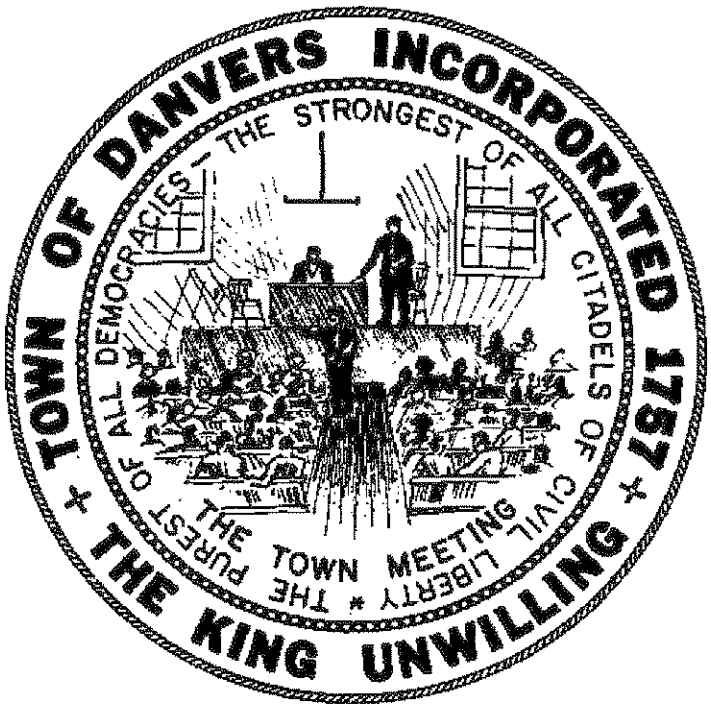
TOWN OF DANVERS



ZONING BYLAWS
FEBRUARY 3, 2014

TOWN OF DANVERS, MASSACHUSETTS
ZONING BY-LAWS

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REVISED RULES AND REGULATIONS OF THE DANVERS ZONING BOARD OF APPEALS

* Section for future use, if needed.

SECTION 1

PURPOSE AND APPLICATION

1.1 Purpose

This zoning by-law, enacted by a two-thirds vote of the Town Meeting of the Town of Danvers, provides for the division of the Town into districts, regulating the use of land and the location of structures therein. The purpose of this zoning by-law is to provide for the Town of Danvers all of the protections authorized under Massachusetts General Laws, Chapter 40A, as it may be amended including, but not specifically limited to, the protection and promotion of public health, safety and welfare by:

- Preventing overcrowding of land.
- Preventing undue concentration of population.
- Providing for adequate light and air.
- Encouraging the most appropriate use of land, including encouraging appropriate uses within applicable districts, and a balance of uses in the Town as a whole.
- Reducing hazards from fire, flood and other dangers.
- Conserving the value of land and structures, including the conserving of open space, natural and cultural resources and the preventing of degradation of the environment.
- Facilitating the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements.
- Preventing increases in traffic congestion, and
- Encouraging housing for persons of all income levels.

Unless otherwise specifically indicated in this zoning by-law, all of its provisions were approved by Danvers Town Meeting on October 19, 1987 and by the Attorney General for the Commonwealth of Massachusetts on December 3, 1987.

1.2 Application

1. No use of land or use of buildings or structures not specified in these zoning by-laws shall be permitted.
2. No more than one dwelling structure shall be allowed on a single lot, except for multi-family where otherwise allowed by this zoning bylaw or allowed by relief from this zoning bylaw.
3. This zoning by-law shall not apply to the Town of Danvers and the Town of Danvers may use any land in the Town for any municipal purpose in accordance with the following conditions and procedures:
   a. All reasonable efforts shall be made to ensure compliance with all applicable provisions, of this bylaw, to the maximum extent feasible.
   b. Prior to construction of any new use / structure or the expansion of any existing use / structure, the Town Manager, or designee, shall conduct a meeting for purposes of presenting the proposed project and receiving public input. The construction of any new or the expansion of any existing accessory use / structure shall be exempt from the meeting requirement, but still require notice to all abutters within 300 feet of the subject property.
   c. All abutters within 300 feet of the subject property shall receive notification, via mail, of such meeting and a notice of such meeting shall be placed in a local newspaper.

SECTION 2

ADMINISTRATION

2.1 Building / Zoning Permits

No building or structure shall be constructed or reconstructed and no use of a building, structure or land shall be begun or changed without a permit having been issued by the Building Inspector. No such building permit shall be issued until such construction, alteration, or use, as proposed, shall comply in all respects with the provisions of this by-law or with a decision rendered by the Board of Appeals.

For purposes of zoning permits (special permits, variances, findings) or site plan, any structure or lot subject to the provisions of Chapter XXIX "Demolition of Historically Significant Buildings and Structures" of the General Town Bylaws, shall receive a determination of historical significance prior to the submission of an application.

2.2 Building Inspector

The Building Inspector shall enforce this by-law and he shall not issue any building permit for any building, structure or alterations thereof unless such building, structure or alteration is in conformity with this by-law.

2.3 Application and Plans

If required by the Building Inspector, an application for such 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 of new buildings to be constructed, together with the lines within which all 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 the execution and enforcement of this by-law. A record of all applications, plans and permits shall be kept on file by the Building Inspector.

2.4 Occupancy Permit

No building or structure erected or altered under a building permit or otherwise shall be occupied without an occupancy permit signed by the Building Inspector.

2.5 Violations

Any person who violates any provision of this by-law shall be subject to a fine of one hundred dollars ($100) for each offense, each day of violation to be considered a separate offense.

2.6 Exemption from Amendment

Construction or operations under a building or special permit shall conform to any subsequent amendment to this by-law unless the use or construction is commenced within a period of not more than six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

2.7 Appeal of Building Inspector's Decision

1. Any refusal by the Building Inspector to issue a permit may be appealed by the applicant, or the issuance of any permit or decision by the Building Inspector may be appealed by any Town Officer or Town Board or any aggrieved party to the Board of Appeals, provided the appellant appeals within thirty (30) days from the decision of the Building Inspector.
2. If the Building Inspector is requested in writing to enforce the provisions of this by-law against any person allegedly in violation of this by-law and the Building Inspector declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within fourteen (14) days of receipt of such request and the aggrieved person may appeal to the Board of Appeals as provided in Massachusetts General Laws, Chapter 40A, Section 15, within thirty (30) days of the Building Inspector's failure to act as provided above.

2.8 Board of Appeals

There shall be a Board of Appeals consisting of five (5) citizens of the Town of Danvers, as well as three (3) associate members, all appointed by the Selectmen for the terms and with the powers and duties as set forth in Massachusetts General Laws, Chapter 40A. The Board of Appeals, established hereunder, shall act as the Board of Appeals under Massachusetts General Laws, Chapter 41, Section 81Z.

2.9 Powers of Board of Appeals

1. To hear and decide appeals in accordance with Section 8 of Chapter 40A.
2. To hear and decide petitions for variances in accordance with Section 10 of Chapter 40A.
3. To hear and decide applications for special permits for those uses for which approval of the Board of Appeals is required in accordance with the provisions of this by-law and for special permits when not otherwise specified.
4. To hear and decide applications for the extension or alteration of nonconforming uses in accordance with the provisions of Chapter 40A.
5. To adopt rules and regulations in accordance with the provisions of General Laws, Chapter 40A, Section 12.

2.10 Amendments

This by-law may be rescinded or amended as provided by law.

2.11 Use Variances

Use variances may be granted in all districts except residential districts.

2.12 Planning Board

The Planning Board shall consist of five (5) members appointed by the Town Manager as provided for and outlined in the most recently-adopted and amended Town Manager Act, §15. In addition to the five (5) members of the Planning Board already allowed by State statute, the Town Manager may appoint one (1) Associate member. As guided by Massachusetts General Laws, Chapter 40A, this Associate member will only be allowed to sit on Special Permit applications to the Planning Board.

SECTION 3

GENERAL PROVISIONS

3.1 Nonconforming Uses, Structures, and Lots

Except as hereinafter provided, this Zoning by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on this by-law, but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure, and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose where alteration, reconstruction, extension or structural change to single or two-family residential structures does not increase the nonconforming nature of said structures.

Objectives:

The provisions of this section are intended to achieve the following purposes:

1. Allow nonconforming situations to continue until they are discontinued or abandoned.
2. Encourage change in nonconforming situations toward greater compliance with the provisions of this by-law and to reduce the degree of nonconformity. Where a nonconforming situation is proposed to be changed, to encourage greater conformity with all the provisions of the by-law and the objectives and purposes stated in this by-law.
3. To allow for the alteration, expansion or extension of a nonconforming use subject to the issuance of a *Finding* by the Zoning Board of Appeals. Nonconforming uses in residential zones shall be subject to more restrictive standards than those in non-residential zones.
4. To permit possible expansion of nonconforming buildings provided there are no demonstrable adverse impacts on adjoining properties.
5. In the event of the involuntary destruction in whole or part of a nonconforming situation, to permit the reconstruction of the nonconforming situation so that the owner, and tenants if any, are not subjected to substantial economic loss while, at the same time, seeking to achieve greater conformity with the provisions of this by-law and to reduce any adverse impact on the surrounding area.
6. To permit the treatment of nonconforming situations to be varied by the type of zoning district and the type of nonconformity, i.e. to have a different approach for uses, structures and parking lots.

3.2 Applicability

1. Nonconforming Situations

   For the purposes of this by-law, nonconforming situations are those uses, buildings, structures, parking lots, parking spaces, loading bays, signs, landscaping and other activities that are now subject to the provisions of this by-law which were lawful before this by-law was adopted, or before amendments to

this by-law which are applicable to the situation were adopted, and such situations do not now conform to the provisions of this by-law.

2. Noncomplying Situations
   For purposes of this by-law, noncomplying situations are those uses, buildings, structures, lots, parking spaces, loading bays, signs, landscaping and other activities that are subject to the provisions of this by-law which were not lawfully created after this by-law was adopted or after amendments to this by-law which are applicable to those situations were adopted, are in violation of this by-law and may be called noncomplying situations.
3. Noncomplying Situations Six (6) Years or Older
   In accordance with Massachusetts General Law (MGL), Chapter 40A, Section 7, any structure, or part thereof, which has been improved and used in accordance with the terms of a building permit issued by a duly authorized person, may not be the subject of an enforcement action by the Town to compel the removal, alteration or relocation of said structure, or the abandonment, limitation or modification of the use allowed by said permit unless enforcement action is commenced within six (6) years from the date of the alleged violation of law. Uses and structures in existence for six (6) years or more and which qualify under this section are considered to be nonconforming situations and are entitled to treatment as such, as provided in this section.
4. Noncomplying Structures Ten (10) Years or Older
   In accordance with MGL, Chapter 40A, Section 7, any structure, or part thereof , which has not been in compliance with this by-law, or the conditions set forth in any Special Permit or variance affecting the structure, may not be the subject of an enforcement action by the Town unless enforcement action is commenced within ten (10) years from the date of the alleged violation of law. Structures in existence for ten (10) years or more and which qualify under this section are considered to be nonconforming situations and are entitled to treatment as such provided that any proposed change, alteration or extension will not affect the noncomplying condition. Any change, alteration or extension of the noncomplying condition shall be subject to the provisions of the by-law and require that form of relief which would otherwise be necessary to allow said change, alteration or expansion.

3.3 Limitations

A use, building, structure, lot, parking space, loading bay, sign, landscaping or any other activity which is nonconforming, but not noncomplying, may be continued but may not be increased, expanded or altered, except as may be specifically authorized by this section. If such nonconforming situation is abandoned or terminated, as set forth below, it may not be resumed except in compliance with this by-law.

3.4 Lawfully Created Situations

A use, building, structure, lot, parking area, loading bay, sign, landscaping or any other activity, is considered to be lawfully created with respect to zoning requirements if:

1. it was in existence on June 19, 1946 when the zoning by-law was originally adopted, or,

2. subsequent to June 19, 1946 it was permitted by the zoning by-law either by right or by Special Permit and was in existence prior to the effective date of any amendment which rendered it nonconforming.

3.5 Uses by Variance are Not Nonconforming

A use, building, structure, lot, parking space, loading bay, sign, landscaping or any other activity which is not otherwise permitted and does not comply with this by-law and exists due to the granting of a variance, is not a nonconforming situation, is not entitled to the treatments afforded by this section, and is bound by the conditions of the variance, as granted.

3.6 Once in Conformity, or Closer to Conformity, Cannot Revert

Once a use, building, structure, lot, parking space, loading bay, sign, landscaping or any other activity which had been nonconforming, is brought into conformity with this by-law, it shall not be permitted to revert to nonconformity. Once a use, building, structure, lot, parking space, loading bay, sign, landscaping or any other activity which is nonconforming, is brought into closer conformity with this by-law, i.e. the amount or degree of nonconformity is reduced, it shall not be permitted by right to revert to nonconformity with the provisions of this by-law which is greater than the closest amount or degree of conformity which it has achieved.

3.7 Change in Lot that Results in Noncompliance

No lot upon which there is a building or for which a building permit is in force shall be subdivided or otherwise changed in area or shape, except through public acquisition, so as to result in a violation applicable to either the lot or the building. A lot already nonconforming shall not be changed in area or shape so as to increase the degree of nonconformity with the requirements of this by-law; however, a nonconforming lot may be changed in area or shape in order to move closer to conformity with the requirements of this by-law. Said change shall be allowed by right. No building permit, Special Permit, certificate of occupancy or approval of a subdivision plan under the Subdivision Control Law shall be issued with reference to said transferred land until both the lot retained and the newly created lot(s) meet the requirements of this by-law.

3.8 Nonconformity Resulting from Public Action

If, as a result of public acquisition, a use, building, structure, lot, parking space, loading bay, sign, landscaping or any other activity no longer complies with this by-law, it shall be considered to be nonconforming and entitled to the treatment afforded by this section, provided it was in compliance or lawfully nonconforming at the time of the public acquisition.

3.9 Discontinuance, Abandonment

1. A nonconforming use or structure or other nonconforming situation is considered to be discontinued or abandoned whenever:
   (a) it is not used for a period of twenty-four (24) consecutive months, or,
   (b) it is abandoned.

2. Discontinuance or abandonment of a part of a nonconforming use, structure or situation shall not normally be considered to be evidence of discontinuance or abandonment of the whole, unless that part which is discontinued or abandoned is the part which causes the nonconformity.
3. The rights of a nonconforming use, structure, building, lot, parking space, loading bay, sign, landscaping or other situation are not affected by a change in ownership, tenancy or management unless such ownership, tenancy or management is specifically a condition of the issuance of a permit.

3.10 Nonconforming Uses

1. One-Family, Two-Family Dwellings
   An existing nonconforming one-family or two-family dwelling or structures accessory thereto which is nonconforming with respect to use may be enlarged or extended for use for the same purpose provided that a *Finding* is issued by the Zoning Board of Appeals. In reviewing a request for such a *Finding*, the Board shall determine that the extension or enlargement is not substantially more detrimental than the existing use to the neighborhood. Where said structure is also nonconforming dimensionally, the provisions of Section 3.11.1 shall also apply.
2. Other than One-Family, Two-Family Dwellings
   A nonconforming use may be continued to the same degree and for the same purpose. An existing nonconforming use may be altered, expanded or extended for use for the same purpose provided that a *Finding* is issued by the Zoning Board of Appeals, as specified below:
   (a) Residential Zones: The Zoning Board of Appeals may grant a *Finding* for alteration, expansion or extension of a non- conforming use provided that the Board determines that the alteration, expansion or extension is not substantially more detrimental than the current use. The Board shall rely on the criteria stated in Section 30.3 in making such a determination.
   (b) Other than Residential Zones: The Zoning Board of Appeals may grant a *Finding* for alteration, expansion or extension of a nonconforming use provided that the Board determines that the alteration, expansion or extension is not substantially more detrimental than the current use. The Board shall rely on the criteria stated in Section 30.3 in making such a determination.
3. Substitution of Nonconforming Use
   The Board of Appeals may issue a *Finding* to allow a new use, not otherwise permitted by right in the zoning district in which the nonconforming use is located, to be substituted for the existing nonconforming use provided that the Board determines that the new use is not substantially more detrimental than the current use.

3.11 Nonconforming Buildings

1. One-Family, Two-Family Dwellings

   An existing nonconforming one-family or two-family dwelling or structures accessory thereto which are nonconforming with respect to a dimensional requirement, may be enlarged or extended in any other direction in compliance with this bylaw, by issuance of a building permit. That part of an existing nonconforming dwelling, which is nonconforming with respect to a dimensional requirement may be enlarged or extended in that direction, provided the Zoning Board of Appeals grants a Finding and all of the following conditions are met:

   (a) The existing or proposed degree of the nonconformity is not greater than fifty (50%) of the dimensional requirement of the bylaw.

   (b) The Board determines that the extension or enlargement is appropriate in scale and mass for the neighborhood, with particular consideration of abutting properties.

2. Other than One-Family, Two-Family Dwellings

   (a) An existing nonconforming building, other than a one-family or two-family dwelling, which is nonconforming with respect to a minimum setback may be enlarged or extended in any other direction in compliance with this by-law by the issuance of a building permit, provided all other uses, structures, and activities on the lot comply fully with the requirements of this by-law.

   (b) An existing nonconforming building, other than a one-family or two-family dwelling which is nonconforming with respect to dimensional and/or density requirements of the zoning by-law for the district in which said building is located, other than a minimum setback, may not be enlarged or extended except by a *Finding* issued by the Zoning Board of Appeals.

3.12 Nonconforming Lots

Any lot which does not comply with the provisions of this by-law with respect to minimum lot area, minimum lot frontage, or minimum lot width or with the requirements then in effect at the time of recording or endorsement, whichever occurs sooner, shall not be subdivided or otherwise changed in area or shape, except through public action, so as to be in violation of the provisions of this by-law. A lot already nonconforming with respect to those provisions shall not be changed in area or shape so as to increase the degree of noncompliance. A lot which is nonconforming with respect to those provisions may be changed to be made closer in compliance, but once brought closer into compliance, i.e. the amount or degree of nonconformity is reduced, it shall not be permitted to revert to noncompliance which is greater than the closest amount or degree of compliance which it had achieved. A lot which is nonconforming shall not preclude the issuance of permits allowed pursuant to Sections 3.10, 3.11, 3.16 and 3.17.

3.13 Nonconforming Off-Street Parking and Loading

Existing Nonconforming Parking Spaces, Loading Bays

Any off-street parking spaces or loading bays in existence on the effective date of this by-law or thereafter established, which serve a building or use, may not be reduced in

number or changed in location or design contrary to the by-law requirements so as to increase the degree of nonconformity with said requirements.

If the use of an existing structure or lot, which does not have sufficient parking or loading, including a use which has no off-street parking or loading area, is changed to a different type of use for which a different number of parking spaces or loading bays is required as set forth in this by-law, and there is no increase in the net floor area, the following rules shall apply:

1. If there is a net increase in the number of required parking spaces or loading bays, that net increase shall be provided, which number shall not include any existing parking spaces or loading bays, or,
2. If there is a net decrease in the number of required parking spaces or loading bays, that lesser number shall be the new basis for determining whether, in the future, there is a net increase in the number of parking spaces or loading bays required.

If it is proposed to increase the net floor area of a building, whether by addition to the exterior of the building or by internal reconstruction, and the building does not have sufficient off-street parking or loading area, full compliance with the applicable parking requirements for the entire building shall be a condition of the issuance of a building permit for the construction of the increase of net floor area.

3.14 Parking and Loading Requirements for a Building Destroyed, Damaged or Demolished

If a building for which sufficient off-street parking or loading is not provided is destroyed, damaged or demolished by the owner, the building may be reconstructed or replaced if otherwise permitted by this by-law, without providing additional parking spaces or loading bays, provided the new use is the same type of use as the use before the destruction, damage or demolition, or is a type of use that requires the same or fewer parking spaces or loading bays. If parking spaces or loading bays were provided before the destruction, damage or demolition, at least the same number of spaces or bays shall be provided.

3.15 Repair, Reconstruction Continuance

Routine maintenance and repairs are permitted to a nonconforming structure, sign, parking space or loading bay or other nonconforming situation to maintain it in sound condition and presentable appearance.

3.16 Reconstruction After Involuntary Destruction (By Right)

Any nonconforming use, structure, building, sign, parking space or loading bay or other nonconforming situation which is destroyed or damaged by explosion, collapse, fire, storm, natural disaster or other catastrophic event, any of which is beyond the control of the owner, may, within three (3) years from the date of such damage or destruction, be reconstructed to the same extent as the original, provided there is no increase in the site coverage or gross floor area or the degree of nonconformity and the reconstruction conforms to the current requirements of this by-law to the maximum extent practicable in

the opinion of the Building Inspector. In this context, maximum extent practicable shall consider extreme site conditions, such as steep grades, the presence of ledge or other unsuitable soil conditions, or the shape and configuration of the lot.

3.17 Reconstruction After Destruction (By a Finding)

The Board of Appeals may grant a Finding for the reconstruction of a use, structure, building, sign, parking space or loading bay or other situation allowed by *Finding,* which is destroyed or damaged by explosion, collapse, fire, storm, natural disaster or other catastrophic event, any of which is beyond the control of the owner or by the proposed voluntary action of the owner, to demolish, in whole or in part, in a manner different from the prior conditions, provided the Board determines that:

1. There is no increase in the site coverage
2. There is no increase in the gross floor area.
3. There is no increase in the degree of nonconformity.
4. The reconstruction conforms to the current requirements of this by-law to the maximum extent practicable.
5. In the case of the reconstruction of a nonconforming use, that it complies with the standards for the substitution of a nonconforming use described in subparagraph 3.10.3.

3.18 Vesting of Rights During Adoption of Amendments

1. A use, building, structure, lot, sign, parking space or loading bay or other situation which would comply with the provisions of this by-law at the time at which a building permit is issued or a Special Permit is granted, but would not comply with a proposed amendment to this by-law, shall be considered to be nonconforming and may be completed, continued or maintained provided:
   (a) the building permit was issued or Special Permit was granted before the first publication of notice of public hearing on the proposed amendment, and
   (b) substantial physical construction or start of operations is begun within six (6) months of the issuance of a building permit or the grant of a Special Permit and is carried through to its completion as continuously and expeditiously as is reasonable. If the construction is not completed within eighteen (18) months of the issuance of the building permit or the grant of the Special Permit, the rights to nonconforming status shall cease and the construction shall comply with this by-law, as amended.
2. The filing of an application for either a building permit or a Special Permit is not sufficient to vest rights. The building permit must be issued or the Special Permit must be granted prior to such first publication of notice.
3. In the event of the filing and subsequent approval of a definitive subdivision plan, an exemption from an amendment to this by-law and a right to be treated under the previously existing provisions of this by-law may be vested, as set forth in MGL, Chapter 40A, Section 6.

3.19 Approval-Not-Required Plans

1. In the event of the filing and subsequent endorsement of an "Approval-Not-Required" plan, referred to in Section 81P of Chapter 41, Sections 81K-81GG, the Subdivision Control Law, an exemption from an amendment to this by-law affecting the use of land only and a right to be treated under the previously existing provisions of this by-law may be vested, as set forth in MGL, Chapter 40A, Section 6.

3.20 Uses Permitted in All Districts

1. Conservation of water, plants and wildlife in their natural state.
2. Municipal uses, except that a municipal dump or a solid waste transfer or disposal facility operated by or for the Town of Danvers may not be established without the specific vote of the Town Meeting **and without** receiving the approval of the local Board of Health and the State Department of Public Health. Said uses shall be subject, however, to Section 31 of this Bylaw.
3. Uses and/or structures exempt from local zoning regulations as specified in M.G.L. Chapter 40A, Section 3. Said uses and/or structures shall be subject to Section 4, Site Plan Approval, Section 31, Floodplain Districts and Floodways, and all applicable dimensional requirements listed elsewhere in this Bylaw, with the exception of handicapped access ramps which shall be exempt from compliance with the dimensional requirements of the respective zoning district.

USE	Min. Lot Area (sq. ft.)	Min. Front-age (ft.)	Front Setback (ft.)	Side /Rear Set-backs (ft.)	Max Bldg Ht. (ft.)	Max Bldg Cov.	Min. Open Space	Parking Spaces *see Section 4 – Site Plan
Religious	30,000	150	30	20	30	15%	25%	
Religious w/ accessory educational or Day care facility	40,000	150	30	20	30	15%	25%	
Religious w/ accessory educational and day care facilities	60,000	150	30	20	30	15%	25%	
Day Care	20,000	125	30	20	20	15%	25%	
Educational								
Kindergarten / Nursery Schools	20,000	125	30	20	30	20%	25%	
Elementary / Jr. High Schools	30,000	150	30	20	35	20%	25%	
High Schools	80,000	150	30	50	50	25%	25%	

Educational – Mini Campus

For purposes of this bylaw, Educational uses that have a minimum of three (3) contiguous parcels, whether separated by a street or not, each lot having a minimum lot area of five (5) acres and a combined total acreage of the lots equal to or greater than 100 acres, shall be considered a single lot subject to the following dimensional, bulk, open space and parking requirements:

Min. Lot Area (acres)	Min. Front-age (ft.)	Front Set-back (ft.)	Side /Rear Set-backs (ft.)	Max. Bldg Ht. (ft.)	Floor Area Ratio (FAR)	Min. Open Space	Parking Spaces * see Section 4 – Site Plan
100	500	30	50	Sliding scale based upon setback from nearest residential use property line: **Setback** **Height** 50 ft 40 ft. 51-59 ft. 45 ft. 60-69 ft. 50 ft. 70-79 ft. 55 ft. 80-89 ft. 60 ft. 90-95 ft. 65 ft. 95 plus ft. 70 ft.	.06	50%	

3.21 Schedule of Uses

Included in this By-law as Appendix I is a summary of the use regulations for each zoning district and is for information only. In the event of inconsistencies with the text of the bylaw, that text shall be controlling. Symbols employed shall mean the following:

P = Permitted Use: A use allowed as a matter of right. (A building permit or site plan approval may be required.)

X = Prohibited Use: A use specifically not allowed.

SP = Special Permit: A use which may be authorized under special permit by the Board of Appeals or the Planning Board.

For properties located within an overlay district, the use regulations of the underlying zoning district shall apply, unless said uses are specifically prohibited elsewhere in this Bylaw.

3.22 Table of Dimensional & Density Requirements

Included at the end of this By-law is Appendix II, Schedule of Dimensional Requirements for Residential, and Appendix III, Schedule of Dimensional Requirement for Commercial/Industrial. Appendices II and III are summaries of the dimensional requirements for each zoning district and are for information only. In the event of inconsistencies with the text of the Bylaw, the text shall be controlling.

For properties located within an overlay district, the dimensional requirements of the underlying zoning district shall apply, unless different requirements are specified elsewhere in this Bylaw, in which case the more restrictive requirement shall apply.

SECTION 4

SITE PLAN APPROVAL

4.1 Purpose and Intent

The purpose and intent of a Site Plan Approval is:

a. To provide for appropriate mitigation as a result of increased impacts to municipal services and infrastructure,
b. To promote better site design and encourage quality site planning
c. To integrate projects more effectively into the surrounding environment,
d. To improve vehicular and pedestrian circulation,
e. To protect and enhance the health, safety, convenience, and welfare of the inhabitants of the Town of Danvers.

4.2 Applicability

1. All buildings, other than single-family and two-family and structures accessory thereto, which are to be constructed, removed and reconstructed or demolished and reconstructed, except as provided for in Section 3.16 of the Bylaw or enlarged by 500 square feet or greater, shall be subject to Site Plan Approval by the Planning Board. In addition, any change in the use, other than a single or two-family, whether from one use category to another, said use categories being as listed in this Bylaw, or to a use which has an increased requirement for parking as defined by this Bylaw, or an increase in impervious surface, other than building footprint, shall also be subject to Site Plan Approval. Properties located within the Commercial I and Commercial IA zoning districts, that do not have existing onsite parking and do not propose on site parking, shall be exempt from this provision.

   In addition, a change of use, within a multi-tenanted structure shall be exempt from this provision upon verification that the property complies with the required parking requirements of this bylaw based upon the proposed change of use provided that:

   a. There are no exterior modifications to the property, except modifications to signage and the building façade that do not result in an increase of 500 sq. ft. or greater of the total building gross square footage.
   b. The total gross square footage of the tenant space where the change of use is occurring does not exceed 2,500 square feet.
   c. The applicant submits all necessary information to the Building Inspector, including but not limited to existing total building gross square footage, existing and proposed uses and square footage of the tenant space and existing and proposed parking calculations for the entire property.

2. Any project described in Section 4.2.1 above, which is over 30,000 GSF of new construction including the phasing of work described in Section 4.2.1) shall be subject to the procedural framework of a Special Permit under General Law c. 40A, but shall not be subject to the discretionary special permit standards for use otherwise applicable to a Special Permit.

3. Any construction activity, requiring a building permit that disturbs one acre or more of land shall be subject to Section 4.9.3, Stormwater Management Plan, and Section 4.9.4., Erosion and Sedimentation Control Plan.

4.3 Procedural Requirements

1. Pre-application consultation

   Prior to filing an application, the applicant is encouraged to schedule a pre-application consultation with the Planning Division. The purpose of this consultation is to review the requirements and criteria for site plan approval and address questions in order to give the applicant advice and comments prior to submitting a Site Plan Application and thus avoid unnecessary time and costs to the applicant due to unforeseen problems and issues with a submitted site plan.

2. Filing of Application

   An Application for Site Plan Approval is filed with the Planning Division. Upon verification, by the Planning Division that the application is complete, the Site Plan Application and all accompanying submissions will be date stamped. The applicant shall file a copy of the application with the Town Clerk.

   The application shall then be forwarded for a 30 day review and comment period to the following Town Departments, Boards and Commissions: Engineering, Water & Sewer, Electric, Conservation Commission, Building Inspector, Fire Department and Disability Commission. Town comments shall be available to the applicant and to the public for review.

3. Public Hearing

   A public hearing shall be required for all new Site Plans. At least seven (7) days prior to the date of the public hearing, and at least fourteen (14) days prior to the date of the public hearing for Site Plans subject to Special permit Procedures, the Planning Department shall advertise the public hearing in a newspaper of local circulation and shall send written notice by first class mail to all abutters. Legal advertisement and postage shall be paid by applicant. The contents of the notice for public hearing and notice to parties in interest shall be accordance with the M.G.L. Chapter 40A, Section 11, Notice of Public Hearing.

4. Approval and Issuance of Certificate of Action

   The Planning Board shall take final action on the site plan after the public hearing has been closed, and within sixty (60) days of its date stamp by the Planning Division unless the public hearing is extended in writing and agreed to by the Planning Board and the applicant.

   Failure of the Planning Board to act within sixty (60) days shall be deemed as a constructive approval and the Board shall issue a Certificate of Action and endorse the plans. Upon failure to do so, the Town Clerk shall issue a certificate to the same effect.

   Upon approval, One (1) copy of the Certificate of Action and endorsed site plan shall be forwarded to the Building Inspector and Engineering Division within five (5) days of final Planning Board action.

5. Prior to Commencement of Construction

The following prerequisite shall occur:

a. Implementation of approved Erosion and sedimentation Control Plan.
b. All features to be preserved, as indicated on the plans, shall be clearly marked in the field so as to ensure preservation during construction.
c. No construction, including land preparation shall commence until all necessary permits required by State, Local and / or federal laws and / or regulations have been secured and copies submitted to the Planning Board and Building Inspector, except as otherwise specifically allowed by the Board.

6. Prior to the Issuance of Building permits
Compliance with any special conditions placed on the approval by the Planning Board.

7. Prior to the issuance of Occupancy Permits
   a. No occupancy permits shall be issued for any building or structure, or portion(s) thereof, until:
      (1) The Planning Board, Town Engineer and Building Inspector receives written certification from a registered engineer, that all site improvements (including utilities and stormwater management facilities) have been completed in accordance with the approved site plan. Such certification shall be in the form of a Record Drawing (s) (As Built) showing all site improvements, including utilities and storm drainage facilities as actually installed with each sheet bearing the registered engineer's stamp. The Record Drawing shall not be required for structures less than 2,500 sq. ft. or minor and administrative modifications to a previously approved site plan as set forth in Section 4.3.8 (b) and (c), and
      (2) The Planning Board and Building Inspector receives written certification from the Town Engineer, that all water and sewer utility improvements have been completed in accordance with the approved site plan, and
      (3) The Building Inspector verifies that all surface / above ground site improvements (parking, landscaping, lighting) of the approved site plan have been met.

   b. However, in the event all site improvements have not been completed, an occupancy permit may be issued for any building or structure, or portion (s) thereof, based upon the following criteria:
      (1) The only incomplete site improvements are landscaping;
      (2) A performance guarantee, in the amount to be set by the Planning Board at a regular meeting, is posted with the Town Clerk to ensure that the incomplete landscaping is completed within a reasonable time. A deadline for completion of one year from posting shall be established by the Planning Board.
   c. The Planning Board may allow a performance guarantee to be posted for site improvements in addition to landscaping if an unusual or unexpected event prevents the applicant from completing the site work. This allowance is subject to the review by the Planning Board by a site inspection to insure the safety and health for those who occupy the structure and use the site.
   d. The Planning Board may allow a performance guarantee to be posted for purposes of completing a single project over a period of phases (i.e. Multi-family). All site improvements shall be complete, with the exception of landscaping and the final top course of paving, for the phase in which occupancy permits are being sought.

For phases in which a performance guarantee is being sought, the base course and binder course for all paved areas and all site improvements related to the stormwater management system shall be installed.

8. Modification to Previously Approved Site Plans

All modifications to a previously approved site plan require review and approval. Modifications fall into three categories: Major, Minor and Administrative. Modifications are subject to all provisions of Section 4.8, 4.9 and 4.10. Modifications shall be processed in accordance with Sections 4.3.2, 4.3.5, 4.3.6 and 4.3.7. A meeting with the Planning Division staff prior to filing is recommended.

(a) Major Modifications

Major Modifications shall be subject to the procedural requirements of a new site plan application:

(1) Increases to total sq. ft. of structures
(2) Increase in number of parking spaces
(3) Decrease in landscaping equal to or exceeding 15%
(4) Relocation / shifting of structures, parking spaces or other site amenities in excess of five (5) feet in distance

(b) Minor Modification

Minor Modifications shall be reviewed by the Board to determine the significance and consistency with the previously approved plan:

(1) Reduction in Landscaping equal to or less than 15%
(2) Reduction / Relocation of Parking spaces
(3) Increase of impervious surface (other than parking or buildings) in excess of 750 sq. ft.
(4) Relocation / shifting of structures, parking spaces or other site amenities more than one (1) foot and less than five (5) feet in distance
(5) Requests by applicant to revise conditions of previous decision.
(6) Other modifications not listed herein in Section 4.3.8 (b)

(c) Administrative Review

The following situations warrant no remedy by the Planning Board; however, changes must be filed with the Building Inspector, the Town Engineer, and the Planning Department prior to commencing as specified.

(1) Changes to infrastructure (underground utilities: water, sewer, electric, drainage) and utility provisions/apparatus with written approval by the Engineering Division or the agency responsible for the utility, with exception to traffic mitigation (to be considered a minor modification).
(2) Increase in Landscaping, with written approval by the Planning Department, with exception to landscaping approved for buffering or to meet buffering requirements of this by-law.
(3) Façade and / or elevation changes to existing structures that do not result in an increase to the building footprint or alteration to the vehicular or pedestrian circulation in or around the structure
(4) Shifting of structures, parking spaces or other site amenities less than one (1) foot in distance.

(5) Moving of Handicapped Parking pursuant to 521 CMR as most recently amended.

4.4 Performance Guarantee

Prior to the issuance of an occupancy permit in which site improvements have not been completed, the applicant shall file an acceptable fully executed performance guarantee.

1. Procedures

There are two procedural options available when establishing, reducing and releasing a performance guarantee and establishing a completion date: traditional and expedited.

a. Expedited Establishment

This option is an administrative process applicable to performance guarantees, not to exceed $15,000, in which there will be a maximum of two reductions allowed, one at 50% completion and one at 100% completion and a completion date of two (2) months. The performance guarantee, establishment, reductions and release will be reviewed and approved by the Planning Department, with consultation from the Engineering Division based upon the following procedures.

(1) Establishment in accordance with Section 4.4.2 (a) and (b)
(2) Reduction of Guarantee in accordance with Section 4.4.3, first paragraph
(3) Release of Guarantee in accordance with Section 4.4.6 (a), (b) and (c)
(4) In the event an extension of the completion date is necessary, this action and all remaining actions of the performance guarantee process shall require Planning Board review and approval.

b. Traditional Establishment

This option requires Planning Board review and approval based upon the following procedures as set forth in Sections 4.4.2 through 4.4.7

2. Establishment

a. The applicant shall request, in writing to the Board, or Planning Department in the case of an expedited establishment in accordance with Section 4.4.a, the establishment of a performance guarantee. This request shall specify work that has been completed, work left to be completed and the time period in which all improvements are to be completed, not to exceed two years.
b. The Engineering Division shall compute the amount of the performance guarantee. This amount shall be based upon recent Town and State construction contracts and adjusted to include a reasonable inflation factor and the fact that if the Town were to complete the work it would be necessary for the Town's contractor to pay Prevailing Wage Rates as established by the State.
c. The Board shall consider approval of the figure submitted by the Engineering Division and the establishment of a completion date at a public meeting. If approved by a majority vote, the Board shall notify the developer of the term of the performance guarantee (not to exceed two years) and the amount.

3. Reduction of Guarantee

From time to time the applicant may make a written request to the Board for a partial release from the performance guarantee for such funds that have been expended for construction of required site improvements. This request shall

include an itemization of all completed improvements and improvements yet to be installed.

4. Completion Date
At least 30 days prior to the expiration of the completion date, the applicant shall notify the Board in writing that the required improvements have not been completed; and shall request an extension of the completion date.

5. Extension of Completion Date
Upon written request, the Board may consider granting an extension of the completion date, with consultation from the Engineering Division. Prior to consideration, the Board shall request a report from the Engineering Division as to the sufficiency or insufficiency of the remaining performance guarantee available to cover the projected costs to complete the required site improvements. If found to be insufficient, the Engineering Division shall state the amount required to cover the completion of the required improvements.

Any extension of a completion date shall require, as determined appropriate by the Board, the applicant to deposit additional monies in the performance guarantee within 30 days of the Board's approval to grant an extension of the completion date.

6. Release of Guarantee
Upon completion of all required improvements and a written request, the Board may release the guarantee in its entirety, upon:
   a. The Planning Board, Town Engineer and Building Inspector receive written certification from a registered engineer, that all site improvements (including utilities and stormwater management facilities) have been completed in accordance with the approved site plan. Such certification shall be in the form of a Record Drawing (s) (As Built) showing all site improvements, including utilities and storm drainage facilities as actually installed with each sheet bearing the registered engineer's stamp. The Record Drawing shall not be required for structures less than 2,500 sq. ft. and
   b. The Planning Board and Building Inspector receives written certification from the Town Engineer, that all water and sewer utility improvements have been completed in accordance with the approved site plan, and
   c. The Building Inspector verifies that all landscaping improvements of the approved site plan have been met.

