeveloped buildings are required unless physically restricted or blocked by existing underground obstructions, or not possible due to specific site conditions

p. Landscaping plans shall be comprised of native plants species that have adapted to coastal site conditions such as wind, salt spray, flooding and burial. Plantings that provide a variation of seasonal colors are encouraged. Landscape plans shall show the type, size and location of all proposed plantings. The plan shall show the location of plantings, including use of plantings to buffer neighboring properties and along the street frontage and pedestrian ways.

q. Large parking areas or areas greater than 20 parking spaces shall be separated by landscaped islands of 8 to 10 feet in width or in the alternative shall devote at least 5% of the interior of the parking lot to landscaping. In addition, a minimum of one shade tree shall be planted and maintained for every 6 parking spaces required or built, within appropriate locations on the lot(s). Trees planted within parking areas shall be planted in protected pervious plots of at least 60 square feet of area. In the alternative, if the above parking design standards are not feasible, parking design stands shall utilize low impact design techniques aimed at enhancing parking area by utilizing landscaping features and greenery that will meet the intent of this subsection.

SECTION 18.17 SIGNAGE-WATERFRONT MIXED USE OVERLAY DISTRICT

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

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

a. Size: The total maximum square footage of all signage for a business shall not exceed 75 square feet.

b. Wall Signs: Wall Signs affixed parallel to the exterior wall of a building for each place of business shall be permitted, provided that the same shall not project beyond the face of any other wall, nor project above the roofline of said wall, nor project more than 16 inches from said wall and provided further that the aggregate area of said sign shall not exceed 10 percent of the wall area of the wall on which it is displayed up to a maximum of 75 square feet

c. Standing Signs: The Zoning Board of Appeals may, in its discretion, authorize a special permit for a standing sign after finding that the nature and use of the premises or the location of the building with reference to the street or streets is such that a standing sign may be permitted in harmony with the general purpose and intent of this Sign By-Law subject to the following requirements:

d.
1. Each lot shall be allowed one freestanding sign, provided that the foremost building on the lot is set back from the front lot line a minimum of 10 feet, subject to the following criteria
2. The sign area shall not exceed 25 square feet per side, 10 feet in any dimension, with a total surface area of all sides not exceeding 50 square feet in area, and shall not be higher at any point than 15 feet from the ground.
3. In granting such special permit, the Planning Board shall specify the size, type and location of the sign and impose such other conditions, safeguards and limitations as it may deem to be in harmony with this By-Law and the public interest.

e. Projecting Signs: Each business shall be allowed one projecting sign, mounted perpendicular to the front façade of the building line subject to the following

requirements:

1. The sign shall have the lowest edge no lower than 10 feet above grade, nor more than 12 feet above grade, the uppermost edge of the sign shall be no greater than 20 feet above grade or above the roof line, whichever is lower in height;
2. The sign shall project no more than 4.5 feet from the front building line.
3. A projecting sign shall only be placed over a sidewalk or walkway, and in no case shall a projecting sign extend over any portion of a vehicular lane.
4. The sign area shall not exceed 15 square feet per side with a total surface area of all sides not exceeding 30 square feet.

f. Window signs. Window signs shall be either painted on or attached to the inside window or etched on the window provided such signs do not cover more than 25 percent of the window glass. Interior window signs shall be non-illuminated. Any sign placed within 18” of the window glass shall be considered a window sign.

g. Awning(s): Awnings or canopies are roof like structures above a window or door and projecting over the sidewalk. Signs shall only be incorporated into the skirt of awnings and not on the primary angled surface.