7. Termination of Performance Guarantee
The Board may enforce the performance guarantee for the following reasons:
   a. Lack of written notification, prior to 30 days, of expiration of completion date
   b. Lack of written request, prior to 30 days of expiration of completion date, for an extension of the completion date.
   c. Lack of the site improvements not being installed by the expiration of the completion date.

4.5 Waivers

1. Strict compliance with the provisions of the Site Plan bylaw, may be waived for any of the site plan requirements only if it is determined that:

a. Literal compliance is impractical due to the nature of the use.
b. The location, size, width, depth, shape, or grade of the lot makes compliance impossible.
c. Such waivers would be in the public interest and/or
d. Such waivers would protect natural features.

2. Waivers may be granted from the following items:
   a. Submission Requirements
   b. Design Standards

3. The applicant, as part of the application may request waivers in writing, or the Planning Board may at its discretion grant waivers.

4.6 Criteria for Approval

The Planning Board shall consider the following criteria for approval, including but not limited to:

1. The project adequately mitigates additional impacts to municipal services and infrastructure
2. The project adequately mitigates additional impacts to the towns transportation system,
3. The project adequately mitigates the visual impacts
4. The project protects adjacent properties from nuisance caused by noise, fumes and glare of lights.
5. The project preserves significant natural features on a site as much as possible (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats and other areas of aesthetic and ecological interest).
6. The project is designed in accordance with the design standards as set forth herein.

4.7 Maintenance

In order to ensure continued compliance of an approved site plan:

1. The property owner shall be responsible for the continued maintenance including but not limited to:
   a. Yearly replacement of all dead, missing and damaged landscape material,
   b. Inspections and maintenance of all stormwater management systems in accordance with the operation and Maintenance Plan submitted as part of the Stormwater Management Plan required by Section 4.9.3 and approved by the Board,
   c. All paved areas, including driveways and parking areas

2. The Town may conduct continuing monitoring, inspections and enforcement

4.8 Application Requirements

1. An application for Site Plan Approval shall consists of the following:
   a. Completed Site Plan Approval application and filing fee
   b. Required number of plan sets.
   c. A list of names and addresses of all property owners of record who share a common property line with any portion of the property specified on the Site Plan Approval Application and Plan.

d. One (1) copy of all applicable permits prior to the issuance of a building permit, approvals, variances and applications applied for and obtained for the project and property, including an application for a Town of Danvers Sewer Connection Permit and commercial/industrial hookup.
e. If a variance is required for a project, it shall be obtained prior to application for Site Plan Approval. If both a Special Permit and Site Plan Approval are required for a project, these applications may be submitted for simultaneous consideration by the Planning Board, in which case the Special Permit action date under Section 30.5 shall govern both applications.
f. Written permission from the owner of the property to apply for Site Plan Approval if the applicant is not the owner.
g. For projects proposing demolition of an existing structure, a written determination by the Building Inspector as to whether the structure requires the review of the Preservation Commission under the Regulations in the General Town By-Law Chapter XXIX shall be provided to the Planning Board. If such review is required, a determination of historic significance as per the General Town By-Law Chapter XXIX shall be received from the Preservation Commission prior to the application for Site Plan Approval.
h. All waivers sought from this Section shall be individually listed by Section and description on the cover sheet and on a project narrative attached to the application.
i. Project Narrative, describing the proposed project.

2. Contents of Site Plan

a. The plan shall be preferably 24" x 36". 30" x 42" or 36" x 48" is allowable in size to prevent match line drawings. The scale shall be a minimum of 1" = 40', except for elevation views which shall be at a scale of 1/8" = 1' or ¼" = 1'. The plans shall be legible and include legends. For projects over 30,000 square feet of building, the proposed layout, planting, utility and grading for the site shall be separated into their own respective drawings.

b. Each individual plan sheet shall include a title block, a north arrow, the scale at which the plan is drawn, the date of the plan's preparation, a revision block displaying the date of each revision as well as a description of the revision and a legend.

c. Each individual plan sheet shall be signed and stamped by a registered Civil Engineer. For projects in excess of 20,000 gsf of building, a Community Impact Assessment is required in accordance with Section 4.9. For projects in excess of 30,000 GSF of building, the elevations and facade treatment drawings shall be prepared by a licensed architect.

d. The site plan shall contain the following sheets:
   (1) Cover / Title Sheet
   (2) Existing Conditions Plan
   (3) Proposed Layout Plan
   (4) Landscape Plan
   (5) Utility Plan
   (6) Grading Plan
   (7) Details, if applicable

(8) Building Elevations
(9) Lighting / Photometric Plan, if applicable

3. Cover / title Sheet
   (a) Locus map.
   (b) Legend
   (c) Five (5) signature lines for Planning Board approval. Projects in excess of 20,000 square feet shall have a separate title sheet with the signature box on it, including the information listed in 4.8.2, a-c and sheet titles.

4. Existing Conditions Plan
   a. The location and name of all streets and indicate whether the street is a public or private way.
   b. On-site and abutting lot lines.
   c. Zoning and Historic District lines.
   d. Existing surveyed topography contour lines at one (1) or two (2) foot intervals. For projects in excess of 20,000 GSF, see requirements under 4.9.3
   e. Location of all natural and man-made features such as waterways, large boulders or ledge, outcroppings, stonewalls, fences, trees of a 12 inch caliper or greater, significant stands of trees, vegetation cover and the like.
   f. Location of all wetlands as defined by the Wetlands protection Act and the Town of Danvers Wetlands Bylaw, if applicable.
   g. Information on the location, size and capacity of existing on-site and abutting utilities (water, sewer, drainage, electrical cable, etc.).
   h. The location and dimensions of all existing buildings and uses on site and on abutting properties.

5. Proposed Layout Plan
   a. The location and name of all streets and indicate whether the street is a public or private way.
   b. On-site and abutting lot lines.
   c. Zoning and Historic District lines.
   d. Limit of Work delineation.
   e. The location and dimensions of all existing buildings and uses on site and on abutting properties.
   f. Information on the location, size and type of parking, loading, storage and service areas.
   g. Location of all proposed site amenities including, but not limited to fences, walls, lighting and special paving materials.
   h. Location and identification of proposed on-site directional signage, including pavement markings.

6. Landscape Plan (to be prepared by a Landscape Architect for projects that exceed 20,000 sq. ft.)
   a. Location of all proposed landscape features.
   b. Identification of all existing landscape features to be preserved.
   c. A proposed Landscape Planting List, itemizing the species (common name), size at planting, and quantity of all landscape features shall be included. Table format is recommended.

d. Identification of proposed snow storage areas. Snow storage is prohibited on landscaped areas, with the exception of lawn or grassed areas.

7. Utility Plan
Location, elevation and specifications (size and capacity) of all proposed on-site and adjacent utilities (water, sewer, electrical, drainage, cable, etc.)

8. Grading & Drainage (Stormwater) Plan
   a. Existing and Proposed topography contour lines at one (1) or two (2) foot intervals with existing and proposed spot elevations as needed to clearly show drainage patterns.
   b. Location of all wetlands as defined by the Wetlands protection Act and the Town of Danvers Wetlands Bylaw, if applicable.
   c. Size, location and elevation of all proposed stormwater management facilities, including storm drainage pipes, catch basins, manholes, headwalls, outfalls, detention / retention basins, and any other structure or appurtenances.
   d. The drainage plan (stormwater management plan) shall be designed to handle peak stormwater runoff for the twenty-five (25) year storm and shall be designed in accordance with the Stormwater Management Policy of the Department of Environmental Management and with the requirements of the Environmental Protection Agency's Phase II National Pollutant Discharge Elimination System (NPDES) regulations.
   e. The drainage (stormwater management) plan shall contain sufficient information to evaluate the hydrological and hydrological-dependent characteristics of the land to be developed, the potential and predicated impacts of land development on the local hydrology, and the effectiveness and acceptability of all measures proposed for reducing adverse impacts. Summary calculations shall be provided.

9. Details
   a. Construction Details, as appropriate.
   b. Retaining Walls (over four (4) feet

10. Building Elevations
Elevation and facade treatment plans of all sides of proposed buildings. Color renderings are encouraged.

11. Lighting / Photometric Plan
   a. Location of all proposed exterior lighting, including freestanding and building mounted.
   b. For projects over 20,000 square feet, a manufacturers point to point printout indicating horizontal foot candle levels at grade with proposed property layout shall also be submitted.

4.9 Community Impact Assessment

For structures in excess of 20,000 sq. ft. and all projects that include a drive-thru, a Community Impact Assessment (CIA) shall be submitted. The CIA shall be prepared by an interdisciplinary team having expertise in civil engineering and traffic and transportation engineering. The CIA shall include the following components:

1. Traffic Impact Analysis

A traffic study shall be performed according to the following standards:

a. Study Area:
Each traffic study shall be based on a study area which shall generally include roadways in which the proposed project will use for access / egress and roadways in each direction of travel to and including the nearest intersection of such roadways to the nearest arterial street in each such direction. Prior to the commencement of each traffic study, the applicant or applicant's agent shall consult with the Town Planner in order to establish the study area appropriate to the proposed project.

b. Data Collection: Data for all study area intersections shall include volume and turning movement counts during peak traffic hours (and during site generation peak hours if different), accident research for the past three years, stopping sight distance measurements, vehicle travel speeds, and for all study area travel ways identification of all locations and segments where the vertical and/or horizontal sight distances are inadequate.

c. Existing Conditions Analysis: The study shall develop adjustment factors from available data in order to estimate average and peak-season peak-hour traffic conditions; shall perform Level of Service (LOS) calculations at each intersection and analyze accident, sight distance, travel speed and other relevant data to identify locations with existing safety or capacity problems.

d. Build Analysis: The study shall calculate daily and peak-hour traffic generated from the proposed project and distribution of traffic along travel ways leading from or to the project; calculate respective Levels of Service and compare these to those of the Existing Conditions and thereby identify the project's projected impacts.

e. Mitigation of Impacts: The traffic study shall propose mitigation measures to address the traffic impacts, if any, of the project. In general, mitigation measures shall result in the restoration of projected Levels of Service to those identified in the Existing Conditions Analysis. All mitigation measures so proposed shall be considered commitments by the applicant as part of the application made pursuant to these Regulations.

2. Visual Impact Assessment
A Visual Impact Assessment shall be conducted in order to evaluate the visual impacts of a proposed development, and its applicability to the environs. The Visual Impact Assessment shall be prepared by a registered Landscape Architect. This assessment shall be performed according to the following standards:

a. Evaluation of the relationship of proposed new structures or alterations to near-by pre-existing structures in terms of character and intensity of use (e.g. scale, materials, color, odor, door and window size and locations, setbacks, roof and cornice lines, and other major design elements). Three perspective drawings shall be submitted.

b. An analysis of the visual impacts from the proposed development and view shed alterations, and, of the location and configuration of proposed structures, parking areas, open space, and gradient changes will have on neighboring properties.

c. A site analysis drawing shall be submitted showing the site characteristics, the design, and existing physical features. A site plan rendering is also required.

3. Stormwater Management Plan (in lieu of Section 4.8.8)

A stormwater management plan shall be prepared in compliance with the Stormwater Management Policy of the Department of Environmental Management and with the requirements of the Environmental Protection Agency's Phase II National Pollutant Discharge Elimination System (NPDES) regulations.

Adequate on-site drainage shall be provided to handle peak stormwater runoff as required by the Stormwater Management Policy of the Department of Environmental Management and stormwater runoff for the twenty-five (25) year storm shall not adversely affect abutting properties and the Town drainage system.

This plan shall include the following:

(a) A watershed map to include:
   (1) All drainage divides within the sub-watershed.
   (2) The flow lines of surface runoff entering, passing through, and leaving the site under natural (predevelopment) and developed conditions.

(b) A base map describing the existing environmental and hydrological conditions of the site and of discharging and receiving watercourses, water bodies, and wetlands.

(c) Existing Topographic Conditions showing: existing topography described in full contour detail at two foot intervals with areas of 10 % or greater slope highlighted.

(d) Existing Drainage Conditions Showing:
   (1) The flow paths of surface runoff under existing (predevelopment) conditions.
   (2) The five-year average groundwater table in full contour detail at one-foot intervals.

(e) Proposed Grading Plan, including:
   (1) All changes in topography, described in full contour detail at two-foot intervals.
   (2) All areas where any vegetation is to be cleared or otherwise altered.
   (3) All areas to be covered with an impervious surface and a description of the surfacing material to be utilized.
   (4) All changes in natural (predevelopment) infiltration, surface runoff paths, and annual high groundwater table levels.
   (5) The proposed system of stormwater drainage including the location and design of roadway and individual lot sub-drains.

(f) System Specifications:
   All components of the stormwater drainage system and any measures for the retention, detention, or infiltration of water and for the protection of water quality shall be described in detail, for review by the Engineering Division.

4. Erosion and Sedimentation Control Plan

The Erosion and Sedimentation Control Plan shall include the following information using a combination a maps and text.

a. A sequence of construction for the project, including clearing, rough grading, construction of utilities, construction of infrastructure, final grading, and landscaping. Sequencing shall identify the estimated duration of exposure of

cleared areas and the sequence of clearing, installation of temporary erosion and sedimentation measures, and establishment of permanent vegetation.

b. Measures to prevent the erosion of soils from the property and the sedimentation of drainage structures and adjacent wetlands throughout all phases of construction and at the completion of the subdivision shall include the following:
   (1) Soil shall be stabilized within five days of clearing or inactivity in construction.
   (2) Soil stockpiles shall be stabilized or covered at the end of each workday.
   (3) The entire site shall be stabilized, using a heavy mulch layer or other method that does not require germination to control erosion.
   (4) Techniques to prevent the blowing of dust or sediment from the site.
   (5) Techniques that divert upland runoff past disturbed slopes.
   (6) Catch basins located within a proposed road shall be adjusted to allow the flow of stormwater into them at all times during construction.
   (7) Drainage structures including sediment traps and catch basins shall be cleaned as needed and at the time of completion of construction.

c. Seeding mixtures and rates, type of sod, method of seedbed preparation, type and rate of fertilizer application, and type of mulching for both temporary and permanent erosion control measures.

d. Provisions for the maintenance of the erosion and sedimentation control measures, including cleaning of drainage structures.

4.10 Design Standards

In reviewing the site plan as part of the approval process, the Planning Board shall ascertain that the site plan meets the following requirements:

1. Off-Street Parking Standards

a. General Provisions

1. Off-street parking and loading spaces shall be provided as set forth below. The Planning Board may require more or less parking spaces, or a different parking circulation and layout based on a review of the site and proposed use. Any increase or reduction of the parking standard for a given use must be supported with good cause by the applicant.
2. For Uses Not Listed:
   The Planning Board shall determine the number of off-street parking spaces that will be adequate for the proposed use.
3. The number of parking spaces provided shall not be decreased for as long as the original use exists on the site. No spaces required by this section of the by-law shall be assigned to specific persons or tenants, or rented or leased to anyone, except for those employees, customers and residents for whom the parking spaces were designed to serve. In addition, any subsequent change in the use of the site will require compliance with the parking requirements of this section.
4. The Planning Board, under Site Plan Approval, may authorize a decrease in the number of parking spaces required provided that:
   (a) The decrease in the number of parking spaces is no more than 25% of the total number of spaces required. The waived parking shall be set aside and shall not be intended for immediate construction other than landscaping in addition

to that required. Such spaces shall be labeled "Reserved Parking" on the site plan. However, said waiver parking shall be constructed if:

(1) The reduced parking is deemed to be inadequate after an annual review by the Planning Board or by written communication by the Building Inspector to the Planning Board prior to the annual review.

(2) A change of use of the property occurs which requires greater parking as established by 4.10.1 of the zoning by-law.

(b) Any such decrease in the number of required parking spaces shall be based upon documentation of the special nature of a use or building.

(c) The parking spaces labeled "Reserved Parking" on the site plan shall be properly designed as an integral part of the overall parking layout, location on land suitable for parking development.

5. The decrease in number of required spaces will not create undue congestion or traffic hazards and that such relief may be granted without substantial detriment to the neighborhood and without derogation from the intent and purpose of this by-law. Where development on a specified site has already occurred according to the ratios of this Section, but the site exhibits a continuing or recurring parking problem that creates a hazard to public safety, the Planning Board shall have the authority to require an alternative parking plan that illustrates a solution to the parking problem.
6. Properties containing both a principal and accessory use, shall meet the minimum parking standards for the principal use.
7. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and the off-street parking space for one use shall not be considered as providing the required off-street parking for any other use.

b. Specific Provisions:

The following required parking ratios are presumed appropriate for development within the Town of Danvers. Where in the opinion of the applicant, a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan with data submitted by the applicant in support of higher or lower ratios. Such data may include site studies from similar uses, generally accepted engineering standards (for example, ITE trip rates), or independent engineering calculations based on the nature of the proposed use.

REQUIRED OFF-STREET PARKING SPACE BY USE	
USES	**PARKING REQUIREMENT (SPACES)**
RESIDENTIAL USES	
Multi-family	Two (2) spaces for each dwelling unit, plus One (1) space for each bedroom over two (2) per dwelling unit, to a maximum of three (3) spaces per dwelling unit.
Assisted Living Facility	1 per every 5 units plus one per employee on largest shift
Nursing Home	1 per every 5 units plus one per employee on largest shift
Congregate Living Facility	1 per every 5 units plus one per employee on largest shift
COMMERCIAL USES	
Athletic and Physical Training Facilities	1 per 500 square feet gross floor area
Convenience Store	1 per 200 GLFA
Drive-Thrus	See queuing standards
Funeral Home	1 per 250 SF floor area
Hotel / Motel	One (1) space for each rental unit, and One (1) space for every three (3) seats for eating, function, banquet and entertainment facilities, and One (1) space per employee on the largest work shift.
Lodging / Boarding / Rooming / Tourist House	1 per each room rented plus 1 per employee on largest shift
Motor Vehicle Sales	1 per 250 GLSA plus 1 per employee on largest shift
Motor Vehicle Service / Repair	3 spaces per vehicle bay plus 1 per employee on largest shift
Motor Vehicle Filling Station (gas station)	See queuing standards
Motor Vehicle Washing Station	See queuing standards
Neighborhood Store	1 per 250 GLFA
Office	Four (4) spaces per 1,000 GLFA
Medical, Office	Four (4) spaces per each dentist, doctor and other medical practitioner on the largest shift. One (1) space per each two (2) employees on the largest shift. Ten percent (10%) of the total numbers of spaces shall be handicapped accessible.
Personal Retail Services	1 per 250 gross floor area
Recreation, Indoor	See places of assembly
Recreation, Outdoor	1 per 3 fixed seats, plus 1 per 25 SF exhibit or portable seating space
Restaurant	One (1) space for every three (3) seats, plus One (1) space per employee on the largest work shift, plus One (1) space per each 100 square feet of function/banquet area.
Restaurant – Drive-thru	See queuing standards
Restaurant – Fast food	1 per every three (3) seats plus 1 per employee on largest shift
Restaurant – take-out	2 per 250 gross sq. ft.
Retail Sales under 15,000 sq. ft.	1 per 250 GLFA plus one per employee on largest shift
Retail Sales over 15,000 sq. ft.	1 per 400 GLFA plus one per employee on largest shift
Screen Cinema / Theater	One (1) space for every four (4) theater seats.
Self-Service Storage	1 per every five (5) units

Service / repair Establishment	1 sp per 500 gross sq. ft.
Shopping Center / retail plaza / strip mall	4 per 1,000 GLFA
Wholesale sale of Goods	1 per 200 GLFA plus 1 per employee on largest shift
INDUSTRIAL USES	
Assembly / Processing	One (1) space per planned employee on the largest shift, but no fewer than three (3) spaces per 1,000 square feet of gross floor area.
Manufacturing/Light	One (1) space per planned employee on the largest shift, but no fewer than three (3) spaces per 1,000 square feet of gross floor area.
Research & Development	1 per employee
Trade Shop	1 per employee on largest shift
Warehouse / Distribution	Two (2) parking spaces for every three (3) employees, plus One (1) space per 1,000 square feet of gross floor area, plus One (1) space for each 2,000 square feet of gross floor area for the 2nd 20,000 square feet, plus One (1) space for each 4,000 square feet of gross floor area for areas in excess of the initial 40,000 square feet of gross floor area.
INSTITUTIONAL USES	
Club, Non-Profit	See places of assembly
Day Care, Adult and Child *	One (1) space per each employee on the largest shift plus one (1) space per each ten (10) children.
Hospital	2 spaces per bed
Health Care Facility	Four (4) spaces per each dentist, doctor and other medical practitioner on the largest shift. One (1) space per each two (2) employees on the largest shift. Ten percent (10%) of the total numbers of spaces shall be handicapped accessible.
Place of Assembly / Religious *	One (1) space for each four (4) permanent seats or eight (8) linear feet of permanent bench area, or where permanent seats or benches are not used, one (1) space for each four (4) persons of maximum occupancy.
School – educational*	Kindergarten / Nursery Schools: One (1) space per each employee on the largest shift plus one (1) space per each seven (7) children. Elementary / Middle Schools: One (1)_space per each faculty plus one (1) space per each five (5) students. High Schools: One (1) space per faculty plus one (1) space per each three (3) students
School - instructional	1 per maximum occupancy
LAND ORIENTED USES	
Agricultural	1 per 500 gross sales area
Animal Hospital / Kennel / Veterinary Clinic	1 per 250 gross floor area
Garden / Landscape/ Nursery Supply	1 per 250 gross sales area plus one per employee on largest shift
Boat Yard	1 per 6 boats in dry storage, plus 1 per 3 wet slips
Marina or Boat Sales	2 per 3 slips, accessory uses separate
Stable – commercial	1 per 5 horse stalls

*For use designated, the following additional parking standards shall apply:
•Properties containing both a principal and accessory use, shall meet the minimum parking standards for the principal use.

- Adequate off-street student drop off / pick up areas and queuing lanes for religious (funerals, weddings) and school events (buses) shall be provided. Use of circular driveways is encouraged.
- Educational uses that contain multi-purpose and / or general assembly rooms shall comply with the educational parking requirements plus parking requirements for place of assembly.

Mini Campus: Parking shall be provided for 75% of the total eleventh (11^{th}) and twelfth (12^{th}) grade ~~school~~ student population at a ratio of 1 space per each student, plus 1 space per each full time staff / faculty member.

For purposes of special events (graduation, athletic, drama) one (1) space per each four (4) persons, based upon the first 2,500 persons, shall be provided on site. Temporary parking facilities (grass fields) are permitted during special events.

Off site satellite parking may be counted towards meeting the parking requirement, provided each space is within the 300 ft of the subject property line.

c. Queuing / Stacking / Loading Standards

The vehicle stacking standards of this subsection shall apply unless otherwise expressly approved by the Board. The Board may require additional stacking spaces where trip generation rates suggest that additional spaces will be needed.

1. Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

VEHICLE STACKING REQUIREMENTS		
Activity Type	**Minimum Stacking Spaces**	**Measured From:**
Automated teller machine	2	Teller
Bank teller lane	3	Teller or Window
Car wash stall, full-service	6	Entrance
Car wash stall, self-service	2	Entrance
Gasoline pump island	2	Pump Island
Pharmacy Pickup	2	Pharmacy Window
Restaurant drive-through	9	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Restaurant drive-through	13	Minimum total queuing capacity

2. Design and Layout of Queuing / Stacking Spaces

Required stacking spaces are subject to the following design and layout standards:

a. Size -Stacking spaces must be a minimum of 8 feet by 20 feet in size.

b. Location - Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

c. Design - Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Town Engineer for traffic movement and safety.

3. Design of Loading Areas

For any use or structure required or proposing to provide off-street loading facilities. The plan shall accurately designate the required or proposed off-street loading spaces, access thereto, dimensions and clearance.

a. Off-street loading facilities are required by these zoning regulations so that vehicles engaged in unloading will not encroach on or interfere with the public use of streets, sidewalks, and alleys by automotive vehicles or pedestrians and so that adequate space is available for the unloading and loading of goods, materials, items or stock for delivery and shipping.

b. Off-street loading facilities provided to meet the needs of one use may not be considered as meeting the needs of another use.

c. Off-street parking facilities may not be used or counted as meeting off-street loading requirements.

d. Adequate on-site area exists for the loading and unloading of such trucks. Such loading and unloading activity shall not be permitted in any public right-of-way.

e. Access to loading areas only from arterial or collector roadways – not from local streets.

e. Loading areas shall be signed to indicate "no idling."

g. Any loading area located adjacent to a residential use shall not receive deliveries between the hours of 11 PM and 6 AM.

d. Accessible parking Spaces

2. Parking spaces designated, as accessible spaces shall have dimensions that conform to Rules and Regulations of the Architectural Access Board 521 CMR and the Americans with Disabilities Act.

3. Accessible spaces shall be identified by painting the international symbol on the pavement. Also, one accessible parking sign as described in the "Manual of Uniform Traffic Control Devices," will be provided for every two (2) spaces or portions thereof.

e. Dimensions and Identification of Parking Spaces

1. Spaces for parking parallel to the curb or edge of the parking area shall be 22 feet long, measured parallel to the curb or edge of the parking area, and 8 feet wide, measured perpendicular to the curb or edge of the parking area.

2. Spaces for parking at an angle to the curb shall be 18 feet long, measured parallel to the axis of the vehicle, and 9 feet wide, measured perpendicular to the axis of the vehicle.
3. All parking spaces shall comply with the Town of Danvers, Engineering Division's Standard Angle parking Stall and Aisle Dimensions table as dated June 2001.

f. Parking Lot Design

Parking lots shall be designed or re-developed to perform the following functions:

(1) To promote inbound flow within the lot, so as not to create conflicting movements;
(2) To promote inbound movement for less backup onto the streets fronting the property, and to avoid conflicts with the inbound flow of cars;
(3) To locate the project access point to provide visibility of the site before access is reached to prevent difficulties of motorists missing the access point and creating congestion on the streets;
(4) To create the occasion of convenience and safety for pedestrians traversing through the lot.
(5) Curbing, wheel stops, guardrails, and/or bollards shall be placed at the edges of all surfaced parking areas.

g. Width of Access Drives and Parking Aisles

All access drives and parking lot aisles for two-way traffic shall have a minimum width of twenty-four (24) feet. All access drives and parking lot aisles for one-way traffic shall have a minimum width of twelve (12) feet or twenty-four (24) feet times the quantity of 1 minus the cosine of the angle of the longitudinal axis of the parking space to the longitudinal axis of the aisle, whichever is greater. For additional information, refer to the Town of Danvers, Engineering Division's Standard Angle parking Stall and Aisle Dimensions table dated June 2001.

2. Site Landscaping

a. General Design Standards

i. The development, through the use of landscape materials, shall be integrated into the surrounding landscape.
ii. Landscape materials shall be used to protect abutting properties and enhance the aesthetic quality of the environs and the site. The type, size, and caliper of proposed trees will be evaluated in its effectiveness of enhancing the site. The mixed use of shade trees for defining spaces and providing protection from the elements, evergreens for screening and reduction of noise pollution, as well as the use of ground covers, perennials/annuals/ bulbs and shrubs are encouraged.
iii. Removal of mature trees and shrubs shall be minimized.
iv. Objectionable features (such as dumpsters and utility boxes) on site shall be screened from neighboring properties, and, if applicable, roadways.
v. Parking lot areas proposed for a site must be adequately landscaped to give relief from the visual blight of an expanse of impervious surface.
vi. Landscaped areas shall not be utilized for snow storage.

b. Definitions:

(1) Ground Cover: Plant material, which normally reaches a maximum height of not more than twelve (12) inches.

(2) Landscaped Area: Any land set apart for landscaping material.

(3) Landscaping Material: Any of the following or a combination thereof such as but not limited to: grass (turf), ground cover, shrubs, vines, hedges, trees, annuals, perennials or similar living materials and other materials such as rocks, fences and walls.

(4) Natural Area: An area containing natural vegetation, which will remain undisturbed when the property is fully developed.

(5) Shrub: A bushy, woody plant, usually with several permanent stems, and usually not over ten (10) feet in height at its maturity.

(6) Tree: A self-supporting deciduous or evergreen plant normally fifteen (15) feet or more in height at maturity. Trees include conifers, shade and ornamental.

(7) Understory Planting: The plant material such as turf, ground cover or low-growing shrubs that cover the ground area under a tree in a landscaped area.

(8) Landscaped Green Buffer: a landscaped area, located parallel to the property line or within the required setback of a lot, serving as a year round visual separation / screen that may be existing, constructed, or a combination thereof. Green buffering shall be utilized to soften the visual impact of buildings, parking areas, loading docks, trash disposal area, exterior storage, and other areas associated with or generated by a particular development as viewed from a public right-of-way, residential properties, and the principal entrances of buildings on abutting lots.

c. Specific Design Standards

(1) The minimum total square footage of landscaped area to insure the above criteria are met is 30% of the total impervious surface of the proposed development, except where otherwise reduced in this zoning bylaw. This calculated square footage of landscaped area shall be based upon the definition as contained in Section 40.

(2) The 30% landscaped area requirement shall consists of:

a. Foundation plantings: A three (3) foot wide landscaping strip along the entire length of a buildings foundation, except at points of entry / exit and loading / receiving areas, within view from the street and parking lot

b. Streetscape: A five (5) foot wide planting strip along the entire length of frontage, from the property line, except for point of access / egress. One (1) tree, at least three (3) inches in caliper shall be planted at minimum of fifteen (15) feet on center.

c. Parking lot:

All parking lots shall be screened along the perimeter from abutting properties and the street.

Within parking lots with forty (40) or more spaces, an area equivalent to at least 15% of the interior of the parking lot, should be landscaped by use of landscaped islands. The landscaped islands should be evenly distributed within the parking lot. One (1) tree, at least three (3) inches in caliper shall be installed in each landscaped island. There should be at least one (1) tree for each ten (10) parking spaces.

d. Front, side and rear yard setbacks, if landscaped.
e. Stormwater management Facilities: The Planning Board may require security / safety fencing.

(3) A landscaped green buffer of at least five (5) feet in width shall be provided along the side and rear property lines or within the required setback to any abutting residential property. The use of existing vegetation, topography, and natural features is encouraged in cases where such items are visually enhancing. A buffer may also contain, or be required to contain, in addition to landscaping, a barrier such as an earthen berm, architecturally pleasing fence or wall or combination thereof, where such screening is necessary to achieve the desired level of buffering between land use activities.

d. Design

Landscaped areas shall be designed and planted to incorporate the following design concepts:

a. Diversity of types and / or heights (ground cover, under-story planting, shrubs and trees) of landscape materials
b. Creation of a multi-tiered landscape
c. Compatibility and appropriateness with land use and adjacent land uses
d. Adequate plant quantity, size, and spacing, at planting, to comply with the general objectives.

e. Quantity

Landscaped areas shall be evenly dispersed throughout the site as follows:

a. A maximum of 50% may be manicured lawn or grass (turf)
b. A minimum of 50% shall be consist of foundation, parking lot and yard setback plantings or;
c. A minimum of 50% shall consist of natural area (undisturbed) or;
d. A minimum of 50% shall be a combination of b and c above.

f. Quality

a. Size at Planting
   (1) Conifer trees shall have a minimum height of at least six (6) feet at planting.
   (2) Deciduous shade trees shall have a minimum of a three (3) inch caliper at planting.
   (3) Ornamental trees shall have a minimum of a two (2) inch caliper at planting.
   (4) Shrubs shall be a minimum of five (5) gallon at planting.

g. Non-invasive and Drought Resistant

All landscape material shall be non-invasive and drought resistant.

3. Site Lighting

Accesses, parking areas, and pedestrian walkways shall have adequate lighting for security and safety reasons. Lighting shall be arranged and shielded so as to prevent glare from the site shining onto abutting properties and cars. Lighting shall be designed to reduce wasted light from up-lighting and from sky-glow or light loss. Lighting shall also be designed to enhance the site amenities of the

properties through specialty lighting. (After the closing of business hours on the site, lighting services shall be reduced for minimum level necessary for security and safety needs.) To perform these conditions, the following standards shall be met:

(a) The light source should be either High Pressure Sodium, Metal Halide, LED, or other types of high efficiency lighting. Other sources, such as Mercury Vapor, Incandescent and Tungsten Halogen may be considered by the Board for low level landscaping lighting.

(b) The luminaries should be the shoebox type or decorative in nature (with interior directional shields), consistent with the architectural theme of the development. Flood and area lighting is unacceptable. All luminaries shall have a total cutoff of all light at less than ninety (90) degrees from vertical. The lighting fixture should only be visible from below.

(c) Reflectors of proper (IES) distribution shall be selected for maximum efficiency. Reflectors and shielding shall provide total cutoff of all light at the property lines of the parcel to be developed.

(d) Freestanding light poles shall not exceed 25' in height. Light poles utilized for walkway lighting shall not exceed 12'-0" in height.

(e) Where wall pack type luminaries are utilized for exterior illumination, the fixture shall be equipped with a prismatic lens to reduce glare. Means should be designed to a maximum cutoff of seventy (70) degrees from vertical. The location of wall pack luminaries shall not exceed 20'-0" in height. Wall pack luminaries with visible lamping to normal viewing angles are not recommended.

(f) No light bulb' wattage may be in excess of 400 watts.

(g) Minimum foot-candle requirement, measured at grade level is 1.0 Maximum foot-candle requirement, measured at grade level is 8.0 in residential districts and 20.0 for non-residential zones.

4. Loading, Waste Disposal, and Outdoor Storage Areas

Adequate loading and waste disposal areas shall be provided on site. Loading, waste disposal and outdoor storage areas shall be screened by landscaping, walls, fences, or barriers of sufficient height to conceal said areas from the street and abutting residential properties.

5. Directional Signage

Directional Signage shall be located on the site so as to provide safe and adequate passage into, out of and through the site. Directional Signage shall be designed to produce quick recognition without distraction on and off the site.

6. Utilities

a. All utility connections shall be constructed in accordance with the requirements of the Town and other respective utility owners.

4.11 Provisions for Site Plan

Any approval of a site plan which has been granted pursuant to this by-law shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced, except for good cause, or in the case of a permit for construction, if construction has not begun by such date, except for good cause.

SECTION 5

ESTABLISHMENT OF DISTRICTS

5.1 Establishment of Districts

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

5.2 Names of Districts

Said classes of districts are designated as follows:

Residence I

Residence IA

Residence II

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

Residence III

Residence IIIA

Waterfront Village District

Commercial I

Commercial IA

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

Industrial I

Industrial II

Danversport Industrial

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

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

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

Hathorne West

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

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

5.3 Certain Overlay Districts are Designated as Follows:

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

Adult Overlay District

Flood Plain Districts and Floodways

Downtown Improvement District

Groundwater Protection District

Tapleyville Overlay District

Registered Marijuana Dispensary Overlay District

5.4 District Boundaries

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

SECTION 6

USE REGULATIONS

6.1 Applicability of Use Regulations

Except as provided in this Bylaw, no building, structure, or land shall be used except for the purposes permitted in the Zoning District as set forth in the **Table 1: TABLE OF ALLOWABLE USES**. Any use not listed shall be construed to be prohibited. Uses permitted by-right and by Special Permit shall be subject to all other applicable provisions of the Zoning Bylaws.

6.2 Schedule of Uses

The following designations apply in the Table of Allowable Uses:

P	Designates uses allowed by right in the district indicated. Site plan approval is required for these uses above certain thresholds (See Section 4).
SP/PB	Designates uses allowed in the district indicated only with a Special Permit granted by the Planning Board.
SP/ZBA	Designates uses allowed in the district indicated only with a Special Permit granted by the Zoning Board of Appeals.
X	Designates uses not allowed in the district indicated.

6.3 Uses Permitted by Special Permit

A use denoted by the letters "SP" within a zoning district, as set forth in the Table of Allowable Uses, is a use which may be authorized by a Special Permit in that zoning district, subject to all other conditions of approval as specified in this bylaw. A Special Permit may be granted in accordance with the procedures and conditions set forth in Section 30 (Special Permits) of this Bylaw.

6.4 All Uses Subject to Overlay District Provisions

In addition to the use regulations which pertain to the base districts designated within the Table of Allowable Uses, certain regulations may supersede in designated Overlay Districts. Uses which are authorized by the Table of Allowable Uses may be further restricted or prohibited if they are also located within one or more overlay districts. Wherever there is a conflict between the provisions of an overlay district and a base district, the provision which imposes the greater restriction or the higher standard shall control.

6.5 Pre-existing Uses

See Section 3.1, Non-Conforming Uses, Structures and Lots

6.6 Administrative Classification of Uses Not Specified or Change in Use

a. **Interpretation of Zoning Administrator** - In the event that a proposed use is not identified within the Table of Allowable Uses, or where a change in a use is proposed, the Building Inspector is authorized to render a decision on the administrative classification of said use.

b. **Criteria for Decision** - In reaching a decision on the classification of a use, the Building Inspector may consider such factors as the similarity of the proposed use to others included in the Table of Allowable Uses with respect to substantive

changes in the function, utility, or the intensity of the use with respect to parking, loading, customer traffic or other impacts. The Building Inspector may also consider the similarity of the proposed use to the hierarchy of non-residential uses as identified in the "North American Industry Classification System" (NAICS), and the relationship of the classification to the Table of Allowable Uses.

c. **Administrative Decision on Classification** - On the basis of these considerations, the Building Inspector shall render a decision which indicates an administrative classification of the proposed use or change in use, and a determination that:
   1). the use is permitted by right; or
   2). the use requires a special permit, or other approval; or
   3). the use is not permitted under the Bylaws.

d. **Appeal of Decision on Classification** - Appeals of any decision by the Zoning Administrator shall require an appeal of an administrative decision to the Zoning Board of Appeals, in accordance with the procedures set forth in Section 2.7, Appeals to the Board of Appeals.

SECTION 7

DIMENSIONAL REQUIREMENTS

7.1. Application.
Any building or structure located, erected or changed or any use of land or premises in any district shall conform to the requirements set forth in the Table of Dimensional Requirements.

7.2. Table of Dimensional Requirements.

1. Residential (Table 2)
2. Commercial / Industrial (Table 3)
3. Exempt Uses (Table 4)

7.3 Supplemental Provisions

1. Lot Shape Factor: Any new lot created shall not be so irregularly shaped or extended that the square of the perimeter (as measured in feet) exceeds twenty-two (22x) the gross lot area (expressed in square feet), except for those lots having twice the required frontage and / or twice the required lot size, if applicable.
2. Residential Setbacks
    a. No building shall be required to be setback more than the average of the setbacks of the existing buildings on the street.
    b. Where no official street lines have been established, the setback from the side lot line shall be determined as forty-five (45) feet from the center line of the traveled way for districts R-I and R-IA and fifty-five (55) feet for districts R-II, R-IIA, R-III, and R-IIIA.
3. Landscaped Buffer Strips
    a. Where applicable, buffer strips may be located anywhere within the setback area; however paving, parking, storage or accessory buildings shall not be located on the adjacent property line side of the buffer strip.
4. Assisted Living Facility – R-IIIA
    a. Within the R-IIIA district, assisted living facilities shall also be subject to the requirements within sections 36.4.2 (a) – (e), 36.4.3, 36.6 and 36.7.
5. Non-Residential Setbacks within the C-I and C-IA districts
    a. No building shall be required to be setback more than the average setbacks of the two (2) abutting and next adjacent lots on either side of the lot in question. If any of the aforementioned lots to calculate average setbacks are vacant, the minimum setback of ten (10) feet shall be assumed for said vacant lot.
    b. The front setbacks in dissimilar zoning districts, for the purposes of averaging front setbacks, shall be presumed to meet the minimum front setbacks of the district within which the lot in question is situated.
6. Commercial III
    a. Outdoor Storage / Display & Sales – C-III: No more than 10% of the gross leasable area of an individual business may be used for the storage / display and / or sales of goods outdoors. Outdoor storage / display and sales shall be bounded by a permanent wall, attached to the building, at least 12' in height, not to exceed the height of the building. Roofing of this area is not required. One exterior access with a maximum width of 30' is allowed.
    b. For purposes of screen cinemas and indoor recreation / entertainment / sports facilities, the gross leasable floor area shall not exceed 50% of the shopping center.

c. The maximum height of a structured parking garage shall not exceed 25 ft.
d. A reduction in frontage and/or lot area, and/or setback requirements in exchange for a reduced number of curb cuts may be granted by the Planning Board after consideration of application for a Special Permit. Such reductions may apply to a single-property owner or multiple adjoining owners who elect to reduce curb cuts through adjustment of their traffic and/or parking arrangements. The application for approval of a Special Permit shall include a proposed plot plan for the property (ies), a plan showing the existing and proposed layout of the curb cuts and how internal traffic flows and parking are affected. Drafts of cross-use agreements among multiple property owners as applicants shall also be included in the application.

7.4 Reductions to Dimensional Requirements

For purposes of single and two family dwellings, the Zoning Board of Appeals shall be the special permit granting authority, for uses permitted by special permit, the Special Permit Granting Authority and for uses permitted by-right, the Site Plan Approval authority, may issue a Special Permit for the reduction, of not more than twenty percent (20%) from any dimensional requirement, within the Table of Dimensional Requirement, in accordance with the following criteria:

(a) There is some difficulty in developing the lot which cannot be overcome without a reduction in the dimensional requirements or a site design is proposed which is more suitable for the lot than one which would be allowed under the permitted dimensional requirements;
(b) Adjacent properties would not be adversely impacted; and
(c) The reduced dimensions would not be detrimental to the public good and would not substantially deviate from the intent or purpose of this bylaw.
(d) Requirements and lots reduced under this section shall not be further reduced or subdivided.

SECTION 8

REGISTERED MARIJUANA DISPENSARY OVERLAY DISTRICT

16.1 Purpose

To provide for the establishment of Registered Marijuana Dispensaries (RMD's) in appropriate locations in accordance with the passage of Initiative Petition 11-11 (Question #3 on the November 2012 state ballot).

16.2 Applicability

RMD's, as defined in Section 40, "Definitions," shall be prohibited in all zoning districts except as allowed in the Registered Marijuana Dispensary Overlay District. Within the Registered Marijuana Dispensary Overlay District, RMD's shall be allowed by-right, subject to all dimensional requirements for the I-II district as shown in Table 2.

16.3 Establishment of Registered Marijuana Dispensary Overlay District

The Registered Marijuana Dispensary Overlay District shall be defined as land located within two existing I-II areas, as further described below. The location and boundaries of this overlay district are hereby established and incorporated in this bylaw. This Registered Marijuana Dispensary Overlay District is established as an overlay to the underlying district, so that any parcel of land lying in the Registered Marijuana Dispensary Overlay District shall also lie in the zoning district in which it was previously classified, as provided in this Zoning Bylaw.

This Registered Marijuana Dispensary Overlay District shall consist of the following:

a. The I-II area bordering Route 1 (Newbury Street) to the west, including all parcels abutting Industrial Drive and Electronics Avenue, further described in accordance with Assessor's maps numbers as follows:

Map 032	Lot 054	Map 032	Lot 051A
Map 032	Lot 033	Map 032	Lot 050A
Map 032	Lot 052	Map 032	Lot 050
Map 032	Lot 051	Map 032	Lot 045
Map 032	Lot 053 001	Map 032	Lot 047
Map 032	Lot 053 002	Map 032	Lot 048
		Map 032	Lot 049

b. Parcels located within the I-II area bordering Conant Street to the north, including all parcels abutting Cherry Hill Drive, further described in accordance with Assessor's map numbers as follows:

Map 037	Lot 036	Map 029	Lot 002
Map 037	Lot 037	Map 029	Lot 003
Map 037	Lot 038	Map 029	Lot 006
Map 029	Lot 001	Map 029	Lot 005
Map 029	Lot 004	Map 029	Lot 011

Section 9

Accessory Uses

9.1 General Accessory Uses

The following accessory uses are permitted by right on any single or two family residential property based upon the specified provisions:

(a) Such normal uses as storage sheds, tennis courts, swimming pools, cabanas for swimming pools, landscaping and gardens for personal use.
(b) A private garage for not more than three (3) vehicles.
(c) Greenhouses for personal use that do not exceed two hundred fifty (250) square feet.
(d) Temporary real estate signs advertising the rental, lease or sale of the property of a size not to exceed six (6) square feet and limited to one sign facing each street;
(e) A two (2) square foot sign, including only the name of the occupants, the number of the dwelling unit and the street which the dwelling unit is on. Any lighting shall be constant, installed in a manner that will prevent light from falling on any street or adjacent property and may not be internally illuminated. Signs shall not be designed, colored, or placed so as to create a hazardous condition for motor vehicle traffic.
(f) Plaques or signs not exceeding two (2) square feet in area designating a building as a historical structure, or giving the name of the building and date of erection.
(g) Parking one commercial vehicle, or vehicle with an attached trailer, used by a resident of that premises in connection with his/her occupation or business, provided that:

(1) The vehicle does not exceed 13,000 pounds (lb.) gross vehicle weight including any trailer, or exceed a capacity of twelve passengers;
(2) The vehicle is not considered a construction apparatus (for example, tractor, backhoe, or crane);
(3) The vehicle is not loaded in whole or in part with noxious, flammable, dangerous, or offensive materials or liquids.

9.2 (Reserved)

9.3 Extended Family Living Areas (EFLA)

1. Intent & Purpose

1. Provide for flexibility within the existing zoning bylaw to afford an opportunity to accommodate additional living arrangements
2. A plan for changing demographics and economic climate
3. Increase supply of affordable housing for family members
4. Provide housing options for extended family
5. Ensure compliance of new and existing EFLA's with building, safety, fire code standards and zoning provisions

2. Definitions

1. Extended Family Living Area (EFLA): an area contained within an owner occupied single-family dwelling unit that maintains internal access and circulation to the dwelling unit, restricted to extended family members,

consisting of provisions for bathing, cooking and sleeping. The inclusion of an EFLA within, attached or detached to a single family dwelling unit does not constitute a two-family. Furthermore, internal walls and doors, for purposes of privacy, and additional means of access / egress are not precluded. The EFLA shall be ancillary / subordinate in size, location and function to the dwelling unit.

2. Extended Family Member: related by blood, marriage, or adoption to the owner of the property, or to the owner's spouse, or persons providing nursing or domiciliary care, legal guardians and further identified as related to the owner or owner's spouse according to MUPC MGL C.190B "Probate Laws of Massachusetts, Table of Consanguinity" as follows: children, grandchildren, great grandchildren, parents, brothers and sisters, nephews and nieces, grandparents, uncles and aunts, and great grandparents.

3. Applicability / Eligibility

1. The Building Inspector may issue a permit (by-right) for an EFLA based upon the following criteria:
   a. The EFLA is located on an owner occupied single-family property located within any zoning district.
   b. The EFLA is located within the dwelling unit, inclusive of non-conforming structures and non-conforming lots (existing and new).
   c. The EFLA is located within an addition, attachment and / or expansion to the dwelling unit in which the structure and lot is conforming.
2. The Zoning Board of Appeals may issue a special permit for an addition, attachment and / or expansion of a dwelling unit or an addition, attachment and / or expansion of an existing detached structure to be used for purposes of an EFLA, inclusive of non-conforming structures and non-conforming lots.
3. The Zoning board of Appeals may issue a special permit for a deviation from any of the Design Standards in Section 9.4.
4. The Zoning Board of Appeals may issue a special permit for the renewal of an EFLA that has been discontinued and where a permit has automatically lapsed and become null and void.
5. EFLA's shall not be rented to non-extended family members. Boarding, rooming, lodging or tourist house uses shall not be permitted in any dwelling unit containing an EFLA.
6. An annual cap of 25 EFLA's, per calendar year, shall be permitted on a first come - first serve basis, based upon the date of filing with the Building Inspector for a by-right or special permit application. Pre-existing EFLA's shall not count towards the annual cap.
7. For purposes of this bylaw, detached EFLA's shall be exempt from Section 1.2.2 of this Zoning Bylaw.

4. Design Standards

1. General
   a. Only one EFLA may be created per lot.
   b. All new entrances shall be located on the side or rear of the structure, if proposed
   c. The EFLA shall not have more than two (2) occupants.

d. The EFLA shall not have separate or independent utilities, such as water, sewer and electricity, from the dwelling unit.
e. An EFLA, whether located within the dwelling unit or within a detached structure, shall not exceed 750 sq. ft.
f. The Zoning Board shall have the discretion to review and require additional on-site parking

5. Use Restriction

To ensure continued compliance with owner-occupancy and other bylaw requirements by current as well as by any subsequent owners, EFLA's permitted under this bylaw shall be subject to a Use Restriction, to be recorded in the Essex County Registry of Deeds. The Use Restriction, to be provided by the Building Inspector, shall be the only form acceptable and shall include the following:

a. Notice that the existence of the EFLA is predicated upon occupancy by the owner, to whom the permit has been issued
b. Notification to a buyer of the EFLA bylaw
c. Upon sale of the property, the new owner shall be required to file a new application, with the Building Inspector, for purposes of maintaining the EFLA
d. Within 30 days of receipt of a letter from the Building Inspector determining a violation, a special permit shall be sought for the continuation of the EFLA. Failure to apply for the Special Permit within 30 days shall result in the EFLA being discontinued and the permit shall automatically lapse and be null and void.
e. Require that current and future property owners notify the Building Inspector in the event the EFLA has been or will voluntarily be discontinued.
f. The dwelling unit remains a single family and the EFLA can not be rented to non-extended family members.

6. Procedural Requirements

1. By-Right
   The Building Inspector shall issue a building permit for an EFLA allowed by right.
2. Special Permit
   The Zoning Board of Appeals shall hold a public hearing, in accordance with M.G.L Chapter 40A, Section 9, for EFLA's allowed by Special Permit.
3. Prior to the issuance of an building permit, the property owner shall file a copy of the executed use restriction and submit evidence, to the Building Inspector, that it has been recorded in the Essex County Registry of Deeds.

7. Application Requirements

The application for an EFLA shall include the following:

1. A completed application and filing fee as required.
2. Adequate information to determine compliance with the provisions set forth herein. This may include, but not be limited to, a site plan, interior floor plans and building elevations.
3. An executed Use Restriction in accordance with Section 9.3.5.

8. Criteria for Approval

The Zoning Board of Appeals may grant a special permit for an EFLA based upon the criteria as set forth in Section 30.3, Conditions for Special Permits, of this Zoning bylaw.

In order to provide adequate dwelling units for disabled and handicapped individuals, the Zoning Board of Appeals will allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons in addition to any requirements in accordance with the Mass. State Building Code and as exempt pursuant M.G.L. Chapter 40A Section 3.

9. Pre-Existing EFLA's

Continuation of all pre-existing EFLA's are based upon the following two (2) options:

1. A pre-existing EFLA may continue in existence without being subject to any enforcement action during a grace period:
   a. Regardless if said EFLA does not comply with Section 9.3.4, Design Standards
   b. Said EFLA was in existence prior to July 30, 2006
   c. And provided that an application to the Building Inspector is submitted within 90 days from the date of approval of these regulations by the Attorney General, or
2. Upon the expiration of 90 days after approval of these regulations by the Attorney General, the following procedures shall be applicable:
   a. The property owner submits for verification from the Building Inspector as to the existence of an EFLA prior to July 30, 2006. The owners shall have the burden of proof to demonstrate by furnishing evidence the existence of said EFLA.
   b. Upon determination from the Building Inspector as to the pre-existence of said EFLA, the owner shall apply to the Zoning Board of Appeals for a special permit for the continuation of a pre-existing EFLA.
   c. The Zoning Board of Appeals shall ordinarily grant a special permit for pre-existing EFLA unless specific evidence is submitted supporting any claim that the unit has caused a detriment to the neighborhood or has caused any other substantial negative impact.
   d. In granting the special permit, the Zoning Board of Appeals may impose such additional conditions, as it may deem necessary to protect the single-family appearance of the dwelling, and to bring the dwelling as close to conformity with the provisions of this bylaw as it is feasible.
   e. If a special permit is granted and corrective changes are required, they must be completed within 90 days of the date of granting the permit, or upon extension from the Zoning Board of Appeals. Upon completion of the required changes, the Building Inspector shall issue a certificate of occupancy.
   f. If a special permit is denied, the unit shall be vacated and its use discontinued within 90 days from the date of said denial.

10. Monitoring, Inspections & Enforcement

The following methods are available to ensure continued compliance with these regulations as set forth:

1. In accordance with Section 9.3.5.c, upon the sale of the property, the new owner shall be required to file a new application with the Building Inspector. Upon filing, the Building Inspector shall conduct an inspection of the EFLA for purposes of verifying compliance.

2. If a complaint is filed with the Building Inspector, the Building Inspector shall inspect the EFLA for purposes of determining whether there is a violation. If a violation exists, the owner shall apply to the Zoning Board of Appeals, within 30 days from the receipt of letter from the Building Inspector for a special permit for the continuation of the EFLA. Failure to apply for the Special permit with 30 days shall result in the EFLA being discontinued and the permit shall automatically lapse and be null and void. Renewal of said EFLA that has been discontinued in which the permit has automatically lapsed and become null and void may be sought in accordance with Section 9.3.4.
3. Discontinued EFLA's, whether by choice of the property owner or as a result of a violation, may be inspected by the Building Inspector by providing reasonable notice to the property owner.
4. In accordance with Section 2.5, Violations, of this Zoning Bylaw, violations to any provision of this bylaw shall be subject to a fine of one hundred dollars ($100) for each offense, each day of violation to be considered a separate offense.

9.4 Storage Container

9.4.1. Purpose & Intent

1. distinguish between temporary and long term storage containers
2. provide specific regulations for temporary and long term
3. regulate the placement and usage of storage containers
4. minimize negative impacts on adjacent properties
5. ensure compliance with applicable public safety regulations

9.4.2. Definitions

1. Storage Container: A fully enclosed, detached, self supporting structure, of any type of construction or material, , not having a foundation, electricity, plumbing, or other mechanical systems and utilized for temporary storage of any kind. Storage containers shall include, but not limited to the following: any truck, the trailer portion of a tractor trailer vehicle, storage container box, portable warehouse, box trailer, whether registered or not in accordance with M.G.L Chapter 90 or in accordance with the laws of any other state.
2. Temporary By-right: A maximum of two (2) such containers per calendar year shall be allowed on any property by right each for a period not to exceed thirty (30) consecutive calendar days, in accordance with Section 9.4.4.
3. Long Term
   In cases where more than two (2) containers are requested for one property at one time, requested more than once per calendar year or for a period in excess of thirty (30) consecutive calendar days for an individual container, a site Plan Approval, in accordance with Section 4 of this by-law and sub-section 9.4.4, shall be obtained.

9.4.3. Applicability / Eligibility

1. Section 9.4 is not applicable to residential properties, the daily / routine operations associated with a loading dock or in which site plan approval has been previously granted in accordance with Section 9.4.2.3.
2. A storage container may be permitted upon any non-residential property.
3. As part of a Site Plan Approval for long term storage containers, the Planning Board may approve a waiver from any of the Performance Standards in Section 9.4.4. For temporary storage containers, the Zoning Board may issue a special permit for any deviation from the performance standards in Section 9.4.4.
4. Storage containers utilized in connection with a residential or non-residential building permit for a construction / demolition site and containers that are removed and / or emptied on a weekly or bi-weekly schedule (trash dumpster, recycling bins) shall be exempt from Section 9.4

5. Storage containers must be removed from the property within five (5) calendar days from the expiration of the temporary permit.

9.4.4. Performance Standards

a. Containers shall meet the required setbacks.
b. Containers shall not be visible from any rights-of-way or visible from any parking areas located in the front or side of the structure, unless adequately screened by landscaping or fencing.
c. Containers shall be placed upon a graded surface of concrete, asphalt or gravel. Containers shall not be located upon landscaped / grass / lawn / vegetated areas.
d. Containers shall not be located upon spaces necessary to satisfy the minimum parking requirements, nor shall they block, impede, or divert traffic in or access to emergency, circulation and fire lanes.
e. Containers shall not be stacked upon one another.
f. Containers, located adjacent to and visible from a residential use shall be appropriately screened, as by a berm, other landscaping / planting, or fencing.
g. Storage of hazardous materials, as defined in M.G.L Chapter 21 is prohibited.
h. Containers shall be located a minimum of ten (10) feet from all buildings
i. No more than two (2) containers shall be placed on a property at any one time.

9.4.5. Application Procedures

1. A building permit shall be obtained for all temporary (by-right) storage containers.
2. A site plan approval shall be obtained for all long-term storage containers.

9.4.6. Application Requirements

An application for a storage container shall include the following:

a. A completed application and filing fee as required.
b. A plan with an adequate level of detail, including the property lines and applicable setbacks, to determine compliance with the provisions set forth herein.
c. If the applicant is not the property owner, a letter from the property owner acknowledging said application shall be submitted.

5. HOME OCCUPATIONS

1. Purpose and Intent
   a. to permit and regulate the conduct of a family home occupation as an accessory use;
   b. to allow residents to utilize their homes as a work place and a source of livelihood under certain circumstances and conditions;
   c. to ensure family home occupations are compatible with the neighborhoods in which they are located;
   d. to protect residential areas from adverse impacts of activities associated with home occupations.

2. Applicability

a. A minor home occupation shall be permitted by-right.
b. A major home occupation shall be permitted by special permit from the Zoning Board.
c. A special permit may be issued by the Zoning Board for a deviation from any Performance Standards contained in Section 9.5.2.4
d. A special permit for a major home occupation shall be granted to the current homeowner and shall not be transferable upon the sale of the property.
e. The special permit shall be posted in a visible location within the home occupation.

f. Home occupations shall comply with all other applicable local, state and federal licenses, permits and approvals.
g. Minor home occupations shall be permitted within detached structures in existence prior to November 22, 2004.

3. Definitions

a. Home Occupation – any business, occupation, or activity undertaken for financial gain in, or directed from, a residential dwelling unit by individuals residing within said dwelling unit, that is incidental and secondary to the dwelling unit.
b. Minor Home Occupation – A home occupation with no nonresident employees or independent contractors, working on site, and no more than one (1) business transaction at one time and no more than eight (8) business transactions per day
   (1) The following minor home occupations are allowed by right. It should be noted that list is for informational purposes only and is not intended to be all inclusive.
      i. Professional Office: Any generally accepted professional or office type occupation, including but not limited to accountants, appraisers, architects, attorneys, real estate agent, contractor, insurance broker, mortgage broker, financial advisor, journalist, consultant (all types)
      ii. Personal and Professional Service: computer programming, cosmetologist, barber, dietitian, direct distribution (Avon, Tupperware), mail order, photography
      iii. Instructional Service: educational tutoring, music, art, cooking, dance, drama lessons
      iv. Home Artisan Business: artists studios, dress making, engraving, sewing, tailor
      v. Small Item Repair Service: locksmith repair, watch repair, small hand tool repair, shoe repair, computer / electronics repair
c. Major Home Occupation – A home occupation located within an owner occupied single family or two-family dwelling structure, with no more than two (2) non-resident employees, no more than (2) business transactions per hour, by appointment only, and no more than sixteen business transactions per day.
d Business Transaction – a physical presence between parties (opposed to electronic/ audio or video) consisting of an exchange or transfer of goods, services or funds, which exceeds thirty minutes in time. For purposes of this bylaw, the term "parties" is not defined by a specific number of persons or vehicles.
e. Prohibited Home Occupations: The following home occupations are prohibited:
   a. Medical offices, including doctors, dentists, chiropractors, and veterinarians
   b. Tanning salons, tattoo parlors
   c. Auto repair, appliance repair, small engine repair and similar large item repair
   d. Manufacturing of all types and forms

4. Performance Standards

All home occupations shall comply with the following criteria:

a. Maintenance of Residential Character: No portion of the dwelling structure, exterior appearance, utility services or grounds shall be modified in any manner for purposes of the home occupation.
b. Floor Area: A maximum of 500 sq. ft. of the gross floor area of the principal dwelling structure may be utilized;

c. General Nuisance: There shall be no nuisance created by virtue of noise, smoke, dust, odor, vibrations, electrical interference, or unsightliness, which is discernible from adjoining properties. There shall be no toxic (pesticides, herbicides, rodenticides), explosive, highly flammable, combustible, corrosive, radioactive or other restricted materials used or stored on the premises of a home occupation greater than that required for normal household use.

d. Sales: There shall not be any retail sales of goods or merchandise, except for articles produced on the premises and accessory products related to services provided.

e. Outdoor Storage: There shall be no external evidence and no outdoor storage or public display of goods or wares.

f. Commercial Vehicles: One commercial vehicle, associated with the home occupation, shall be permitted in accordance with Section 9.1.h.

g. Hours of Operation:
   1. A minor home occupation may operate from 7:30 am to 9:00 p.m., Monday through Saturday. Sundays from 9:00 am to 9:00 pm.
   2. A major home occupation may operate from 7:30 am to 5:00 pm, Monday through Saturday. Sundays from 9:00 am to 5:00 pm.

h. Deliveries and Pickups:
   1. A minor home occupation shall be limited to passenger vehicles, mail carriers, and panel trucks or small vans such as used by express package carriers and office supply companies.
   2. A major home occupation shall not have more than two (2) deliveries per day from a vehicle that exceeds 12,000 pounds (lb.) gross vehicle weight.
   3. Deliveries and pickups shall be prohibited on Sundays.

i. Parking

   1. A minor home occupation shall not need to provide off-street parking.
   2. A major home occupation shall provide a minimum of two (2) and a maximum of four (4) off-street parking spaces. Parking shall not be allowed within the front, side or rear yard setback unless sufficient paved parking already exists. All new parking areas, for purposes of the home occupation, shall be screened from adjacent residential uses with a landscaping / fencing.

      In granting the special permit, the Zoning Board of Appeals may deviate from this provision, if it finds that there is sufficient on-street parking available and the neighborhood will not be adversely impacted.

j. Signs:
   1. A minor home occupation may be permitted a two (2) square foot sign attached to the dwelling structure by special permit from the Zoning Board.
   2. A major home occupation may be permitted a two (2) square foot free-standing sign, placed at least ten (10) feet from the front lot line and shall not exceed four (4) feet in height by special permit from the Zoning Board.
   3. Window signs and signs visible from the exterior of a window are prohibited.
   4. Signs shall not be internally lighted.
   5. Signs shall be illuminated during hours of operation only.

SECTION 15

HEALTH CARE DISTRICT

15.1 Purpose

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

15.2 Uses Permitted by Right

In a Health Care District, no land shall be used and no building or structure shall be erected, altered or used for any other purpose than:

1. Hospital and health care facility.
2. Medical or dental offices and/or clinics.
3. All accessory uses normally incidental to the above-mentioned uses. A heliport shall be allowed as an accessory use to an acute care hospital and/or medical emergency facilities only and shall be located a minimum of one hundred (100) feet from a residential district. A heliport is an area at ground level licensed or approved for the landing or takeoff of helicopters, excluding any facilities such as parking, waiting room, fueling and maintenance equipment. Outdoor storage of medical waste is strictly prohibited. Any medical waste shall be disposed of in accordance with all applicable Local, State and Federal regulations. All dumpsters are to be enclosed.
4. There shall be no use variances granted in the Health Care District.

15.3 Uses Subject to a Special Permit and Site Plan Approval

Uses permitted in a Health Care District are subject to a special permit and site plan approval (please refer to Section 4) granted by the Planning Board. Dimensional requirements for congregate living facilities for the elderly shall be governed by the dimensional requirements for the Health Care District as well as the dimensional requirements contained in Section 34.5 of the Zoning By-laws. Whichever standard is more stringent shall prevail.

1. Congregate living facilities for the elderly (under this section the Planning Board may allow the former Hunt Hospital existing facility to contain more than twenty-five (25) units). Any new construction shall not contain more than twenty-five (25) units per building.

15.4 Dimensional and Density Requirements

(These requirements are applicable to the construction of any buildings and/or additions subsequent to June 18, 1990. It is to be noted that the dimensional and density requirements listed below are in addition to any other applicable sections of the Zoning By-law. In addition, where different applicable sections of the Zoning By-law seem to conflict, the more restrictive shall apply.)

Minimum lot size for each principal use	1 acre

Minimum lot frontage	150 feet
Setbacks:	
Front	30 feet
Side and rear	25 feet
From Residential districts	80 feet (at side and rear lot lines)
Maximum lot coverage	70 percent (including buildings, driveways and parking areas) Maximum height not to exceed three (3) stories above ground or 35 feet, whichever is less. Minimum distance between buildings 40 feet

15.5 Landscaping Requirements (in addition to those included in Section 4 of the Zoning By-Law)

1. Within thirty (30) feet of side and rear lot lines from the boundary line of an adjoining residential district there shall be an area landscaped with trees, shrubbery and undergrowth in such a way as to provide an attractive and effective screen all year. Fencing may also be employed for this purpose but only in connection with appropriate landscaping.

15.6 Parking Requirements

1. The minimum number of off-street parking spaces shall conform to the following requirements, unless it is determined by the Planning Board that fewer parking spaces are required:
   (a) Hospitals - Two (2) spaces for each bed.
   (b) Dentist, Doctor, and Other Medical Uses - Four (4) spaces per each dentist, doctor and other medical practitioner on the largest shift and one (1) space per each two (2) employees on the largest shift.
   (c) Nursing Homes - One (1) space for each three (3) occupied rooms or fractions thereof.
2. The parking areas may be on the surface, underground, within the building or in a parking structure.
3. Parking areas should be attractively illuminated and lights are to be directed away from any residential property.
4. No parking spaces shall be permitted within fifty (50) feet of the boundary line of an adjoining Residential District.
5. At least ten percent (10%) of the area parking lots with forty (40) or more spaces shall be landscaped, either on the perimeter or the interior.
6. All above-ground and below-ground parking structures shall be limited to two (2) levels or twenty-five (25) feet, whichever is less. There shall be no more than two (2) levels of parking at each location.

SECTION 16

WATERFRONT VILLAGE DISTRICT (WVD)

16.1 Purpose

The purpose of this district is to promote opportunities for local, small to medium size businesses that can be integrated with lower density housing, and to create a pedestrian and bike-friendly environment with waterfront access which will serve as a transitional zone from abutting residential and industrial areas.

16.2 Uses Permitted by Right

Uses permitted in this district are as shown in Table 1, alone or in any combination in a single building, subject to Site Plan Review under Section 4 of this bylaw.

All measurements in square feet refer to Gross Floor Area as per Section 40 of the Danvers Zoning Bylaw.

Ground floor uses

In mixed-use buildings, ground floor uses will be reserved for retail, repair, restaurant and office uses except as specified below:

Residential uses up to 2 dwelling units may be allowed on first floors of mixed-use buildings only where:

- the building is set behind another building which has frontage on the street;
- the residential portion of the first floor of a building is set behind street-front retail/office/restaurant uses within the same building; or
- where the Board determines that street-front residential uses will not have an adverse impact on the continuity of the commercial street-front uses.

16.3 Criteria and Procedures for Review by Site Plan Review

1. The procedural criteria for approval through Site Plan Review are by the submission of a Site Plan and Community Impact Assessment as described in Section 4 of this by-law.
2. Design and construction for the Waterfront Village District shall comply with the Site Planning Guidelines listed in Section 16.5 of this section and with the regulations set forth in Section 4 of this by-law.

16.4 Dimensional Requirements

Minimum Lot Area	5,000 square feet
Minimum Frontage	50 feet
Maximum Lot Coverage	70 percent

This maximum lot coverage restriction shall not apply to any structures existing as of January 25, 2010, even when such structures are modified, reconstructed or restored, so long as the lot coverage is not increased.

Maximum number dwelling units	1 unit per 5000 s.f. lot area
Maximum number of dwelling units per/acre	8
Maximum Building Height for construction or reconstruction	40 feet and 35' w/in 50 feet of residential structure
Separation of Buildings	10 feet minimum between two buildings located on same lot

Minimum Front Yard Setback- 10 feet Note that this depth is to allow minimal setback structures where appropriate in the District; it is not meant for all portions of the District, where additional front yard depth and landscaping would be appropriate.

Maximum Front Yard Setback- 20 feet or the average of the setbacks to buildings on the same side of the street or way within 200 feet of the lot in question, whichever is less.

Minimum Side Yard Width- 5 feet except where the property shares a lot line with a Residential District, in which case, minimum is 25 feet.

Minimum Rear Yard Depth- 5 feet, except where the property shares a lot line with a Residential District, in which case, minimum is 25 feet.

These setback requirements shall not apply to any structures existing as of January 25, 2010 even when such structures are modified, reconstructed or restored, so long as the setback thereof is not decreased, in which case minimum is 25 feet.

Parking	**Required:** 2 spaces/dwelling unit Also Subject to: Site Plan Review and Waterfront Village Site Planning Guidelines
Landscaping	Also Subject to: Site Plan Review and Waterfront Village Site Planning Guidelines

16.5 Waterfront Village District Site Planning Guidelines

The following guidelines apply to new development or to expansion, exterior alteration or construction of existing buildings in the Waterfront Village District and shall be an integral part of the Site Plan Approval process under Section 4 of this Bylaw.

16.5.1 Parking/Pedestrian Access and Bicycle Guidelines

(a). Parking areas should be located to the side and rear of the structure. No parking area should be designed such that parking is within the required or authorized front yard setback.

(b). Parking areas shall include provisions for the "parking" of bicycles in locations that are safely segregated from automobile traffic and parking.

(c). Vehicle, pedestrian and bicycle features should be designed to provide a network of pathways and promote walkways within the District. Development designs should emphasize retaining or creating waterfront views and pedestrian/bicycle access to waterfront areas for recreational activities such as bird watching and fishing. Curb cuts should be minimized and allowances for pedestrian and vehicular access to existing or future abutting developments should be considered in the parking design.

(d). Site design should emphasize pedestrian flow within the development, maximize the efficient use of existing and proposed parking facilities and minimize the area of land to be paved for parking.

16.5.2 Building Design Guidelines

General:
Buildings should be of a design similar or compatible with the traditional architecture of the Town of Danvers in terms of scale, massing, roof shape, spacing and exterior materials. Designs should emphasize a relationship with the Danversport waterfront that retains or creates views of the waterfront and preserves pedestrian access and use of the waterfront area while providing appropriately scaled housing and commercial opportunities.

(a). **Height** – The height of any proposed alteration should be compatible with the style and character of the building, structure or site being altered and that of the surroundings.
(b). **Orientation**. The principal building should be oriented on the lot parallel with the front setback line to establish and preserve a consistent building line, with primary entrances oriented toward the street. Where appropriate, a building may be oriented around a courtyard or respond in design to a prominent feature, such as a corner location.
(c). **Proportions** – The proportions and relationships of height to width between windows, doors, signs and other architectural elements should be compatible with the architectural style and character of the building or structure and that of the surroundings.
(d). **Relation of Structures and Spaces** – The relation of a structure to the open space

between it and adjoining structures should be compatible with such relations in the surroundings.
(e). **Shape** – The shape of roofs, windows, doors and other design elements should be compatible with the architectural style and character of a building or site and that of its surroundings.
(f). **Landscape** – Any proposed landscape development or alteration should be compatible with the character and appearance of the surrounding area. Landscape and streetscape elements, including topography, plantings and paving patterns, should provide continuity and definition to the street, pedestrian areas and surrounding landscape.
(g). **Scale** – The scale of a structure or landscape alteration should be compatible with its architectural or landscape design style and character and that of the surroundings. The scale of ground-level design elements such as building entryways, windows, porches, plaza, parks, pedestrian furniture, plantings and other street and site elements should be determined by and directed toward the use, comprehension and enjoyment of pedestrians.
(h). **Directional Expression** – Building facades and other architectural and landscape design elements should be compatible with those of others in the surrounding area with regard to the dominant vertical or horizontal expression or direction related to use and historical or cultural character, as appropriate.
(i). **Architectural and Site Details** - Architectural and site details including signs, lighting, pedestrian furniture, planting and paving, along with materials, colors, textures and grade should be treated so as to be compatible with the original architectural and landscape design style of the structure or site and to preserve and enhance the character of the surrounding area. These details should blend with their surroundings to create a diverse, functional and unified streetscape.
(j). **Signs** - The design of signs should reflect the scale and character of the structure or site. Signs should simply and clearly identify individual establishments, buildings, locations and uses, while remaining subordinate to the architecture and larger streetscape. The choice of materials, color, size, method of illumination and character of symbolic representation on signs should be compatible with the architectural or landscape design style of the structure or site.
(k). **Garages and Accessory Buildings** – Garages and accessory buildings should be sensitively integrated into the overall development, and should not be the predominant design feature when viewed from the street.

16.5.3 Drive-Through Businesses

(a) Business uses authorized by Special Permit to include drive-through service shall be limited to one drive-up window or device, one drive-up lane not exceeding ten (10) feet in width, and one bypass lane not exceeding ten (10) feet in width.

(b) The maximum width of the paved area at the drive-up window or device shall be twenty-four (24) feet, including the bypass lane.

(c) The drive-up window or device should be located to the rear or side of the building. No drive-up window or device should be located in front of the building or within the front yard setback.

16.5.4 Outdoor Merchandise Display. Outdoor display of merchandise or goods is permitted subject to the following requirements:

(a) Not more than one outdoor display is permitted per business.
(b) The outdoor display should not extend more than three (3) feet from the face of the building.
(c) The outdoor display should not reduce the clear pathway on the sidewalk to less than four (4) feet. If the sidewalk is four feet wide or less, no outdoor display shall be permitted.
(d) All outdoor displays must be brought inside by the end of each business day.

16.5.5 Storage and Utility Areas. Outdoor storage, trash collection or compaction, or ground level service and utility equipment, including air conditioning equipment, electric utility boxes or satellite dishes, shall be screened from view from streets and adjacent lots.

16.5.6 Landscaped Buffer. Development on a lot contiguous with a lot in a Residential District that contains a residence, or abutting any lot with an existing residential use, should provide a landscaped buffer along all shared boundaries. The landscaping shall include at least one shade tree or two ornamental trees and five shrubs for each 30 feet in length of the buffer, planted within 15 feet of the property line abutting the Residential District or the residential lot, as applicable. A minimum of one-third of the trees and shrubs must be evergreen. Plantings need not be evenly spaced.

16.6 Special Permit in Danversport Village Waterfront District

In this District, a Special Permit may be granted by the Planning Board or the Zoning Board of Appeals for the following listed uses. This Special Permit is not limited to an individual lot, but one application may be submitted and reviewed for a single Special Permit for multiple lots.

16.7 Uses Allowed by Special Permit

Uses permitted in this district are as shown in Table 1, alone or in any combination in a single building, subject to Site Plan Review under Section 4 of this bylaw.

16.8 Criteria and Procedures for Review of Special Permits

1. The procedural criteria for approval of a Special Permit is through the submission of a Site Plan and Community Impact Assessment as described in Section 4 of this by-law, Section 30 of this Bylaw and M.G.L Chapter 40A.

2. Design and construction shall comply with Section 16.5 Waterfront Village Site Planning Guidelines and the regulations set forth in Section 4 and Section 30 of this by-law.

3. The Special Permit Granting Authority as designated in Section 16.6 shall issue a decision with findings and conditions as regulated under Section 30 of this zoning by-law, and M.G.L Chapter 40A.

16.9 Prohibition of Nuisance in Danversport Waterfront Village District

1. All dust, fumes, odors, smoke, or vapor shall be effectively confined to the premises or disposed of to prevent intrusion on neighboring properties.

2. Any noise, vibration, or flashing shall not be normally perceptible without instruments (and shall have a decibel level of fifty-five (55) or below) at a distance of one hundred (100) feet from the source.

3. Properties shall be adequately maintained to provide for consistent buffering as required in this section, as well as parking lot pavement, all other landscaped areas, and building facades as reviewed under Section 4 of this Bylaw.

SECTION 17

TAPLEYVILLE OVERLAY DISTRICT

17.1 Purpose and Zoning Regulations in Effect

The purpose of this district is to promote opportunities for local, small to medium size businesses that can be integrated with compact housing, bicycling, and walking access while serving as a transitional zone from abutting residential areas.

The Tapleyville Overlay District is an overlay district superimposed over the underlying Industrial I zoning district near the intersection of Pine and Holten Streets. The district is bounded by the Rail Trail to the south, Burroughs Street and Holten Street to the north, and Pine Street to the west. set forth in the Danvers Zoning Bylaw. Within the Tapleyville Overlay District, the requirements of the underlying district continue to apply. The Tapleyville Overlay District will not restrict, except as cited below, the rights of any owner who elects to utilize the existing underlying zoning regulations to develop or redevelop land. If an owner elects to utilize the Tapleyville Overlay District to develop or redevelop land, the project shall conform to all applicable requirements of this District.

The underlying zoning in the Danvers Zoning Bylaw and the Tapleyville Overlay District shall together constitute the zoning regulations for this area. All requirements of the underlying zoning district or districts, such as but not limited to lot size, frontage, density, setbacks, building height, parking and loading, stormwater control and treatment, and signage, shall govern, unless specifically modified by the Tapleyville Overlay District.

If the provisions of the Tapleyville Overlay District are in conflict with any other sections of the Danvers zoning bylaw, the regulations of the Tapleyville Overlay District will govern. Provisions and requirements of the Tapleyville Overlay District may be waived at the discretion of the Planning Board.

17.2 Uses Permitted by Right

The following uses are permitted, alone or in any mix of uses in a single building, subject to Site Plan Review under Section 4 of this bylaw.

All measurements in square feet refer to Gross Floor Area as per Section 40 of the Danvers Zoning Bylaw.