1. Awnings and canopies shall be attached at or below the lower edge of the sign band
2. Awnings and canopies extending over the sidewalk shall have its lowest edge no lower than 10 feet above grade.
3. Awnings and canopies shall only be placed over a sidewalk or walkway, and in no case shall they extend over any portion of a vehicular lane.
4. Awnings shall have dimensions that match the window and door openings.
5. Awnings shall be made of canvas and waterproof cloth designed to resist fading and tearing.

h. Material: Signs shall be made of attractive materials consistent with the character of the district. Materials may include wood (painted or natural), stone, copper, brass, galvanized steel, other durable metals, painted canvas or painted/engraved on façade surface.

i. Color: No sign shall contain more than five (5) colors. Both black and white are considered separately as colors for enumeration under this Section.

j. Illumination; Signs shall be externally lit by a white, steady, stationary light(s) shielded and directed solely at the sign. Use of neon lighting is prohibited. Back lighting of signs shall not be used. Any lights used for illumination shall be so arranged as to reflect away from neighboring properties and the Saugus River, Pines River, waterfront and surrounding estuaries.

k. Temporary signs are only allowed as a result of the repair and/or reconstruction of the existing permitted sign. The Building Inspector, upon application, may issue a permit for up to one 30 day period. No sandwich board style temporary signs shall be allowed.

l. Set back from residential districts: Signs shall be set back from any adjoining residential district lot line by at least the front yard distance required in the adjoining residential district.

(1)Property owner liability for access across their property: MGL Chapter 21, Section 17C limits a landowner's vulnerability to law suits. While anyone, including a person using the walkway, could sue a landowner, the owner's liability is limited by law to circumstances of unlawful, wanton, and reckless conduct. In part the law reads:
Any person having an interest in land…who lawfully permits the public to use such land for recreation, conservation, scientific, educational, environmental, ecological, research, religious, or charitable purposes without imposing a fee…shall not br liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of willful, wanton, or reckless conduct by such person.
Willful conduct is an intentional act or failure to act with knowledge (or knowledge of facts that would lead a reasonable person to know) that such conduct not only creates unreasonable risk of bodily harm to another, but also involves a high degree of probability that substantial harm will result.

Article XIX--Special Requirements for Medical Marijuana Treatment Centers (MMTC)

SECTION 19.1 PURPOSE

19.1.1 To provide for the establishment of Medical Marijuana Treatment Centers in appropriate places and under strict conditions in accordance with Chapter 369 of the Acts of 2012 (An Act for the Humanitarian Medical Use of Marijuana) and 105 CMR 725 (Implementation of an Act for the Humanitarian Medical Use of Marijuana).

19.1.2 To minimize the adverse impacts of Medical Marijuana Treatment Centers on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said Centers.

19.1.3 To regulate the siting, design, placement, security, safety, monitoring, modification and removal of Medical Marijuana Treatment Centers.

SECTION 19.2 APPLICABILITY

19.2.1 The commercial cultivation (unless it meets the requirements for an agricultural exemption under Chapter 40A, Section 3 of the Massachusetts General Laws), production, processing, assembly, packaging, retail or wholesaled sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a special permit, under Chapter 40A, Section 9 of the Massachusetts General Laws and this Article 19 as a Medical Marijuana Treatment Center.

19.2.2 No Medical Marijuana Treatment Center location shall be established except in compliance with the provisions of this Section 19, and in accordance with Chapter 369 of the Acts of 2012 (An Act for the Humanitarian Medical Use of Marijuana) and 105 CMR 725 (Implementation of an Act for the Humanitarian Medical Use of Marijuana).

19.2.3 Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

19.2.4 If any provision of this Article or the application of any such sections to any person or circumstance shall be held invalid or enforceable by final judgment or order of a court of competent jurisdiction, the remainder of this Article, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Article are severable.

SECTION 19.3 DEFINITIONS

"Debilitating medical condition" shall mean cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic laterial sclerosis (ALS), Cohn's disease, Parkinson's disease, Multiple sclerosis and other conditions as determined in writing by qualifying patient's physician.

Medical Marijuana Treatment Center (MMTC) – Other than agricultural operations meeting the requirement for an exemption under Chapter 40A Section 3 of the Massachusetts General Laws, shall mean a not-for-profit entity, registered under 105 CMR 725.100 to be known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana. A Medical Marijuana Treatment Center is not a health care provider or provider of general wellness services. Under 105 CMR 725.105(N)(7), a Medical Marijuana Treatment Center may not sell any products other than marijuana, marijuana-infused products (MIPs) and marijuana seeds, and other products such as vaporizers that facilitate the use of marijuana for medical purposes. These Medical Marijuana Treatment Centers, except cultivation, shall be located inside a structure or building.

Marijuana for Medical Use – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in Citizens Petition 11-11.

Marijuana – The same substance defined as "marihuana" Chapter 94C of the Massachusetts General Laws.

SECTION 19.4 ELIGIBLE LOCATIONS FOR MEDICAL MARIJUANA TREATMENT CENTER

19.4.1 Medical Marijuana Treatment Center, other than agricultural operations meeting standards under Chapter 40A. Section 3, may be allowed by Special Permit from the Saugus Board of Selectmen in the Medical Marijuana Treatment Center Overlay District (MMTCOD) provided the facility meets the requirements of this Article 19. The Medical Marijuana Treatment Center Overlay District is shown on a map entitled " Zoning Amendment, Town of Saugus, MA, Medical Marijuana Treatment Center Overlay District" dated March 14, 2014 and prepared by the Town of Saugus, Economic Development Department, on file with the Town Clerk and hereby made part of this by-law.

SECTION 19.5 GENERAL REQUIREMENTS AND CONDITIONS FOR ALL MEDICAL MARIJUANA TREATMENT CENTERS.

19.5.1 All non-exempt Medical Marijuana Treatment Facilities shall be contained within a building. Cultivation of marijuana may take place in a structure or outdoors. All phases of cultivation must take place in designated locked, fenced in, limited access areas that are monitored by a surveillance camera system.

19.5.2 No Medical Marijuana Treatment Center shall have a gross floor area of less than 2,000 square feet or in excess of 25,000 square feet.

19.5.3 A Medical Marijuana Treatment Center shall not be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

19.5.4 Under no circumstances shall a medical marijuana treatment center be permitted as a home business, customary home occupation, or home based contractor.

19.5.5 The hours of operation of Medical Marijuana Treatment Center shall be set by the Special Permit Granting Authority, but in no event shall said Center be open and/or operating between the hours of 8:00 PM and 8:00 AM.

19.5.6 No Medical Marijuana Treatment Center shall be located within a radius of 500 feet of residences, public, private or non-profit school, child care facility, family child care home, nursery school, or any facility in which children commonly congregate including public parks or playgrounds and public, private or non-profit recreational facilities, churches or other religious uses, drug or alcohol rehabilitation facility and or maintenance facility or other Medical Marijuana Treatment Centers. Distance shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Medical Marijuana Treatment Center.

19.5.7 No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Medical Marijuana Facility.

19.5.8 A Medical Marijuana Treatment Center must comply with Article 8 (Nuisances) of the Saugus Board of Health. The Saugus Board of Health has broad authority under state law (M.G.L. Chapter 111, Section 31C and 122) to investigate and control Nuisance conditions. The Saugus Board of Health is empowered by DEP (310 CMR 7.52) to take enforcement action against violators of DEP's noise, odor, and dust regulations (310) CMR 7.09-7.10).

19.5.9 A Medical Marijuana Treatment Center shall comply with all pesticide regulations including Federal Regulations (Federal Insecticide and Rodenticide Act – FIFRS), and State laws (Massachusetts Pesticide Control Act-MPCA-Chapter 132B M.G.L. and 333 CMR).

19.5.10 A Medical Marijuana Treatment Center shall comply with all federal and state laws, acts, and regulations dealing with the storage and disposal of pesticides including federal regulations for storage under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Resource Conservation and Recovery Act (RCRA).

19.5.11 No Medical Marijuana Treatment Center shall be located inside a building containing residential units, including transient housing such as motels/hotels and dormitories, or inside a movable or mobile structure such as a van or truck.