1. Single, 2-Family or Multi-Family Dwelling up to 4 units
2. Lodging/boarding/rooming/Tourist House: no more than 2 rooms/fewer than 3 lodgers
3. Residential Accessory Uses
4. Garage- 3 or fewer vehicles
5. Greenhouse- under 250 square feet

6. Convenience Store- up to 2,500 square feet
7. Neighborhood Store- up to 2,500 square feet
8. Medical Office- up to 2,500 square feet
9. Professional Office- up to 2,500 square feet
10. Office (all)- up to 2,500 square feet
11. Personal Retail Service Establishment- up to 2,500 square feet
12. Repair Service Establishment- up to 2,500 square feet
13. Restaurant- up to 2,500 square feet
14. Take Out Restaurant- up to 2,500 square feet
15. Retail Sales- no outdoor sales/display- up to 2,500 square feet
16. Retail Sales- with outdoor sales/display- up to 2,500 square feet
17. Conservation Land
18. Municipal Use
19. Land Oriented Accessory Uses
20. Common/Shared Driveways
21. Exempt Uses per M.G.L. 40 A, Section 3
22. Outdoor Storage
23. Storage Container-Temporary

Ground floor uses

In mixed-use buildings, ground floor uses will be reserved for retail, repair, restaurant and office uses except as specified below:

Residential uses up to 2 dwelling units may be allowed on first floors of mixed-use buildings only where:

- the building is set behind another building which has frontage on the street;
- the residential portion of the first floor of a building is set behind street-front retail/office/restaurant uses within the same building; or
- where the Board determines that street-front residential uses will not have an adverse impact on the continuity of the commercial street-front uses.

17.3 Criteria and Procedures for Review by Site Plan Review

1. The procedural criteria for approval through Site Plan Review are by the submission of a Site Plan and Community Impact Assessment as described in Section 4 of this by-law.
2. Design and construction for the Tapleyville Overlay District shall comply with the Site Planning Guidelines listed in Section 17 and with the regulations set forth in Section 4 of this by-law.

17.4 Dimensional Requirements

Minimum lot area	5,000 square feet
Minimum frontage	50 feet

Maximum building lot coverage[1]	70 percent
Maximum number of dwelling units per/acre	14
Maximum building height for construction or reconstruction	45 feet
Separation of Buildings	10 feet minimum between two buildings located on same lot

Setback Requirements[2]

Minimum Front Yard Setback - 10 feet. Note that this depth is to allow minimal setback structures where appropriate in the District; it is not meant for all portions of the District, where additional front yard depth and landscaping would be appropriate.

Maximum Front Yard Setback - 20 feet or the average of the setbacks to buildings on the same side of the street or way within 200 feet of the lot in question, whichever is less.

Minimum Side Yard Width- 5 feet except where the property shares a lot line with a Residential District, in which case, minimum is 25 feet.

Minimum Rear Yard Depth- 5 feet, except where the property shares a lot line with a Residential District, in which case, minimum is 25 feet.

17.5 Other Requirements

Parking	2 spaces/dwelling unit plus 1 additional guest space per every 4 units

17.6 Tapleyville Overlay District Site Planning Guidelines

The following guidelines apply to new development or to expansion, exterior alteration or construction of existing buildings in the Tapleyville Overlay District and shall be an integral part of the Site Plan Approval process under Section 4 of this Bylaw.

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[1] This maximum lot coverage, building height and other dimensional requirements specified in 17.4 shall not apply to any structures existing as of February 3, 2014, even when such structures are modified, reconstructed or restored, so long as the building lot coverage is not increased.

[2] These setback requirements shall not apply to any structures existing as of February 3, 2014 even when such structures are modified, reconstructed or restored, so long as the setback thereof is not decreased, in which case the minimum is 25 feet.

17.6.1 Parking/Pedestrian Access and Bicycle Guidelines

a. Parking areas should be located to the side and rear of the structure. No parking area should be designed such that parking is within the required or authorized front yard setback.
b. To the extent possible, parking areas should be shared with adjacent businesses.
c. Parking areas shall include provisions for the "parking" of bicycles in locations that are safely segregated from automobile traffic and parking.
d. Vehicle, pedestrian and bicycle features should be designed to provide a network of pathways and promote walkways and bicycling within the District, particularly connections to the Danvers Rail Trail. Curb cuts should be minimized and allowances for pedestrian and vehicular access to existing or future abutting developments should be considered in the parking design.
e. Site design should emphasize pedestrian flow within the development, maximize the efficient use of existing and proposed parking facilities and minimize the area of land to be paved for parking.

17.6.2 Building Design Guidelines

Buildings should be of a design similar or compatible with the traditional architecture of the Town of Danvers in terms of scale, massing, roof shape, spacing and exterior materials. Designs should emphasize a relationship with the surrounding neighborhood and preserve pedestrian access and use of the Tapleyville area while providing appropriately scaled housing and commercial opportunities.

a. Orientation The principal building should be oriented on the lot parallel with the front setback line to establish and preserve a consistent building line, with primary entrances oriented toward the street. Where appropriate, a building may be oriented around a courtyard or respond in design to a prominent feature, such as a corner location.

b. Materials

1. A building's front façade should be faced with materials used in traditional New England architecture, such as brick, granite, wood clapboard and shingles.
2. The main elements of the architectural treatment of the building's front façade, including the materials used, should be continued around all sides of the building that are visible from a street or a pedestrian plaza.

c. Vertical Design Buildings should have a vertical orientation, to be achieved in one of the following ways: (1) the building has a greater height than width, or (2) the façades and roof lines of the building are designed to reduce massing and bulk so that it appears as a group of smaller masses with a vertical orientation. Wherever possible, the height of the first floor of a commercial building should be taller than the upper floors and expressed through façade treatments that convey the functional diversity within the building.

d. Massing Buildings more than 45 feet in width along the street frontage should be divided into increments not more than 45 feet wide through articulation of the

façade, such as variations in building setbacks, roof lines or materials; window bays; and multiple entrances.

e. **Rooflines** Roofs should be pitched with a minimum slope of 6:12 and a maximum slope of 12:12. The Planning Board may allow for a flat roof, provided that the flat roof structure is capped by an articulated parapet design that acts as a structural expression of the building façade and its materials, visible from all sides of the building, or the flat roof structure is a green roof system with green roof plants suited for the local climate. A roof should, at a minimum, have articulated parapets concealing flat roofs and rooftop equipment (such as HVAC units) which are visible from adjoining streets or properties. Parapets or facades shall be designed to give the appearance of three or more roof slope planes.

f. **Windows and Transparency**
   1. For commercial or mixed-use buildings, at least thirty (30) percent of any ground floor façade that is visible from, fronting on, and located within sixty (60) feet of a public street should be comprised of windows with clear glass allowing views into the interior. Display windows may be used to meet up to one-half of this guideline.
   2. In a commercial or mixed-use building, at least 15 percent of a side or rear façade facing a public right of way, parking area, or open space should be transparent.
   3. Reflective glass, glass tinted more than 40%, and highly reflective surfaces should not be used on building fronts.
   4. Windows on the upper floors of the street façade should be at least 4 feet tall and 2.5 feet wide, and should have a ratio of height to width between 1.5:1 and 2:1.

g. **Garage doors or loading docks** are discouraged in the front façade of any building facing the street. No detached garage should be located closer to the front lot line than the front of the principal building or structure on the lot.

17.6.3 Signage

Signage requirements and maximums shall be the same as in the underlying I-I District.

17.6.4 Storage and Utility Areas

Outdoor storage, trash collection or compaction, or ground level service and utility equipment, including air conditioning equipment, electric utility boxes or satellite dishes, shall be screened from view from streets and adjacent lots.

17.6.5 Landscaped Buffer

Development on a lot contiguous with a Residential District should provide a landscaped buffer along all shared boundaries. The landscaping shall include at least one shade tree or two ornamental trees and five shrubs for each 30 feet in length of the buffer, planted within 15 feet of the property line abutting the Residential District or the residential lot, as applicable. A

minimum of one-third of the trees and shrubs must be evergreen. Plantings need not be evenly spaced.

17.7 Special Permit in Tapleyville Overlay District

In this District, a Special Permit may be granted by the Planning Board or the Zoning Board of Appeals for the following listed uses. This Special Permit is not limited to an individual lot, but one application may be submitted and reviewed for a single Special Permit for multiple lots.

17.8 Uses Allowed by Planning Board Special Permit

1. Drive-throughs (not including restaurants) (PB)
2. Home Occupations- Major (ZBA)
3. Office - 2,500 -5,000 square feet (PB)
4. Office (all) - 2,500 -5,000 square feet (PB)
5. Medical Office - 2,500- 5,000 square feet(PB)
6. Professional Office - 2,500- 5,000 square feet (PB)
7. Personal Retail Establishment - 2,500 -5,000 square feet (PB)
8. Repair Service Establishment - 2,500 -5,000 square feet (PB)
9. Retail Sales - no outdoor display- 2,500- 5,000 square feet (PB)
10. Retail Sales - outdoor display- 2,500- 5,000 square feet (PB)
11. Restaurants equal or greater than 2,500 square feet (PB)
12. Club/Fraternal Organization-Nonprofit (ZBA)
13. Animal Hospital/Veterinary Clinic (PB)
14. Access/Egress across District Boundaries (PB)
15. Storage Container- Long Term (PB)
16. Performing/Cultural Arts Facility (PB)
17. Instructional School (PB)
18. Farm Stand (PB)
19. Lodging/boarding/rooming/Tourist House - more than 3 lodgers (PB)
20. Ground floor residential uses greater than 2 units in mixed-use structures (PB)
21. Any residential or mixed use structure containing more than 4 units (PB)

17.9 Criteria and Procedures for Review of Special Permits

1. The procedural criteria for approval of a Special Permit is through the submission of a Site Plan and Community Impact Assessment as described in Section 4 of this by-law, Section 30 of this Bylaw and M.G.L Chapter 40A.

2. Design and construction shall comply with Section 17 and the regulations set forth in Section 4 and Section 30 of this by-law.

3. The Special Permit Granting Authority as designated in Section 30 shall issue a decision with findings and conditions as regulated under Section 30 of this zoning by-law, and M.G.L Chapter 40A.

17.9.10 Prohibition of Nuisance in Tapleyville Overlay District

1. All dust, fumes, odors, smoke, or vapor shall be effectively confined to the premises or disposed of to prevent intrusion on neighboring properties.

2. Any noise, vibration, or flashing shall not be normally perceptible without instruments (and shall have a decibel level of fifty-five (55) or below) at a distance of one hundred (100) feet from the source.

3. Properties shall be adequately maintained to provide for consistent buffering as required in this section, as well as parking lot pavement, all other landscaped areas, and building facades as reviewed under Section 4 of this Bylaw.

SECTION 27

GROUNDWATER PROTECTION DISTRICT BY-LAW

27.1 Purpose

The purpose of this Groundwater Protection District is to:

*Promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Danvers and adjacent towns;

*Preserve and protect existing and potential sources of drinking water supplies;

*Conserve the natural resources of the Town of Danvers; and

*Prevent temporary and permanent contamination of the environment

27.2 District Boundaries

The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, renovation, and/or expansion of existing structures and new or expanded uses. Structures or uses in a portion of one of the underlying zoning districts which fall within the Groundwater Protection District must additionally comply with the requirements of this District. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

For the purposes of this district, there are hereby established within the Town of Danvers certain groundwater protection areas, consisting of aquifers and recharge areas as delineated on the map entitled "Groundwater Protection Districts, Town of Danvers," dated March 12, 2001and revised October 18, 2004.. This map is hereby made a part of the Town of Danvers Zoning By-Laws and is on file in the Office of the Town Clerk, Planning Board, and the Inspector of Buildings.

27.3 Uses Permitted by Right

The following structures and/or uses are permitted in the Groundwater Protection District, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:

a. Any structure or use permitted in the underlying zoning, except for those structures or uses specifically prohibited in Section 27.4 below and subject to the requirements of Section 27.5 below;
b. Conservation of soil, water, plants, and wildlife;
c. Outdoor recreation, nature study, boating, fishing, and hunting, where otherwise legally permitted;
d. Foot, bicycle, and/or bridle paths and bridges;
e. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply, and conservation devices;
f. Maintenance and repair of an existing structure;

g. Expansion of an existing structure or use, except for those structures or uses specifically prohibited by Section 27.4 below and subject to Section 27.5 below;
h. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels.

27.4 Prohibited Uses

The following structures and uses are prohibited in the Groundwater Protection District:

a. Landfills and open dumps as defined in 310 CMR 19.006
b. Automobile graveyards and junkyards, as defined in M.G.L. c. 140B, §1;
c. Landfills receiving only wastewater and/or septage residuals, including those approved by the Department of Environmental Protection pursuant to M.G.L. c. 21, §26 through 53; M.G.L. c, 111, §17; M.G.L. c. 83, §6 and 7, and any regulations promulgated thereunder;
d. Facilities that generate, treat, store, or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.00, except for the following:
    1. Household hazardous waste centers and events under 310 CMR 30.390;
    2. Waste oil retention facilities required by M.G.L c. 21, § 52A; or
    3. Water remediation treatment works approved by the Department of Environmental Protection for the treatment of contaminated ground or surface waters;
e. Establishments which store petroleum, fuel oil, and/or heating oil, including, but not limited to, gasoline stations, petroleum bulk stations and terminals, and fuel oil dealers;
f. Storage of liquid hazardous materials, as defined in M.G.L. c. 21E., and liquid petroleum products in quantities greater than that required for normal household use, except as allowed by Special Permit in Section 27.5 below and provided such storage is:
    1. Above ground level; and
    2. On an impervious surface; and
    3. Located within a building or within an area with a containment system with a capacity of 110% of the stored amount.
g. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
h. Storage of de-icing chemicals, unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
i. Storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service;
j. Earth removal, consisting of the removal of soil, loam, sand, gravel or any other earth material (including mining activities) to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads or utility works;
k. On-site disposal of wastewater, including industrial and commercial process wastewater, except for the following:

1. Replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
2. Treatment works approved by the Department of Environmental Protection designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); or
3. Publicly owned treatment works.

l. Stockpiling and disposal of snow and ice containing de-icing chemicals, if brought in from outside the district;
m. Storage of commercial fertilizers, as defined in MGL c. 128, §84, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate;
n. Enlargement or expansion of existing structures or uses which are expressly prohibited above, including accessory structures or uses; and
o. Change of an existing use to another use which is expressly prohibited above.

27.5 Uses Requiring a Special Permit

The following uses are allowed only by issuance of a Special Permit from the Planning Board under such conditions as they may require:

a. Uses permitted in the underlying zoning district and not specifically prohibited in Section 27.4 above which will involve the incidental storage of hazardous materials or liquid petroleum products in quantities greater than those associated with normal household use;
b. Any use permitted in the underlying zoning district and not specifically prohibited in Section 27.4 above which will render impervious more than 15% of the lot or 2,500 square feet, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For non-residential uses, recharge shall be by storm water infiltration basins or similar system covered with natural vegetation and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminates. Any and all recharge areas shall be permanently maintained in full working order by the owner.

27.6 Procedure for Issuance of a Special Permit

a. The Planning Board shall be the Special Permit-Granting Authority (SPGA) under this bylaw.
b. Application Requirements:
   Any filing for a Special Permit under the Groundwater Protection District shall be made in accordance with the requirements of M.G.L. Chapter 40A and shall include the following:
   1. One completed Application for a Special Permit (Form 3);
   2. Fourteen (14) copies of a site plan prepared in accordance with Section 4.4 and including, where applicable:
      a. List of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially Hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use

b. For those activities using or storing hazardous materials, a Hazardous Materials Management Plan. The Hazardous Materials Management Plan shall include:
   i. Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and clean-up procedures;
   ii. Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces; and
   iii. iii. Evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.

c. Proposed down-gradient location(s) for groundwater monitoring well(s), should the Planning Board deem the activity a potential groundwater threat.

3. Applicable filing fee.

c. The Planning Board shall transmit a copy of the site plan to the Building Inspector, the Board of Health, the Conservation Commission, the Town Engineer, the Fire Department, the Hazardous Materials Coordinator, and any other agency deemed appropriate by the Board for their written recommendation. These agencies shall submit a written report on the plan within thirty (30) days of the referral. The Planning Board shall not render a decision on the application until all such reports have been received or until the thirty (30) days have lapsed.

d. A public hearing with notice and advertisement shall be held in accordance the provisions of MGL Chapter 40A.

e. The Planning Board shall review the application and plans for compliance with the intent of this bylaw, as well as any specific criteria. In reviewing the application, the Planning Board must make the following findings:
   1. The proposed use shall not, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District; and
   2. The proposed use is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the subject property.

   The Planning Board shall include in any decision the basis for any departure from the recommendations of the other town agencies as well as any specific conditions imposed.

f. The decision shall be rendered and filed in accordance with the provisions of M.G.L. Chapter 40A. If the Special Permit is granted, no work shall commence

until the appeal period has expired and the decision recorded as required by M.G.L. Chapter 40A.

27.7 Violations

Enforcement of the Groundwater Protection Bylaw and any Special Permit and/or Site Plan approved under the provisions of this bylaw shall be in accordance with Section 2.2 and any violation of this bylaw or approval there under is subject to the provisions of Section 2.5. Copies of the written notice of any violation of the Groundwater Protection District Bylaw shall be transmitted to the Planning Board, the Board of Health, the Conservation Commission, the Town Engineer, the Department of Public Works, and Water Department. The cost of containment, clean-up or other action required for correction of the violation and compliance with the Groundwater Protection District Bylaw shall be borne by the owner and operator of the subject property.

SECTION 30

SPECIAL PERMITS

30.1 Authority

The Board of Appeals, hereinafter defined, shall have the power, after first giving notice and holding a public hearing as provided by law to issue the following special permits for the purposes and in the areas indicated.

30.2 Uses Subject to a Special Permit

1. Dog Kennels provided that:
   (a) The dogs are maintained for the personal pleasure of the residents of the premises.
   (b) Sale is limited to litters of the animals maintained for the personal pleasure of the residents of the premises.
2. Land Disturbance of One Acre or More
   a. The disturbance of soil, sod, loam, clay, sand, gravel or quarried stone, of one acre or more, within Danvers, except for single and two-family dwelling units or when in connection with construction activities permitted under Section 4.2.3 of this by-law or under the Rules and Regulations Governing the Subdivision of Land, shall not be permitted unless a special permit is first obtained from the Planning Board.
   b. The special permit shall comply with the submittal requirements of Sections 4.9.3 and 4.9.4 of this by-law. The Planning Board shall find that such disturbance will not constitute a nuisance because of noise, vibration, smoke, dust, gas fumes or odor, and shall not adversely affect the neighborhood or the Town. The Planning Board may attach to such permit conditions as to time and use, including the giving of a bond, so as to safeguard the district and the Town against injury to the stabilized values of the district. The Board shall safeguard the Town as to time of operation and method of transporting the materials excavated.
   c. The Planning Board may, after notice and hearing, revoke such a permit if there is a violation of the terms thereof or if the operations under the permit have been discontinued.

3. Neighborhood Store

   Whereas the Town has experienced large and extensive home developments at great distances from the center of the Town and the commercial district, it would be in the interest of the owners of the homes in these areas and for their convenience to have available to them a neighborhood store. Accordingly, the Board of Appeals is empowered to issue a special permit for such a store, taking into consideration its location, parking facilities, its type of construction and amenities so that it will blend into the neighborhood. The Board of Appeals may attach to such a permit conditions both as to time and use. Such a permit may be granted in any Residence District.

4. Conversion of Houses into Apartments
   a. The dwelling shall have existed prior to July 1, 1980
   b. The conversion shall comply with the required dimensional requirements as set forth in the Table of Dimensional Requirements.
   c. Except for the creation of additional exits if required by law, the exterior appearance of the structure shall not substantially change and shall remain residential in nature.

d. Two (2) off-street parking spaces shall be provided for each unit, unless a reduced number is granted by the SPGA. Parking areas shall not be located within the front yard setback and shall be screened from any adjacent residential use as required by the SPGA.

e. Within the R-II and R-III districts, one (1) unit shall be owner occupied and the additional unit shall not exceed 40% of the total floor area of the structure.

5. Fraternal, Social, Civic and Veterans' Organizations

a. The facility is not open to the public for purposes of serving food and beverages.

b. A determination by the SPGA shall be made that adequate off-street parking is provided.

c. No more than two (2) functions shall take place simultaneously.

6. Danvers Housing Authority Projects for the Elderly

a. The applicant must be the Danvers Housing Authority, its statutory successor, or a developer selected by the Danvers Housing Authority.

b. Buildings shall be not more than two (2) stories in height with no portion of the buildings below the first floor or above the second floor used for dwelling purposes. No building shall contain more than eight (8) dwelling units and no building shall be closer than thirty (30) feet to any other building. Sixteen (16) units per acre is maximum density.

c. The total area utilized for building and parking spaces, exclusive of roadways, shall not exceed thirty percent (30%) of the land area. Adequate off-street parking shall be provided to the extent permitted by applicable Federal and State statutes provided, however, that no permanent parking spaces shall be permitted in required setback areas.

d. The land area, other than that used for buildings, parking or roadways, shall be landscaped with grass, trees, shrubs or ground cover, except for those areas which may be set aside for future development on the same site. Walks and parking areas shall be paved with a hard surface material. An evergreen screen shall be provided along all property lines to a fifty (50) foot setback from the street line. The screen shall consist of a double row of evergreens of at least four (4) feet in height and planted closely enough to prevent viewing through the screen after a period of five (5) years from the occupancy of the buildings constructed under this permit. No off-street parking shall be allowed in the area between the street and the front setback line. No building shall be constructed closer than one hundred (100) feet from any existing dwelling on abutting properties.

e. Except as otherwise provided herein, all provisions of the existing zoning by-law applicable to Residence II District shall be applicable to this specifically excepted use unless otherwise varied by the Board of Appeals in accordance with General Laws, Chapter 40A, and the rules and regulations promulgated by the Board of Appeals. However, every building and structure shall be set back not less than fifty (50) feet from the street line and not less than fifty (50) feet from the rear and side lines. Required frontage on a public way must be continuous frontage.

f. The applicant shall submit his application for special permit including site plans to the Board of Appeals with copies of all documents to the Planning Board. The Planning Board may make recommendations concerning the application to the Board of Appeals within thirty (30) days of the receipt of the application. Thereafter, the Board of Appeals shall hold a public hearing with due notice in accordance with Chapter 40A of the General Laws, and may issue a special

permit subject to any further restrictions and conditions which the Board of Appeals deems necessary.

7. Access and Egress Across District Boundaries by the Planning Board (access / egress from Industrial II and Route 114B to R-IIA shall be exempt)

Access to and egress from land in a different district shall only be allowed if no alternate access to or egress from is available. In such cases, access to and egress from land in a different district shall be allowed provided that:

(a) The land is appurtenant to the land in the different district.

(b) The width of the right-of-way is at least fifty-four (54) feet wide.

(c) The right-of-way is at least seventy-five (75) feet from the adjoining lot lines in the more restricted district.

(d) Screened areas fifteen (15) feet wide shall be provided in the buffer area on both sides of the right-of-way. The screened area shall abut the lot lines and be densely planted with shrubs or trees which are at least five (5) feet high at the time of planting which screening shall not obstruct the view of on-coming traffic when entering or exiting from the property. The planted material, in all respects, shall be maintained in a healthy condition.

(e) Lots of land which are in existence at the time of adoption of this by-law and which, because of their configuration and as a result of 1, 2, and 3 above, at the time of the adoption of this by-law cannot be used for the less restricted use because of insufficient access, may be used in their entirety for the purposes of the adjoining district and all provisions of this by-law relating to the adjoining districts shall apply.

(f) Access roads crossing land zoned Industrial II or Route 114 Corridor Zone B constructed to provide access to parcels in the Residence IIA District shall be exempt from the special permit requirement and the above listed a - e.

8. Activities Accessory to Scientific Research

Activities accessory to activities otherwise permitted within the district as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, whether or not on the same parcel as activities permitted as a matter of right, may be permitted upon the issuance of a special permit provided that the proposed accessory use does not substantially derogate from the public good.

9. Common/Shared Driveways

1. Purpose and Intent

A common/shared driveway shall provide for the following purposes:

a. Consolidate and reduce curb cuts
b. Preserve the natural landscape
c. Reduce potential impacts to the environment specifically wetland crossings
d. Provide alternative land development option for property owners
e. Creation of a separate lot to provide one dwelling structure on one lot

2. Eligibility Requirements

A common/shared driveway must comply with each of the following requirements in order to be eligible for approval:

1. Lots served by a common/shared driveway must be for single family dwelling use only. For purposes of non-residential uses, common / shared

driveways are allowed by right with Site Plan Approval in accordance with Section 4 of this Zoning Bylaw.

2. Lots must be located within the following zoning districts:
    a. Residential I
    b. Residential IA
    c. Residential II
    d. Residential IIA
    e. Residential III
    f. Residential IIIA
3. A common/shared driveway shall serve no more than two (2) lots.
4. All lots served by a common/shared driveway must comply with the frontage and lot area requirements of this bylaw for the district in which the land lies, and, as specified in Appendix II, Schedule of Dimensional Requirements for Residential, or have been granted appropriate relief. It is not intended that common/shared driveways shall service lots, which would not otherwise be buildable because of frontage requirements cannot be met, unless a special permit for a flag lot, in accordance with Section 30.2.10, has been granted.
5. Where new lots are being created through subdivision, an application for a common/shared driveway may be denied if it is determined that the land being subdivided is better served by individual driveways or subdivision approval under the Danvers Subdivision Rules and Regulations. Lots that have been approved with access via a common/shared driveway shall not be permitted to construct an additional access/egress point in the future, unless the previously approved common/shared driveway special permit is rescinded and the portion of the common/shared driveway on the subject lot is removed.

3. Procedural Requirements

The Planning Board will be the Special Permit Granting Authority (SPGA) and may grant a Special Permit with Site Plan Approval for a common/shared driveway as per the voting requirements in accordance with the M.G.L. Chapter 40A.

1. The Planning Board shall not endorse any plan under the Subdivision Control Law for purposes of creating a common/shared driveway unless a special permit has been issued.
2. No zoning and/or building permit shall be issued for a structure served by a common/shared driveway until the lot has been approved as part of a subdivision and/or approval not required (ANR) plan and has been recorded in the Registry of Deeds. This provision shall not apply to existing lots, created prior to the effective date of this bylaw, in which lot line adjustments are not proposed.
3. No zoning and/or building permit shall be issued for a structure served by a common/shared driveway until an access easement, approved by the Planning Board, has been recorded in the Registry of Deeds.
4. Prior to the issuance of an occupancy permit, the common driveway shall be completed as approved.

4. Design Standards

1. The driveway shall not extend more than 300 feet in length from the street line.

2. All driveways shall be a minimum of 16 feet in width to the point where the shared driveway splits into two individual driveways.
3. Driveways shall have a maximum grade of 10 percent.
4. All driveways shall be designed as to adequately provide for stormwater runoff and prevent runoff into the public way.
5. No parking areas or structures shall be located or allowed in the driveway right-of-way.
6. The first 6 feet from the public way layout shall be paved. The remainder of the driveway may be either pavement or gravel; however the Planning Board may require a paved surface.
7. The Planning Board may grant waivers from any of these design standards, as specified in Section 4 above, based upon a determination that the waiver is in the public interest or would further the purpose and intent for a common/shared driveway and subject to the Town of Danvers Department of Public Works Driveway Regulations.

5. General Guidelines
   1. All driveways shall access and egress from the frontage and shall be located entirely within the boundaries of the lots being served.
   2. Ownership and maintenance of a common/shared driveway shall be assured through an easement, satisfactory to the SPGA, which binds current and future owners of each lot served by the common driveway to the responsibility for all maintenance, snowplowing and reconstruction of the driveway which shall be recorded in the Registry of Deeds.
   3. A permanent marker, not greater than 1' x 1', listing the addresses of each property as assigned by the Assessors Office, shall be placed at the end of the driveway, adjacent to the public way.
   4. A permanent marker, not greater than 1' x 1', shall be placed at the intersection where the common driveway splits, indicating the addresses of each home on either side of the split.

6. Application Requirements
   1. The Site Plan shall be a minimum size of 24" x 36" and a minimum scale of 1" = 40'. The plan shall include a signature block with (5) lines for Planning Board approval and shall be signed and stamped by a professional deemed appropriate by the Planning Board. This may include, but not limited to a registered Civil Engineer, Landscape Architect or Architect.

      The site plan shall contain the following: in accordance with Section 4.4 of this zoning bylaw.
      (a) Locus Map;
      (b) The location and name of all streets, indicating whether the street is a public or private way;
      (c) The location, dimensions (length and width) and distance from lot lines for the proposed driveway and any associated pavement;
      (d) Existing and proposed topography contour lines at (1) or (2) foot intervals;
      (e) If applicable due to steep slopes, wetlands, waterways or other natural features, engineering details indicating how drainage and stormwater runoff will be managed;

(f) The location, quantity, size and type of existing and proposed vegetation/landscaping and/or screening for the shared driveway;

2. An easement providing for shared permanent access over the driveway, to current and future owners of each lot.
3. A note of the Site Plan shall read, "The driveway is not a private road or a public road, it does not meet the standards for a Town road, and the driveway shall permanently remain a private driveway."
4. An easement shall include but not be limited to specific standards for maintenance and repair of the driveway and drainage system, provision for allocating financial responsibility, and a procedure for resolution of disagreements.

10. BOARDING, ROOMING, LODGING OR TOURIST HOUSE

a. The appearance of the structure shall be residential in nature.
b. One (1) off-street parking space shall be provided for each room rented.
c. Parking areas shall be screened from any adjacent residential use and parking shall be prohibited within the front yard setback.

11. ADULT USES

1. Purpose and Intent

The purpose of this article is to establish reasonable and uniform regulations of adult entertainment uses within the Town of Danvers. The intent of the bylaw is to address and mitigate the negative secondary effects of adult entertainment uses. Numerous studies, as identified in the Planning Board's Certificate of Action, dated October 21, 2003, have documented that the quality of life in a community is degraded by adult entertainment establishments as a result of increased levels of crime including crimes against children, prostitution and drugs; depreciation of property values; adverse impacts on public health including noise, litter, unsanitary conditions, and traffic. The provisions of this bylaw have neither the purpose nor the effect of imposing limitation or restriction on the content of any communicative materials including sexually oriented materials; and it is not the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult entertainment to their intended market. It is neither the intent nor the effect of this article to condone or legitimize the distribution of obscene or other illegal matter or materials.

2. Definitions

1. Adult Uses: A business, including Adult Bookstores, Adult Motion Picture Theaters, Adult Paraphernalia Stores, Adult Video Stores and any other business which display live nudity located in a building or portion thereof, or a use of land having a substantial or significant portion of its business activity, stock in trade or other matter or materials for sale, rental, distribution or exhibition, which are distinguished or characterized by their emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31. For purposes of this bylaw, each of the businesses defined, as an adult use herein shall constitute a separate adult use business even if operated in conjunction with another adult use business at the same establishment.
2. Adult Bookstore: A business having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, pictures and other matter which are distinguished or characterized by their emphasis

depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31.

3. Adult Motion Picture Theater: An enclosed building or outdoor venue used for public uses, for presenting material (motion pictures, films, video cassettes, cable television, slides, DVDs or any other such visual or electronic media) distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31.
4. Adult Paraphernalia Store: A business having as a substantial or significant portion of its stock in devices, objects, tools, toys or electronic media which are distinguished or characterized by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31.
5. Adult Video Store: A business having a substantial or significant portion of its stock in trade (for sale or rent) motion pictures, films, video cassettes, DVDs and other film material or similar audio/visual media and electronic media which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31.
6. Businesses Which Display Live Nudity: A business offering activities or goods or providing services where employees or entertainers are engaging in full or partial nudity, sexual conduct or sexual excitement as defined In MGL Chapter 272 Section 31.
7. Nudity as defined in M.G.L. c. 272, S. 31
8. Sexual Conduct as defined in M.G.L. c. 272, S. 31
9. Sexual Excitement as defined in M.G.L. c. 272, S. 31
10. Substantial or significant portion of stock: Used within this bylaw shall mean any of the following:
    a. 20 percent or more of the business square footage, inventory or stock of merchandise for sale, rental, distribution, or exhibition during any period of time;
    b. 20 percent or more of the annual number of gross sales, rentals, or other business transactions; or
    c. 20 percent or more of the annual gross business inventory; or
    d. 20 percent or more of the hours during which the establishment is open
11. Business: The term "business", used within this bylaw, refers to certain types of goods and services.

3. Applicability / Eligibility Requirements

1. Adult Uses, as defined in Section 30.2.11.2, shall be prohibited in all zoning districts, except as allowed in the Adult Use Overlay District.
2. No more than one adult use, as defined in Section 30.2.11.2, shall be allowed to operate within the same building, structure or portion thereof. ,
3. All Adult Uses are subject to a special permit by the Zoning Board of Appeals
4. All Adult Uses located within a building, structure or portion thereof are subject to Site Plan Approval as required by Section 4 of this zoning bylaw. The intent of this provision is to ensure that the entire lot, not just the individual adult use, is subject to Site Plan Approval.

5. A special permit for an adult use shall lapse upon any of the following:
   a. A change in the location of the adult uses;
   b. A sale, transfer or assignment of the business or the license;
   c. A change in the ownership or management of the applicant
6. Any adult use granted a special permit shall comply with all other Town Bylaws and all Federal and State statues regarding public nuisances, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof.
7. Adult Book Stores, Adult Paraphernalia Stores and Adult Video Stores as defined in Section 30.2.11.2 shall not be permitted to open for business earlier than 9:00 a.m. and close no later than 9:00 p.m.
8. Businesses which display live nudity and adult motion picture theaters as defined in Section 30.2.11.2 shall not be permitted to open for business earlier than 12:00 p.m. and close no later than 12:00 a.m.
9. No adult use special permit shall be issued to any person, corporation, officer, director, general partner convicted of violating the provisions of M.G.L. c.119, S. 63 or M.G.L. c. 272, S. 2, 3, 4, 4A, 6, 7, 8, 12, 13, 28 and M.G.L c. 265 S. 13B, 13F, 13H, 22, 22A, 23, 24, and 24B. If any person so identified is found to be convicted of violating these MGL's, such Special permit shall immediately null and void.
10. No adult use shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises.
11. Any adult use special permit granted shall expire after a period of 2 calendar years from its date of issuance and shall be automatically renewable for successive 2 year periods thereafter, provided that a written request for such renewal is made to the special permit granting authority prior to the expiration of the then-existing two year period, subject to the request being noticed as specified in MGL Chapter 40A, Section 9. Said notice shall state that the renewal request will be granted unless, prior to the expiration of the then existing permit, a written objection from any individual or entity is received by the Zoning Board of Appeals. In the event of such an objection, a public hearing on the renewal shall be held in accordance with MGL Chapter 40A, Section 9. The existing Special Permit shall remain in effect until the conclusion of the public hearing and decision of the Zoning Board of Appeals either granting or denying the Special Permit renewal, in accordance with the provisions of Section 30.2.11.8. In granting any such renewal, the Zoning Board of Appeals may impose additional conditions, including, without limiting the foregoing, time limits to correct violations, hours of operations and additional screening, upon which a specified lapse of time without correction or compliance shall result in a revocation of the Special Permit.

4. **Establishment of Adult Use Overlay District and Relationship to Underlying District**

The Adult Use Overlay District shall be defined as the portion of land located at the interchange of Route 1, I-95 and Route 114. The location and boundaries of this overlay district are hereby established and part of this bylaw as shown on the Adult Use Overlay District Map, dated October 21, 2003. The Adult Use Overlay District is established as an overlay to the underlying district, so that any parcel of

land lying in the Adult Use Overlay District shall also lie in the zoning district in which it was previously classified, as provided for in this Zoning Bylaw. The adult Use Overlay District includes 64 acres as shown on the map, consisting of the following parcels, as of October 21, 2003:

Map 47	Lot 9	Map 54	Lot 1
Map 47	Lot 24	Map 54	Lot 3
Map 47	Lot 6	Map 54	Lot 4
Map 48	Lot 8	Map 54	Lot 5
Map 48	Lot 10	Map 54	Lot 6
Map 48	Lot 9	Map 55	Lot 1
Map 48	Lot 9A	Map 55	Lot 4

5. Location Requirements

1. Adult uses shall be setback from the following uses as follows:
   a. 500 feet, measured from the structure to the property line of any lot used for residential purposes, including but not limited to such uses as elderly housing, assisted living and nursing homes. Hotels and motels are not considered residential uses for purposes of this section of the bylaw.
   b. 500 feet, measured from the structure to the property line of any lot used for a public or private school, state approved childcare facility, or nursery school.
   c. 500 feet, measured from the structure to the property line of any lot used for a church or other facility used for religious purposes.
   d. 500 feet, measured from structure to structure for any of the following uses where children congregate as listed below:
      i. Bowling Alleys
      ii. Video (electronic) arcades
      iii. Ice Skating Rinks
      iv. Laser Tag arcades
      v. Billiard (pool) halls
      vi. Roller Skating Rink
      vii. Mini Golf
      viii. Golf / Driving Range
      ix. Baseball Batting Cages
      x. Basketball Courts
      xi. Sports Fields
   e. 500 feet, measured from structure to the property line of any park or playground.
   f. 500 feet, measured from one adult use to another adult use, as defined in Section 30.2.11.2, within the overlay district.

The distances specified above shall be measured by a straight line from the nearest exterior wall of the structure in which the proposed adult use is to be located to the nearest property line. For purposes of measuring the required 500 feet separation between two adult uses and the required 500 feet separation between an adult use and a use where children congregate, as listed in Section 30.2.11.5, located within a free standing building or structure, the distance shall be measured by a straight line between the

nearest exterior walls of the building or structure. Where an adult use or any of the other uses, as specified above, are located within a portion thereof of a building or structure, the distance shall be measured by a straight line between the nearest patron entrance to the nearest patron entrance.

Not withstanding the setback distances, as indicated above, where Route 1, I-95 and Route 114, west of I-95, serve as a separation between a proposed adult use and a sensitive use, as indicated above, these roadways may, based upon a determination from the Zoning Board of Appeals, serve as an adequate setback in lieu of the setback distances as indicated above.

6. Site Development Standards

1. All adult use businesses shall comply with the dimensional requirements of the underlying zoning district.
2. The establishment or maintenance of more than one adult business in the same building, structure or portion thereof is prohibited.
3. For all new construction, a continuous landscaped buffer strip shall be installed along the entire perimeter of the lot, except that portion directly needed for access / egress. In the case of an existing structure, whether free-standing, free-standing as part of a larger development or attached as a group of individual stores, the site shall be modified to the maximum extent reasonable to provide a continuous landscaped buffer strip along the entire perimeter of the lot. For purposes of this provision, a continuous landscaped buffer strip shall be defined as a mix of deciduous and evergreen vegetation for a minimum width of ten (10) feet.
4. No signs, advertisement, display or other implements or items shall be displayed in the windows of the business.
5. All building openings, entries and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.
6. No adult use shall have any flashing lights visible from outside the establishment.