19.5.12 No Medical Marijuana Treatment Center shall be located in any premises for which an alcoholic beverages license has been issued.

19.5.13 The Medical Marijuana Treatment Center shall be landscaped. Landscaping elements must be non- obstructive. The placement of landscaping elements for the Medical Marijuana Treatment must ensure landscaping elements including trees, bushes, and other foliage, do not allow for a person or persons to conceal themselves from sight.

19.5.14 Signage for the Medical Marijuana Treatment Center shall comply with 105 CMR 725.105 (L) and the Town of Saugus Zoning By-law. In addition the following shall apply:

19.5.14.1 A Medical Marijuana Treatment Center may develop a logo to be used in signage. Use of medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are prohibited from use in this logo.

19.5.14.2 External signage shall not be illuminated except for a period of 30 minutes before sundown until closing. Neon signage is prohibited at all times.

19.5.14.3 External signage shall not display advertisements for marijuana or any brand name.

19.5.14.4 External signage may only identify the building or facility by the registered name and shall include the following required text: "Registration Card issued by the MA Department of Public Health" required. The required text shall be a minimum of two inches in height.

19.5.14.5 External signage shall not utilize graphics related to marijuana or paraphernalia on the exterior of the building in which the Medical Marijuana Center is located.

19.5.14.6 Marijuana, Medical Marijuana Infused Products (MIPs) and associated products shall not be displayed or clearly visible to a person from the exterior of the Medical Marijuana Center.

SECTION 19.6 SPECIAL PERMIT REQUIREMENTS

19.6.1 A Medical Marijuana Treatment Center shall only be allowed by special permit from the Saugus Board of Selectmen, the Special Permit Granting Authority, in accordance with G.L. c.40A, sec 9, subject to the following statements, regulations, requirements, conditions and limitations.

19.6.2 A special permit for a Medical Marijuana Treatment Center shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:

19.6.2.1 Cultivation of Marijuana for Medical Use (horticulture) except that sites protected under Chapter 40A Section 3 shall not require a special permit; all cultivation for medical marijuana for medical use shall take place within a physical structure. A greenhouse may be considered a physical structure. No outdoor cultivation shall be allowed.

19.6.2.2 Processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;

19.6.2.3 Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients.

19.6.3 In addition to the application requirements set forth in Section 19.5 and 19.6 of this Bylaw, a special permit application for Medical Marijuana Center shall include the following:

19.6.3.1 The name and address of each owner of the facility;

19.6.3.2 Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Facility;

19.6.3.3 Evidence of the Applicant's right to use the proposed site for a medical marijuana Treatment facility, such as a deed, or lease;

19.6.3.4 If the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the name of individuals;

19.6.3.5 A certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;

19.6.3.6 Proposed security measures for the Medical Marijuana Treatment Center, including lighting, fencing, gates and alarms, surveillance cameras, etc., to ensure the safety of persons and to protect the premises from theft.

19.6.4 Mandatory Findings. The Special Permit Authority shall not issue a special permit for a Medical Marijuana Treatment Center unless it finds that:

19.6.4.1 The Center is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, Sec. 11;

19.6.4.2 The Center demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and

19.6.4.3 The applicant has satisfied all of the conditions and requirements of Sections 19.5 and 19.6 herein;

19.6.5 Annual Reporting. Each Medical Marijuana Treatment Center permitted under this Bylaw shall as a condition of its special permit file an annual report to the Special Permit Granting Authority, the Saugus Board of Health and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the Facility and/or its owners and demonstrate continued compliance with Chapter 369 of the Acts of 2012 (An Act for the Humanitarian Medical Use of Marijuana) as well as with the conditions of the Special Permit.

19.6.6 Medical Marijuana Centers shall provide the Saugus Police Department, Building Inspector, and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

19.6.7 The Special Permit shall remain exclusively with the applicant, who shall be the owner or lessee of the premises described in the application. The Special Permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises or ceases utilizing the premises for the uses as defined in section 19.3 of this Article. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in the Section.

SECTION 19.7 ABANDONMENT OR DISCONTINUANCE OF USE

19.7.1 A Special Permit shall lapse if not exercised within one year of issuance.

19.7.2 A Medical Marijuana Facility shall be required to remove all material, plants, equipment and other paraphernalia:

a) Prior to surrendering its state issued licenses or permits; or
b) Within six (6) months of ceasing operations; whichever comes first

19.7.3 The Special Permit Granting Authority shall require the applicant to post a bond at the time of construction to cover costs for the removal of the Medical Marijuana Facility in the event the Town must remove the facility. The value of the bond shall be based upon the ability to completely remove all the items noted in 19.7.2 and properly clean the facility at prevailing wages.
The value of the bond shall be developed based upon the applicant providing the Special Permit Granting Authority with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town to remove the contents of the Medical Marijuana Facility at prevailing wages.

Article XX--Large-Scale Ground Mounted Solar Photovoltaic Installations Overlay District

SECTION 20.0 PURPOSE

The purpose of Large-Scale Ground Mounted Solar Photovoltaic Installations Overlay District Bylaw is to encourage the use of solar energy systems and protect solar access consistent with M.G.L. 40A Section 9B and with the Green Communities Act in M.G.L. 25A Section 10, to increase our local renewable energy production, to decrease our reliance on fossil fuels to produce electricity, and to improve local air quality.

This promotion of commercial solar photovoltaic installations is to be accomplished pursuant to the standards set forth herein for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, scenic, natural and historic resources and provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations (LSGMSPI).

SECTION 20.1 APPLICABILITY

This bylaw applies to large-scale (minimum 250kW rated nameplate capacity) ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. The requirements of this bylaw shall apply to a solar photovoltaic installation regardless of whether it is the primary use of the property or an accessory use.

This bylaw is not intended to regulate systems of less than 250kW or roof mounted systems.

SECTION 20.2 DEFINITIONS

As-of Right Siting: As-of Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right development shall be subject to site plan review to determine conformance with section 12.6 of the Saugus Zoning Bylaw as well as Section 3.4 below.

Building Inspector: The Inspector of Buildings, by the Saugus Zoning Bylaw, charged with the enforcement of the zoning bylaw.

Building Permit: A construction permit issued by the Building Inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as Saugus Zoning Bylaws, including those governing ground-mounted large-scale photovoltaic installations.

Designated locations: The locations designated by this bylaw, in accordance with M.G.L. Chapter 40A, section 5, where ground-mounted large scale solar photovoltaic installations may be sited as-of-right. Said locations are shown on Zoning Maps titled; **"**Route 107 Overlay-Large-Scale Ground Mounted Solar Photovoltaic Installations Overlay District, Dated March, 2014" prepared by the MAPC,and "DPW Overlay- Large- Scale Ground Mounted Solar Photovoltaic Installations Overlay District Dated March, 2014" prepared by the MAPC, to designate the locations of the Large-Scale Ground Mounted Solar Photovoltaic Installations Overlay Districts, pursuant to M.G.L. 40A section 4. These maps are hereby made a part of this Zoning Bylaw and are on file in the Office of the Town Clerk.

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system is Direct Current (DC).

Site Plan Review: review by the Site Plan review Authority to determine conformance with Saugus zoning ordinance.

Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the Saugus Planning Board.
Zoning Enforcement Authority: The Building Inspector is the Zoning Enforcement Authority for Saugus

SECTION 20.3 GENERAL REQUIREMENTS FOR ALL LARGE SCALE SOLAR POWER GENERATION INSTALLATIONS

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

20.3.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable environmental, safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.
All requirements of the underlying zoning district(s) shall remain in effect except where these regulations supersede or provide an alternative to such requirements. If the provisions of this bylaw are in conflict with any other section of the Saugus Zoning Bylaw, the regulations of the LSGMSPIOD shall govern.

20.3.2 Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or, modified as provided in this section without first obtaining a building permit.