7. Application Requirements

The application for a Special Permit for an Adult Use shall include the following information:

1. A completed Adult Use Special Permit application and application fee as required.
2. A sworn statement must be provided stating that neither the applicant, nor the manager, in the Adult use business has been convicted of violating the provisions of MGL Chapter 119, Section 63 or MGL Chapter 272, Section 28;
3. Proposed provisions for securing the safety of the public inside and outside the Adult Use business;
4. The present and proposed physical layout of the interior of the Adult Use business.
5. A locus map highlighting the subject property, displaying the property lines of adjacent lots and building footprints, where applicable, within 1000 feet and the distance measurements to the uses as listed in Section

30.2.11.5. This map shall be a minimum size of 24" x 36" and a minimum scale of 1"=500'. For purposes of verifying distance measurements, the Zoning Board of Appeals may require a smaller scale than 1"=500'.

6. A Site Plan in accordance with Section 4.4 of this zoning bylaw. Withstanding the requirements of Section 4.4 of this zoning bylaw, an application without any exterior construction or modification, the Site Plan shall consist of an existing conditions and proposed landscape Plan.
7. A letter from the property owner acknowledging submittal of the proposed application.
8. Identification of the type of adult use business that is being requested
9. If the applicant is a person, then he /she shall sign the application under the pains and penalties of perjury
10. If the applicant is a corporation, each officer, director, general partner or other person who will participate directly in decisions relating to management shall sign the application under the pains and penalties of perjury and each person signing the application shall be considered a permittee,
11. Each person signing the application must be qualified in accordance with 30.2.11.7.2

8. Criteria for Approval

For purposes of an Adult Use Special Permit, the criteria for approval shall be limited and narrowed based upon definite and objective standards, regardless of Section 30.3 and all other approval criteria within this bylaw. The Zoning Board of Appeals shall grant an Adult Use Special Permit in accordance with this section unless it finds that the proposed adult business taken alone or in combination with other special permitted activities on the premises, would adversely affect the public health, safety or order in that the permitted activities cannot be conducted in a manner as to:

a. Protect employees, patrons and members of the public inside or outside the business from disruptive conduct, from criminal activity, or from health, safety or fire hazards;
b. Prevent an unreasonable increase in the level of noise in the area caused by the adult business or caused by patrons entering or leaving the business;
c. Prevent an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the business or an unreasonable increase in the number of vehicles to be parking in the area of the business; and,
d. Compliance with Section 24.6, Highway Corridor Zone Dimensional and Density Requirements, where applicable.
e. Compliance with Section 25.4, Route 114A, Dimensional and Density Requirements, where applicable.
f. Compliance with any and all requirements of the adult use bylaw stated herein, and any and all other state, federal or local regulations or statutes.

9. Procedural Requirements

The following procedural requirements shall be applicable for an Adult Use application:

1. All applications for a special permit shall be filed by the applicant with the Town Clerk. A copy of the application, including the date and time of

the filing, certified by the Town Clerk, shall be filed by the applicant with the Zoning Board of Appeals.

2. A Special Permit decision shall be issued within 45 days from the date of the filing of an application. Prior to the Public Hearing the Zoning Board of Appeals shall give notice, as specified in MGL Chapter 40A, Section 9. Failure by the Zoning Board of Appeals to take final action within 45 days from the of the filing of an application shall be deemed to be a granting of the permit, unless continued by the applicant and accepted by the Zoning Board of Appeals.
3. A Special Permit granted under this section shall lapse within two years, including such time required to pursue or await the determination of an appeal as referred to in Massachusetts General Laws, Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a permit for construction, if construction has not begun by such date except for good cause.
4. A Site Plan Approval application shall be filed by the applicant with the Town Clerk. A copy of the application, including the date and time of the filing, certified by the Town Clerk, shall be filed by the applicant with the Planning Board. A site plan approval shall be issued within 45 days from the date of the filing of the application. Failure by the Planning Board to take final action within days after the from the date of the filing of an application shall be deemed to be a granting of the permit unless continued by the applicant and accepted by the Planning Board.
5. The applicant may request that the site plan approval and the special permit process occur concurrently and within the same time frame as outlined in Section 30.2.11.9 of this bylaw.

10. Pre-Existing Adult Entertainment Uses located outside the Overlay District

This bylaw does not authorize the continuation of a pre-existing use located outside of the Adult Use Overlay District. However, a pre-existing adult use may continue in operation at its present location, outside the adult use overlay district, on a temporary basis, based upon the following procedures.

1. Any adult use business, as defined in Section 2, in existence prior to the adoption of the bylaw and located outside the adult use overlay district shall apply for a Special Permit within 90 days following the adoption of this bylaw at which time any pre-existing adult use may be permitted by a minimum of a four to one vote of the Board of Appeals to continue in operation at its present location for a period of time not exceeding 12 months following the date of the application for such Special Permit..
2. The Board of Appeals, upon a new special permit application made prior to the expiration of any such period of time and following a new public hearing may grant one additional extension period of time not to exceed 3 months. The adult use business must demonstrate undue financial hardship if forced to close immediately upon failure to obtain a Special Permit to the Board of Appeals in order to obtain any such extension.
3. During such time, an adult use establishment shall not be permitted to expand or enlarge its inventory or stock of merchandise for sale, rental distribution or exhibition.

11. Severability

The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

12. HOSPITAL by the Planning Board (Industrial II District only)

a. Submission of a traffic impact analysis in accordance with Section 4.9.1.of this bylaw

b. A determination by the Planning Board that the proposed development will not create adverse traffic and safety impacts on the adjacent roadways and neighborhood streets.

13. OUTDOOR STORAGE /DISPLAY / SALES

(a) Permissible area of land devoted to the specially permitted outdoor use may not exceed 20% of the indoor principal use devoted to retail sales.

(b) The products, materials, or goods displayed, stored or sold outdoors, by special permit, must not be visible from any residential use.

(c) The goods, materials, and products permissible for outdoor storage, display and sales hereunder, shall explicitly exclude automobiles, motorcycles, or other wheeled vehicles and include only goods materials and products which are customarily stored, displayed, or sold outdoors without the necessity for cover from weather.

(d) The amount of area designated for outdoor storage shall be included in the dimensional requirements for maximum lot coverage, where applicable..

(e) The entire outdoor storage area shall be enclosed by a wall of solid opaque material such as masonry or solid wood fencing which will not derogate from the surrounding area.

(f) Landscaping shall be provided around the perimeter of the storage area.

(g) Only living plants can be higher than the surrounding vertical structural screening. The applicant for special permit under this section shall comply fully with the Site Plan Approval process in Section 4, regardless of exemptive criteria otherwise applicable (building footprint, percentage of increase, etc.) contained in Section 4.2 "Table I."

14. Parking Lot – Structured (Parking Garage) by the Planning Board

a. Parking garages as an accessory use to a use permitted by right, height not to exceed twenty-five feet (25'), provided:

(1) All conditions of Site Plan Review under Section 4 of this By-Law have been met.

(2) The Planning Board has reviewed and accepted the Community Impact Assessment as outlined in Section 4 of the Zoning By-Laws The submission of a Community Impact Assessment shall empower the Planning Board to establish conditions of approval as may be reasonably deemed necessary to mitigate traffic, stormwater drainage, and visual impacts resulting from any proposed development.

(3) In addition to the above referenced site plan criteria, the Planning Board shall also make the following determinations:

(a) A determination that the proposed use is compatible with the existing land/property uses in the environs to, and abutting, the property.

(b) A determination that the proposed use will not substantially and negatively impact upon the provision of Town utilities, police, and fire services.

30.2.16 MULTI-FAMILY AFFORDABILITY PROVISION

1. Purpose and Intent

The requirements of this subsection are established for the purpose of:

a. increasing the supply of rental and ownership housing in the Town of Danvers that is permanently available and affordable to low and moderate-income households;

b. developing and maintaining a satisfactory proportion of the Town's housing stock as affordable units; and

c. contributing affordable housing units to the town's Subsidized Housing Inventory.

2. Applicability

The requirements of this subsection 30.2.16 apply to any multi-family residential development of five units or more subject to approval by Planning Board Special Permit.

3. Requirements

a. 12.5 percent of the units in any multi-family residential development of eight units or more (the "Affordable Housing Units") requiring a special permit shall be sold or rented to households with incomes at or below 80 percent for for-sale housing and 60 percent for rental housing of the Median Regional Household Income (as determined by the U.S. Department of Housing and Urban Development (HUD) pursuant to the Housing Act of 1937, as amended and adjusted for family size), and shall be restricted to sales prices or monthly rents that are affordable to such households. The sales price or monthly rent shall, in all instances, be such that the dwelling unit qualifies as a local initiative unit under the Commonwealth's Local Initiative Program (LIP) and meets the requirements of a subsidized housing unit for the purposes of listing in the Town's subsidized housing inventory under G.L.C. 40B Sec. 20-23. For purposes of this bylaw, rental housing shall be deemed affordable if rents (including utilities or a HUD-approved utility allowance if utilities are paid separately by tenants) do not exceed 30 percent of 50 percent of the gross monthly Median Regional Household Income for a family of four, adjusted for the bedroom size of the unit in accordance with the protocols accepted under Section 42 of the federal tax code. For-sale housing shall be deemed affordable for purposes of this bylaw if it is priced so that monthly principal, interest, tax, and property insurance costs and condominium fees (if applicable) do not exceed 30 percent of 70 percent of gross monthly Median Regional Household Income for a family of four, adjusted for the bedroom size of the unit, using the best generally available mortgage terms and rates for such borrowers. Where the application of this formula results in a fractional housing unit, a fraction of one half of a dwelling unit shall be considered as one Affordable Housing Unit; other fractions shall require the payment of the unit fee specified in (c) below.

b. For multi-family residential developments of five to seven units requiring a Special Permit, the applicant shall, in consideration of such permit, provide either one Affordable Housing Unit in accordance with 3. a., 4., 5., and 6. of this Section 30.2.16., or pay a fee to the Town to provide affordable housing in Danvers.

c. Fees shall be calculated on a pro rata basis, and shall be $10,000 per unit for rental developments. The payment-in-lieu fee for for-sale units is established based on the following scale, based on the number of newly created units, and calculated as a percentage of the gross sales price of the units in the development. The percentage to be applied to the gross sales price of each unit shall be as follows:

Fractional Units subject to Affordability requirement	**Fee as a percent of average gross sales price of all units in development**
1st unit	2.5%
2nd unit	2.9%
3rd unit	3.3%
4th unit	3.8%
5th unit	4.2%
6th unit	4.6%
7th unit	5.0%

The above fees may be adjusted by the Planning Board from time to time through the issuance of guidelines or regulations. Such adjustments shall reflect both changes in the median contract price for newly constructed homes in the Northeast U.S., as reported annually by the U.S. Census Bureau, and changes in the maximum sales price for single-family homes developed for sale to households at or below 80 percent of Median Regional Household Income through programs administered by the Massachusetts Department of Housing and Community Development.

4. Segmentation

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

5. Conditions of Approval

a. Continued Affordability
Affordable housing units developed pursuant to this bylaw shall be subject to long-term use restrictions and, where applicable, resale restrictions, to ensure that

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

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

c. Family Units
Except as otherwise provided by the Planning Board, affordable units shall contain a minimum of two bedrooms and shall be in every way suitable for family occupancy.

d. Alternative Requirements
The Planning Board may reduce the required percentage of affordable housing units from 12.5 percent to not less than five percent of the units permitted if such Affordable Housing Units are sold or rented at prices affordable to households at or below fifty (50%) percent of the Median Regional Household Income. The Planning Board may also increase the required percentage of affordable housing units from 12.5 percent to not more than fifteen percent of the permitted units if it determines that federal, state or local subsidies are available to defray the cost to the applicant of providing any affordable units in excess of 12.5 percent.

6. Off-site Location

With the approval of the Planning Board, this Multi-Family Affordability requirement may be met through the provision of some or all of the required affordable units on an alternative site or sites suitable for housing use. Off-site units shall be newly created, affordable units and at least equal in number to the affordable units that would have been provided on-site. Affordable off-site units required by this section may be located in an existing structure and may replace any of the dwelling units contained in the structure. Affordable units provided through this provision shall comply, in all respects other than on-site location, with the requirements of Section 30.2.16 and all other requirements of the zoning bylaw.

7. Compliance

a. Permit Conditions

No Special Permit shall be issued without appropriate restrictions to ensure that the provisions of this subsection are made binding upon the applicant.

b. Occupancy Conditions
No certificate of occupancy shall be issued for any market-rate units in a development covered by this subsection until all deed covenants and/or other documents necessary to ensure compliance by the applicant with the requirements of this subsection have been executed. The Planning Board may grant a waiver to this requirement and allow incremental release of certificates of occupancy provided that adequate provisions are in place to ensure that the provisions of this subsection are made binding upon the applicant.

30.2.17 SIGNS WITHIN THE DOWNTOWN IMPROVEMENT DISTRICT

In particular instances, the Board of Appeals may grant a Special Permit to allow more than the number of signs, signs of greater size, or a sign in a location other than herein above specified, if it is determined that the architecture of the building, the location of the building with reference to the street, or the nature of the use being made of the property is such that an additional sign or signs should be permitted in the public interest. The Board of Appeals shall specify the size and location of the sign or signs and shall impose such other terms and restrictions as it may deem to be in the public interest.

30.3 Conditions for Special Permits

Before granting a special permit, the Special Permit Granting Authority (SPGA) shall be satisfied that:

1. The municipal water and sewer systems shall not become overloaded by the proposed use.
2. The public streets shall not become overloaded by proposed use.
3. The value of other land and buildings will not be depreciated by the proposed use.
4. The specific site is an appropriate location for the use or structures.
5. The use developed will not adversely affect the neighborhood.
6. There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure and condition.
7. The proposed use or structure will be in harmony with the general purpose of this by-law.

30.4 Provisions for Special Permits

The following general provisions shall apply to any special permit required by this by-law:

1. Unless otherwise specified in this by-law, the SPGA is the Board of Appeals.
2. Any approval of a special permit which has been granted pursuant to this by-law shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced, except for good cause, or in the case of a permit for construction, if construction has not begun by such date, except for good cause.
3. The SPGA may impose conditions, safeguards, and limitations both of time and use, as it may deem reasonably appropriate to protect the neighborhood or otherwise serve the purpose of this by-law.

30.5 Procedures for Special Permits

Special permits shall only be issued following public hearings held within sixty-five (65) days after filing of an application with the SPGA and the Town Clerk.

SECTION 31

FLOOD PLAIN DISTRICTS AND FLOODWAYS

31.1 Purpose

The purpose of this section is to provide that lands in the Town of Danvers subject to seasonal or periodic flooding as described hereafter shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupant thereof, or to be detrimental to the public health, safety or welfare.

31.2 District Boundaries

"The Flood Plain District" (District) is herein established as an overlay district and is superimposed on existing zoning districts. All uses, dimensional requirements, and other provisions of the Zoning bylaws applicable to such underlying zoning districts shall remain in force and effect, except where the restrictions and requirements of the District established herein are more restrictive, the latter shall prevail.

The District includes all special flood hazard areas within the Town of Danvers designated as Zone A or Zone 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 (NFIP) dated July 3, 2012. The map panels of the Essex County FIRM that are wholly or partially within the Town of Danvers are panel numbers 25009CIND1A, 25009CIND2A, 25009C0384F, 25009C0392F, 25009C0401F, 25009C0402F, 25009C0403F, 25009C0404F, 25009C0406F, 25009C0408F, 25009C0411F, 25009C0412F, and 25009C0416F dated July 3, 2012. The exact boundaries of the District may be defined by the one-hundred (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."

31.3 Applicability

The following activities within the District are subject to review and zoning approval (Regulated Activities):

1. Erection or expansion of any building or structure.
2. Filling, dredging, paving, drilling, mining, land clearing and grading.
3. Obstructing or changing the course of any tidal river or altering the shoreline of any tidal Flood Plain.
4. Storage of materials and/or equipment.

31.4 Definitions

AREA OF SPECIAL FLOOD HAZARD is the land in the Flood Plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, AE, or VE.

BASE FLOOD means the flood having a one percent (1%) 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.

DISTRICT means the Flood Plain District.

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.

FLOOD PLAIN means any land area susceptible to being inundated by water from any source.

FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters; or (2) The unusual and rapid accumulation or runoff of surface waters from any source.

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 (44C.F.R. §60.3), as amended from time to time.

MANUFACTURED HOME means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For Flood Plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one-hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for Flood Plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a Flood Plain 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 a FIRM as Zone A, AO, AE, AH, and/or VE.

STRUCTURE means, for Flood Plain 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 fifty percent (50%) 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 fifty percent (50%) 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 one-hundred (100) year Flood Plain area where 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 one-hundred (100) year Flood Plain where the base flood elevation has been determined.

ZONE X means 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.

31.5 Procedural Requirements

Prior to the commencement of any regulated activity (Sub-section 31.3), a zoning permit shall be obtained from the Building Inspector. The following procedures shall occur prior to the issuance of a zoning permit from the Building Inspector:

1. Three (3) copies of the application, with maps and data relative to quantities of material to be deposited or removed, and other engineering data required for review, in accordance with Sub-section 31.6, shall be submitted to the Building Inspector.

2. The Building Inspector shall transmit one (1) copy of the application to the Town Engineer who shall, upon review and approval per the requirements in Section 31.6, provide a report to the Building Inspector within thirty (30) days.

3. Review and approval by the Building Inspector per the requirements in Section 31.6 of this bylaw and the Massachusetts State Building Code.

4. Upon receipt of the required written approval from the Town Engineer, the Building Inspector may issue a zoning permit including any recommended conditions.

31.6 Conditions for Review and Approval

The following standards shall be adhered to:

1. The basement floor elevation for any structure having sustained living occupancy shall be at or above the base flood elevation as shown on the FIRM. Other structures shall meet the elevation or flood-proofing requirements, as appropriate, in accordance with 780 CMR, Massachusetts State Building Code. Within Zone A, where the base flood elevation is not shown on the FIRM, the applicant shall obtain any existing base flood elevation data as a basis for the elevation and flood-proofing requirements.

2. Structures shall be so designed and secured that during flooding the foundation will not be undermined, or the structure will not be floated off, battered off, or swept away.

3. Safe vehicular and pedestrian movement to, over and from the premises shall be provided on ways having a minimum profile elevation of no less than the base flood elevation.

4. There shall be no danger of pollution to the public or on-site water facilities because of the location or elevation of the building, filling of the area, or for other related reasons.

5. The containment of sewage, the safety of gas, electric, fuel and other utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocution or any other dangers due to flooding shall be adequately protected.

6. Methods of drainage shall be adequate.
7. Other land in the Flood Plain District shall be protected against detrimental or offensive uses of the premises.

8. A professional registered engineer shall stamp and certify all plans and provide a written certification that all of the conditions for approval, per Sub-section 31.6, have been satisfied with a particular notification that the project has been designed in such a manner that any encroachment shall not result in any increase in flood levels during the occurrence for the one-hundred (100) year flood and any encroachment shall comply with the flood plain requirements of the State Building Code.

9. In Zones A 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 which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

10. Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, within unnumbered A Zones.

11. In Zone AE, along watercourses in the Town of Danvers that have a regulatory floodway designated on the current Essex County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

12. 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.

13. Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

31.7 Determination of Applicability

If any land within the Flood Plain District is proved to the Building Inspector to be in fact not subject to flooding or suitable for human occupancy because of drainage and topographic conditions, and if the use of such land will not be detrimental to the public health, safety and welfare, the Building Inspector may issue a zoning permit.

31.8 Notification of Watercourse Alterations

Upon submission of the application to the Building Inspector, evidence shall be provided that the following entities have been notified, in writing and including copy of the application and plans, of a pending zoning permit where the regulated activity involves altering or relocating a watercourse:

1. The adjacent communities of Beverly, Salem, Peabody, Middleton, Topsfield and Wenham:

2. National Flood Insurance Program (NFIP) State Coordinator
   Massachusetts Department of Conservation & Recreation
   251 Causeway Street, Suite 600-700
   Boston, MA 02114-2014 and;

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

31.9 Compliance with Existing State Regulations

In addition to the compliance with this section of the Zoning Bylaw, all development in the Flood Plain District, including structural and non-structural activities, whether permitted by right or by special permit, must also be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws as well as the following:

1. The applicable section(s) of the Massachusetts State Building Code (780 CMR) which addresses Flood Plain and coastal high hazard areas;

2. Wetlands Protection Regulations, Massachusetts Department of Environmental Protection (MADEP) (310 CMR 10.00);

3. Inland Wetlands Restriction, MADEP (310 CMR 13.00);

4. Minimum Requirements of the Subsurface Disposal of Sanitary Sewage, MADEP (310 CMR 15.00, Title 5).

Any variances from the provisions and requirements of the above referenced State Regulations may only be granted in accordance with the required variance procedures of those contained in such State Regulations.

31.10 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of this bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of this bylaw.

31.1 Purpose

The purpose of this section is to provide that lands in the Town of Danvers subject to seasonal or periodic flooding as described hereafter shall not be used for residence or

other purposes in such a manner as to endanger the health or safety of the occupant thereof, or to be detrimental to the public health, safety or welfare.

31.2 District Boundaries

1. Flood Plain Districts include all special flood hazard areas designated as Zone A, A1-30, on the Danvers Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps, dated July 2, 1980, on file with the Town Clerk, Planning Board and Building Inspector.
2. Floodways include all areas designated as "floodways" on the Danvers Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps, dated July 2, 1980, on file with the Town Clerk, Planning Board, and the Inspector of Buildings.
3. The Danvers Flood Insurance Rate Maps (FIRM), the Flood Boundary and Floodway Maps, dated July 2, 1980 and the accompanying Danvers Flood Insurance Study are incorporated herein by reference.

31.1 Applicability

The following activities are subject to review and zoning approval:

1. Erection or expansion of any building or structure.
2. Filling, dredging, paving, drilling, mining, land clearing and grading.
3. Obstructing or changing the course of any tidal river or altering the shoreline of any tidal flood plain.
4. storage of materials and / or equipment

31.4 Procedural Requirements

Prior to the commencement of any regulated activity the following procedures shall occur prior to the issuance of a zoning permit from the Building Inspector:

1. Three applications, with maps and data relative to quantities of material to be deposited or removed, and other engineering data required for review, in accordance with sub-section 31.5, shall be submitted to the Building Inspector.
2. The Building Inspector shall transmit one copy of the application to the Town Engineer who shall, upon review and approval per the requirement of Section 31.5, provide a report to the Building Inspector within 30 days.
3. Review and Approval by the Building Inspector per the requirements in Section 31.5 of this bylaw and the Massachusetts State Building Code.
4. Upon receipt of the required written approval from the Town Engineer, the Building Inspector may issue a zoning permit including any recommended conditions.

31.5 Conditions for Review and Approval

The following standards shall be adhered to::

1. The basement floor elevation for any structure having sustained living occupancy shall be at or above the base flood elevation as shown on the FIRM. Other structures shall meet the elevation or flood-proofing requirements, as appropriate, in accordance with 780 CMR, Massachusetts State Building Code. Within Zones A, where the base

flood elevation is not shown on the FIRM, the applicant shall obtain any existing base flood elevation data as a basis for the elevation and flood-proofing requirements.

2. Structures shall be so designed and secured that during flooding the foundation will not be undermined, or the structure will not be floated off, battered off, or swept away.
3. Safe vehicular and pedestrian movement to, over, and from the premises shall be provided on ways having a minimum profile elevation of no less than the base flood elevation.
4. There shall be no danger of pollution to the public or on-site water facilities because of the location or elevation of the building, filling of the area, or for other related reasons.
5. The containment of sewage, the safety of gas, electric, fuel and other utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocution or any other dangers due to flooding shall be adequately protected.
6. Methods of drainage shall be adequate.
7. Other land in the Flood Plain District shall be protected against detrimental or offensive uses of the premises.
8. A professional registered engineer shall stamp and certify all plans and provide a written certification that all of the conditions for approval, per sub-section 31.5, have been satisfied with a particular notation that the project has been designed in such a manner that any encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood and any encroachment shall comply with the flood plain requirements of the State Building Code.

31.6 Determination of Applicability

If any land defined in the by-laws as being in the Flood Plain District is proved to be in fact not subject to flooding or suitable for human occupancy because of drainage and topographic conditions, and if the use of such land will not be detrimental to the public health, safety and welfare, the Building Inspector may issue a zoning permit.

31.7 Notification of Watercourse Alterations

Upon submission of the application to the Building Inspector, evidence shall be provided that the following entities have been notified, in writing including copy of the application and plans, of a pending zoning permit to alter or relocate a watercourse:

1. The adjacent communities of Beverly, Salem, Peabody, Middleton, Topsfield and Wenham;
2. National Flood Insurance Program (NFIP) State Coordinator
   Massachusetts Office of Water Resources
   251Causeway Street, Suite 600-700
   Boston, MA 02114-2104 and
3. NFIP Program Specialist
   FEMA Region 1, Room 462
   J.W. McCormack Post Office & Courthouse
   Boston, MA 02109

31.8 Compliance with Existing State Regulations

In addition to the compliance with this section of the Zoning Bylaw, all development in the Flood Plain District, including structural and non-structural activities, whether permitted by right or by special permit, must also be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws as well as the following:

- The applicable Section(s) of the Massachusetts State Building Code (780 CMR) which addresses floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP);
- Inland Wetlands Restriction, DEP; and
- Minimum Requirements of the Subsurface Disposal of Sanitary Sewage, DEP.

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

SECTION 32

HATHORNE WEST

32.1 Purpose

The purpose of this district is to manage the redevelopment of a portion of the former Danvers State Hospital campus. It is the intent of this by-law to retain the site's open and natural landscape, while allowing redevelopment to enhance historic preservation of buildings and historical features, vistas, and the natural character of the site. Section 32 incorporates findings from the Danvers State Hospital Re-Use Study, dated March 25, 1993, and the Danvers State Hospital Re-Use Implementation Report, dated July 29, 1994. In the Hathorne West District, a developer may choose to conform to either all of the controls which govern the base District and as set forth in Sections 32.2 through 32.5 below, and/or the Planned Development Area (PDA) development controls and processes as set forth in Sections 32.6 through 32.12.

32.2 Uses Permitted by Right

1. Specialized Elderly Residence and Care Facilities
2. Nursing Homes
3. Daycare Facilities
4. Hospital and Healthcare Facilities
5. Agricultural, Floricultural and Horticultural Uses, provided there are no retail sales from the premises (unless otherwise allowed under MGL 40A, S.3)
6. Educational Facilities
7. Wireless Communication Link:
   (a) Ground mounted.
   (b) Roofline mounted allowed as an accessory use.
8. Accessory uses, not to exceed 15% of the gross floor area of the structures on the lot; the provisions of this Section 32.2 (7) shall not apply to parking structures.

32.3 Dimensional Requirements for Uses Permitted by Right

Minimum Lot Area	8 Acres
Maximum Building Height for new construction This height restriction shall not apply to any structures existing as of November 29, 1999, even when such structures are modified, reconstructed or restored, so long as the height thereof is not increased.	36 feet
Maximum Height for Wireless Communication Link (If the link is located outside the building, the measurement is twelve (12) feet from roofline or ground). One (1) exterior roof mounted wireless communication link per each primary tenant. Interior (not visible from the exterior)	12 feet

links, as accessory to the primary use, are unlimited as to the number or height.

Maximum Lot Coverage for all impervious surfaces This maximum lot coverage restriction shall not apply to any structures existing as of November 29, 1999, even when such structures are modified, reconstructed or restored, so long as the lot coverage is not increased.	50 percent
Maximum Floor Area Ratio	0.20
Minimum Setbacks	
Front	
Structures	30 feet
Parking	30 feet
Side and rear	
Structures	20 feet
Parking	20 feet
These setback requirements shall not apply to any structures existing as of November 29, 1999, even when such structures are modified, reconstructed or restored, so long as the setback thereof is not decreased.	
Minimum Frontage This requirement shall not apply to any structures existing as of November 29, 1999, even when such structures are modified, reconstructed or restored, so long as the frontage thereof is not decreased.	300 feet
Minimum Distance Between Structures This requirement shall not apply to any structures existing as of November 29, 1999, even when such structures are modified, reconstructed or restored, so long as the distance thereof is not decreased.	30 feet

32.4 Parking

In developments where Section 4, Site Plan, is applicable, the Planning Board shall review the adequacy of parking using the following parking and parking lot design criteria:

1. Parking requirements as found in Section 4.5.1 of this zoning by-law as most recently amended;
2. Review of possible shared parking on the same lot options for uses on that lot with differing peak usage for possible reduction in parking requirements;

3. Location of parking areas for the safety and convenience of the users of the site by means of proper setbacks, buffering and screening;
4. Review of benefit to overall site design, other visual impacts, and convenience for the siting of a structured parking facility and/or surface parking;
5. To promote inbound and outbound traffic flow within the lot, so as not to create conflicting movements;
6. To promote inbound movement for less backup onto the streets fronting the property, and to avoid conflicts with the inbound flow of cars;
7. To locate the project access point, to provide visibility of the site before access is reached, to prevent difficulties of motorists missing the access point, and creating congestion on the streets;
8. To ensure the convenience and safety of pedestrians traversing through the site;
9. To create parking that is buffered and screened from adjacent land uses.

The following parking requirements shall be adhered to for the uses permitted by right:

Specialized Elderly Residence and Care Facilities	1 space per employee on the largest shift, plus one space per four units/beds for assisted living, nursing care, acute and specialized care; plus one space per unit for independent living and congregate living
Nursing Homes, Hospital and Healthcare Facilities	1 space per employee on the largest shift, plus one space per four beds
Daycare Facilities	1 space per employee on the largest shift, plus one space per 300 gross square feet with associated drop off area
Agricultural, Floricultural, and Horticultural Uses	1 space per employee on the largest shift, plus one space per 200 gross square feet of retail area
Educational Facilities	1 space per employee on the largest shift, plus one space per 4 seats of auditoriums and gymnasiums with associated drop off area
Demand Based Parking (By Special Permit)	The ability to provide less than the required number of parking spaces listed above is governed by a Special Permit granted by the Planning Board, under the procedure of Section 30 of this by-law

A request for a Demand Based Parking Special Permit shall include:

(a) Site Plan showing the following:
  (1) Existing/Proposed Building and entrance points
  (2) Existing/Proposed Parking Layout with Calculation Table

(b) Letter of explanation with data supporting the proposed parking needs at the site in relation to the land use, operational needs, and the number of employees.

The Special Permit, if granted, shall be conditioned on the property's use. If said use changes, the property owner shall apply for a modification to the Special Permit.

32.5 Signage

The following signs shall be allowed in the Hathorne West District:

1. A maximum of one (1) identifying sign shall be allowed for each lot.
   (a) Identifying signs may be placed on the building wall or may be a ground sign between the street and the building.
   (b) If the lot fronts on two (2) or more streets, one (1) sign facing each street shall be allowed, up to a maximum of two (2) signs per lot, provided both are ground signs.
   (c) The area of any wall sign shall not exceed thirty-two (32) square feet. A wall sign shall be attached directly to the face of the building, and may not project more than twelve (12) inches from the wall to which it is attached. A sign shall not project beyond outside edge of wall(s).
   (d) The area of any ground sign shall not exceed thirty-two (32) square feet, and shall be set back a minimum of ten (10) feet from the street line. Maximum ground sign height is five (5) feet.
   (e) No sign, portion of a sign, or structural support for such sign may extend above the lowest point of the roofline of a building.
2. Signs necessary to give clear directions to a parking lot or building entrance on the premises or lot are permitted. Such signs shall not exceed four (4) square feet in area, nor shall they stand more than four (4) feet high. No advertisement of the business/establishment is allowed for this type of signage.
3. One memorial sign or tablet per building indicating the name of the building and/or date of erection, if not exceeding two feet by three feet (2' x 3') in size and if carved into or attached in such a way as to be an integral part of the building, and without separate illumination, shall be allowed.
4. General Requirements
   (a) Any lighting of a sign shall be constant (non-blinking), stationary and installed in a manner that will prevent light from falling on any street or adjacent property. Lighting shall be directed solely at or be internal to the sign.
   (b) No sign shall be illuminated between the hours of 11 p.m. and 6 a.m. except signs on premises open for business and signs as provided for in Section 32.5.2.
   (c) Signs shall not be designed, colored, or placed to create a hazardous condition for motor vehicle traffic. Illumination of signage shall conform to the lighting requirements of Section 4 of this by-law, as most recently amended.
   (d) No animated, moving, or flashing signs shall be permitted on the building or in the building to be seen from the outside, on the lot or the adjacent lot. Traditional holiday decorations and lights, when in season, are allowed.
   (e) Temporary real estate signs advertising rental, lease, or sale of the property, or part thereof, shall be allowed for each use for up to ninety (90) days by application to the Building Inspector. Such signs shall be set

back a minimum of ten (10) feet from the street line, shall be unlighted and shall not exceed twelve (12) square feet in area. Renewals of temporary real estate signs shall be allowed by application to the Building Inspector.

(f) No window signs or any other signage that is visible from the outside is allowed.

(g) The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure that, in the judgment of the Building Inspector, is dangerous or in disrepair or which is erected or maintained contrary to this by-law. Such repair or removal shall be the responsibility of the building owner, and must be completed within thirty (30) days of notification by the Building Inspector. Appeals from the Building Inspector's order shall be held by the Zoning Board of Appeals.

(h) Within one hundred and twenty (120) days of the closing of a business, all wording must be painted over or obliterated by the building owner.

32.6 Special Permit in Planned Development Area (PDA)

In this District, a Special Permit may be granted by the Planning Board to allow for single or multipurpose integrated commercial, and/or residential uses on a lot as a Planned Development Area. This Special Permit is not limited to an individual lot, but one application may be submitted and reviewed for a single Special Permit for multiple lots.

32.7 Uses Allowed in Planned Development Area

1. Listed below are primary uses in the PDA.

Offices, research laboratories and establishments for the sale and dispensing of services, including offices of all types of businesses and professions, excluding services involving any type of repair of motor vehicles.

Convention/Conference/Meeting Facilities

Hotels/Motels

Nursing Homes

Daycare Facilities

Educational Facilities

Hospital and Healthcare Facilities

Specialized Elderly Residence and Care Facilities

Single Family Cluster Subdivisions, subject to the requirements for cluster subdivision in the Residence III district per Section 33 - Cluster Development

Multiple-Family Dwellings

2. Listed below are secondary uses in the PDA. Secondary uses may not exceed thirty (30%) percent of the gross floor area of the PDA.

   Light Manufacturing, if an accessory to Primary Use

   Arts and Crafts Studios

   Movie/Video/Theater Production Facility

3. Listed below are tertiary uses. Tertiary uses provide minor support to the primary and secondary uses and may not exceed fifteen (15%) percent of the gross floor area of the PDA.

   Stores or establishments for the sale at retail of merchandise or goods of every nature

   Restaurants

   Indoor/Outdoor Entertainment/Recreation/Sports Facilities

4. Structured Parking Facilities and Surface Parking Areas, whether or not they are located on the same lot as the facilities they serve, provided they are within the zoning district

5. Wireless Communication Link

32.8 Signage in the PDA

The signage regulations specified in Section 32.5 of this by-law apply to signage proposed within the PDA.

32.9 Dimensional Criteria for Uses in the PDA

Listed below are the dimensional requirements in the PDA.

1.	Minimum Planned Development Area	8 acres
2.	Minimum Lot Area The Planning Board may approve a lot of less than four acres, but no less than two acres, provided there is an increase in the contiguous, usable open space and/or a reuse of the existing buildings, building design, and/or building siting.	4 acres
3.	Minimum Setbacks	
	Structures (including Structured Parking Facilities)	
	Front	30 feet
	Side and rear	20 feet

The Planning Board may approve reduced building setbacks where either clustering of buildings are shown to reduce additional impervious surface and/or if there is re-use of the existing buildings, building design, and/or building siting.

Surface Parking Areas	
Front	30 feet
Side and rear	20 feet

The Planning Board may approve reduced setbacks for Surface Parking Areas in cases where parking shall serve buildings on two (2) or more lots and/or parking shall be shared among uses with different peak occupancy times.

4. The Maximum Building Height of any newly constructed building shall be no more than four (4) stories, not to exceed fifty (50) feet. This height restriction shall not apply to any structures existing as of November 29, 1999, even when such structures are modified, reconstructed or restored, so long as the height thereof is not increased.

   Structures located within two hundred fifty (250) feet from the R.O.W. for Maple Street/Route 62 shall not exceed thirty-six (36) feet in height.

   A determination of building height excludes architectural features (including but not limited to cornices, cupolas, domes and other ornamental features), facade treatments, and building entranceway enhancements extending above rooflines, that do not constitute gross leasable space and are not designed for human occupancy and excluding mechanical penthouses.

   Architectural features described above shall not extend more than ten (10) feet beyond the roofline of the structure (except for wireless communication links).

Maximum Height for Wireless Communication Links (rooftop or ground installation) twelve (12) feet (from roofline or ground). One (1) exterior roof mounted wireless communication link is allowed per each primary tenant(s).	12 feet
Structured Parking Facilities, including height of barrier, screening and/or parapet	30 feet

5. Maximum Lot Coverage for all impervious surfaces shall be no more than fifty percent (50%), except as noted below:

For PDA applications using the Kirkbride building (or any historically significant portion thereof as determined by the Planning Board in consultation with Mass Historical Commission), Maximum Lot Coverage shall be no more than sixty percent (60%).

The Planning Board may allow up to sixty percent (60%) maximum lot coverage on PDA applications where: (1) no less than ten percent (10%) of the area of the PDA is to be granted by deed or easement for public recreation, access to or use of existing cemeteries or open space, and (2) where the Planning Board judges that the area dedicated to such purpose meets a significant and demonstrable public need.

In any instance, no more than fifty percent (50%) of the Maximum Lot Coverage of the PDA shall be dedicated to Surface Parking Areas and/or Structured Parking Facilities.

6. Maximum Floor Area Ratio 0.20

The Planning Board may consider a floor area ratio up to and including .25 for a PDA where at least fifty percent (50%) of the historically protected portions of the Kirkbride Building is preserved for reuse or at least forty percent (40%) of the PDA is devoted to Specialized Elderly Residence and Care Facilities, and/or multiple-family dwellings.

7. Minimum Frontage 150 feet

The Planning Board may approve a reduction in frontage in concert with a reduction in the minimum lot area.

32.10 Parking

The Planning Board shall review the adequacy of parking provided using the following parking and parking lot design criteria:

1. Parking requirements as found in Section 4.5.1 of this zoning by-law as most recently amended;
2. Review of possible shared parking options for uses with differing peak usage for possible reduction in parking requirements;
3. Location of parking areas for the safety and convenience of the users of the site by means of proper setbacks, buffering and screening;
4. Review of benefit to overall site design, other visual impacts, and convenience for the siting of a structured parking facility and/or surface parking;
5. To promote inbound and outbound traffic flow within the lot, so as not to create conflicting movements;
6. To promote inbound movement for less backup onto the streets fronting the property, and to avoid conflicts with the inbound flow of cars;

7. To locate the project access point, to provide visibility of the site before access is reached, to prevent difficulties of motorists missing the access point, and creating congestion on the streets;
8. To ensure the convenience and safety of pedestrians traversing through the site;
9. To create parking that is buffered and screened from adjacent land uses.