20.3.3 Fees

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

SECTION 20.4 SITE PLAN REVIEW

The construction, installation or modification of large scale solar photovoltaic installations shall be subject to site plan review by the Planning Board in accordance with this bylaw. Together with the requirements of Section 12.6 of the Saugus Zoning Bylaw (Site Plan Review), the site plan review authority shall consider and apply the requirements set forth in this bylaw in reviewing and deciding an application for site plan approval. If the provisions of Site Plan Review under this bylaw are in conflict with the Site Plan Review (Section 12.6) of the Saugus Zoning Bylaw, the regulations pertaining to Site Plan Review of the LSGMSPIOD shall apply.
The Planning Board may impose reasonable terms and conditions on the construction, installation or modification of large scale photovoltaic installations, but it shall not have discretionary power to deny the use. The Planning Board shall grant approval with reasonable condition unless, despite best efforts, no form of reasonable conditions can be devised to satisfy the problem with the plan.

20.4.1 Required Documents

Pursuant to the site plan review process, the project proponent of a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall provide the following documents in addition to the requirements of Site Plan Review, Section 12.6, of the Saugus Zoning Bylaw:

a) Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

b) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
c) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
d) Name, address, and contact information for proposed system installer;
e) Name, address, phone number and signature of any agents representing the project proponent, as well as all co-proponents or property owners, if any;
f) The name, contact information and signature of any agents representing the project proponent;
g) Documentation of actual or prospective access and control of the project site (see also Section 3.5);
h) An operation and maintenance plan (see also Section 20.6);
i) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of the zoning map with the parcel(s) identified is suitable for this purpose);
j) Proof of liability insurance; and
k) Description of financial surety that satisfies Section 20.12.3

Upon receipt of an application for site plan review , the Planning Board may engage at the applicant's cost professional and technical consultants including legal counsel to assist with its review of the application in accordance with the requirements of Section 53G of Chapter 44 of the Massachusetts General Laws. The Planning Board may direct the applicant to deposit funds with the Planning Board for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the application. Any excess amount in the account attributable to that project, including any interest accrued, shall be repaid to the applicant per their written request.

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

SECTION 20.5 SITE CONTROL

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

SECTION 20.6 OPERATION & MAINTENANCE PLAN

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

SECTION 20.7 UTILITY NOTIFICATION

No large- scale ground – mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

SECTION 20.8 DIMENSION AND DENSITY REQUIREMENTS

20.8.1 Setbacks, lot frontage, height

For large-scale ground-mounted solar photovoltaic installations, minimum lot frontage, minimum front, side and rear setbacks, maximum height, and maximum stories shall be the same as required in the Industrial 1 (I1) zoning district-Table of Dimensional and Density Regulations, Saugus Zoning Bylaw Section 6.8-Other General Dimensional and Density Provisions and accompanying footnotes.

20.8.2 Minimum building lot area coverage
The minimum lot areas shall be the same as required in the Industrial 1 (I1) zoning district.

20.8.3 Maximum Building Area
Maximum building area coverage shall be 85%.

20.8.4 Appurtenant Structures
All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

SECTION 20.9 DESIGN STANDARDS

20.9.1 Lighting
Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

20.9.2 Signage
Signs on large-scale ground-mounted solar photovoltaic installations shall comply with the Town of Saugus sign by law. A sign consistent with the Town's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

20.9.3 Glare
Solar panels, to the maximum extent feasible, shall be positioned and landscaped so as not to create glare and minimize glare on surrounding occupied structures.

20.9.4 Utility Connections
Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

SECTION 20.10 SAFETY AND ENVIRONMENTAL STANDARDS

20.10.1 Emergency Services

The large scale photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquires throughout the life of the installation.