32.11 Criteria and Procedures for Review of Special Permits

1. The procedural criteria for approval of a Special Permit is through the submission of a Site Plan and Community Impact Assessment as described in Section 4 of this by-law, as well as MGL Chapter 40A. In addition to this submittal, the applicant shall submit the following:
   (a) Statement of development concept, including the planning objectives and the character of the development to be achieved through the PDA;
   (b) Development schedule indicating the date when construction of the PDA would commence and expected completion, including any proposed phasing of development;
   (c) Statement of how utilities and other infrastructure will be provided, including design standards;
   (d) Impacts of, mitigation and benefits from, the PDA;
   (e) Public access and recreation opportunities resulting from the PDA.
2. Applicants for PDA Special Permits shall comply with the Planning Board's Development Guidelines Manual in effect upon the application date.
3. Design and construction shall comply with the regulations set forth in Section 4 of this by-law.
4. The Planning Board may require the use of consultant(s) to assist in its review of the PDA. This shall be at the expense of the applicant, in accordance with applicable rules and regulations. The applicant's refusal to fund this effort shall be considered cause for denial.
5. The Planning Board shall make a determination that the benefits of the proposed PDA will outweigh any adverse effects of the PDA on the Town. The Planning Board's determination shall include review of the following:
   (a) Quality of site design to enhance the area, including integration of a variety of land uses, building types and densities, and preservation of natural features;
   (b) Compatibility with adjacent land uses;
   (c) Compatibility with existing historic features;
   (d) Traffic flow and safety;
   (e) Adequacy of utilities and other infrastructure;
   (f) Impact on existing public services;
   (g) Potential economic impact to the Town.
6. The Planning Board shall issue a decision with findings and conditions as regulated under Section 30 of this zoning by-law, and MGL Chapter 40A.
7. Commencement of Construction - The applicant shall begin construction of the PDA within twelve (12) months after the date of the granting of the Special Permit. The Planning Board has the right to grant an extension to the period of up to an additional twelve (12) months upon determination of good cause.

Application for such an extension must be filed with the Planning Board prior to the expiration of the twelve- (12) month period following the issuance of the Special Permit. If the applicant fails to commence construction during this period, the Special Permit shall lapse. If the PDA is proposed for phased development, then each sequential phase is subject to the period set forth in the Special Permit to commence construction.

32.12 Signage Review for PDA

The Planning Board shall conduct design review of the signage within the PDA. Below are the criteria the Planning Board shall use to review signage:

1. The Planning Board shall review all signage to meet the minimal requirement of clear direction to the site and through the site.
2. Signage shall be designed so as not to detract from the view shed of Route 1 and Maple Street.
3. The Planning Board shall also consider the following criteria in its review of signage:
   (a) Sign scale is appropriate in relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures.
   (b) Sign size, shape and placement serves to define or enhance such architectural elements of the buildings as columns, sill lines, cornices and roof edges, and not to interrupt, obscure or hide them.
   (c) Sign design is not wholly discontinuous with other signage on the same or adjacent structures, providing continuity in mounting location and height, proportions, materials or other important qualities.
   (d) Sign materials, colors, lettering style and forms are compatible with building design and use.
   (e) Sign content does not overcrowd the background.
   (f) Sign legibility is not impaired by excessive complexity, multiple lettering styles or colors or other distracting elements.

32.13 Other Signage by Special Permit in Hathorne West

1. The Zoning Board of Appeals may grant a Special Permit for the following other types of signage within the Hathorne West District:
   (a) One ground sign that does not need to meet the setback requirements and stating the name of the commercial, institutional or residential development (but not stating the name of any business establishment).

   This sign shall be located at the entrance to the lot or overall development area. This sign shall not exceed twenty (20) square feet; maximum sign height is five (5) feet.
   (b) One ground sign that does not need to meet the setback requirements for the purpose of a business directory at or near the entrance to the commercial, institutional or residential development.

   This sign shall be no larger than one (1) square foot per tenant, with a maximum size of thirty-two (32) square feet. Maximum sign height is

five (5) feet. Sign shall be set back at least ten (10) feet from the roadway entrance and a maximum of thirty (30) feet. All occupants shall have the same size space on the directory for identification.

(c) For each building within the district, one additional wall sign for each separate entrance facing a parking lot available for use by the public (and not fronting on a street), located to designate the entrance. Such additional sign shall not exceed ten percent (10%) of the size of the identifying sign as provided in Section 32.5.1.

(d) For each building within the district, signs located at the entry door of specific tenants in a multi-tenant building (excluding fire exits), size not to exceed one foot by three feet (1' x 3').

(e) For multiple buildings on a lot, with a single tenant, a sign located at the main entrance, size not to exceed sixteen (16) square feet.

2. Review and Criteria for Special Permits for signs:

The Zoning Board of Appeals shall use the criteria set forth in Section 32.11 in their determination, as well as the criteria below:

(a) The purpose of the sign is to facilitate public and private convenience and necessity; to provide direction and facilitate proper traffic flow; to alleviate congestion on public streets; to provide sufficient access to private lands and businesses; to minimize curb cuts to public streets; or to encourage utilization of fewer (or a single) curb cuts by more than one user.

(b) In cases where access to a public street is pursuant to Massachusetts State Curb Cut, the Massachusetts Highway Department shall be consulted.

(c) The Board of Appeals shall ensure that maintenance and expense of any such sign is not a public expense.

(d) In determining the allowable dimensions, the Board of Appeals will consider, among other factors it deems relevant, the following:

(1) The number and size of buildings and lots to be served by the sign.

(2) The effect of the topography of the lot as it relates to the siting and visibility from the adjacent roadways.

(3) The effect of the topography of the lot as it relates to the siting and visibility from adjacent residential uses.

(4) The utility of the sign as it relates specifically to the purposes stated in paragraph a. above.

(e) Any lighting of a sign shall be constant (non-blinking) stationary and illuminated only during business hours.

(f) Signs shall not be designed, colored, or placed so as to create a hazardous condition for motor vehicle traffic.

(g) No animated, moving, or flashing signs or "attention catching" devices shall be permitted.

(h) Repair and Maintenance - The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure that, in the judgment of the Building Inspector, is dangerous, or in disrepair, or which is erected or maintained contrary to this by-law. Such repair or removal

shall be the responsibility of the building owner, and must be completed within thirty (30) days of notification by the Building Inspector. Appeals from the Building Inspector's order shall be held by the Zoning Board of Appeals.

(i) Within one hundred and twenty (120) days of the closing of a business, all wording must be painted over or obliterated by the applicant for the PDA special permit and/or the building owner.

32.14 Prohibition of Nuisance in Hathorne West

1. All dust, fumes, odors, smoke, or vapor shall be effectively confined to the premises or disposed of to prevent intrusion on neighboring residential properties.
2. Any noise, vibration, or flashing shall not be normally perceptible without instruments (and shall have a decibel level of fifty-five (55) or below) at a distance of one hundred (100) feet from the source.
3. Properties shall be adequately maintained to provide for consistent buffering as required in this section, as well as parking lot pavement, all other landscaped areas, and building facades as reviewed under Section 4 of this zoning by-law.

SECTION 33

CLUSTER DEVELOPMENT

33.1 Purpose

The purpose of cluster development is to provide for single-family residential development on lots smaller than permitted under normal zoning requirements, which development:

1. Results in the permanent preservation of open space which is of use and value to the Town and which would not normally be preserved under development undertaken according to other sections of the by-law.
2. Encourages creative site planning which is sensitive to the natural characteristics of the land.
3. Provides for economical development, efficient provision of public services and minimizes road and driveway construction and paving.
4. Promotes aesthetics and other amenities.

33.2 Conditions for Special Permits

No special permit for a cluster development shall be issued unless the requirements enumerated in this section, and other sections of this by-law are met and the Special Permit Granting Authority (SPGA) finds:

1. Preservation of the open space will be beneficial to the Town and/or the residents of the tract by virtue of the creation of usable open space for passive recreation, preservation of scenic areas or views, preservation of natural resources, contribution to a network of open space as part of an overall Town conservation plan, or other.
2. The cluster development will result in a development superior to the proposed conventional subdivision of the tract, from the standpoint of location of units with respect to topography of the site, efficient provision of public services, and reduction in the amount of roadway and driveway construction.
3. The cluster development will have no more adverse impact on nearby developed neighborhoods by virtue of increased traffic, impairment of privacy and views than would the proposed conventional subdivision of the tract.
4. Proper arrangements have been made for access to the open space by residents of the tract, emergency vehicles of the Town, and, if the open space is to be held by the Town, by the public.
5. The conservation easement or conservation restriction shall be acceptable as to both content and form. At the minimum, the instrument must comply with the provision of Massachusetts General Law (MGL), Chapter 184, sections 31-33, or Internal Revenue Code, section 170(h), as amended.
6. Suitable arrangements for management and maintenance of the open space have been made.

33.3 General Requirements for Cluster Development

1. A cluster development shall contain a minimum of two (2) acres of open space.

2. The number of building lots in the cluster development shall not be greater than the number of buildable lots which the Planning Board finds would be permitted by normal zoning requirements in the district.
3. In parcels located partly in more than one (1) district, no more than the total number of lots which would be permitted by normal zoning requirements in the combined districts and complying with Subdivision Rules and Regulations shall be permitted.
4. The minimum size of each such lot shall be determined on the following basis:

District	Minimum Lot Size
Residence I	8,000 square feet
Residence II	12,000 square feet
Residence III	15,000 square feet

5. The frontage of each lot on a street within the cluster development shall not be less than thirty (30) feet. Four (4) contiguous lots shall not have less than a total of 300 feet frontage. For purposes of this section, lots separated by open space with frontage of sixty (60) feet or less shall be considered contiguous.
6. Any lot with frontage on a street not within the cluster development shall meet the frontage requirement of the district in which the lot is located.
7. Each lot within the tract shall be so configured as to accommodate within it a circle having a diameter of not less than the following dimensions:

District	Requirement
Residence I	75 feet
Residence II	85 feet
Residence III	100 feet

8. The setback for each such lot shall be at least as follows:

District	Front Setback	Side Setback	Rear Setback
Residence I	20 feet	8 feet	8 feet
Residence II	25 feet	10 feet	15 feet
Residence III	30 feet	15 feet	15 feet

33.4 Requirements for Open Space

1. All land shown on a plan for which a special permit is granted under this section which is not included in building lots, streets, or easements, shall be established by conservation restriction or conservation easement as open space for conservation and/or recreation purposes, or by conveyance to the Town of Danvers for conservation purposes.
2. The total area of the open space parcel(s) shall equal or exceed the sum of the areas by which any individual lots are reduced below the minimum lot area normally required by other sections of the Town's zoning by-laws in their districts and shall, in any case comprise at least thirty percent (30%) of the total area of the tract.

3. At least fifty percent (50%) of the open space shall be preserved by easement or restriction for conservation purposes only.
4. Construction and use of tennis courts, vegetable gardens or floral gardens or other playing surfaces on not more than fifty percent (50%) of the total open space land shall be permitted. No more than twenty-five percent (25%) of the required open space shall be wetlands.
5. Each lot in the tract shall have direct access to one or more portions of the open space, unless the Planning Board finds that due to the topography or other conditions this requirement can be modified and further find that the lack of direct access will be offset by other mitigating factors.
6. All land areas used to meet the open space requirement shall be so configured as to accommodate within it a circle having a diameter of not less than seventy-five (75) feet.
7. The open space land area required shall be contained in more than two (2) non-contiguous parcels or, if more than two (2) parcels are to be utilized for this requirement, no parcel shall contain less than 15,000 square feet.
8. Open space shall be located between the clustered lots and adjacent property in accordance with MGL, Chapter 40A, Section 9.
9. The open land, and such other facilities as may be held in common, shall be conveyed as determined by the Planning Board subject to the following guidelines.
   (a) To a corporation or trust comprising a homeowners' association whose membership includes the owners or all lots or units contained in the tract. The developer shall include in the deed to owners of individual lots, beneficial rights in said open land and shall grant a conservation restriction to the Town of Danvers over such land pursuant to MGL, Chapter 184, sections 31-33, to ensure that such land be kept in an open or natural state and not be built upon for residential use or developed for accessory uses such as parking or roadways. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by section 33 of Chapter 184 of the MGL's. In addition, the developer shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as the homeowners' association is capable of assuming said responsibility. In order to ensure that the association will properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Essex County Registry of Deeds, Southern District, a Declaration of Covenants and Restrictions which shall, at a minimum, provide for the following:
      (1) Mandatory membership in an established homes association as a requirement of ownership of any lot in the tract.
      (2) Provisions for maintenance assessments of all lots in order to ensure that the open land is maintained in a condition suitable for the uses approved by the homes association. Failure to pay such assessment shall create a lien on the property assessed, enforceable by either the homes association or the owner of any lot.

(3) Provision which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the open land will not terminate by operation of the law.

(b) The conservation restriction or easement shall be granted to a non-profit organization, the principal purpose of which is the conservation of open space, or to the Conservation Commission of the Town for park or open space use, with a trust clause insuring that it be maintained as open space. Both the non-profit organization and the Conservation Commission shall, under the terms of the restriction or easement, have concurrent powers of enforcement.

10. Some interim protection of open land must be provided by recorded covenant of the landowner where a large cluster will be developed in phases.
11. The covenant must be submitted to the SPGA for review and approval prior to recording.

33.5 Content of the Application

In addition to the requirements for a special permit application contained in sections 30.4 and 33.6, the application for a permit for cluster development shall include narrative descriptions as follows, and plans prepared in accordance with the Subdivision Rules and Regulations of the Town of Danvers, containing:

1. The size of the tract in acres.
2. The number of the proposed building lots and the size of each in square feet.
3. The proposed location and height of all proposed structures.
4. Topographic plan, including a clear and accurate disclosure of the grades of the existing terrain. Large trees, ledge outcrops, natural water courses, and existing buildings, together with fences and walls, shall be shown. Approximate proposed grades shall also be shown.
5. The acreage of the proposed permanent open space and location and acreage of any wetlands on the tract as defined by MGL, Chapter 131, Section 40.
6. A description of the intended uses of the proposed open space and an evaluation of its value to the Town with respect to natural resource preservation, environmental protection, and accessibility by residents of the Town or of the proposed development.
7. A description of the proposed ownership and maintenance of the proposed open space.
8. A description of all dwelling units on properties abutting the tract.
9. A description of the neighborhood in which the tract lies, including utilities and other public facilities, and the impact of the proposed plan upon them.
10. A site plan drawn in accordance with the Town of Danvers Subdivision Rules and Regulations.
11. A "proof plan" to serve as evidence of the number of lots which could be created on the property under a conventional subdivision plan.

33.6 Procedures for Special Permits for Cluster Development

1. Any person may make application to the Planning Board acting as Special Permit Granting Authority (SPGA) for a special permit excepting the building lots for single family dwellings from specific requirements of the zoning by-law as specified hereunder, but not any other requirements of the zoning by-law.
2. The application for special permit shall be filed as specified in Paragraph 4 (see below) and section 30.4 of this zoning by-law. The procedures for SPGA review, review by other boards, hearings and findings in that section will apply.
3. Relating to the subdivision control law, Planning Board approval of a special permit shall not substitute for compliance with the subdivision control law, or oblige the Planning Board to approve any related definitive plan for subdivision, or reduce any time periods for Board consideration under the law.
4. The applicant may simultaneously file the application described above with the Preliminary Subdivision Plan as described in the Subdivision Rules and in accordance with MGL, Chapter 41, section 81-S. The application for special permit shall be filed in the following manner:

   An original and five (5) copies of a completed application together with ten (10) copies of the site plan and six (6) copies of the proof and topographic plans be submitted to the Town Clerk who shall, in turn, give the applicant a dated receipt and, within three (3) days, transmit one (1) copy each to the Board of Health, Conservation Commission, Inspector of Buildings, Manager of Community Development and Planning, Manager of Engineering and the Planning Board.

5. Each of the above agencies and individuals may forward a recommendation to the Planning Board within thirty (30) days, indicating approval, disapproval, or approval with conditions. The reasons for disapproval shall be itemized and explained in writing.
6. In the event no recommendation is received by the Planning Board, such action shall be deemed as approval of the proposal.
7. The Planning Board shall hold a public hearing within sixty-five (65) days of receipt of the application and shall approve or deny the application within thirty (30) days of the close of the public hearing.

SECTION 34

CONGREGATE AND INDEPENDENT HOUSING FOR THE ELDERLY

34.1 Purpose

The purpose of allowing congregate housing is to provide elderly persons with residential dwelling accommodations and certain limited supportive services needed to maintain themselves outside of an institutional setting, and to provide such accommodations in a manner harmonious with the surrounding land uses while protecting natural resources and open space and improving or maintaining the aesthetic qualities of the environment.

34.2 Definitions

For definitions of "congregate and independent housing use," "congregate living facility for the elderly," and "independent dwelling unit," see Section 40 of this by-law.

34.3 Special Permit and Site Plan Approval Authority

The Planning Board, acting as the Special Permit Granting Authority (SPGA), may grant a special permit to allow congregate housing for the elderly in the Residence IA and Residence IIA District, subject to the following conditions:

1. That the tract of land for which the special permit is requested be of at least ten (10) acres in size, held either in common ownership at the time of making application to the Planning Board for a special permit, or under a written option to purchase by the applicant (who shall not be a nominee under the option), and shall be located in a residential district; and
2. The designation of a congregate housing development and the uses permitted within it are subject to the granting of a special permit by the Planning Board, as well as an approval of a site plan by the Planning Board as required by Section 4 of this by-law.

34.4 Uses Subject to Special Permit

1. One (1) congregate living facility comprised of not more than twenty-five (25) dwelling units designed for occupancy by persons fifty-five (55) years of age or older. The congregate living facility shall be residential in character, shall have central kitchen and dining facilities, and may have lounges, meeting rooms, recreation/stage/screening rooms, exercise rooms, libraries, office space, and examination rooms.
2. Independent dwelling units designed for occupancy by persons fifty-five (55) years of age or older. Said units shall be separate from but in addition to the congregate living facility, with no more than four (4) independent dwelling units in any building or structure. All buildings and structures containing independent dwelling units shall be residential in character.
3. Accessory uses, including:
   (a) Garages, each having a maximum capacity of four (4) vehicles;

   (b) One single-story building to house snow removal, lawn, maintenance and recreational equipment. Such building shall not exceed 3,000 square feet in area;
   (c) Outdoor swimming pools, tennis and other recreational courts, playing fields, putting greens, bocci courts, gardens, residential greenhouses of not

more than two hundred and fifty (250) square feet, covered and uncovered sitting areas, and central laundry areas;

(d) Refuse containers, transportation drop-off areas and shelters, and walkways;

(e) Signs and flagpoles.

Accessory uses shall comply with principal density, dimensional, and buffering requirements set forth hereunder, except that they shall not be required to meet the provisions establishing a minimum distance between structures.

34.5 Dimensional, Density and Screening Requirements

Elements of a congregate housing project shall meet the dimensional requirements set forth below:

Minimum lot area	10 acres
Minimum lot area per dwelling unit	6,000 square feet
Minimum lot frontage*	80 feet (Res. I) 100 feet (Res. IA) 125 feet (Res. II) 125 feet (Res. II-A) 150 feet (Res. III)
Setbacks:	
Front	30 feet
Side and rear**	50 feet
Minimum distance between structures	40 feet
Maximum lot coverage by gross first floor area	30%
Maximum percentage of land subject to MGL, Chapter 131, section 40 that maybe used in calculating area requirements	25%
Maximum height of building	30 feet
Maximum number of independent dwelling units per building	4
Maximum number of dwelling units in a congregate living facility	25
Minimum width of buffer strip in setback*	10 feet
Maximum number of identifying signs per lot	2
Maximum square footage of sign	20 square feet
Maximum sign height	6 feet

* The Minimum lot frontage required for a congregate housing project shall equal the minimum frontage required in the existing residential district.

** Within the side and rear setbacks, buffer strips shall be densely planted in order to create a visually impermeable year-round screen which will reach at least six (6) feet in height within five (5) years of planting. The planted materials in the buffer strip shall be maintained in a healthy state or replaced with vegetation which will grow to a comparable height and density within five (5) years of replacement. Buffer strips may be located anywhere within the appropriate setback area; however, no paving or parking shall be located on the property line of a buffer strip.

No parking, storage, or accessory buildings may be located within the front setback. Adequate landscape treatment shall be provided to screen parking and utility structures from streets and ways and to be harmonious with the surrounding environment. All land area not utilized for parking or passive recreation shall either be retained in its natural state or improved by grading, loaming, seeding, plantings, and landscape treatment.

34.6 (previously deleted)

34.7 (previously deleted)

34.8 Signage Requirements

A maximum of two (2) signs for purposes of site identification may be erected in a congregate housing development. Signs may be a maximum of twenty (20) square feet in size and no more than six (6) feet in height. Each such sign shall be freestanding and constructed in proximity to the entrance and exit of the site and each may be illuminated by not more than one (1) non-blinking white light focused on the face(s) of each sign. Handicapped, no parking, fire zone, directional, and other similar signs of five (5) square feet in size or less shall not be subject to the provisions of this section.

34.9 General Provisions

1. Before granting a special permit, the Planning Board shall ensure that the proposed project satisfies the conditions listed in Section 30.3 of this by-law.
2. The special permit authorizing the designation of a congregate housing development shall also authorize the placement of more than one (1) building or structure on a lot.
3. Each dwelling unit shall be occupied by at least one (1) permanent resident who shall be at least fifty-five (55) years of age or older; the spouse of such an occupant and any physically or mentally handicapped dependents of such an occupant may also occupy the unit with the elderly resident. There shall be no more than three (3) occupants residing in any dwelling unit provided, however, that no more than one (1) of the persons occupying any unit may be less than fifty-five (55) years of age.
4. Within each congregate housing development, one (1) separate independent dwelling unit for occupancy by a site manager and his or her immediate family may be located within any building on the site and shall not be subject to the provision that at least one (1) member of the household be fifty-five (55) years of age or older.
5. The congregate living facility shall provide for adequate handicapped access and accommodations as required by law.
6. Bonding procedures and requirements for roadways, utilities, structures, and site amenities within a congregate development shall be the same as those established by the Planning Board for subdivisions. Methods of bonding shall be those listed in MGL, Chapter 41.
7. All traveled ways shall be privately maintained with respect to roadway upkeep and snow and ice removal. Refuse disposal and collection shall also be a private responsibility.
8. All buildings and structures located on the site shall be residential in character and design. All utilities on the site shall be installed underground pursuant to approved methods of underground utilities' installation and construction. There shall be adequate public water and public sewer to service the site prior to any construction

taking place. All drainage and runoff associated with the site shall be properly controlled.

9. There shall be adequate outdoor lighting of a residential character incorporated into the site for public safety.
10. No charges shall be levied in connection with the use of any facilities described herein by non-residents of the site (except for meals of invited guests), and no facilities described herein shall be used by the public at large or used for promotional activities except by special permit issued by the Board of Selectmen.
11. There shall be no manufacturing or industrial use made on the site by any resident thereof or other person or entity.
12. The sale at wholesale or retail of merchandise or goods of any nature, and the dispensing of professional services shall be prohibited.
13. Age requirements for occupancy of units in a congregate housing development shall be established pursuant to applicable state law.

* February 29, 1988

SECTION 35

SIGN REGULATIONS FOR THE DOWNTOWN IMPROVEMENT DISTRICT

35.1 Purpose

1. The sign should enhance, not hide, architectural elements of the building.
2. The sign should use minimum wording to avoid a cluttered appearance.
3. The sign colors should be limited in number and should be compatible with the building facade.
4. The sign should not detract from the visual character of its surroundings.

35.2 Description of District

All as being shown on a plan entitled "Downtown Improvement District; March 1980; Scale 1" = 200'+/-; Prepared by Community Development and Engineering Division; Town of Danvers."

35.3 General Requirements for Signs for the Downtown Improvement District

1. No sign or other advertising device with visible moving or movable parts or with flashing, animated or intermittent illumination shall be erected or maintained. An exception shall be made for time and temperature signs, but only that part of the sign displaying the time and temperature may have visible moving or intermittent flashing parts.
2. No sign shall be illuminated between the hours of 11 p.m. and 6 a.m., except signs on premises open for business.
3. All illumination shall be interior, non-exposed, or shielded exterior directed solely at the sign. Illumination shall be steady and stationary.
4. A sign or its illuminator shall not, by reason of its location, shape, size, or color, create a driving hazard or obstruct the effectiveness of any official traffic sign, traffic signal or traffic marking.
5. Within one hundred and twenty (120) days of the closing of a business, all wording must be painted over or obliterated by the building owner.
6. On signs which contain a registered trademark or portray a specific commodity for sale, said trademark or commodity may not occupy more than ten percent (10%) of the sign area, unless it is the principal activity conducted therein.
7. Standing pole, roof, ground and portable signs are not permitted. However, in lieu of a wall sign as described in Section 35.4.1, an exception may be made for standing pole signs for professional offices but, in such case, the height of the supporting device may not exceed four (4) feet, and the sign area shall be limited to two (2) square feet.
8. A sign shall contain no more than four (4) colors or shades of colors, including the background. Black and white are considered colors.

35.4 Signs in the Downtown Improvement District Permitted by Right

1. One (1) attached wall sign is permitted for each exterior wall of a building or establishment which faces a public way or contains a public entrance. The wall sign shall be attached directly to the face of the building, and may not project more than twelve (12) inches from the wall to which it is attached and may not exceed in total area one (1) square foot for each linear foot of exterior wall to which it is attached, and in no case may exceed twenty (20) square feet.
2. For buildings with two (2) or more businesses using a common entrance, each business is allowed one (1) attached sign, but the total sign area may not exceed one (1) square foot per linear foot of exterior wall, and in no case may exceed twenty (20) square feet per sign.
3. One (1) awning sign is permitted for each display window of a store, with signage not to exceed twenty percent (20%) of the area of the awning above each display window, not including side panels, and individual lettering or graphics shall not exceed eight (8) inches in height.
4. Permanent window signs, including lettering, are permitted, not to exceed twenty percent (20%) of the window area.
5. One (1) sign per parking lot is permitted, the area of the sign not to exceed three (3) square feet per sign, and four (4) feet in height, identifying the business and providing parking information.
6. Limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents and customers, whether in a vehicle or on foot, or to parking identification signs in private parking lots. Such signs shall not exceed one (1) square foot in area.
7. Plaques or signs not exceeding two (2) square feet in area, designating a building as a historical structure, or giving the name of the building and date of erection.
8. A two (2) square foot sign, including only the name of the occupants, the number of the dwelling unit and the street which the dwelling unit is on. Any lighting shall be constant, installed in a manner that will prevent light from falling on any street or adjacent property and may not be internally illuminated. Signs shall not be designed, colored, or placed so as to create a hazardous condition for motor vehicle traffic.
9. Permanent signs on vending machines or ice containers indicating the contents of such devices, provided that such devices are located within ten (10) feet of the building.
10. One (1) "For Sale or Rent" sign, not exceeding six (6) square feet in area, and advertising no premises other than that on which the sign is located; such sign to be removed at once upon sale or rental of the property.
11. One (1) bulletin or announcement board, identification sign or entrance marker for each public entrance to the premises upon which a church, synagogue, or public institution is located, not exceeding twelve (12) square feet in area, and there shall be not more than two (2) such signs for each church, synagogue, or public institution.
12. Temporary signs which do not comply with this ordinance may be authorized by the Building Inspector for public or charitable purposes. Such signs may be erected for no more than thirty (30) days.

35.5 Nonconformance

1. Nonconforming signs erected prior to the adoption of this by-law may not be enlarged or altered in any way other than for maintenance, or to change the graphics, panels or colors, except to conform to the requirements of this by-law or through a Section 6 finding from the Zoning Board of Appeals.
2. This exemption shall terminate with respect to any sign which is not repaired within thirty (30) days of notice of required repairs, as given by the Building Inspector. Appeals from the Building Inspector's order shall be held by the Zoning Board of Appeals.

35.6 Special Exceptions

In particular instances, the Board of Appeals may permit more than the number of signs, signs of greater size, or a sign in a location other than herein above specified, if it is determined that the architecture of the building, the location of the building with reference to the street, or the nature of the use being made of the property is such that an additional sign or signs should be permitted in the public interest. In granting such permission, the Board of Appeals shall consult with the Building Inspector and the Design Review Board for recommendations. The Board of Appeals shall specify the size and location of the sign or signs and shall impose such other terms and restrictions as it may deem to be in the public interest.

SECTION 36

ASSISTED LIVING RESIDENCES

36.1 Purpose

The purpose of Section 36 of the Danvers zoning by-law is to permit and regulate, for the promotion of the public health, safety, convenience and welfare of the citizens of the Town of Danvers, Assisted Living Residences in the Multi-Family Zoning District Residence II-A as defined in both Sections 36.2 and 40 of this by-law.

36.2 Definitions

Assisted Living Residence-ALR: Any residential development owned and operated by an entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:

1. Provides room and board; and
2. Provides directly by employees of the entity or through arrangements with another organization, which the entity may or may not control or own, assistance with the activities of daily living for three (3) or more adult residents who are not related by consanguinity or affinity to the care provider; and
3. Collects payments or third-party reimbursements from or on behalf of residents to pay for the provisions of assistance with the activities of daily living or arranges for the same; and
4. Is eligible for certification as an Assisted Living Residence by the Executive Office of Elder Affairs pursuant to MGL Chapter 19D and all other applicable requirements.
5. This definition shall not include any other forms of group living quarters, such as; group foster care, group homes, single room occupancy residences, rooming or lodging houses and other similar facilities as listed in Commonwealth of Massachusetts Regulations (651 CMR 12.01).

36.3 Special Permit and Site Plan Approval Authority

The Planning Board, acting as the Special Permit Granting Authority (SPGA), may grant a Special Permit to allow an Assisted Living Residence, as defined under Section 36.2 and 40 of this by-law, in Residence IIA District, subject to the conditions generally outlined in Section 30 Special Permits and specifically delineated in Section 30.3 Conditions for Special Permits, of this by-law, as well as the following conditions:

1. That the tract of land for which the Special Permit is requested be of at least five (5) acres in size, held either in common ownership at the time of making application to the Planning Board for a special permit, or under written option to purchase by the applicant, or with written permission from the landowner to pursue application, and shall be located in the Residence IIA District; and
2. The designation of an Assisted Living Residence and the uses within it are subject to the granting of a Special Permit by the Planning Board, as well as an Approval of a Site Plan by the Planning Board as required by Section 4 of this by-law; and

The Planning Board may condition its approval of a Special Permit for an Assisted Living Residence upon mitigation of the impacts of the said project upon public utilities and traffic flow.

36.4 Uses Subject to Special Permit

1. One Assisted Living Residence, as defined in Sections 36.2 and 40 of this by-law, comprised of not more than 125 units.
2. Accessory uses which shall comply with all the dimensional, density and screening requirements set forth in Section 36.5 of this by-law and may include:
   (a) Garage for utility, maintenance, and common transportation vehicles not to exceed 3,000 square feet. One single-story building to house maintenance and recreational equipment, shall not exceed 6,000 square feet.
   (b) Outdoor swimming pools, tennis and other recreational courts or fields, residential greenhouses not to exceed 250 square feet, covered and uncovered sitting areas, and other landscaping amenities normal and accessory to the facility.
   (c) Refuse containers, transportation drop-off areas and shelters.
   (d) One identifying sign plus signs necessary to give clear directions to a parking lot or building entrance on premises. Such signs shall not exceed four (4) square feet in area and will stand no higher than four (4) feet.
   (e) Non-residential uses, limited to such optional services which the operator of an ALR may also provide on site including local transportation, barber/beauty services, sundries for personal consumption, and other amenities, provided:
      (1) such uses serve the residents of the ALR only;
      (2) such uses are conducted within and may be entered only from within the principal building;
      (3) there is no external evidence of such use visible beyond the development site;
      (4) the appearance and character of any commercial type uses are made aesthetically compatible with a residential development.
3. Any other uses deemed normal, accessory, or incidental to an ALR.

36.5 Dimensional, Density and Screening Requirements

Elements of an Assisted Living Residence shall meet the requirements set forth below:

Minimum lot area	5 acres
Minimum lot area per dwelling unit	2,150 square feet
Minimum lot frontage	150 feet
Front setback	75 feet
Setback from Historic District	100 feet
Maximum lot coverage by gross first floor area	40 percent
Maximum building height	35 feet
Accessory structures height	25 feet
Maximum number of units	125
Side and rear setbacks	50 feet

Minimum width of buffer strip in setback**	25 feet
Maximum percentage of bordering vegetative wetland as defined by MGL Ch. 131, §40	75 percent

** Within the side and rear setbacks, a two part buffer strip beginning at least two feet from the property line, shall consist of fifteen (15) feet of densely planted vegetation and ten (10) feet of lawn area intended to create a visually impermeable year round screen, which shall reach at least six (6) feet in height within five (5) years of planting. At the discretion of the Planning Board, the vegetation within this fifteen (15) feet of buffer strip may be either existing vegetation, planted vegetation, or a combination thereof, and shall be maintained in a healthy state, or replaced with vegetation of comparable height and density. The remaining ten (10) feet of buffer strip shall consist of traditional grass lawn. Buffer strips may be located anywhere within the appropriate setback area; however, no paving, parking, storage or accessory buildings shall be located between the buffer strip and property line, as a means to further screen neighbors from the development site.

No parking, storage, or accessory buildings or structures may be located within the front setback, except for signs as provided in this by-law. Adequate landscape treatment shall be provided to be harmonious with the surrounding environment.

36.6 Signage Requirements

A maximum of one (1) sign for the purpose of site identification may be erected in an Assisted Living Residence. The sign shall be a maximum of thirty-two (32) square feet in size and no more than six (6) feet in height.

The sign shall be freestanding and may be illuminated by not more than two (2) non-blinking white lights focused on the face(s) of the sign. Said sign shall have a minimum front setback of twenty (20) feet. Handicapped, No Parking, Fire Zone, directional (part of approval process outlined in 36.6), and other similar signs of four (4) square feet in size or less shall not be subject to the provisions of this section.

36.7 General Provisions

1. Before granting a Special Permit, the Planning Board shall ensure the proposed project satisfies the conditions listed in Section 30.3 of this by-law. The Special Permit authorizing the designation of an Assisted Living Residence shall also authorize the placement of more than one (1) building or structure on a lot.
2. There shall be no more than two (2) occupants residing in any dwelling unit. No more than ten percent (10%) of the units may be occupied by more than one (1) person.
3. The Assisted Living Residence shall provide for adequate access and accommodations as required by appropriate statutes.
4. Bonding procedures and design and construction requirements for roadways, utilities, structures, and site amenities within an Assisted Living Residence shall be the same as those established by the Planning Board in the Rules and Regulations Governing the Subdivision of Land in Danvers, as most recently amended.

5. All traveled ways shall be privately maintained with respect to the roadway upkeep and, snow and ice removal. Refuse disposal and collection shall also be a private responsibility.
6. All buildings and structures located on the site shall be residential in character and design. All utilities on the site shall be so designed and constructed to be underground pursuant to the requirements of the respective utility corporation. There shall be adequate public water and public sewer to service the site prior to any construction taking place. All drainage and runoff associated with the site development shall be properly controlled utilizing Best Management Practice for Stormwater Discharge.
7. There shall be adequate outdoor lighting of a residential character incorporated into the site for public safety and aesthetic purposes.
8. No charges shall be levied in connection with the use of any facilities described herein by non-residents of the facility (except for meals of invited guests).
9. There shall be no manufacturing or industrial use made on the site by any resident thereof or other persons or entity.
10. The sale at wholesale or retail of merchandise or goods of any nature to non-residents, and the dispensing of professional services to non-residents shall be prohibited, except for employees, and residents' visitors.
11. Parking, loading, and refuse disposal location, design, and screening or buffering are subject to the review and requirements of the Planning Board as outlined in Section 4.5 of this by-law.

SECTION 37

SIGN BYLAW

1. Purpose & Intent

a. Permit such signs that will not, by their reason, size, location, construction or manner of display, endanger public health, safety and welfare;
b. Permit and regulate signs to complement land use;
c. Preserve and enhance the aesthetic environment;
d. Provide standards, guidelines and direction constituting appropriate signage.

2. Applicability

Any sign to be erected, altered or enlarged shall be subject to this bylaw as follows:

1. Proposed Signs that are in compliance with all applicable provisions of this bylaw shall require a permit from the Building Inspector.
2. Pre-existing signs that are non-conforming to the applicable provisions of this bylaw may not be enlarged or altered in any way other than for maintenance or to change the graphics, panels or colors, except to conform or conform to a greater degree to the requirements of this by-law, or through a M.G.L Chapter 40A, Section 6 finding from the Zoning Board of Appeals. This exemption shall terminate with respect to any sign which is not repaired within thirty (30) days of notice of required repairs, as given by the Building Inspector.

3. Application Requirements

1. Proposed Signs
   a. Completed building permit application and applicable filing fee.
   b. Plans or diagrams (to scale) of the sign
   c. Plans or diagrams (to scale) displaying the location of the sign on the lot or building.
   d. Calculations needed to verify compliance or extent of non-compliance with applicable provisions.
2. Pre-existing Non- Conforming Signs:
   a. Completed building permit application and applicable filing fee.
   b. Plans or diagrams (to scale) of the existing and modified sign.
   c. Plans or diagrams (to scale) displaying the location of the existing and modified sign.
   d. Calculations needed to determine extent of increased non-compliance

4. Definitions

See Section 40 of this Zoning Bylaw.

5. Permitted Signs by Zoning District

1. Health Care District
   a. A maximum of one (1) sign shall be allowed for each business.
   b. Signs may be placed on the building wall or may be freestanding ground signs between the street and the building.
   c. The area of any wall sign shall not exceed fifty (50) square feet.
   d. The area of any freestanding ground sign shall not exceed fifty (50) square feet and shall be set back twenty-five (25) feet from the street line. Maximum sign height is six (6) feet and shall be measured from the ground to the top of the sign.

e. For buildings with two (2) or more medical businesses, each business is allowed one (1) attached sign, but the total sign area may not exceed 50 sq. ft.
f. No signs shall be placed on the roof of any building, and no wall sign shall project above the roofline of the building.

2. Village District
   a. A maximum of one (1) freestanding ground sign per lot shall not exceed ten (10) feet in height or forty-two (42) square feet in area.
   b. No signs shall be placed on the roof of any building, and no wall sign shall project above the roofline of the building, except if a front fascia extends above the roofline, then a sign may be placed on the fascia. However, said sign may not extend above the fascia.
   c. Signs shall not exceed height of the building and shall not exceed in total area one (1) square foot for each linear foot of exterior wall to which it is attached, and in no case may they exceed twenty (20) square feet.
   d. For buildings with two (2) or more businesses, each business is allowed one (1) attached sign, but the total sign area may not exceed one (1) square foot per linear foot of exterior wall.
   e. A maximum of one (1) sign shall be allowed for each lot, unless the lot fronts on two (2) or more streets, in which case one (1) sign facing each street may be used up to a maximum of two (2) signs per lot.
   f. In situations where more than one (1) structure or more than one (1) business in a structure exists on a lot, such as with office and industrial parks, shopping centers and multi-tenant buildings, one (1) freestanding ground sign in conformance with Sections 37.5.2.a shall be allowed at the entrance to the lot and one (1) attached wall sign in accordance with Section 37.5.2.b and c. shall be allowed for each business or tenant, provided that the total sign area does not exceed ten percent (10%) of the façade or wall area of the leased area per tenant as defined from lease line to lease line.

3. Commercial I, Commercial IA, and Waterfront Village District
   For property not located in the Downtown Improvement District:

   a. Freestanding ground signs shall not exceed fifteen (15) feet in height, or forty-two (42) square feet in area and shall be set back a minimum of ten (10) feet.
   b. One (1) attached wall sign is permitted for each exterior wall of a building or establishment, which faces a public way or contains a public entrance. The wall sign shall be attached directly to the face of the building, and may not project more than twelve (12) inches from the wall to which it is attached and may not exceed in total area one (1) square foot for each linear foot of exterior wall to which it is attached, and in no case may exceed twenty (20) square feet.
   c. For buildings with two (2) or more businesses using a common entrance, each business is allowed one (1) attached sign, but the total sign area may not exceed one (1) square foot per linear foot of exterior wall.
   d. One (1) awning sign is permitted for each display window of a business, with sign lettering not to exceed twenty percent (20%) of each awning area.
   e. Permanent window signs, including lettering, are permitted, not to exceed twenty percent (20%) of the window area.
   f. No signs shall be placed on the roof of any building, and no wall sign shall project above the roofline of the building, except if a front fascia extends above the roofline,

then a sign may be placed on that fascia. However, said sign may not extend above the fascia.

g. In situations where more than one (1) structure or more than one (1) business in a structure exists on a lot, such as with office and industrial parks, shopping centers and multi-tenant buildings, one (1) freestanding ground sign in conformance with Sections 37.5.3.a shall be allowed at the entrance to the lot and one (1) attached wall sign in accordance with Section 37.5.3.b and c shall be allowed for each business or tenant, provided that the total sign area does not exceed ten percent (10%) of the façade or wall area of the leased area per tenant as defined from lease line to lease line.

4. Industrial I / Industrial II, Highway Corridor Zone, and Danversport Industrial

a. A maximum of one (1) sign shall be allowed for each lot, unless the lot fronts on two (2) or more streets, in which case one (1) sign facing each street may be used up to a maximum of two (2) signs per lot.
b. Signs may be placed on the building wall or may be freestanding ground signs between the street and the building. In circumstances where a second sign is allowed, the wall sign shall not exceed thirty two (32) square feet and the freestanding ground sign shall not exceed thirty two (32) square feet, shall be setback a minimum of ten (10) feet for the street line and shall not exceed a maximum height of five (5) feet.
c. The area of any wall sign shall not exceed ten percent (10%) of the wall to or on which it is attached. For a wall sign, it shall be attached directly to the face of the building, and may not project more than twelve (12) inches from the wall to which it is attached.
d. The area of any freestanding ground sign shall not exceed one hundred (100) square feet, and shall be set back a minimum ten (10) feet from the street line. Maximum sign height is twenty (20) feet.
e. In situations where more than one (1) structure or more than one (1) use in a structure exists on a lot, such as with office and industrial parks, shopping centers and multi-tenant buildings, one (1) freestanding ground sign in conformance with Sections 37.5.4.a, b and d shall be allowed at the entrance to the lot and one (1) attached wall sign in accordance with Section 37.5.4.c. shall be allowed for each business or tenant, provided that the total sign area does not exceed ten percent (10%) of the façade or wall area of the leased area per tenant as defined from lease line to lease line. .
f. One (1) awning sign is permitted for each display window of a business, with sign lettering not to exceed twenty percent (20%) of each awning area.
g. Temporary and permanent window signs, including lettering, are permitted, not to exceed twenty percent (20%) of the window area.
h. No signs shall be placed on the roof of any building, and no wall sign shall project above the roofline of the building, except if a front fascia extends above the roofline, then a sign may be placed on that fascia. However, said sign may not extend above the fascia.
i. Off-premise signs – See Section 9 of this sign bylaw

5. Route 114A and Route 114B

a. A maximum of one (1) sign shall be allowed for each lot, unless the lot fronts on two (2) or more streets, in which case one (1) sign facing each street may be used up to a maximum of two (2) signs per lot.
b. Signs may be placed on the building wall or may be freestanding ground sign between the street and the building. In circumstances where a second sign is allowed, the wall sign shall not exceed thirty two (32) square feet and the freestanding ground sign shall

not exceed thirty two (32) square feet, shall be setback a minimum of ten (10) feet from the street line and shall not exceed a maximum height of five (5) feet.

c. The area of any wall sign shall not exceed ten percent (10%) of the wall on or to which it is attached. For a wall sign, it shall be attached directly to the face of the building, and may not project more than twelve (12) inches from the wall to which it is attached.
d. The area of any freestanding ground sign shall not exceed one hundred (100) square feet, and shall be set back a minimum of twenty-five (25) feet from the street line. Maximum sign height is twenty (20) feet. Minimum sign height is six (6) feet.
e. In situations where more than one (1) structure or more than one (1) business in a structure exists on a lot, such as with office and industrial parks, shopping centers and multi-tenant buildings, one (1) freestanding ground sign in conformance with sections 37.5.5.a, b and d shall be allowed at the entrance to the lot and one (1) attached wall sign, in accordance with Section 37.5.5.b and c shall be allowed for each business or tenant, provided that the total sign area does not exceed ten percent (10%) of the façade or wall area of the leased area per tenant as defined from lease line to lease line.
f. One (1) awning sign is permitted for each display window of a business, with sign lettering not to exceed twenty percent (20%) of each awning area.
g. Temporary and permanent window signs, including lettering, are permitted, not to exceed twenty percent (20%) of the window area.
h. No signs shall be placed on the roof of any building, and no wall sign shall project above the roofline of the building except if a front fascia extends above the roofline, then a sign may be placed on that fascia. However, said sign may not extend above the fascia.
i. Off- premises signs – see Section 9 of this bylaw

6. C-III

1. For shopping centers

Exterior wall signs are allowed on all exterior facades of the structure, but the signs for the tenant shall not take up in total area more than 10% of the tenant's longest facade, measuring from the ground floor elevation to the lowest roofline edge (measurement not to exceed 20' in height).

Exterior wall signs are limited to those tenants who have direct exterior entrances available for public use or for tenants whose gross leasable floor area is in excess of 20,000 SF, except that for a shopping center, which also has tenants without direct exterior entrances, an exterior sign shall be allowed at the common entrance(s) to these tenants. The content of the sign shall be limited to "mall entrance" or similar wording and shall not exceed 35 square feet in size.

A maximum of two freestanding ground signs shall be allowed per shopping center. Both signs shall be located at Endicott Street entrances only. One sign shall be in accordance with Section 37.5.6.2(d), and the other shall be a mall identification sign not to exceed twenty (20) square feet (20 SF).

Signs shall conform to the further requirements of 37.5.6.2. (d), (e), and(g).

2. For all other uses

(a) A maximum of one (1) sign shall be allowed for each lot, unless the lot fronts on two (2) or more streets, in which case one (1) sign facing each street may be used up to a maximum of two (2) signs per lot.

(b) Signs may be placed on the building wall or may be freestanding ground sign between the street and the building. In circumstances where a second identifying sign is allowed, the wall sign shall not exceed thirty two (32) square feet and the freestanding ground sign shall not exceed thirty two (32) square feet, shall be setback a minimum of ten (10) feet for the street line and shall not exceed a maximum height of five (5) feet.

(c) The area of any wall sign shall not exceed ten percent (10%) of the wall in which it is attached. A wall sign shall be attached directly to the face of the building, and may not project more than twelve (12) inches from the wall to which it is attached.

(d) The area of any freestanding ground sign shall not exceed one hundred (100) square feet, and shall be set back a minimum ten (10) feet from the street line. Maximum sign height is twenty (20) feet. Ground signs are also permitted up to six (6) feet in height with the same setbacks.

(e) In situations where more than one (1) structure or more than one (1) business in a structure exists on a lot, such as with office and industrial parks and multi-tenant buildings, one (1) freestanding ground sign in conformance with Sections 37.5.6.2 a, b and d shall be allowed at the entrance to the lot and one (1) attached wall sign in accordance with Sections 37.5.6.c shall be allowed for each business or tenant, provided that the total sign area does not exceed ten percent (10%) of the façade or wall area of the leased area per tenant as defined from lease line to lease line.

(f) Temporary and permanent window signs, including lettering, are permitted, not to exceed twenty percent (20%) of the window area.

(g) No signs shall be placed on the roof of any building, and no wall sign shall project above the roofline of the building, except if a front fascia extends over the roofline, then a sign may be placed on that fascia. However, said sign may not extend above the fascia.

7. Residential I, IA, II, IIA, III & IIIA

The Zoning Board of Appeals may issue a special permit for signage in connection with any multi-family or non-residential use (not including exempt uses), in accordance with the following standards:

(a) one (1) sign, not to exceed twenty (20) sq. ft. with a maximum height of six (6) feet and a minimum setback of ten (10) ft.

(b) specifically for multi-family units, a two (2) sq. ft. sign for each building, including only the name of the building and its number.

6. Design Standards

(a) Any lighting of a sign shall be constant (non-blinking), stationary and installed in a manner that will prevent light from falling on any street or adjacent property. Lighting shall be directed solely at or be internal to the sign.

(b) No sign shall be illuminated between the hours of 11 p.m. and 6 a.m. except signs on premises open for business and directional signage.

(c) Signs shall not be designed, colored, or placed to create a hazardous condition for motor vehicle traffic. Illumination of signage shall conform to the lighting requirements of Section 4 of this by-law, as most recently amended.

(d) No animated, moving, or flashing signs shall be permitted on the building or in the building to be seen from the outside, on the lot or the adjacent lot. Traditional holiday decorations and lights, when in season, are allowed.

7. Permitted Signs

a. Directional Signage

Signs necessary to give clear directions to a parking lot or building entrance on the premises are permitted. Such signs shall not exceed four (4) square feet in area, or shall they stand more than four (4) feet high and shall be measured from the ground to the top of the sign.

b. Temporary Signs

Within any non-residential zoning district, contractor (at construction site while work is in progress) and temporary real estate signs advertising rental, lease, or sale of the property, or part thereof, shall be allowed for each use for up to ninety (90) days by application to the Building Inspector. Such signs shall be setback a minimum of ten (10) feet from the street line and shall not exceed thirty-two (32) square feet in the aggregate. Renewals of temporary real estate signs shall be allowed by application to the Building Inspector.

Within any non-residential zoning district, a temporary sign or signs advertising the opening of a new business shall be allowed for up to ten (10) days by application to the Building Inspector along with provision of surety in the amount of not less than $500. Release of the surety will be granted by the Building Inspector upon receipt of satisfactory evidence that the temporary sign was permanently removed within the ten (10) day window. Failure to remove the sign at the end of this period shall result in loss of surety and is subject to subsequent enforcement activity for violation of the Sign Bylaw. Such signs shall be setback a minimum of ten (10) feet from the street line and shall not exceed sixty (60) square feet in the aggregate.

c. Exempt Uses (MGL Chapter 40A, Section 3)

Within residential zoning districts, exempt uses, as defined in MGL Chapter 40A, Section 3, including but not limited to, agricultural, religious, educational, child care and family day care homes, shall be permitted one (1) sign on each street front, not to exceed twenty (20) sq. ft. with a maximum height of six (6) feet and a minimum setback of ten (10) ft. Within non-residential zoning district, exempt uses shall comply with the sign regulations of the under-lying district.

d. Holiday lights and decorations which contain no commercial messages and which are displayed during the appropriate season

e. Home –occupations

See zoning bylaw for applicable sections.

f. Menu board(s) in association with a drive-through facility are allowed provided that each board does not exceed a maximum size of 40 square feet and a maximum height of 10 feet. A maximum of one board is allowed per drive-through lane. A menu board shall not be considered a "sign" provided that it is in conjunction with a drive-through use.

8. Prohibited Signs in all Zoning Districts

a. Portable signs

b. Roof signs

9. Off-premises signs (within the Highway Corridor Zone and Route 114 A Zoning Districts Only)

Notwithstanding any other provision of these by-laws to the contrary, the Zoning Board of Appeals may issue a Special Permit for an off-premise sign providing:

a. The purpose of the sign is to facilitate public and private convenience and necessity; to provide direction and facilitate proper traffic flow; to alleviate congestion on public streets; to provide sufficient access to private lands and businesses; to minimize curb cuts to public streets; or to encourage utilization of fewer (or a single) curb cuts by more than one user.

b. Upon the recommendation of the Planning Board, Police Department, Fire Department, Board of Selectmen, Zoning Board of Appeals, or Traffic Advisory Committee, the Zoning Board shall consider the granting of a special permit to install an off-premise sign in order to fulfill the purposes outlined in 37.9.a above. In cases where access to a public street is pursuant to Massachusetts State Curb Cut, the Massachusetts Highway Department shall be consulted.

c. The Zoning Board, in granting any such permit, shall ensure that maintenance and expense of any such sign is not a public expense.

d. Dimensional provisions, unless otherwise varied in accordance with law, shall be as follows:

Minimum front setback	0
Maximum height	12 feet
Minimum side and rear setback	0

e. Total area of either face of any such sign, shall not exceed 40 square feet, notwithstanding the number of businesses or uses identified on such sign, unless of course, otherwise varied in accordance with law. In determining the allowable dimensions, the Zoning Board will consider, among other factors it deems relevant, the following:
   1. The number and size of buildings and lots to be served by the sign
   2. The effect of the topography of the land as it relates to the siting and visibility from the adjacent roadways.
   3. The effect of the topography of the land as it relates to the siting and visibility from adjacent residential uses.
   4. The utility of the sign as it relates specifically to the purposes stated in paragraph 1 above.

f. Within one hundred and twenty (120) days of the closing of a business, all wording must be painted over or obliterated by the applicant for the special permit and/or the building owner.

g. If the development, granted a special permit allowing the installation of an off-premise sign, thereafter requires approval through Section 4 (Site Plan Approval) of the zoning by-law, the Special Permit Granting Authority reserves the right to reevaluate through Section 37.9.a, and Section 37.9.e, the need for the continued use of the sign.

h. The Special Permit Granting Authority may impose conditions, safeguards, and limitations of dimension, time, and use, as it may deem reasonably appropriate to protect the neighborhood or otherwise is consistent with the requirements of this special permit.

10. Administration

a. The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure that, in the judgment of the Building Inspector, is dangerous or in disrepair, or which is erected or maintained contrary to this by-law. Such repair or removal shall be the responsibility of the building owner and must be completed within thirty (30) days of notification by the Building Inspector.

b. Within one hundred and twenty (120) days of the closing of a business, all wording must be painted over or obliterated by the building owner.

11. Appeals

All appeals from a decision /order of the Building Inspector shall be held by the Zoning Board of Appeals.

12. Non-Conforming Signs

Nonconforming signs erected prior to the adoption of this bylaw may not be enlarged or altered in any way other than for maintenance or to change the graphics, panels or colors, except to conform to the requirements of this bylaw, or through a Section 6 finding from the Zoning Board of Appeals. This exemption shall terminate with respect to any sign which is not repaired within thirty (30) days of notice of required repairs, as given by the Building Inspector. Appeals from the Building Inspector's order shall be held by the Zoning Board of Appeals.

SECTION 40

DEFINITIONS

40.1 GENERAL TERMINOLOGY

1. When used in this Section, the words, terms, phrases, and acronyms listed in Subsection 40.2 of this bylaw shall have the meanings ascribed to them therein, unless a contrary meaning is specifically prescribed elsewhere in this bylaw.
2. Words, terms, and phrases that are not defined in this Section shall have their ordinary accepted meanings or those that the context may clearly imply.
3. In cases where there is a conflict in the definition of a word, term, phrase, or acronym given herein and that given in the Town of Danvers Site Plan Regulations or Town of Danvers Subdivision Regulations, the definition given herein shall be determining.
4. The Zoning Administrator shall have the authority to interpret or define words, terms, and phrases used in this Bylaw that are not defined in this Section. The Zoning Administrator may consult a dictionary and other appropriate secondary sources related to planning and law to assist in making such judgments. In case of conflicting definitions from various general dictionaries the definition(s) given in the Random House Webster's Unabridged Dictionary shall be determining.
5. For the purposes of this bylaw, the words "this bylaw" or "these bylaws" refer to the entire Zoning Bylaws of the Town of Danvers. The words "this section" refer to a specific portion of this bylaw, as designated by the appropriate Arabic numeral (such as "1" or "2"), a subsection by the appropriate Arabic sub-numerals (such as "1.1" or "1.2"), or another lower level designation.
6. The words "shall" and "must" are mandatory, the word "may" is permissive, and the word "should" indicates a preferred or encouraged, but not necessarily a required course of action. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. "Occupied" or "uses" shall be considered as though followed by "or intended, arranged or designed to be occupied or used or occupied". "Includes" (or "including") means "includes, but is not limited to". The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
7. Specialized sets of definitions are given in other sections in this bylaw, such as those applicable to signage (Section 37). In case of conflict between a definition given in this section and that given in another section in this bylaw, the definition given in the other Section shall apply within that Section.

40.2 DEFINTIONS

ACCESSORY BUILDING / STRUCTURE: A subordinate detached building located on the same lot with the main building, occupied or devoted to an accessory use.

ACCESSORY USE: The use of a building or premises for purposes incidental to a principal use permitted as a right or by special permit and customarily found in connection therewith and located on the same lot as the principal use.

Residential – in accordance with Section 9, Table of Uses and all applicable definitions
Commercial / Industrial / Institutional – on-site employee cafeterias, structured parking garages (per Table of Uses), and indoor / outdoor recreational / entertainment / sports facilities.

ADULT USE: see Chapter 30

AGRICULTURE / FARMING – RESIDENTIAL : Land and buildings on a single family residential parcel, engaged in farming / agriculture in all of its braches (horticulture, viticulture, floriculture) and the cultivation and tillage of the soil as an accessory use, excluding the sale of any products.

ANIMAL HOSPITAL / VETERINARY CLINIC: A facility under the control of a licensed veterinarian where sick or injured animals are given medical or surgical care and boarding is limited to short –term care incidental to the hospital use. .

ANIMAL HUSBANDRY - Residential: the raising and keeping of animals, as an accessory use to a single family dwelling, where all accessory uses, such as barns, pens, cages, water / feeding stations and waste storage / disposal areas shall be located at least fifteen (15) ft. from an abutting residential lot line.

By-right: small animals (less than 15 pounds), including but not limited to ducks, geese, pigeons, chickens and rabbits, provided that:

- the total number of animals does not exceed fifteen (15) on lots of 20,000 sq. ft. or smaller; on lots larger than 20,000, one additional animal is allowed for each 2,000 sq. ft. beyond the initial 20,000 sq. ft.

Special permit:

- the total number of animals exceeds fifteen (15) larger animals (more than fifteen (15) pounds), including but limited to cows, pigs, sheep, turkeys and goats

ASSISTED LIVING RESIDENCE-ALR: see Specialized Elderly Housing & Care

ATHLETIC AND PHYSICAL TRAINING FACILITIES An establishment which primarily provides equipment and/or instruction intended to assist clients to improve their physical condition and health through exercise and training (including yoga studios, small gyms, and sports) in a facility not to exceed 5,000 square feet. Facilities larger in size shall be deemed to fall under the definition of "Recreation/Entertainment/Sports Facility (Indoor)."

BASEMENT / CELLAR: A portion of any building with walls more than 50% below grade, and areas having less than six feet floor to ceiling height

BOARDING, ROOMING, LODGING OR TOURIST HOUSE: A structure or portion thereof arranged or used for lodging with or without meals for compensation by three (3) or more lodgers or boarders, provided that the structure is residential in character. This definition shall not include hotels, motels or inns.

BY-Right:

- No more than two (2) rooms are rented
- No more than three (3) persons occupying the rented rooms
- Separate kitchens facilities are not provided

Special Permit:

- More than three (3) persons occupying the rented rooms
- Separate kitchen facilities are not provided.

BOAT YARD: Land and buildings or portion thereof used for the sales, storing, building, repairing, servicing and launching of boats and ships for commercial purposes.

BUILDING: An independent structure resting on its foundations and designed for the shelter or housing of persons, animals, chattels or property of any kind.

Building, Height: A vertical distance measured from the existing base elevation, at the time of the building permit application, to the top of the highest roof beams of a flat roof or to the mean level

of the highest gable or slope of a hip roof. The grade plane is a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest point within the area between the building and the lot line or, where a lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building. For the purpose of the Bylaw, the following shall be restricted to a maximum height of twelve (12) feet above the roof line of a building: chimneys, radio and television antennae, wireless communication link (except as regulated in specific districts in the Zoning Bylaw), flagpoles, mechanical equipment, stairwells, and structures which are strictly ornamental in nature. Spires associated with religious buildings shall be exempt from this provision.

BUILDING INSPECTOR: (see Inspector of Buildings)

CAMP OR CAMPGROUND: Land on which is located a cabin, travel trailer, shelter, houseboat or other recreational accommodation for seasonal or temporary living, excluding mobile homes.

CEMETERY: Property used for interring the dead.

CLUB / FRATERNAL ORGANIZATION (NON PROFIT): A facility owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose, operated in accordance with the following:

- Not open to the public where food and beverages are served.
- All activities are contained within the structure with the exception of outdoor recreational activities which do not involve motorized vehicles.
- Horse showing, livestock shows or dog shows are prohibited.
- Outdoor electric amplification is prohibited.

COMMON / SHARED DRIVEWAYS: Any drive, right-of-way or private way which provides access to two lots but which does not qualify as a street for determining frontage under Chapter 40A and 41 of the M.G.L.

CONGREGATE AND INDEPENDENT HOUSING FOR THE ELDERLY: SEE SPECIALIZED ELDERLY RESIDENCE & CARE

CONGREGATE LIVING FACILITY FOR THE ELDERLY: SEE SPECIALIZED ELDERLY RESIDENCE & CARE

CONTRACTOR'S STORAGE YARD: A site upon which heavy vehicles and equipment (such as bulldozers, front-end loaders, and back-hoes) and materials used by professional contractors in construction, land clearing, landscaping or other similar activities including earthen material, demolished material ands asphalt.

CONVENIENCE STORE: A retail establishment for the sale of prepackaged food products & household items, including carryout items such as, milk, beverages, cigarettes, coffee and grocery items; which may be open extended hours; and operates in a manner which results in rapid turnover of customers.

DEPENDENT DWELLING UNIT*: A dwelling unit within a building other than in a congregate living facility, which consists of one or more rooms in addition to its own bath, toilet facilities, kitchen, and dining area, and which is designed for occupancy by at least one (1) person fifty-five (55) years of age or older.

DEVELOPMENT OR LAND DEVELOPMENT: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land. Access permits are considered proposals for land development. Development does not include the following:

1. work by a highway or public works department or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the right-of-way;
2. work by a public utility maintaining, installing, or building mains, pipes, cables, tunnels, power lines, towers, poles, tracks, etc.;
3. work conducted entirely on the interior of a structure;
4. a change in the ownership or form of ownership of any property;
5. the creation or termination of rights of access, easements, or covenants;
6. planting of landscaping materials

DWELLING: Any structure used in whole or in part for human habitation, exclusive of a trailer or mobile home, however mounted.

DWELLING – CONVERSION: see Section 30.2.4

DWELLING – SINGLE FAMILY: A building or structure containing not more than one (1) dwelling unit intended or designed to be occupied by one (1) family.

DWELLING – TWO FAMILY: A building or structure containing two (2) dwelling units intended or designed to be occupied by two (2) families.

DWELLING – MULTIPLE FAMILY: A building or structure containing three (3) or more dwelling units intended or designed to be occupied by three (3) or more families, in accordance with the following provisions:

- No more than one dwelling unit shall be located above another
- No more than one-third of the gross living area shall be below the grade of the surrounding land
- Each unit shall have a minimum of two (2) exposures – an exposure shall be a vertical wall containing one (1) or more areas of glazing and measured not less than six (6) linear feet.

DWELLING UNIT: One (1) or more rooms arranged, intended or designed to be occupied by one (1) family and to provide complete facilities for living, sleeping and eating.

EXTENDED FAMILY LIVING AREA – see section 9

ERECTED - SIGNS: The word erected shall include the word attached, built, constructed, reconstructed, altered, enlarged, moved, painted, and posted.

ESTABLISHMENT: A place of business with its furnishings and staff.

FARM STAND: A structure and associated land used for the retail sale of agricultural and garden products in which more than 50% of the products are raised or produced on premises by the owner or lessee of the land. The sale of decorative products such as flower arrangements and seasonal products (trees and wreaths) shall be permitted. Where at least one ingredient is raised or produced on the premises, bakery items may also be sold. On parcels containing ten (10) or more contiguous acres, items customarily associated with agriculture / garden product, such as but not limited to handtools, fertilizer, soil, peat moss, pesticides may also be sold.

FAMILY: Any number of individuals related by blood, marriage or adoption living together in one (1) dwelling unit as a single housekeeping unit, but not including more than four (4) persons living together unrelated by blood or marriage.

FLOOD PLAIN: An area, usually a relatively flat or low land area adjoining a river, stream, water course, ocean bay or lake, which has been in the past, or can reasonably be expected in the future, to be covered by flood.

FLOOD PLAIN DISTRICTS: Special districts which are subject to the regulations of this section, in addition to the regulations of the by-law which would otherwise apply to these areas.

FLOODWAY: That portion of a stream channel, possibly including adjacent flood plains, which is required to be kept clear of obstructions to the flow of floodwaters during the base flood. Floodways are portions of the Flood Plain Districts which are subject to additional requirements.

FLOOR AREA: The sum of the total area of all floors enclosed by the exterior walls of a building.

FLOOR AREA RATIO: Gross floor area of all buildings on the lot or PDA measured in square feet, divided by the total square footage of the lot or Planned Development Area (PDA).

FRONTAGE: The number of continuous linear feet of a lot which abuts a street.

FUEL STORAGE: Bulk storage of fuel, natural gas, propane, gasoline, or any petroleum based products to be used for off site distribution. "Fuel storage" includes above ground tanks, below ground tanks, and storage within fuel trucks parked on site [clarify storage in trucks].

FUNERAL HOME: A building, whose exterior appearance is residential in nature, or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services necessary for the preparation of the dead for burial, (b) the performance of autopsies and other surgical procedures, (c) the storage and sale of caskets, funeral urns, and other related funeral supplies, (d) the indoor storage of funeral vehicles, (e) facilities for cremation.

GARAGE - RESIDENTIAL: A fully enclosed accessory structure, located on a residential property, for the storage of no more than three (3) motor vehicles, not to exceed a maximum size of 40' in width and 30' in depth.

GARDEN/ LANDSCAPE / NURSERY SUPPLY: A retail business or commercial activity concerned with the sale of tools, small equipment, plants and related goods used in gardening or farming. Related goods are defined as only those used on the plant or in its soil to preserve the life and health of the plants sold (e.g., fungicides, peat moss and mulches).

GRADE: The rate of change in elevation of the surface of the land, as measured in feet of vertical change per one hundred (100) feet horizontal, or percent. (One (1) foot vertical change per one hundred (100) feet horizontal is equal to a one percent (1%) grade.)

GROSS FLOOR AREA: The sum of the horizontal areas of the several floors of all buildings on the same lot, measured from the exterior face of exterior walls (or from the centerline of a wall separating two buildings), including elevator shafts and stairwells at each floor and interior balconies and mezzanines, but not including interior vehicle parking and locating areas, cellars with walls more than 50% below grade, and areas having less than six feet floor to ceiling height

GROSS LEASABLE FLOOR AREA: This area shall only include the area used for the public display and sales of goods and services, as well as accessory offices, customer / patron assembly / waiting areas, but shall exclude areas used principally for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.

HEALTH CARE FACILITY: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, such as a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, extended care facility, skilled nursing home, nursing home, intermediate care facility, physical therapy, tuberculosis hospital, chronic disease hospital, maternity hospital, out-patient clinic, dispensary and home health care agency. Excluded are health clubs, gymnasiums, exercise clubs, diet centers and other similar facilities as a principal use.

HOME OCCUPATION: see Section 9 of this bylaw

HOSPITAL: An institution, operating 24 hours, seven days a week with licensed beds and / or an emergency room providing primary health services and medical or surgical care to persons, inpatients and outpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. For purposes of the Industrial II district, a hospital shall be located on a parcel equal to or greater than 25 acres that abuts a federal or state highway or interchange.

HOTEL, MOTEL OR INN: A building intended and designed for transient or overnight occupancy divided into separate units, each having its own bathroom, within the same building offering accessory services oriented primarily to their overnight guests including function rooms, conference space, limited restaurants, and limited shops.

IMPERVIOUS SURFACE: Those areas of the lot dedicated to structures, structured parking facilities, surface parking areas and driveways.

INSPECTOR OF BUILDINGS: The duly authorized building department administrative chief responsible for the enforcement of this by-law hereinafter referred to as "Building Inspector."

JUNK / SALVAGE / WRECKING YARD: A site or facility used for the collection, storage, salvage, disposal, dismantling, processing, recycling, sale, or resale of waste materials, including paper, rags, cloth, metal, glass, batteries, rubber, parts from old or damaged motor vehicles and equipment, and other discarded goods and materials. These materials are generally, but not necessarily, stored in the open air or under a roofed structure rather than within a fully enclosed building.

KENNEL: One (1) pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection or more than three (3) dogs three (3) months old or over, owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.

LANDSCAPING: see Section 4.10.2 of this bylaw for detailed definitions

LANDSCAPED AREA: An area of a parcel that has a pervious surface with vegetative cover; for the express purpose of calculating lot coverage as mentioned in this by-law, no more than fifty percent (50%) of the area of a Resource Area as defined in Chapter 131.40 of the Wetlands Protection Act, and amendments thereto, and Chapter XXVI of the Town of Danvers Wetlands Protection By-Law as most recently amended within the parcel boundaries, and/or the area(s) designated for detention/retention of stormwater drainage shall be used in such calculation.

LANDSCAPED BUFFER: A designated area required per the Dimensional Table, located adjacent to a lot line, within a setback, along a foundation of a structure or adjacent to a Residential District that consists of landscaping necessary to achieve the desired level of buffering between various land use activities.

LOCAL INSPECTOR: The duly authorized inspector who shall assist the Inspector of Buildings in the performance of his duties and enforcement of this by-law hereinafter referred to as Building Inspector.

LOT: A single area of land in one (1) ownership defined by metes and bounds or boundary lines in a recorded deed or on a recorded plan.

LOT AREA: That land enclosed by the lot lines.

LOT – CORNER: A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT COVERAGE - BUILDING: That area expressed as a percent of the total lot area, covered by principal and accessory structures.

LOT Coverage – Impervious Surface: That are expressed as a percent of the total lot area, covered by structures, parking areas and driveways.

LOT LINE: A line which separates one (1) or more lots or a lot and a street.

(1) Lot Line (front): The lines separating a lot from the right-of-way of a street.

(2) Lot Line (rear): Any lot line which is not a front or side lot line.

(3) Lot Line (side): Any line which separates a lot from another lot and which intersects a front lot line or another lot line within thirty (30) degrees of parallel to it, except for a front lot line.

LOT SHAPE FACTOR: Any new lot created shall not be so irregularly shaped or extended that the square of the perimeter (as measured in feet) exceeds twenty-two (22x) the gross lot area (expressed in square feet), except for those lots having twice the required frontage and / or twice the required lot size.

MANUFACTURING, LIGHT (LIMITED TO THE HATHORNE WEST DISTRICT ONLY): The assembly or packaging of product(s) that (1) Do not require any smelting or chemical reduction processes, (2) Have a decibel level of fifty-five (55) or below perceptible from one hundred (100) feet from the structure, and (3) Is non-nuisance in character as per Section 32.14 of this by-law. It shall exclude machine shop, sheet metal, plating and painting shops.

MANUFACTURING, LIGHT: Fabrication, assembly, processing, or packaging operations employing only electric or other substantially noiseless and inoffensive motor power. Could include production of clothing, but not of cloth; production of packages, but not of paperboard; production of small machinery, but not of steel. All power and processes shall be free of disturbing agents, such as odors, gas, fumes, smoke, cinders, heat, vibration, excessively bright lights, and electromagnetic radiation.

MARINA: A commercial or organizational use of an arrangement of floats moored in the water and so arranged that boats can be tied up to the floats, and buildings and structures for the servicing of the boats.

MEDICAL MARIJUANA TREATMENT CENTER (MMTC) - Means 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 edible MIPs, 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."

MECHANICAL PENTHOUSES : The non-habitable structure on the roof of a building less than one-half the projected area of the roof, housing mechanical and electrical equipment.

MENU BOARD: A panel provided at a drive-through facility that allows the customer to view potential selections prior to placing an order.

MOBILE HOME: Any vehicle or object which is drawn by or used in connection with a motor vehicle and which is so designed and constructed or reconstructed or added to by means of accessories as to permit the use and occupancy thereof for human habitation, whether resting or wheels, jacks, or other foundations. It shall include the type of vehicle commonly known as a mobile home containing complete electrical, plumbing and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

MOBILE HOME PARK: An area of land on which one or more mobile homes or trailers are placed for occupancy.

MOTOR VEHICLE: Any vehicle self propelled by a battery powered, electric or internal combustion engine, which are permitted and requires a valid registration legally issued by a governmental authority in order to be operated on a public way. A motor vehicle shall include, but not be limited to automobiles, trucks, buses, motor-homes, motorized campers, motorcycles, motor scooters, tractors.

MOTOR VEHICLE SALES: The use of any building, land area or other premises for the display and sale of new or used motor vehicles, including any warranty repair work and other repair service conducted as an accessory use.

MOTOR VEHICLE SERVICE / REPAIR / FILLING (GAS) STATION : An establishment which provides any combination of the following:

- Servicing, repair, rebuilding or reconditioning of motor vehicles or parts thereof, including but not limited to engine tune-ups, oil and filter changes, lubrication, brake repairs, tire changing, battery charging, and carburetor cleaning, collision service.

- Retail sales of gasoline or other petroleum products or fuels.
- Retail sales of motor vehicle accessories in conjunction with the services provided
- Accessory retail sales of convenience items such as pre-packaged foods / beverages

MOTOR VEHICLE (CAR) WASHING STATION: an establishment providing washing, waxing, / polishing and detailing of vehicles, including self-service, automated and manned facilities.

MUNICIPAL FACILITIES: Municipally-owned facilities utilized in the provision of services normally provided by municipalities, such as schools, parks (including related banquet facilities operated by the *Town of Danvers*), playgrounds, municipal office buildings, and the like.

NEIGHBORHOOD STORE: A store in a residential district in which merchandise is sold for the convenience of the families living in its immediate neighborhood, such as groceries, toilet articles, cosmetics, candy, patented medicines, drugs on prescription, newspapers, magazines and ice cream, and limited in every respect to indoor as against outdoor sales.

NONCONFORMING LOT: A recorded lot which does not conform to the dimensional requirements for the use of a building, structure or land in the district in which it is located, but which lot existed at the time of the adoption of the dimensional requirement with which it does not conform.

NONCONFORMING USE: A use of a building, structure or land not permitted by the zoning by-law which use was in existence at the time of the adoption of the by-law provision with which it does not conform.

NURSING HOME: see Specialized Elderly Residence & Care

OPEN SPACE: The creation of usable open space for passive recreation, preservation of scenic areas or views, preservation of natural resources, contribution to a network of open space as part of the Danvers Open Space and Recreation Plan, or other similar uses.

OFFICE: A building in which work of a predominantly administrative, professional, or clerical nature is performed. An office is generally furnished with desks, tables, files, computers, and office and communications equipment. Office work may involve general management, bookkeeping, accounting, telephone sales, research and development, software development, information transfer, and telecommunications. There is no walk-in retail consumer sales nor services nor production/manufacture of any physical products for sale. An office may also be an accessory use to a principal use such as a retail store or factory. "Office" excludes Medical; Office, Professional (see those definitions).

OFFICE, MEDICAL: A facility providing on site mental and physical health care on an out-patient basis. Practitioners may include physicians, nurses, dentists, chiropractors, psychologists, mental health counselors, and other such similar health care professionals.

OFFICE, PROFESSIONAL: A building housing professionals such as lawyers, architects, engineers, surveyors, designers, teachers, accountants or others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise (other than limited incidental merchandise) exists.

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, and terraced areas, not devoted to streets, driveways, off-street parking or loading spaces and expressed as a percentage of total lot area.

OPEN SPACE –USABLE: Areas left substantially in a natural state or improved to serve as active and / or passive recreation, excluding areas deemed to be unsuitable due to excessive slopes or poor drainage.

PARKING (AT GRADE): Those portions of the lot dedicated to the outdoor parking of automobiles at grade level.

PARKING (STRUCTURED): Any combination of materials assembled, constructed, erected or maintained at a fixed location and placed permanently or temporarily in or on the ground, serving as an accessory use for the purpose of the parking of automobiles and the like.

PARKING LOT: An off-street area, other than a street or public way, serving as an accessory use for the parking of automobiles and available to the public as an accommodation for clients, customers, or employees.

PASSENGER TRANSPORTATION TERMINAL: A building or structure intended solely for the shelter and services necessary for passengers of mass transportation.

PERSONS: An individual, corporation, society, association, partnership, trust or other entity, public or private.

PERFORMING / CULTURAL / ARTS FACILITY: a building or institution engaged in the performance or exhibition of performance and / or visual arts including but not limited to such facilities as art galleries, museums, theaters and concert halls.

PERSONAL RETAIL SERVICE ESTABLISHMENT: The sale rental, or repair of goods and/or provision of services including: aesthetician, barber shops, beauty shops, caterer, dry cleaner, film developing and printing, florist, laundering shoes, pet grooming, shoe cleaning or repair, travel agency, tailors, and other businesses providing similar services of a personal nature.

PREMISES: A lot together with all buildings, structures and uses thereon.

PLANNED DEVELOPMENT AREA (PDA): A comprehensive land development project planned by the applicant with a single site plan. A PDA is designed to accommodate, within a carefully controlled process, a mixture of land uses, usable open spaces, variety in building types and siting, and the preservation of significant natural features.

PUBLIC UTILITY BUILDINGS: Buildings associated with electrical, gas, steam, water, communication systems, properly licensed and their appurtenances. Provided, however, that no more than twenty-five percent (25%) of the floor area of the structure is devoted to office space or non-essential functions.

RECREATIONAL VEHICLE: A boat, boat trailer, camping trailer, motorized camper, motor home, skimobile or similar vehicle used for the purpose of recreation.

RECORDED: Recorded or registered in the Essex County Southern District Registry of Deeds or registered in the Land Court or the record title to a parcel of land disclosed by all pertinent public records.

REFUSE: All garbage, waste paper and paper boxes, tree brush and vine cuttings, floral decorations, tin cans, metalware, bottles, glassware, plasticware, ashes, newspapers, paper cartons, wooden crates and discarded metal objects, or any combinations of the above materials.