20.10.2 Land Clearing, Soil Erosion, Habitat Impacts and landscaping

A landscaping plan shall be submitted detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing, planting, screening, vegetation, and lighting. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

SECTION 20.11 MONITORING AND MAINTENANCE

20.11.1 Solar Photovoltaic Installation Conditions

The large – scale ground-mounded solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

20.11.2 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

SECTION 20.12 ABANDONMENT OR DECOMMISSIONING

20.12.1 Removal Requirements

Any large –scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 3.12.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

(a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
(b) Disposal of all solid and hazardous waste in accordance with the local, state, and federal waste disposal regulations.
(c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

20.12.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating

circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Building Inspector If the owner or operator of the large- scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, the town enter the property and physically remove the installation.

20.12.3 Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer.The amount shall include a mechanism for calculating increased removal costs due to inflation.

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 site layouts, 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 **All other residential units**	1.5 per unit 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 eves, 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."

(Article 2 at the Special Town Meeting, February 16, 2021)

ZONING BY-LAWS TOWN OF SAUGUS

TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

District		Minimum Lot Area Ft.² (or as noted)	Min. Lot Frontage (Feet)	Minimum Yards Front (Feet)	Side (Feet)	Rear (Feet)	Max. Height (Feet)	Max. Stories (No.)	Max. Bldg. Area (Percent)
R1	Any Permitted Use	(1) 20,000	(2) 100	20	(4) 15	15	35	3	25
R2	Any Permitted Use	20,000	(2) 100	30	(4) 20	25	35	3	25
R3	Any Permitted Use	20,000	(2) 100	20	(4) 15	15	35	3	25
R4	Any Permitted Use	(1) 10,000	100	30	(4) 20	20	(3) 90	(3) --	25
B1	Any Permitted Use	5,000	50	(4) 10	--	(4) --	40	3	(5) 70
B2	Any Permitted Use	10,000	100	(4) 50	--	(4) --	(3) 90	(3) --	(5) 70
B3	Any Permitted Use								
	East of Broadway	10,000	100	(4) 20	15	(4) 15	20	1	(5) 70
	West of Broadway	20,000	100	(4) 30	20	(4) 25	20	1	(5) 70
I1	Any Permitted Use	20,000	100	(4) 30	--	(4) --	40	3	(5) 70
I2	Any Permitted Use	20,000	100	(4) 50	--	(4) --	40	3	(5) 70
F.P.	Any Permitted Use	--	--	--	--	--	--	--	--

(1) There shall be an additional 2,500 sq. ft. for each unit in excess of four (4), except for federal or state-aided housing for the elderly or handicapped, built for the Saugus Housing Authority, where up to 35 units/acre of land may be allowed by Special Permit from the Board of Appeals under Section 12.4G of this Zoning By-Law.

(2) Where Town Houses abut R1, R2, or RJ Districts, there shall be minimum of 20 feet on each exterior side.

(3) In Multi-Density Districts and High Rise Business and Industrial Districts, heights over 40 ft. will be allowed only by special permit by Board of Selectmen. Such height is not to exceed 90 ft.

(4) Any building that abuts a residential district shall have front and rear yards as required in adjoining district. Setback on Rt. 1 and 107 shall be 50 ft.

(5) Buildings located on Business of Industrial zoned land shall not exceed 80% if constructed on a corner lot. Open space shall be provided in the rear, or in part on sides.

(6) These minimum requirements shall apply to every lot of land heretofore or hereafter laid out for dwelling purposes except that lots laid out and recorded at Registry of Deeds before March 21, 1949, and having not more than 55 ft. frontage shall have a side yard on each side of not less than 10 ft.

(7) In addition to the exemptions listed in M.G.L. Ch. 40A, Sec. 6, this area requirement shall not apply for up to three lots recorded or endorsed before September 1,1997 and held in common ownership with adjoining land, provided each such lot is at least 10,000 sq. ft. in area. Any extension or alteration of a structure in existence on June 23, 1997 shall not require a finding of the Board of Appeals under Article IX, Sec 9.2, provided such alteration, extension or expansion meets the dimensional requirements of the zoning by-laws in existence before June 23,1997.

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June 1999