RESEARCH & DEVELOPMENT FACILITY: A laboratory which engages in research, experimental and testing activities, including but not limited to the fields of biology, chemistry, electronics, engineering, geology, medicine, and physics. Some production is allowed, but the primary function will be research.

ROOFLINE: The intersection of the exterior wall and the roof

RECREATION / ENTERTAINMENT / SPORTS FACILITY (INDOOR): A commercial establishment, enclosed by walls and a roof, engaged in activities including but not limited to , restaurants with entertainment licenses, arcades and related electronic/video activities, swimming pools, bowling alleys, court games, skating rinks, ball games/practice, golf, health clubs and gymnasiums. This definition does not include screen cinemas.

RECREATION / ENTERTAINMENT / SPORTS FACILTY(OUTDOOR) : An open air commercial facility devoted to activities including but not limited to campgrounds, ballfields, miniature golf, driving ranges, archery ranges, paint ball, sports arenas, amusement parks, skating rinks, swimming pools, tennis courts, cross country ski centers, and water slides. It does not include facilities with individual motorized vehicles such as go carts, race cars, or shooting ranges.

REPAIR SERVICE ESTABLISHMENT: Any building wherein primary occupation is the repair and general servicing of appliances, tools, and other small machinery common to use in homes or businesses, but not including automotive repair or automobile service stations; or any place wherein the primary occupation

involves manufacturing.

RESTAURANT: An establishment which, as a primary use, sells in a retail manner, food, beverages, or confections in a ready-to-consume state. This shall include Fast food, Take-Out, and Drive-Through Restaurants, as further defined below:

RESAURANT - FAST FOOD: Any establishment primarily for the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to consume state intended for large volume with consumption on or off the premises which, because of the nature of the operation, causes a large volume or frequent turnover of customers.

RESTAURANT – TAKE OUT: : A restaurant which sells pre-packaged, ready-to-consume foods, beverages, or confections, and which serves its products in such a manner as to encourage off premises consumption; regardless of whether or not facilities are provided for on-premises consumption. Identifying characteristics include:

(a) The facilities for on-premises consumption of the food are insufficient for the volume of food sold in the establishment.

(b) Food and beverages are served in disposable or edible containers and customers are furnished with or are entitled to receive disposable utensils, napkins, or other implements needed for off-premises consumption.

RESTAURANT - DRIVE-THROUGH: Any establishment primarily for dispensing or serving of prepared food or beverages intended for large volume or fast service with consumption on or off the premises which, because of the nature of the operation, causes a large volume or frequent turnover of customers and / or vehicular traffic.

RETAIL: a business primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption.

SCHOOL – EDUCATIONAL (NOT EXEMPT): A public or private establishment giving educational instruction,

SCHOOL – INSTRUCTIONAL: Studio for professional work or teaching of the arts and crafts, including, but not limited to, music, dance, theater, and illustration/ painting/ modeling.

SCREEN CINEMA: A facility for the viewing of motion pictures or films. This term includes "movie theaters."

SELF-STORAGE OR MINI WAREHOUSE: A building consisting of individual, self-contained units that are leased or owned for the storage of business supplies and household goods. Business goods are limited to those not associated with any office, retail or other business or commercial use within the self-storage warehouse facility.

SENIOR HOUSING: see Specialized Elderly Residence & Care

SETBACK: The minimum horizontal distance between a front, side, or rear lot line and any building or structure unless otherwise regulated. In instances where a lot has frontage on more than one street, the front setbacks shall be applicable to each such street.

SHOPPING CENTER: A parcel of land consisting of one or more contiguous lots and/or one or more buildings, which may include buildings connected by a continuous enclosed mall and/or free-

standing buildings (distance between structures shall not exceed 300', containing a total of not less than 500,000 square feet of gross leasable floor area, with stores, banks, offices, restaurants, repairer and service establishments, and/or other businesses that are ordinary to shopping centers, with the exception of indoor entertainment/recreation/ sports facility. The shopping center area, then, may be considered as if it were located on one lot for the purpose of the Zoning By-Laws, with exceptions noted in pertinent districts. The shopping center shall be subject to an operating agreement or leasehold arrangements stipulating that areas used in common, including a central enclosed mall area and exterior parking and circulation areas, will be under integrated management. Parking requirements may cross lot lines, provided copies of executed documents for lease or parking easements are filed with the Town Clerk's Office, the Inspector of Buildings, and the Planning Division office.

SIGNS: Any permanent or temporary device, letter, work billboard, placard, painting, drawing, poster, banner, pennant, insignia trade flag, streamer, display, emblem, or representation used as or which is in the nature of an advertisement, announcement or direction, or is designed to attract the eye.

SIGN – ACCESSORY: Any sign that advertises or indicates the person occupying the premises on which the sign is erected or maintained, or the businesses transacted thereon, or advertises the property itself or any part thereof as for sale or rent.

SIGN – AREA OF: The calculated area of a sign shall be the minimum areas which encompasses all of the elements contained on the sign, including, but not limited to words, names, letters, logos, symbols, and/or art work. The minimum area shall include the spaces between the sign's elements in all directions in the plane(s) of the sign. The area of the sign whose elements are all contained within a lit area shall consist of the entire lit area and any unlit borders or frames.

SIGN – AWNING: A sign on a temporary retractable shelter which is supported entirely from the exterior wall of a building.

SIGN – FRONTAGE: The length in feet of the building parallel or substantially parallel to a street or streets (corner lot) that is occupied by an individual business establishment.

SIGN – GROUND: A freestanding sign located on or close to the ground.

SIGN – PERMANENT: Any sign as defined above, intended to be erected and maintained for more than forty-five (45) days.

SIGN – PORTABLE: A freestanding sign not permanently secured to the ground or a structure on the lot it occupies, including trailered signs, but excluding signs on a temporarily parked vehicle.

SIGN – PROJECTING: Any sign which is attached perpendicular to a building or other structure and any part of which projects more than twelve (12) inches from the wall surface of that portion of the structure in which the sign is positioned.

SIGN – ROOF: Any sign which is erected, constructed, and maintained upon or over the roof of any building.

SIGN – WALL: A sign affixed either parallel or perpendicular to the wall of a building and not extending above the roof plate or parapet line. Wall signs shall be attached directly to the face of the building and may not project more than twelve (12) inches from the wall to which it is attached.

SIGN WINDOW: A sign painted or posted on an interior transparent surface, including windows and doors, such coverage not to exceed twenty percent (20%) of the surface area.

SPECIALIZED ELDERLY RESIDENCE AND CARE: A facility whose primary use is for elder residences and/or elder care facilities; referring to the range of residential and healthcare provided to elderly populations, provided that at least one occupant of each dwelling unit shall have reached the age of 62 and all other occupants of said dwelling shall have reached the age of 55. This facility may include the following:

- **INDEPENDENT LIVING:** self sufficient dwelling units, but also may include common dining facilities, with no healthcare.

- **CONGREGATE AND INDEPENDENT HOUSING FOR THE ELDERLY*:** A use allowed by special permit in an existing Residence IIA District on sites of not less than ten (10) acres held in common ownership whose use is specifically limited to providing housing for fifty-five (55) years f age and older subject to the provisions of this by-law. A congregate housing project must contain one (1) congregate living facility containing not more than twenty-five (25) units, and independent dwelling units in separate buildings, with no more than four (4) independent dwelling units per building. The overall permitted density shall not exceed 6,000 square feet per unit.

- **CONGREGATE LIVING FACILITY FOR THE ELDERLY*:** An independent living environment of not more than twenty-five (25) dwelling units that is residential and non-institutional in nature and which provides persons fifty-five (55) years of age and over with residential dwelling accommodations and certain limited supportive services needed to maintain themselves outside of an institutional setting. It is comprised of dwelling units and centralized kitchen and dining facilities, and may also have designated lounges, meeting rooms, recreation/stage/screening rooms, exercise rooms, libraries, office space, and examination rooms. Each dwelling unit within a congregate living facility must have its own bath, toilet facilities, and kitchen.

- **ASSISTED LIVING RESIDENCE-ALR:** Any residential development owned and operated by an entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:

  1. Provides room and board; and
  2. Provides directly by employees of the entity or through arrangements with another organization, which the entity may or may not control or own, assistance with the activities of daily living for three (3) or more adult residents who are not related by consanguinity or affinity to the care provider; and
  3. Collects payments or third-party reimbursements from or on behalf of residents to pay for the provisions of assistance with the activities of daily living or arranges for the same; and
  4. Is eligible for certification as an Assisted Living Residence by the Executive Office of Elder Affairs pursuant to MGL Chapter 19D and all other applicable requirements.
  5. This definition shall not include any other forms of group living quarters, such as; group foster care, group homes, single room occupancy residences, rooming or lodging houses and other similar facilities as listed in Commonwealth of Massachusetts Regulations (651 CMR 12.01).

- **NURSING HOME:** Any place or institution for the aged, infirmed, chronic or convalescent, whether conducted for charity or profit, which is established to render domiciliary care, custody, treatment or lodging for three (3) or more unrelated persons who require or receive assistance in ordinary daily activities of life or who are confined to bed or chair. (This term includes boarding or rooming houses for aged people, convalescence homes, rest homes, homes for the aged and infirmed or convalescence homes for children, but does not include

hospitals, clinics and similar institution devoted primarily to the diagnosis and treatment of disease, injury, maternity cases or mental illness.)

- Continuing Care Retirement Communities as any combination of congregate living, assisted living, nursing care, and acute/specialized care in one or more buildings on a lot.

STABLE - RESIDENTIAL: A single family accessory use for the boarding and exercising, of no more than two (2) horses, in which ten thousand square feet (10,000 sq. ft.) of lot area is provided per horse in addition to the minimum lot area requirements.

STREET: A public way, or a way shown on a plan approved by the Planning Board under the subdivision control law, or a private way which, in the opinion of the Planning Board, has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic and the installation of municipal services.

STRUCTURE: Any combination of materials assembled, constructed, erected or maintained at a fixed location and placed permanently or temporarily in or on the ground. Structures include but are not limited too buildings, sheds, pavilions, walls (4 ft. or higher) (including retaining walls), signs, appurtenant elements to buildings and structures (such as porches, decks, and roof antennae), wireless communications facilities, swimming pools, storage containers, flagpoles.

STORAGE CONTAINER: see Section 9 of this bylaw

TRADE SHOP: A workshop used for the building trades or for custom production, service, or repair work including carpentry, plumbing, HVAC work, electrical work, welding, furniture making and restoring, cabinetmaking, upholstering, painting, and similar activities but excluding work related to vehicles or engines.

USE: The purpose for which land or a building is designed, occupied or utilized.

VETERINARY CLINIC: A facility used by one or more licensed veterinarians to provide health care for animals. Overnight care is not provided except as part of the necessary medical treatment of an animal. "Veterinary clinic" also includes animal grooming.

WAREHOUSE: A building used for the storage of goods or materials. Warehouses may include the distribution of goods but do not include retail sale of goods.

WASTE – SOLID: All refuse, garbage, and solid and semi-solid industrial waste materials.

WASTE – SPECIAL: Street refuse, demolition and construction refuse, dead animals, bulky objects, liquid wastes, anatomical and pathological wastes and industrial wastes.

WASTE – PRIVATE SOLID AND DISPOSAL FACILITY: Any land, buildings, or other structures which are available, intended to be used for, designed for, or to be used for receiving solid wastes, special wastes or refuse from municipal collections, residences, or from off-site commercial and industrial sources, or for the purpose of a sanitary landfill, a refuse transfer station, a refuse incinerator, a refuse composting plant, a dumping ground for refuse or any other works for treating or disposing or refuse, solid waste or special wastes as defined in this section.

WIRELESS COMMUNICATION LINK: Apparatus consisting exclusively of fixtures and equipment used by a public utility or FCC-licensed commercial entity for the wireless transmission and reception of radio or other signals including:

(1) reception and transmission equipment and fixtures such as antennae, communication dishes and similar devices;

(2) structures that are erected and used primarily to support such reception and transmission equipment, including, without limitation, monopoles, and lattice towers, and

(3) any accessory mechanical, electronic, or telephone equipment, fixtures, wiring and protective covering customary and necessary to operate such wireless communication equipment. A Wireless Communication Link is a transmission and reception substation, not a principal facility for conducting communications business. Wireless Communication Link shall not include television and radio station antennae.

WHOLESALE TRADE: a business principally engaged in selling to retailers; or to industrial, commercial, institutional or professional business users or distributors, rather than customers.

TABLE 1: TABLE OF ALLOWABLE USES (approved by Town Meeting on January 25, 2010)

RESIDENTIAL USES	RESIDENTIAL DISTRICTS						COMMERCIAL DISTRICTS							INDUSTRIAL			SPECIAL		
	R-I	R-II	R-III	R-IA	R-IIA	R-IIIA	C-I	C-IA	C-III	HCZ	RT114-A	RT114-B	V	I-I	I-II	D-I	HC	HW	WVD
1 & 2 Family																			
Dwelling - Single Family	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X			P
Dwelling - Two Family	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			P
Cluster Development	SP (PB)	SP (PB)	SP (PB)	X	X	X	X	X	X	X	X	X	X	X	X	X			X
Lodging/ boarding / rooming / Tourist House																			
no more than 2 rooms / 3 or fewer lodgers	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X			P
more than 3 lodgers	SP (ZBA)	SP (ZBA)	X	X	X	X	X	X	X	X	X	X	X	X	X	X			SP (PB)
Multi-Family	SP (PB)	X	X	SP (PB)	SP (PB)	X													
Dwelling - Multi-Family upper floors)	X	X	X	X	X	X	X	P/SP (PB) [1]	X	X	X	X	P/SP (PB) [1]	X	X	X			P (UP TO 4 UNITS) - SP (PB)(5 OR MORE UNITS)
Dwelling - Conversion	SP (ZBA)	SP(ZBA)	SP(ZBA)	X	X	SP(ZBA)	X	X	X	X	X	X	X	X	X	X			X
Mobile Home Park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X
Mobile Home	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X
Specialized Elderly Residence & Care																			
Senior Residence and Care Facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Assisted Living Facility	X	X	X	X	SP (PB)	SP (PB)	X	X	X	X	X	X	X	X	X	X			X
Nursing Home (rest home)																			
Non-profit	SP(ZBA)	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X
for-profit	SP(ZBA)	SP (ZBA)	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X
Congregate Living Facility																			
Dependent	X	X	X	SP (PB)	SP (PB)	X	X	X	X	X	X	X	X	X	X	X			X
In-dependent	X	X	X	SP (PB)	SP (PB)	X	X	X	X	X	X	X	X	X	X	X			X
Senior housing for low / moderate income	X	SP (ZBA)	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X			P
Agriculture / Farming	X	P	P	X	X	P	X	X	X	X	X	X	X	X	X	X			X
garage - 3 or fewer vehicles	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
garage - more than 3 vehicles	X	SP (ZBA)	SP (ZBA)	X	X	SP (ZBA)	X	X	X	X	X	X	X	X	X	X			X
Green House - under 250 sq. ft.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Green House - over 250 sq. ft. but less than 1,000 sq. ft	X	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X			X
Home Occupation - Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Home Occupation - Major	SP (ZBA)	SP (ZBA)	SP(ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP(ZBA)	SP(ZBA)	SP(ZBA)	SP(ZBA)	SP(ZBA)	SP(ZBA)	SP(ZBA)	SP(ZBA)	SP(ZBA)	SP (ZBA)			SP(ZBA)
Stable	X	P	P	X	X	P	X	X	X	X	X	X	X	X	X	X			X

COMMERCIAL USES	RESIDENTIAL DISTRICTS						COMMERCIAL DISTRICTS							INDUSTRIAL			SPECIAL		
	R-I	R-II	R-III	R-IA	R-IIA	R-IIIA	C-I	C-IA	C-III	HCZ	RT114-A	RT114-B	V	I-I	I-II	D-I	HC	HW	WVD
Adult Uses (See Section 30)	X	X	X	X	X	X	X	X	X	SP (ZBA)	X	X	X	X	X	X			X
Athletic and Physical Training Facilities	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P			P
Convenience Store	X	X	X	X	X	X	P	P	P	P	P	X	P	P	X	P			P(UP TO 2500 SF)
DRIVE-THRUS (not including restaurants)	X	X	X	X	X	X	P	P	P	P	P	X	X	SP (PB)	X	SP (PB)			SP (PB)
Funeral Home	SP (PB)	SP (PB)	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X
Hotel / Motel	X	X	X	X	X	X	X	X	P	P	X	X	X	P	X	X			X
Kennel	X	SP (ZBA)	SP (ZBA)	X	X	SP (ZBA)	P	P	P	X	X	X	X	P	X	SP (PB)			X
Pet Day Care							SP(PB)	SP(PB)	SP(PB)	SP(PB)	SP(PB)	SP(PB)	SP(PB)	SP(PB)	SP(PB)	SP (PB)			SP (PB)
Motor Vehicle Sales (Car Dealerships)																			
outdoor	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X			X
Indoor	X	X	X	X	X	X	X	X	P	P	P	X	X	P	X	X			X
Motor Vehicle Service / repair/ Filling Station	X	X	X	X	X	X	P	P	P	SP (PB)	SP (PB)	X	X	P	X	X			X
Motor Vehicle Car Wash	X	X	X	X	X	X	P	P	P	X	X	X	X	P	X	X			X
Neighborhood Store	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	P	P	P	X	X	X	X	X	X	X			X
Office	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P			P (UP TO 2500 SF SP (2500-5000 SF) PB
Office, Medical	X	X	X	X	X	X	P	P	P	P	P	X	P	P	P	P			P (UP TO 2500 SF SP (2500-5000 SF) PB
Office, Professional	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P			P (UP TO 2500 SF SP (2500-5000 SF) PB
Office (all)- under 30,000 sq. ft.	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P			P (UP TO 2500 SF SP (2500-5000 SF) PB
Offic (all) - over 30,000 sq. ft.	X	X	X	X	X	X	P	P	P	P	SP (PB)	SP (PB)	P	P	P	P			X
Personal Retail Service Establishment	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	P			P (UP TO 2500 SF SP (2500-5000 SF) PB
Recreation / Entertainment / sports facility- Indoor	X	X	X	X	X	X	X	X	SP (PB)	X	X	X	X	X	X	SP (PB)			X
Repair Service Establishment	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	P			P (UP TO 2500 SF SP (2500-5000 SF) PB
Restaurant	X	X	X	X	X	X	P	P	P	P	P	X	X	P	X	P			P (UP TO 2500 SF SP (2500-5000 SF) PB
Restaurant - Drive-through	X	X	X	X	X	X	P	P	P	X	X	X	X	P	X	SP (PB)			SP (PB)
Restaurant - Fast Food	X	X	X	X	X	X	P	P	P	X	X	X	X	P	X	SP (PB)			SP (PB)
Restaurant - Take-Out	X	X	X	X	X	X	P	P	P	X	X	X	X	P	X	SP (PB)			P (UP TO 2500 SF SP (2500-5000 SF) PB
Retail Sales																			
Retail Sales - under 15,000 sq. ft.	X	X	X	X	X	X	P	P	P	P	P	X	P	P	X	P			P (UP TO 2500 SF SP (2500-5000 SF) PB
Retail Sales (over 15,000 square feet)	X	X	X	X	X	X	P	P	P	P	SP (PB)	X	P	P	X	SP (PB)			X
Retail sales - no outdoor sales/ display	X	X	X	X	X	X	P	P	P	P	P	X	P	P	X	P			P (UP TO 2500 SF SP (2500-5000 SF) PB
Retail Sales -with outdoor sales / display	X	X	X	X	X	X	P	P	X	SP (ZBA)	SP (ZBA)	X	P	P	X	SP (PB)			P (UP TO 2500 SF SP (2500-5000 SF) PB
Screen Cinema	X	X	X	X	X	X	X	X	P/SP (PB)	X	X	X	X	X	X	X			X
Warehouse/Self-storage	X	X	X	X	X	X	X	X	X	P	P	P	X	P	P	P			X
Shopping Center	X	X	X	X	X	X	X	X	P	X	X	X	X	P	X	X			X
Wholesale Trade	X	X	X	X	X	X	P	P	X	X	X	X	P	P	X	P			X
Accessory Uses	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P			X

see Zoning Bylaw Section

INDUSTRIAL USES	RESIDENTIAL DISTRICTS						COMMERCIAL DISTRICTS							INDUSTRIAL			SPECIAL		
	R-I	R-II	R-III	R-IA	R-IIA	R-IIIA	C-I	C-IA	C-III	HCZ	RT114-A	RT114-B	V	I-I	I-II	D-I	HC	HW	WVD
Assembly/Processing Facility																			
indoor	X	X	X	X	X	X	P	P	X	P	P	P	P	P	P	P			X
outdoor	X	X	X	X	X	X	P	P	X	X	X	X	P	P	P	P			X
Assembly/Processing Facility - under 30,000 sq. ft.	X	X	X	X	X	X	P	P	X	P	P	P	P	P	P	P			X
Assembley/Processing Facility - over 30,000 sq. ft.	X	X	X	X	X	X	P	P	X	P	SP (PB)	SP (PB)	P	P	P	P			X
Light Manufacturing - under 30,000 sq. ft.	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P			X
Light Manufacturing - over 30,000 sq. ft.	X	X	X	X	X	X	X	X	X	P	SP (PB)	SP (PB)	P	P	P	P			X
Research & Development	X	X	X	X	X	X	X	X	X	SP (ZBA)	X	X	X	P	P	P			X
Trade Shop	X	X	X	X	X	X	X	X	X	X	X	SP(PB	X	SP(PB)	X	P			X
Warehouse																			
under 30,000 sq. ft.	X	X	X	X	X	X	x	X	X	X	X	P	P	P	P	P			X
over 30,000 sq. ft.	X	X	X	X	X	X	X	X	X	X	X	SP (PB)	P	P	P	P			X
Industrial Accessory Use	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P			X

INSTITUTIONAL USES	RESIDENTIAL DISTRICTS						COMMERCIAL DISTRICTS							INDUSTRIAL			SPECIAL		
	R-I	R-II	R-III	R-IA	R-IIA	R-IIIA	C-I	C-IA	C-III	HCZ	RT114-A	RT114-B	V	I-I	I-II	D-I	HC	HW	WVD
Club / Fraternal Organization- Nonprofit	SP (ZBA)	SP (ZBA)	SP (ZBA)	X	X	SP (ZBA)	SP (ZBA)	X	X	X	X	X	X	SP(ZBA)	SP(ZBA)	SP(ZBA)			SP(ZBA)
Day Care center - not exempt	SP (ZBA)	SP (ZBA)	X	X	X	SP (ZBA)	X	P	X	X	X	X	P	X	X	X			X
Educational Facility - Private - not exempt	SP/ZBA	SP/ZBA	SP/ZBA	X	X	SP/ZBA	X	X	X	X	X	X	X	X	X	X			X
Hospital	X	X	X	X	X	X	X	X	X	X	X	X	X	X	SP (PB)	X			X
Health Care Facility / Medical Clinic	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X			X
Municipal Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Museum																			
Passenger Transportation Terminal	SP(ZBA)	SP (ZBA)	SP (ZBA)	X	X	SP (ZBA)	X	X	X	SP (ZBA)	X	X	X	X	X	X			SP UP TO 500 SF (PB)
Performing / Cultural / Arts Facility	X	X	X	X	X	X	P	P	P	X	X	X	X	P	X	X			SP UP TO 5000 SF (PB)
School							P	P	P	P	P	X	P	P	X				
instructional	SP (ZBA)	SP (ZBA)	SP (ZBA)	X	X	SP (ZBA)	P	P	P	P	P	X	P	P	X	X			SP UP TO 5000 SF (PB)
Institutional Accessory Uses	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P			SP UP TO 2500 SF (PB)

LAND ORIENTED USES	RESIDENTIAL DISTRICTS													INDUSTRIAL			SPECIAL		
	R-I	R-II	R-III	R-IA	R-IIA	R-IIIA	C-I	C-IA	C-III	HCZ	RT114-A	RT114-B	V	I-I	I-II	D-I	HC	HW	WVD
Animal Hospital / Veterinary Clinic	X	(SP(PB)	SP(PB)	X	X	X	P	P	P	P	P	P	P	P	X	P			SP (PB)
Animal husbandry																			
by-right	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X
special permit	X	SP (ZBA)	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X
Cemetery (not exempt)	X	P	P	X	X	P	X	X	X	X	X	X	X	X	X	X			X
Conservation - land	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Contractor's Yard	X	X	X	X	X	X	X	X	X	SP(PB)	SP(PB)	SP(PB)	X	SP(PB)	X	SP(PB)			X
Farm Stand	X	SP (ZBA)	P	X	X	P	P	P	X	P	P	X	P	P	X	P			SP(PB)
Fuel Storage	X	X	X	X	X	X	X	X	X	X	X	SP(PB)	X	SP(PB)	X	X			X
Garden / Landscape / Nursery Supply	X	X	X	X	X	X	X	X	X	SP(PB)	SP(PB)	SP(PB)	X	SP(PB)	X	X			X
Marina	X	X	X	X	X	X	X	X	X	X	X	X	X	SP (ZBA)	X	X			SP(PB)
Boat Yard	X	X	X	X	X	X	X	X	X	X	X	X	X	SP (ZBA)	X	X			SP(PB)
Parking Lot (accessory)																			
at grade	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P			P
structured	X	X	X	X	X	X	P	P	SP (PB)	P	X	X	P	X	X	X			SP(PB)
Private Landing Areas (airplanes)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X			X
Recreation / Entertainment / Sports Facility - outdoors	X	X	SP (ZBA)	X	X	SP (ZBA)	X	X	X	X	X	X	X	X	X	SP(PB)			X
Salvage / Junk / wrecking yard	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X
Solid Waste Facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X
Utilities - Public	SP (ZBA)	SP (ZBA)	SP (ZBA)	X	X	SP (ZBA)	P	P	X	X	X	X	X	X	X	X			X
Wireless Communications Facility	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X			X
roof Mounted	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	SP(PB)			X
ground mounted	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X			X
Land Oriented Accessory Uses	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P			X

SPECIAL SITUATIONS	RESIDENTIAL DISTRICTS						COMMERCIAL DISTRICTS							INDUSTRIAL			SPECIAL		
	R-I	R-II	R-III	R-IA	R-IIA	R-IIIA	C-I	C-IA	C-III	HCZ	RT114-A	RT114-B	V	I-I	I-II	D-I	HC	HW	WVD
Access / Egress across District Boundaries	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP(PB)			SP(PB)
Common / Shared Driveways	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	P	P	P	P	P	P	P	P	P	P			P
Exempt Uses per M.G.L. Chapter 40A, Section 3	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Outdoor Storage	P	P	P	P	P	P	P	P	X	SP(ZBA)	SP(ZBA)	P	P	P	P				
Storage Container																			
temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
long term	P	P	P	P	P	P	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP (PB)	SP(PB)			X

see zoning bylaw

1. Up to four units allowed by right. Five units and more allowed only with a Special Permit granted by the Planning Board.

TABLE 2 - TABLE OF DIMENSIONAL REQUIREMENTS - RESIDENTIAL - (* see section 7.3 for Supplemental Provisions) approved by Town Meeting on January 29, 2007

ZONING DISTRICT	*LOTS*				*SETBACKS*				*SETBACKS PARKING*	*BULK*	*COVERAGE*			*LANDSCAPING* *Buffer strip*			
	MIN LOT AREA	MIN AREA PER UNIT	MIN FRONT-AGE	MAX % of WET-LANDS	FRONT YARD	SIDE YARD	REAR YARD	FROM ADJ. STRUCTURE / DISTRICT	FROM ADJ. RES. STRUCTURE / DISTRICT / SETBACK	MAX BLD HT	MAX LOT COV	MAX BLD COV	MIN USABLE OPEN SPACE / UNIT	FOUND-ATION	LOT LINE	PARKING	WITHIN SETBACK
	(sq. ft.)	(sq. ft.)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(%)	(%)	(sq. ft.)	(feet)	(ft)	(feet)	(feet)
RESIDENTIAL I (R-I)																	
Single Family	10,000	*NA*	80	NA	20 (1)(2)	8	8	*NA*	*NA*	30	*NA*	*NA*	*NA*	*NA*	*NA*	NA	NA
Two Family	15,000	*NA*	80	NA	20 (1)(2)	8	8	*NA*	*NA*	30	*NA*	*NA*	*NA*	*NA*	*NA*	NA	NA
Multi-Family	30,000	7500 / unit	125	NA	40	30	30	40=structure	30=res structure	30	NA	NA	1,000	3 ft. wide	10 ft. wide	NA	NA
Dwelling - Conversion	5,000	2,500 / unit (4)	80	NA	20	NA	8	8	NA	30	NA	NA	NA	NA	NA	NA	NA
Accessory Uses	NA	NA	NA	NA	20	5 (3)	5 (3)	NA	NA	10 (3)	NA	NA	NA	NA	NA	NA	NA
RESIDENTIAL II																	
Single Family	20,000	NA	125	NA	30 (1)(2)	15	15	NA	NA	30	NA	NA	NA	NA	NA	NA	NA
Dwelling - Conversion	30,000	5	125	NA	30 (1)(2)	15	15	NA	NA	30	NA	NA	NA	NA	NA	NA	NA
Accessory Uses	NA	NA	NA	NA	30	5 (3)	5 (3)	NA	NA	10 (3)	NA	NA	NA	NA	NA	NA	NA
RESIDENTIAL R III																	
Single Family	30,000	NA	150	NA	30 (1)(2)	20	20	NA	NA	30	NA	NA	NA	NA	NA	NA	NA
Dwelling - Conversion	45,000	5	150	NA	30	20	20	NA	NA	30	NA	NA	NA	NA	NA	NA	NA
Accessory Uses	NA	NA	NA	NA	30	5 (3)	5 (3)	NA	NA	10 (3)	NA	NA	NA	NA	NA	NA	NA
RESIDENTIAL R-IA																	
Single Family	5,000	NA	50	NA	20 (1)(2)	8	8	NA	NA	30	NA	NA	NA	NA	NA	NA	NA
Accessory Uses	NA	NA	NA	NA	20	8 (3)	8 (3)	NA	NA	10 (3)	NA	NA	NA	NA	NA	NA	NA
Multi-family	80,000	5,000 / unit	100	NA	40	30	30	40	30= res structure	30	NA	NA	1,000	NA	10 ft. wide	NA	NA
RESIDENTIAL II-A																	
Single Family	20,000	NA	125	NA	30 (1)(2)	15	15	NA	NA	30	NA	NA	NA	NA	NA	NA	NA
Multi Family	90,000	15,000 / unit (8)	125	NA	50	30	30	30 / 50 / 100 (7)	NA	30	NA	NA	NA		10 ft. wide	5 ft. wide	25 = front setbact 30 = RES District 50 = Historic District 10 = side / rear setbacks
Assisted Living Facility	5 acres	2,150 / unit (9)	150	75% (15)	75	50	50	100 (10)	NA	35	NA	40%	NA	NA	NA	NA	25 = side / rear setbacks
RESIDENTIAL IIIA																	
Single Family	30,000	NA	150	NA	30 (1)(2)	20	20	NA	NA	30	NA	NA	NA	NA	NA	NA	NA
Dwelling - Conversion	45,000	NA	150	NA	30 (1)(2)	20	20	NA	NA	30	NA	NA	NA	NA	NA	NA	NA
Assisted Living Facility	7 acres	4,000 / unit (14)	150	75% (16)	75	50	50	NA	75 = front setback	30 (15)	NA	40%	NA	NA	NA	NA	25 = side / rear setbacks

* SEE SECTION 7.3 for SUPPLEMENTAL PROVISIONS

NOTES

1. Eaves, steps & porches may be less
2. No structure shall be required to be set back more than than average of the setbacks of existing structures on the street
3. Side & rear setbacks for accessory structures not exceeding 120 sq. ft. in area or ten (10) feet in height, otherwise principal structure setbacks shall apply.
4. Maximin of four (4) units
5. Maximum of two (2) units
6. (Intentionally left blank)
7. 30 ft. setback from adjacent structure / 50 ft. setback from adjacent residential district / 100 ft. setback from Historic District
8. Maximum of nine (9) units per building.
9. Maximum of 125 units
10. 100 ft. setback from Historic District
11. (Intentionally left blank)
12. (Intentionally left blank)
13. (Intentionally left blank)
14. Maximum of 100 units.
15. 25 Ft. maximum height for accessory structures
16. 75% of wetlands can be used in calculating density
17. (Intentionally left blank)
18. 75% of wetlands can be used in calculating density

TABLE 3 - TABLE OF DIMENSIONAL REQUIREMENTS - COMMERCIAL & INDUSTRIAL - (* see section 7.3 for Supplemental Provisions) approved by Town Meeting on Janaury 29, 2007

ZONING DISTRICT	*LOTS*		*SETBACKS*				*PARKING SETBACKS from*			*BULK*	*COVERAGE*		*LANDSCAPING*		
	MIN LOT AREA	MIN FRONT-AGE	FRONT	SIDE YARD	REAR YARD	ADJ. USE / STRUCTURE / LOT LINE / DISTRICT	FRONT PARKING	SIDE / REAR PARKING	ADJ. RES. PROPERTY / STRUCTURE / DISTRICT	MAX BLG HT	MAX BLD COV	MAX IMPER-VIOUS	FOUND-ATION	WITHIN SETBACK	ADJ. to RES. DISTRICT
	(sq.ft.)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	(ft) / (Storie	(%)	(%)			
COMMERCIAL I (C-I)															
All Allowable Uses	NA	NA	10 [1]	0 / 5 [2]	0 / 5 [2]	NA	NA	NA	NA	45 / 3	NA	NA	NA	NA	NA
COMMERCIAL IA (C-IA)															
All Allowable Uses	NA	NA	10 [1]	5 (3) 10 (4)	5 (3) 10 (4)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
COMMERCIAL III (C-III)															
Shopping Center	40,000	100	100=Endicott St. 50 = all other St.	100 = Res. Use 50 = R-IA District 25 = all other	100 = Res. Use 50 = R-IA District 25 = all other	30 = structure [6] side/ rear lot line [6] 100 = Res. Lot Line [7]	50 = Endicott St.	NA	50= res. Property 20 = R-IA District	45 [5]	50%	80%	NA	50 = side / rear to RES Use 20 = side / rear from R IA District	NA
All Alowable Uses	40,000	50	50 = street			30	20			45 [5]	50%	80%	NA		NA
Wireless Communication Link (roof and ground)	40,000	50	100	100	100	300 = res. Use	20	NA		12	50%	80%	NA		NA
HIGHWAY CORRIDOR (HC)															
All Allowable Uses	1 acre	100	25 [9]	25	25	100 = RES District	N/A	N/A	50 = RES District	55 [8]	NA	70%	NA	NA	100 = Res District
Wireless Communication Link (roof and ground)	1 acre	100	25	25	25	100 = RES District 50 = Route 1	NA	NA		12	NA	80% [10]	NA	NA	
INDUSTRIAL I (I-I)															
All Allowable Uses	N/A	50	50	25	25	50 = Res District [11] 25 = Structure	N/A	N/A	NA	55/4	50%	NA	NA	NA	NA
INDUSTRIAL II (I-II)															
All Allowable Uses	N/A	75	50	25	25	50 = Res District	N/A	N/A	NA	55/4	50%	NA	NA	NA	NA
ROUTE 114 - ZONE A (RTE 114-A)															
All Allowable Uses	2 acres	200	100	50	50	100 = Res District 40 = Structure	N/A	N/A	NA	45/ 4	40%	70%	3 ft. wide	50 = nearest front lot line 25 = nearest side / rear lot lines	50 = nearest RES District
ROUTE 114 - ZONE B (RTE 114-B)															
All Allowable Uses	2 acres	200	100	50	50	100 = RES District 40 = structure	N/A	N/A	50 = RES District	45/NA	40%	70%	3 ft. wide	50 = nearest front lot line 25 = nearest side / rear lot lines	50 = nearest RES District
VILLAGE (V)															
All Allowable Uses	2 acres	100	50	25	25	50 = RES District	N/A	N/A	NA	55/4	50%	70%	NA	NA	NA

* SEE SECTION 7.3 for SUPPLEMENTAL PROVISIONS

NOTES:

1. No building shall be required to be set back more than the average setbacks of the two (2) abutting and next adjacent lots on either side of the subject lot. A 10 ft. setabck shall be used for vacant lots.
2. Only applicable where the subject lot shares a common boundary or property line with a residentially zoned lot, otherwise zero (0) setback.
3. 5 ft. from another commercially zoned property.
4. 10 ft. from a residentially zoned property.
5. Architectural features (facacde treatments ornamental in nature & mechanical equipment) shall not extend more than 10 ft. above the roofline
6. May be built closer to adjacent structure and / or a side or rear lot line where another structure is adjacent or abutting, irrespective of ownership.
7. 100 ft. setback for loading docks, dumspters or refuse areas.
8. Lots previously zoned Commercial II may have a maximum height of 125 ft.
9. For every ft. in height over 55 ft, the structure shall be set back an additionalone (1) ft. from the front setback.
10. Restaraunts (no fast food, driv-thru, take) & retails uses (no outdoor storage, sales display) may have 80% imprevious coverage
11. Except for the R-IA District

TABLE 4 - TABLE OF DIMENSIONAL REQUIREMENTS FOR EXEMPT USES - TOWN OF DANVERS, MA

Approved by Town Meeting on January 29, 2007

USE	Min. Lot Area (sq. ft.)	Min. Frontage (ft.)	Front setback (ft.)	Side/Rear Setbacks (ft.)	Max Bldg Ht. (ft.)	Max Bldg Cov.	Min. Open Space	Parking Spaces *see Section 4 - Site Plan
Religious	30,000	150	30	20	30	15%	25%	
Religious w/accessory educational or Day Care facility	40,000	150	30	20	30	15%	25%	
Religious w/accessory educational and day care facilities	40,000	150	30	20	30	15%	25%	
Day Care	20,000	125	30	20	20	15%	25%	
Educational								
Kindergarten/ Nursery Schools	20,000	125	30	20	30	20%	25%	
Elementary/Jr. High Schools	30,000	150	30	20	35	20%	25%	
High Schools	80,000	150	30	50	50	25%	25%	

Educational - Mini Campus

For purposes of this bylaw, Educational uses that have a minimum of three (3) contiguous parcels, whether separated by a stree or not, each having a minimum lot area of five (5) acreas and a combined total acreage of the lots equal to or greater than 100 acres, shall be considered a single lot subject to the following dimensional, bulk, open space and parking requirements.

Min. Lot Area (acres)	Min. Frontage (ft.)	Front Setback (ft.)	Side/Rear Setbacks (ft.)	Max. Bldg Ht. (ft.)	Floor Area Ratio (FAR)	Min. Open Space	Parking Spaces * see Section 4 - Site Plan
100	500	30	50	Sliding scale based upon setback from nearest residential use property line:	0.06	50%	
				Setback Height			
				50ft . 40ft.			
				51-59 ft. 45ft.			
				60-69 ft. 50ft.			
				70-79ft. 55ft.			
				80-89 ft. 60ft.			
				90-95ft. 65ft.			
				95 plus ft. 70ft.			